

Title 388 WAC

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

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388-880	Special commitment—Sexually violent predators.	388-08-007	Fair hearing—Access to records. [Order 768, § 388-08-007, filed 1/10/73; Order 524, § 388-08-007, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-007, filed 4/1/68; Regulation 23.33, filed 6/16/67; Regulation 23.33, filed 10/13/66, effective 11/13/66; Regulation 23.52, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.-250 through 42.17.340.
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388-892	Purchase of services—Selection criteria—DVR vocational rehabilitation service contracts.		
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	Chapter 388-07		
	ABBREVIATIONS	388-08-015	Attendance at hearing—Procedure. [Regulation 23.39, filed 10/13/66, effective 11/13/66.] Repealed by Order 286, filed 4/1/68.
388-07-005	Acronyms. [Statutory Authority: RCW 74.08.090. 89-12-078 (Order 2807), § 388-07-005, filed 6/7/89; 81-01-013 (Order 1572), § 388-07-005, filed 12/8/80; Order 1044, § 388-07-005, filed 8/14/75; Order 615, § 388-07-005, filed 10/7/71; Order 523, § 388-07-005, filed 3/31/71, effective 5/1/71.] Repealed by 99-24-054, filed 11/29/99, effective 12/30/99. Statutory Authority: RCW 74.08.090.	388-08-050	Fair hearing—Appearance by former employee of department. [Order 768, § 388-08-050, filed 1/10/73; Order 524, § 388-08-050, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-050, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
	Chapter 388-08		
	PRACTICE AND PROCEDURE—FAIR HEARING	388-08-055	Fair hearing—Attendance at hearing—Reporting. [Order 768, § 388-08-055, filed 1/10/73; Order 524, § 388-08-055, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-055, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-001	Complaint. [Regulation 23.10, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.	388-08-080	Notice and opportunity for hearing. [Statutory Authority: RCW 34.04.020. 80-06-090 (Order 1505), § 388-08-080, filed 5/28/80; Order 768, § 388-08-080, filed 1/10/73; Order 524, § 388-08-080, filed 3/31/71, effective 5/1/71; Order 374, § 388-08-080, filed 8/7/69; Order 284, § 388-08-080, filed 4/1/68; Regulation 23.34, filed 6/16/67; Regulation 23.34, filed 10/13/66, effective 11/13/66; Regulation 23.53, filed 1/24/64.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-00101	Fair hearing—Definitions. [Order 768, § 388-08-00101, filed 1/10/73.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-083	Notice and opportunity for hearing—Computation of time. [Order 768, § 388-08-083, filed 1/10/73; Order 524, § 388-08-083, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-083, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-002	Fair hearing—Statutory basis. [Statutory Authority: RCW 34.04.020 and 74.08.090. 81-17-069 (Order 1695), § 388-08-002, filed 8/19/81; Order 768, § 388-08-002, filed 1/10/73; Order 524, § 388-08-002, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-002, filed 4/1/68; Regulation 23.20, filed 10/13/66, effective 11/13/66; Regulation 23.20, filed 1/24/64.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-150	Subpoenas—Where provided by law—Form. [Order 768, § 388-08-150, filed 1/10/73; Order 524, § 388-08-150, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-150, filed 4/1/68; Regulation 23.35, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.-020.
388-08-00201	Scope of chapter 388-08 WAC. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-00201, filed 2/17/84.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).	388-08-160	Subpoenas—Issuance to parties—Issuance by department. [Order 524, § 388-08-160, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-160, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-003	Prerequisites. [Regulation 23.21, filed 10/13/66, effective 11/13/66; Regulation 23.21, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.	388-08-170	Subpoenas—Service. [Order 524, § 388-08-170, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-170, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-004	County office organization for fair hearing. [Regulation 23.22, filed 10/13/66, effective 11/13/66; Regulation 23.30, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.	388-08-180	Subpoenas—Fees. [Order 768, § 388-08-180, filed 1/10/73; Order 524, § 388-08-180, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-180, filed 4/1/68.]
388-08-00401	Authority to adjudicate. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-00401, filed 2/17/84; 81-12-015 (Order 1657), § 388-08-00401, filed 5/29/81, effective 7/1/81.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).		
388-08-005	County office responsibility. [Order 265, § 388-08-005, filed 12/5/67; Regulation 23.23, filed 10/13/66, effective 11/13/66; Regulation 23.51, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.		

	Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-410	Application of chapter 388-08 WAC. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-410, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-410, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
388-08-190	Subpoenas—Proof of service. [Order 524, § 388-08-190, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-190, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.-020.		
388-08-200	Subpoenas—Quashing. [Order 524, § 388-08-200, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-200, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-410	Form and content of decision. [Order 768, § 388-08-410, filed 1/10/73; Order 524, § 388-08-410, filed 3/31/71, effective 5/1/71; Order 514, § 388-08-410, filed 1/20/71; Order 374, § 388-08-410, filed 8/7/69; Order 317, § 388-08-410, filed 11/27/68; Order 284, § 388-08-410, filed 4/1/68; Regulation 23.51, filed 10/13/66, effective 11/13/66; Regulation 23.70, filed 1/24/64.] Repealed by 79-09-054 (Order 1426), filed 8/24/79. Statutory Authority: RCW 34.04.020.
388-08-210	Subpoenas—Enforcement. [Order 524, § 388-08-210, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-210, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.		
388-08-220	Subpoenas—Geographical scope. [Order 524, § 388-08-220, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-220, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.-020.	388-08-411	Decision by state department of public assistance director. [Regulation 23.50, filed 6/16/67; Regulation 23.50, filed 10/13/66, effective 11/13/66; Regulation 23.70, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.
388-08-230	Depositions and interrogatories. [Order 768, § 388-08-230, filed 1/10/73; Order 524, § 388-08-230, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-230, filed 4/1/68; Regulation 23.36, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-412	Procedure following decision. [Order 265, § 388-08-412, filed 12/5/67; Regulation 23.60, filed 10/13/66, effective 11/13/66; Regulation 23.80, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.
388-08-235	Questionnaires—Petitioner or witness out-of-state. [Order 524, § 388-08-235, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-235, filed 4/1/68; Regulation 23.44, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-413	Application for an adjudicative proceeding. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-413, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-413, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-413, filed 2/17/84; 79-09-054 (Order 1426), § 388-08-413, filed 8/24/79.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
388-08-375	Official notice—Matters of law—Material facts. [Order 768, § 388-08-375, filed 1/10/73; Order 524, § 388-08-375, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-375, filed 4/1/68; Regulation 23.42, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.-020.	388-08-414	Form, content, and effective date of decision. [Statutory Authority: RCW 34.04.020. 79-09-054 (Order 1426), § 388-08-414, filed 8/24/79.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-390	Presumptions. [Order 768, § 388-08-390, filed 1/10/73; Order 524, § 388-08-390, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-390, filed 4/1/68; Regulation 23.43, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-416	Selected final decisions as precedent. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-416, filed 2/17/84; 81-12-015 (Order 1657), § 388-08-416, filed 5/29/81, effective 7/1/81.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
388-08-400	Stipulations and admissions of record. [Order 768, § 388-08-400, filed 1/10/73; Order 524, § 388-08-400, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-400, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-420	Definition of issues before hearing. [Order 524, § 388-08-420, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-420, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-405	Withdrawal—Dismissal—Settlement. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-405, filed 2/17/84. Statutory Authority: RCW 34.04.020 and 74.08.090. 81-17-069 (Order 1695), § 388-08-405, filed 8/19/81; Order 768, § 388-08-405, filed 1/10/73; Order 524, § 388-08-405, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-405, filed 4/1/68; Regulation 23.38, filed 10/13/66, effective 11/13/66.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).	388-08-425	Administrative law judge (ALJ)—Authority—Application of law—Assignment—Disqualification. [Statutory Authority: RCW 34.05.020 and 74.08.090. 96-20-010, § 388-08-425, filed 9/20/96, effective 10/21/96. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-425, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
388-08-406	Decision-rendering procedure—Proposal for decision. [Statutory Authority: RCW 34.04.020. 85-07-048 (Order 2217), § 388-08-406, filed 3/20/85; 84-05-040 (Order 2076), § 388-08-406, filed 2/17/84; 79-09-054 (Order 1426), § 388-08-406, filed 8/24/79.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).	388-08-428	Representation. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-428, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
388-08-407	Time limit for rendering decision. [Statutory Authority: RCW 34.04.020. 79-09-054 (Order 1426), § 388-08-407, filed 8/24/79.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.-020.	388-08-430	Prehearing conference rule—Authorized. [Order 524, § 388-08-430, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-430, filed 4/1/68; Regulation 23.40, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-408	Initial decision. [Statutory Authority: RCW 34.04.020. 79-09-054 (Order 1426), § 388-08-408, filed 8/24/79.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-431	Prehearing conference. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-431, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
388-08-409	Petition for review by review judge. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-409, filed 2/17/84; 79-09-054 (Order 1426), § 388-08-409, filed 8/24/79.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).	388-08-434	Notice of hearing. [Statutory Authority: RCW 34.05.-220 (1)(a). 90-04-076 (Order 2999), § 388-08-434, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
		388-08-435	Separate hearing regarding disclosure of investigative and intelligence files. [Statutory Authority: RCW 34.04.020. 83-03-021 (Order 1938), § 388-08-435, filed 1/13/83.] Repealed by 90-04-076 (Order 2999), filed

	2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).	388-08-480	Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Order 524, § 388-08-480, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-480, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-437	Filing and service of papers. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-437, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-437, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.	388-08-490	Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Order 524, § 388-08-490, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-490, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-440	Vacating an order of dismissal for reason of default or withdrawal. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-440, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-440, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.	388-08-500	Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance. [Order 524, § 388-08-500, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-500, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-440	Prehearing conference rule—Record of conference action. [Order 524, § 388-08-440, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-440, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-503	Expert opinion or written testimony—Medical assessment. [Order 768, § 388-08-503, filed 1/10/73; Order 524, § 388-08-503, filed 3/31/71, effective 5/1/71; Order 317, § 388-08-503, filed 11/27/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-446	Subpoenas. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-446, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.	388-08-510	Continuances. [Order 768, § 388-08-510, filed 1/10/73; Order 524, § 388-08-510, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-510, filed 4/1/68; Regulation 23.37, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-449	Teleconference hearing. [Statutory Authority: RCW 34.05.020 and 74.08.090. 96-20-010, § 388-08-449, filed 9/20/96, effective 10/21/96. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-449, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.	388-08-515	Notice to limited-English-speaking parties. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-515, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-515, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
388-08-450	Submission of documentary evidence in advance. [Order 524, § 388-08-450, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-450, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-520	Rules of evidence—Admissibility criteria. [Order 768, § 388-08-520, filed 1/10/73; Order 524, § 388-08-520, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-520, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-452	Rules of evidence. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-452, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.	388-08-525	Interpreters. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-525, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
388-08-455	Rules of evidence. [Regulation 23.41, filed 10/13/66, effective 11/13/66; Regulation 23.64, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.	388-08-535	Group hearing. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-535, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
388-08-461	Contents of orders. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-461, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.	388-08-540	Petitions for rule-making amendment or repeal—Who may petition. [Order 768, § 388-08-540, filed 1/10/73; Order 524, § 388-08-540, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-540, filed 4/1/68.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
388-08-462	Corrected decision. [Statutory Authority: RCW 34.05.020 and 74.08.090. 96-20-010, § 388-08-462, filed 9/20/96, effective 10/21/96.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.	388-08-545	Continuance. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-545, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
388-08-464	Petition for review—Response to petition—Disqualification of review judge. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-464, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-464, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.	388-08-550	Updating mailing lists. [Statutory Authority: RCW 34.04.020. 80-13-057 (Order 1544), § 388-08-550, filed 9/17/80.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
388-08-466	Procedure on review by review judge. [Statutory Authority: RCW 34.05.020 and 74.08.090. 96-20-010, § 388-08-466, filed 9/20/96, effective 10/21/96.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.	388-08-555	Separate hearing regarding disclosure of investigative and intelligence files. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-555, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-555, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
388-08-470	Reconsideration. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-470, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-470, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.	388-08-560	Delegation of authority by secretary. [Statutory Authority: RCW 34.04.020. 80-13-057 (Order 1544), § 388-08-560, filed 9/17/80.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
388-08-470	Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Order 524, § 388-08-470, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-470, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-565	Computation of time. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-

- 565, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-575 Judicial review of final adjudicative order. [Statutory Authority: RCW 34.05.220 and 34.05.413. 99-16-023, § 388-08-575, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-575, filed 2/5/90, effective 3/1/90.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-580 Declaratory rulings. [Order 524, § 388-08-580, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-580, filed 4/1/68.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-08-585 Equitable estoppel. [Statutory Authority: Chapter 74.50 RCW. 95-23-029 (Order 3915), § 388-08-585, filed 11/8/95, effective 12/9/95.] Repealed by 00-18-058, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 34.05.020.
- 388-08-590 Forms. [Order 768, § 388-08-590, filed 1/10/73; Order 524, § 388-08-590, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-590, filed 4/1/68.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-08-600 Judicial review. [Order 768, § 388-08-600, filed 1/10/73; Order 524, § 388-08-600, filed 3/31/71, effective 5/1/71; Order 317, § 388-08-600, filed 11/27/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-600 Court appeal. [Order 265, § 388-08-600, filed 12/5/67; Regulation 23.70, filed 10/13/66, effective 11/13/66; Regulation 23.90, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.
- 388-08-610 Publication of fair hearing decisions. [Order 524, § 388-08-610, filed 3/31/71, effective 5/1/71; Order 317, § 388-08-610, filed 11/27/68.] Repealed by 80-06-089 (Order 1506), filed 5/28/80. Statutory Authority: RCW 34.04.020.

Reviser's note: Later promulgation, see chapter 388-02 WAC.

Chapter 388-09

PRACTICE AND PROCEDURE—ADMINISTRATIVE HEARING—CHILD WELFARE AGENCY

- 388-09-010 Administrative hearing—Child welfare agency—Denial, suspension, revocation, or nonrenewal of license. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-09-010, filed 2/17/84; Order 525, § 388-09-010, filed 3/31/71, effective 5/1/71; Order 285, § 388-09-010, filed 4/1/68.] Repealed by 90-05-020 (Order 2939), filed 2/13/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-09-020 Administrative hearing—Applicability of chapter 388-08 WAC. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-09-020, filed 2/17/84; Order 525, § 388-09-020, filed 3/31/71, effective 5/1/71; Order 285, § 388-09-020, filed 4/1/68.] Repealed by 90-05-020 (Order 2939), filed 2/13/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-09-030 Administrative hearing—Appearance and practice before department—Who may appear. [Order 525, § 388-09-030, filed 3/31/71, effective 5/1/71; Order 285, § 388-09-030, filed 4/1/68.] Repealed by 90-05-020 (Order 2939), filed 2/13/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-09-040 Time limit for rendering decision. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-09-040, filed 2/17/84.] Repealed by 90-05-020 (Order 2939), filed 2/13/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-10-030 Statement of policy. [Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-030, filed 8/12/81.] Decodified by 99-15-021, filed 7/12/99, effective 7/12/99.
- 388-10-040 Implementation. [Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-040, filed 8/12/81.] Decodified by 99-15-021, filed 7/12/99, effective 7/12/99.
- 388-10-050 General applicability. [Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-050, filed 8/12/81.] Decodified by 99-15-021, filed 7/12/99, effective 7/12/99.
- 388-10-060 Documentation of research proposals and review dispositions. [Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-060, filed 8/12/81.] Decodified by 99-15-021, filed 7/12/99, effective 7/12/99.
- 388-10-070 Human research review guidelines. [Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-070, filed 8/12/81.] Decodified by 99-15-021, filed 7/12/99, effective 7/12/99.

Reviser's note: Later promulgation, see chapter 388-04 WAC.

Chapter 388-11

CHILD SUPPORT—OBLIGATIONS

- 388-11-010 Statutory basis. [Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-11-010, filed 2/10/93, effective 3/13/93. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-010, filed 8/30/88. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-010, filed 12/14/79; Order 1054, § 388-11-010, filed 9/25/75; Order 875, § 388-11-010, filed 11/16/73.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-011 Definitions. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-11-011, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-011, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-11-011, filed 2/10/93, effective 3/13/93. Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-011, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-011, filed 8/30/88. Statutory Authority: RCW 74.08.090. 85-23-019 (Order 2304), § 388-11-011, filed 11/13/85; 83-21-014 (Order 2036), § 388-11-011, filed 10/6/83; 81-05-021 (Order 1605), § 388-11-011, filed 2/11/81; 80-01-026 (Order 1465), § 388-11-011, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1020.
- 388-11-015 Credits allowed—Debt satisfaction. [Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-015, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-015, filed 8/16/93, effective 9/16/93. Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-015, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-015, filed 8/30/88. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-015, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-015, filed 6/15/78; Order 1054, § 388-11-015, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3375.
- 388-11-020 Original determinations. [Order 1054, § 388-11-020, filed 9/25/75; Order 875, § 388-11-020, filed 11/16/73.] Repealed by 80-01-026 (Order 1465), filed 12/14/79. Statutory Authority: RCW 74.08.090.
- 388-11-030 Notice and finding of financial responsibility. [Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-030, filed 8/16/93, effective 9/16/93. Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-030, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-030, filed 8/30/88. Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-11-030, filed 2/12/86; 80-01-026 (Order 1465), § 388-11-030, filed 12/14/79; 78-07-015 (Order

- 1305), § 388-11-030, filed 6/15/78; Order 1054, § 388-11-030, filed 9/25/75; Order 875, § 388-11-030, filed 11/16/73.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-032 Notice and finding of parental responsibility. [Statutory Authority: RCW 74.20A.056, 92-13-026 (Order 3403), § 388-11-032, filed 6/9/92, effective 7/10/92.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-035 Notice and finding of medical responsibility. [Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5), 93-17-060 (Order 3622), § 388-11-035, filed 8/16/93, effective 9/16/93.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-040 Service of notice and finding of financial or parental responsibility. [Statutory Authority: RCW 74.20A.056, 92-13-026 (Order 3403), § 388-11-040, filed 6/9/92, effective 7/10/92. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-040, filed 8/30/88. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-11-040, filed 12/14/79; Order 1054, § 388-11-040, filed 9/25/75; Order 875, § 388-11-040, filed 11/16/73.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-045 Service requirements—Tolling. [Statutory Authority: RCW 74.20A.055 and 74.08.090, 96-09-036 (Order 3964), § 388-11-045, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.08.090, 93-05-020 (Order 3512), § 388-11-045, filed 2/10/93, effective 3/13/93. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-045, filed 8/30/88. Statutory Authority: RCW 74.08.090, 83-17-007 (Order 1997), § 388-11-045, filed 8/5/83; 80-06-088 (Order 1507), § 388-11-045, filed 5/28/80; 80-01-026 (Order 1465), § 388-11-045, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3350.
- 388-11-048 Request for paternity tests—Liability for costs. [Statutory Authority: RCW 74.20A.055 and 74.08.090, 96-09-036 (Order 3964), § 388-11-048, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.056, 92-13-026 (Order 3403), § 388-11-048, filed 6/9/92, effective 7/10/92.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-8300.
- 388-11-050 Failure to make request for hearing. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-11-050, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-050, filed 6/15/78; Order 1054, § 388-11-050, filed 9/25/75; Order 875, § 388-11-050, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-055 Petition for hearing after twenty days—Stay. [Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5), 93-17-060 (Order 3622), § 388-11-055, filed 8/16/93, effective 9/16/93. Statutory Authority: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23-050 and E2SSB 5120 and ESSB 5996, 92-08-034 (Order 3344), § 388-11-055, filed 3/24/92, effective 4/24/92. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-055, filed 8/30/88. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-11-055, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-055, filed 6/15/78.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-060 Request for hearing. [Statutory Authority: RCW 74.20A.056, 92-13-026 (Order 3403), § 388-11-060, filed 6/9/92, effective 7/10/92. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-060, filed 8/30/88. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-11-060, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-060, filed 6/15/78; Order 1054, § 388-11-060, filed 9/25/75; Order 875, § 388-11-060, filed 11/16/73.] Repealed by 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.20A.055 and 74.08.090.
- 388-11-065 Defenses to liability. [Statutory Authority: RCW 74.20A.055 and 74.08.090, 96-09-036 (Order 3964), § 388-11-065, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.08.090, 94-10-033 (Order 3731), § 388-11-065, filed 4/28/94, effective 5/29/94. Statutory Authority: RCW 74.20A.056, 92-13-026 (Order 3403), § 388-11-065, filed 6/9/92, effective 7/10/92. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-065, filed 8/30/88. Statutory Authority: RCW 74.08.090, 86-05-009 (Order 2340), § 388-11-065, filed 2/12/86; 83-21-014 (Order 2036), § 388-11-065, filed 10/6/83; 80-01-026 (Order 1465), § 388-11-065, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-065, filed 6/15/78; Order 1054, § 388-11-065, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3370.
- 388-11-067 Equitable estoppel. [Statutory Authority: RCW 74.08-090, 94-10-033 (Order 3731), § 388-11-067, filed 4/28/94, effective 5/29/94.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6500.
- 388-11-070 Continuance of cases. [Order 1054, § 388-11-070, filed 9/25/75; Order 875, § 388-11-070, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-080 Requests for admission. [Order 1054, § 388-11-080, filed 9/25/75; Order 875, § 388-11-080, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-090 Hearings examiner. [Statutory Authority: RCW 34.04-020, 80-06-090 (Order 1505), § 388-11-090, filed 5/28/80. Statutory Authority: RCW 74.08.090, 78-07-015 (Order 1305), § 388-11-090, filed 6/15/78; Order 875, § 388-11-090, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-100 Duty of the administrative law judge in a hearing to determine the amount of a support obligation. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-11-100, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090, 90-04-077 (Order 3005), § 388-11-100, filed 2/5/90, effective 3/1/90. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-100, filed 8/30/88. Statutory Authority: RCW 74.08.090, 86-05-009 (Order 2340), § 388-11-100, filed 2/12/86; 80-01-026 (Order 1465), § 388-11-100, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-100, filed 6/15/78; Order 1054, § 388-11-100, filed 9/25/75; Order 875, § 388-11-100, filed 11/16/73.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6300.
- 388-11-105 Review of initial decision. [Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-105, filed 8/30/88. Statutory Authority: RCW 74.08.090, 81-05-021 (Order 1605), § 388-11-105, filed 2/11/81; 80-01-026 (Order 1465), § 388-11-105, filed 12/14/79.] Repealed by 90-04-077 (Order 3005), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090 and 34.05.220 (1)(a).
- 388-11-110 Determination of future liability. [Order 875, § 388-11-110, filed 11/16/73.] Repealed by 80-01-026 (Order 1465), filed 12/14/79. Statutory Authority: RCW 74.08.090.
- 388-11-115 Fraud—Vacation of decision. [Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-115, filed 8/30/88. Statutory Authority: RCW 74.08.090, 81-05-021 (Order 1605), § 388-11-115, filed 2/11/81; 80-01-026 (Order 1465), § 388-11-115, filed 12/14/79.] Repealed by 93-17-060 (Order 3622), filed 8/16/93, effective 9/16/93. Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5).
- 388-11-120 When is it appropriate to vacate a default order? [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-11-120, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 74.20A.055 and 74.08.090, 96-09-036 (Order 3964), § 388-11-120, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5), 93-17-060 (Order 3622), § 388-11-120, filed 8/16/93, effective 9/16/93.

- Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-11-120, filed 2/10/93, effective 3/13/93. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-120, filed 8/30/88. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-120, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-120, filed 6/15/78; Order 1054, § 388-11-120, filed 9/25/75; Order 875, § 388-11-120, filed 11/16/73.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3700.
- 388-11-130 Decision and order after hearing. [Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-130, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-130, filed 6/15/78; Order 875, § 388-11-130, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-135 Service. [Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-135, filed 8/16/93, effective 9/16/93. Statutory Authority: RCW 74.08.090. 81-05-021 (Order 1605), § 388-11-135, filed 2/11/81; 78-07-015 (Order 1305), § 388-11-135, filed 6/15/78.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3130.
- 388-11-140 Modification. [Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-140, filed 4/10/96, effective 5/11/96. Statutory Authority: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23.050 and E2SSB 5120 and ESSB 5996. 92-08-034 (Order 3344), § 388-11-140, filed 3/24/92, effective 4/24/92. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-140, filed 8/30/88. Statutory Authority: RCW 74.08.090. 81-05-021 (Order 1605), § 388-11-140, filed 2/11/81; 80-01-026 (Order 1465), § 388-11-140, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-140, filed 6/15/78; Order 1054, § 388-11-140, filed 9/25/75; Order 875, § 388-11-140, filed 11/16/73.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3800 and 388-14A-3925.
- 388-11-143 Department review of support orders. [Statutory Authority: RCW 74.08.090 and 45 CFR 302.70, 303.7 and 303.8. 93-24-014 (Order 3671), § 388-11-143, filed 11/19/93, effective 12/20/93.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3900 through 388-14A-3907.
- 388-11-145 Notice to parties. [Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-145, filed 8/16/93, effective 9/16/93. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-145, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090.
- 388-11-150 The parties may resolve any child support case by entering a consent order or an agreed settlement. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. 00-15-016 and 00-20-022, § 388-11-150, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-150, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-11-150, filed 2/10/93, effective 3/13/93. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-150, filed 8/30/88. Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-11-150, filed 2/12/86; 82-17-068 (Order 1864), § 388-11-150, filed 8/18/82; 81-05-021 (Order 1605), § 388-11-150, filed 2/11/81; 80-01-026 (Order 1465), § 388-11-150, filed 12/14/79; Order 875, § 388-11-150, filed 11/16/73.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3600.
- 388-11-155 Duration of obligation. [Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-11-155, filed 6/9/92, effective 7/10/92. Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-155, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-155, filed 8/30/88. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-155, filed 12/14/79.]
- Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3810.
- 388-11-160 Procedure for reconsideration of decision, clarification of decision or for rehearing. [Order 1054, § 388-11-160, filed 9/25/75; Order 875, § 388-11-160, filed 11/16/73.] Repealed by 78-07-015 (Order 1305), filed 6/15/78. Statutory Authority: RCW 74.08.090.
- 388-11-170 Collection of debts determined. [Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-170, filed 8/16/93, effective 9/16/93. Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-170, filed 9/28/90, effective 10/29/90. Statutory Authority: RCW 74.08.090. 78-07-015 (Order 1305), § 388-11-170, filed 6/15/78; Order 1054, § 388-11-170, filed 9/25/75; Order 875, § 388-11-170, filed 11/16/73.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4000 and 388-14A-4030.
- 388-11-180 Procedural reference. [Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-11-180, filed 2/5/90, effective 3/1/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-180, filed 8/30/88. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-180, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-180, filed 6/15/78; Order 1054, § 388-11-180, filed 9/25/75; Order 875, § 388-11-180, filed 11/16/73.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6000.
- 388-11-185 Discovery. [Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-185, filed 8/30/88; Order 1054, § 388-11-185, filed 9/25/75.] Repealed by 90-04-077 (Order 3005), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090 and 34.05.220 (1)(a).
- 388-11-190 Scale of minimum contributions. [Statutory Authority: RCW 74.08.090. 78-07-015 (Order 1305), § 388-11-190, filed 6/15/78; Order 1119, § 388-11-190, filed 5/13/76; Order 875, § 388-11-190, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-195 Washington state child support schedule. [Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-195, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-195, filed 8/30/88.] Repealed by 92-08-034 (Order 3344), filed 3/24/92, effective 4/24/92. Statutory Authority: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23.050 and E2SSB 5120 and ESSB 5996.
- 388-11-200 Financial worksheet calculations. [Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-200, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-200, filed 8/30/88.] Repealed by 92-08-034 (Order 3344), filed 3/24/92, effective 4/24/92. Statutory Authority: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23.050 and E2SSB 5120 and ESSB 5996.
- 388-11-205 Assessing support. [Statutory Authority: RCW 74.08.090 and N.R. vs. Soliz, U.S. District Court Docket #C93-5338B. 94-10-064 (Order 3733), § 388-11-205, filed 5/3/94, effective 6/3/94. Statutory Authority: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23.050 and E2SSB 5120 and ESSB 5996. 92-08-034 (Order 3344), § 388-11-205, filed 3/24/92, effective 4/24/92. Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-205, filed 9/28/90, effective 10/29/90. 88-18-031 (Order 2689), § 388-11-205, filed 8/30/88.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3200, 388-14A-3205, and 388-14A-3400.
- 388-11-210 Administrative orders. [Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-210, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.08.090 and 45 CFR 303.11 and 45 CFR 303.100. 93-05-020 (Order 3512), § 388-11-210, filed 2/10/93, effective 3/13/93. Statutory Authority: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23.050 and E2SSB 5120 and ESSB 5996. 92-08-034 (Order 3344), § 388-11-210, filed 3/24/92, effective 4/24/92. Statutory Authority: 1990 1st ex.s. c 2. 90-20-

- 072 (Order 3081), § 388-11-210, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-210, filed 8/30/88.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3110, 388-14A-3850, and 388-14A-6300.
- 388-11-215 Health insurance. [Statutory Authority: RCW 74.20A.-055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-215, filed 4/10/96, effective 5/11/96. Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-215, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-215, filed 8/30/88.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3125 and 388-14A-4100 through 388-14A-4130.
- 388-11-220 Liability for birth costs. [Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-220, filed 4/10/96, effective 5/11/96. Statutory Authority: 1990 1st ex.s. c 2. 91-10-027 (Order 3163), § 388-11-220, filed 4/23/91, effective 5/24/91; 90-20-072 (Order 3081), § 388-11-220, filed 9/28/90, effective 10/29/90.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-8300.
- 388-11-280 Credit for dependent benefits. [Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-280, filed 4/10/96, effective 5/11/96.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4200.
- 388-11-285 Notice and finding of financial responsibility. [Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-285, filed 4/10/96, effective 5/11/96.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. Later promulgation, see WAC 388-14A-3115.
- 388-11-290 Notice and finding of parental responsibility. [Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-290, filed 4/10/96, effective 5/11/96.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. Later promulgation, see WAC 388-14A-3120.
- 388-11-295 Notice and finding of medical responsibility. [Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-295, filed 4/10/96, effective 5/11/96.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. Later promulgation, see WAC 388-14A-3125.
- 388-11-300 Amending notices. [Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-300, filed 4/10/96, effective 5/11/96.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3275.
- 388-11-305 Uniform Interstate Family Support Act—Notices served in another state. [Statutory Authority: RCW 34.05.-220(1), 74.08.090, 74.20A.055, 74.20A.056. 00-15-016 and 00-20-022, § 388-11-305, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 74.20A.-055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-305, filed 4/10/96, effective 5/11/96.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-7200.
- 388-11-310 Request for late hearing—Good cause. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. 00-15-016 and 00-20-022, § 388-11-310, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-310, filed 4/10/96, effective 5/11/96.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3500.
- 388-11-315 Temporary administrative orders. [Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-315, filed 4/10/96, effective 5/11/96.]
- Repealed by 00-09-076, filed 4/18/00, effective 5/19/00. Statutory Authority: RCW 74.20A.055 and 74.08.090. Later promulgation, see WAC 388-14A-3850 through 388-14A-3875
- 388-11-320 What is the division of child support's DCS most wanted internet site? [Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-320, filed 12/11/98, effective 1/11/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4600.
- 388-11-325 Whose picture can go on the division of child support's DCS most wanted internet site? [Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-325, filed 12/11/98, effective 1/11/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4605.
- 388-11-330 How does a noncustodial parent avoid being posted on the DCS most wanted internet site? [Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-330, filed 12/11/98, effective 1/11/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4610.
- 388-11-335 When does DCS remove a noncustodial parent from the DCS most wanted internet site? [Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-335, filed 12/11/98, effective 1/11/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4615.
- 388-11-340 What information does the division of child support post to the DCS most wanted internet site? [Statutory Authority: RCW 26.23.120(2). 99-01-057, § 388-11-340, filed 12/11/98, effective 1/11/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4620.
- 388-11-400 Physical custodians—Rights to participate in hearings. [Statutory Authority: RCW 34.05.220(1) and 74.20A.055. 97-16-037, § 388-11-400, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 74.20A.-055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-400, filed 4/10/96, effective 5/11/96.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. Later promulgation, see WAC 388-14A-3130 through 388-14A-3140.
- 388-11-405 Physical custodians receiving AFDC—Rights to participate in hearings. [Statutory Authority: RCW 74.20A.-055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-405, filed 4/10/96, effective 5/11/96.] Repealed by 97-16-037, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 34.05.220(1) and 74.20A.055.
- 388-11-410 Notice of proposed child support amount. [Statutory Authority: RCW 34.05.220(1) and 74.20A.055. 97-16-037, § 388-11-410, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-410, filed 4/10/96, effective 5/11/96.] Repealed by 00-15-016, filed 7/10/00, effective 10/1/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.
- 388-11-415 Support establishment notice—Physical custodian accepts proposed child support amount. [Statutory Authority: RCW 34.05.220(1) and 74.20A.055. 97-16-037, § 388-11-415, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-415, filed 4/10/96, effective 5/11/96.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.
- 388-11-420 Support establishment notice—Physical custodian objects to the proposed child support amount. [Statutory Authority: RCW 34.05.220(1) and 74.20A.055. 97-16-037, § 388-11-420, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 74.20A.055 and 74.08.090. 96-09-036 (Order 3964), § 388-11-420, filed 4/10/96, effective 5/11/96.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.

- 388-11-425 Hearings on support establishment notices. [Statutory Authority: RCW 34.05.220(1) and 74.20A.055, 97-16-037, § 388-11-425, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 74.20A.055 and 74.08.090, 96-09-036 (Order 3964), § 388-11-425, filed 4/10/96, effective 5/11/96.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. Later promulgation, see WAC 388-14A-3131 through 388-14A-3140.
- 388-11-430 Settlement and consent order. [Statutory Authority: RCW 34.05.220(1) and 74.20A.055, 97-16-037, § 388-11-430, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 74.20A.055 and 74.08.090, 96-09-036 (Order 3964), § 388-11-430, filed 4/10/96, effective 5/11/96.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. Later promulgation, see WAC 388-14A-3600.
- Chapter 388-12**
PUBLIC ASSISTANCE—PURPOSE—OBJECTIVES
- 388-12-010 Major purpose and objectives of public assistance—Purpose. [Regulation 2.10, filed 1/25/67; Regulation 2.10, filed 6/17/67, 1/24/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-020 Major purpose and objectives of public assistance—Objectives. [Regulation 2.20, filed 1/25/67; Regulation 2.20, filed 6/17/64, 1/24/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-030 Methods of administering public assistance. [Regulation 2.30, filed 6/17/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-040 Coordination with other community agencies. [Regulation 2.40, filed 6/17/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-050 Cooperation with private child placing or child caring agencies and institutions. [Regulation 2.50, filed 6/17/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-060 Services to recipient's family. [Regulation 2.60, filed 6/17/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- Chapter 388-13**
RECOVERY OF SUPPORT PAYMENTS
- 388-13-010 Debt, assignment, recoupment, set-off. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-010, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090.
- 388-13-020 Notice of support debt. [Statutory Authority: RCW 74.08.090, 86-05-009 (Order 2340), § 388-13-020, filed 2/12/86; 80-01-026 (Order 1465), § 388-13-020, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090.
- 388-13-030 Service of notice of support debt. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-030, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5510.
- 388-13-040 Failure to make answer or request for hearing. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-040, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5515.
- 388-13-050 Petition for hearing after twenty days—Stay. [Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090, 90-04-077 (Order 3005), § 388-13-050, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-050, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5530.
- 388-13-060 Timely application for hearing. [Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090, 90-04-077 (Order 3005), § 388-13-060, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-060, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5520.
- 388-13-070 Hearing—Initial decision. [Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090, 90-04-077 (Order 3005), § 388-13-070, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090, 86-05-009 (Order 2340), § 388-13-070, filed 2/12/86; 80-01-026 (Order 1465), § 388-13-070, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5525.
- 388-13-080 Review of initial decision. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-080, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090.
- 388-13-085 Collection action. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-085, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5535.
- 388-13-090 Limitation on proceeding. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-090, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5505(9).
- 388-13-100 Acknowledgment of debt. [Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-100, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5540.
- 388-13-110 Default. [Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090, 90-04-077 (Order 3005), § 388-13-110, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-110, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5515 and 388-14A-5525.
- 388-13-120 Procedural reference. [Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090, 90-04-077 (Order 3005), § 388-13-120, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-13-120, filed 12/14/79.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6000.
- Chapter 388-14**
SUPPORT ENFORCEMENT
- 388-14-010 Office of support enforcement as the Title IV-D agency. [Statutory Authority: RCW 74.08.090, 88-07-012 (Order 2606), § 388-14-010, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-010, filed 2/12/86; Order 1054, § 388-14-010, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1000.
- 388-14-020 Definitions. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035, 97-13-092, § 388-14-020, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 26.23.035, 92-13-026 (Order 3403), § 388-14-020, filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 74.08.090, 88-07-012 (Order 2606), § 388-14-020, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-020, filed 2/12/86; 83-21-014 (Order 2036), § 388-14-020, filed 10/6/83; 80-01-026 (Order 1465), § 388-14-020, filed 12/14/79; Order 1054, § 388-14-020, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1020.
- 388-14-030 Confidentiality. [Statutory Authority: RCW 26.23.120, as amended by 1997 c 58 § 908 and Section 303 of Public Law 104-193 (Federal Personal Responsibility and Work Opportunity Reconciliation Act), 97-18-075, § 388-14-030, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, 93-05-020 (Order 3512), § 388-14-030, filed 2/10/93, effective 3/13/93; 91-17-063 (Order 3234), § 388-14-030, filed 8/20/91, effective 9/20/91. Statutory Authority: 1988 c 275, 89-01-049 (Order 2738), § 388-14-030, filed 12/14/88. Statutory Authority: RCW 74.08.090, 88-07-012 (Order 2606), § 388-14-030, filed 3/4/88; Order 1054, § 388-14-030,

- filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2105 through 388-14A-2160.
- 388-14-035 Requests for address disclosure—Form of request. [Statutory Authority: RCW 26.23.120, as amended by 1997 c 58 § 908 and Section 303 of Public Law 104-193 (Federal Personal Responsibility and Work Opportunity Reconciliation Act). 97-18-075, § 388-14-035, filed 9/2/97, effective 10/3/97.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2110 and 388-14A-2115.
- 388-14-040 Authorization for address release. [Statutory Authority: RCW 26.23.120, as amended by 1997 c 58 § 908 and Section 303 of Public Law 104-193 (Federal Personal Responsibility and Work Opportunity Reconciliation Act). 97-18-075, § 388-14-040, filed 9/2/97, effective 10/3/97.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2125.
- 388-14-045 Requests for address disclosure—Notice of request—Standards for nonrelease. [Statutory Authority: RCW 26.23.120, as amended by 1997 c 58 § 908 and Section 303 of Public Law 104-193 (Federal Personal Responsibility and Work Opportunity Reconciliation Act). 97-18-075, § 388-14-045, filed 9/2/97, effective 10/3/97.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2115.
- 388-14-050 Requests for address disclosure—Hearings. [Statutory Authority: RCW 26.23.120, as amended by 1997 c 58 § 908 and Section 303 of Public Law 104-193 (Federal Personal Responsibility and Work Opportunity Reconciliation Act). 97-18-075, § 388-14-050, filed 9/2/97, effective 10/3/97.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2120.
- 388-14-100 Absent parent's responsibility—Liability. [Order 1054, § 388-14-100, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090.
- 388-14-200 Families accepting assistance must assign certain support rights to the state. [Statutory Authority: RCW 74.20A.310 and 26.23.035. 98-10-042, § 388-14-200, filed 4/28/98, effective 5/29/98. Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-14-200, filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 74.20A.270. 90-05-022 (Order 2942), § 388-14-200, filed 2/13/90, effective 3/16/90. Statutory Authority: 1988 c 275. 89-01-049 (Order 2738), § 388-14-200, filed 12/14/88. Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-200, filed 3/4/88. Statutory Authority: RCW 74.20A.270. 85-20-085 (Order 2288), § 388-14-200, filed 10/1/85. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-14-200, filed 12/14/79; 78-09-053 (Order 1330), § 388-14-200, filed 8/22/78; Order 1054, § 388-14-200, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08-090. Later promulgation, see WAC 388-14A-2030, 388-14A-2035, and 388-14A-2036.
- 388-14-201 Cooperation with division of child support. [Statutory Authority: RCW 74.20A.310 and 26.23.035. 98-10-042, § 388-14-201, filed 4/28/98, effective 5/29/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2040.
- 388-14-202 Effects of noncooperation. [Statutory Authority: RCW 74.20A.310 and 26.23.035. 98-10-042, § 388-14-202, filed 4/28/98, effective 5/29/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2041 and 388-14A-2075.
- 388-14-203 Medical assistance only—Assignment of support rights—Cooperation. [Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-14-203, filed 6/9/92, effective 7/10/92.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090.
- 388-14-205 Responsibilities of the office. [Statutory Authority: RCW 74.08.090 and 45 CFR 303.106. 94-15-046 (Order 3754), § 388-14-205, filed 7/15/94, effective 8/15/94. Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-14-205, filed 2/10/93, effective 3/13/93; 92-13-026 (Order 3403), § 388-14-205, filed 6/9/92, effective 7/10/92. Statutory Authority: 1988 c 275. 89-01-049 (Order 2738), § 388-14-205, filed 12/14/88. Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-205, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-205, filed 2/12/86; 79-06-032 (Order 1400), § 388-14-205, filed 5/16/79; 78-09-053 (Order 1330), § 388-14-205, filed 8/22/78.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1025, 388-14A-1030, 388-14A-2000, and 388-14A-2005.
- 388-14-210 Support payments to office of support enforcement. [Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-210, filed 3/4/88; 80-01-026 (Order 1465), § 388-14-210, filed 12/14/79; Order 1054, § 388-14-210, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3375.
- 388-14-220 Subpoena power. [Statutory Authority: RCW 74.08-090. 88-07-012 (Order 2606), § 388-14-220, filed 3/4/88; 81-05-021 (Order 1605), § 388-14-220, filed 2/11/81; 78-07-015 (Order 1305), § 388-14-220, filed 6/15/78; Order 1054, § 388-14-220, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-8500.
- 388-14-250 Payments to the family. [Order 1054, § 388-14-250, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08-090. Later promulgation, see WAC 388-14A-5000.
- 388-14-260 Interstate cases. [Statutory Authority: RCW 34.05-220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-260, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-14-260, filed 2/5/90, effective 3/1/90. Statutory Authority: 74.08-090. 85-23-019 (Order 2304), § 388-14-260, filed 11/13/85; Order 1054, § 388-14-260, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-7100 and 388-14A-7200.
- 388-14-270 Distribution of support payments. [Statutory Authority: RCW 74.20A.310 and 26.23.035. 98-10-042, § 388-14-270, filed 4/28/98, effective 5/29/98. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-270, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 26.23-035. 92-13-026 (Order 3403), § 388-14-270, filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 74.08.090. 90-17-001 (Order 2979), § 388-14-270, filed 8/2/90, effective 9/2/90. Statutory Authority: RCW 74.04.057. 89-10-070 (Order 2794), § 388-14-270, filed 5/3/89. Statutory Authority: 1988 c 275. 89-01-049 (Order 2738), § 388-14-270, filed 12/14/88. Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-270, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-270, filed 2/12/86; 85-01-004 (Order 2174), § 388-14-270, filed 12/6/84; 80-01-026 (Order 1465), § 388-14-270, filed 12/14/79; Order 1054, § 388-14-270, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08-090. Later promulgation, see WAC 388-14A-5100.
- 388-14-271 Notice of intent to distribute support money. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-271, filed 6/18/97, effective 7/19/97.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5050.
- 388-14-272 Notice to recover a support payment. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-272, filed 6/18/97, effective 7/19/97.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5300.
- 388-14-273 Payment distribution payment services only cases. [Statutory Authority: RCW 26.23.035. 92-13-026 (Order 3403), § 388-14-273, filed 6/9/92, effective

- 7/10/92.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5000 and 388-14A-5001.
- 388-14-274 Distribution notice. [Statutory Authority: RCW 34.05.-220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-274, filed 6/18/97, effective 7/19/97.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5100.
- 388-14-275 Fifty dollars disregard payment. [Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-14-275, filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 74.04.057. 91-10-026 (Order 3162), § 388-14-275, filed 4/23/91, effective 5/24/91; 89-10-070 (Order 2794), § 388-14-275, filed 5/3/89.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-14-276 Total versus total notice. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-276, filed 6/18/97, effective 7/19/97.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5200.
- 388-14-300 Nonassistance support enforcement services—Persons eligible for services. [Statutory Authority: RCW 34.05.-220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-300, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 74.08.090 and 45 CFR 303.106. 94-15-046 (Order 3754), § 388-14-300, filed 7/15/94, effective 8/15/94. Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-14-300, filed 6/9/92, effective 7/10/92; 90-16-041 (Order 3043), § 388-14-300, filed 7/24/90, effective 8/24/90; Order 1054, § 388-14-300, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2000.
- 388-14-302 Nonassistance support enforcement—Persons eligible. [Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-302, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-302, filed 2/12/86; 85-01-004 (Order 2174), § 388-14-302, filed 12/6/84; 84-15-057 (Order 2123), § 388-14-302, filed 7/18/84; 81-05-021 (Order 1605), § 388-14-302, filed 2/11/81; 80-01-026 (Order 1465), § 388-14-302, filed 12/14/79; Order 1054, § 388-14-302, filed 9/25/75.] Repealed by 90-16-041 (Order 3043), filed 7/24/90, effective 8/24/90. Statutory Authority: RCW 74.08.090.
- 388-14-305 Nonassistance support enforcement—Application. [Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-305, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-305, filed 2/12/86; 80-01-026 (Order 1465), § 388-14-305, filed 12/14/79; Order 1054, § 388-14-305, filed 9/25/75.] Repealed by 90-16-041 (Order 3043), filed 7/24/90, effective 8/24/90. Statutory Authority: RCW 74.08.090.
- 388-14-310 Nonassistance support enforcement application. [Statutory Authority: RCW 74.08.090 and 45 CFR 303.106. 94-15-046 (Order 3754), § 388-14-310, filed 7/15/94, effective 8/15/94. Statutory Authority: RCW 74.08.-090. 92-13-026 (Order 3403), § 388-14-310, filed 6/9/92, effective 7/10/92; 90-16-041 (Order 3043), § 388-14-310, filed 7/24/90, effective 8/24/90; 88-07-012 (Order 2606), § 388-14-310, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-310, filed 2/12/86; 80-01-026 (Order 1465), § 388-14-310, filed 12/14/79; Order 1054, § 388-14-310, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2000, 388-14A-2010, and 388-14A-2015.
- 388-14-315 Nonassistance support enforcement—Fees—Limitations. [Statutory Authority: RCW 74.20.040. 83-02-029 (Order 1932), § 388-14-315, filed 12/29/82, effective 3/1/83. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-14-315, filed 12/14/79; Order 1054, § 388-14-315, filed 9/25/75.] Repealed by 84-15-057 (Order 2123), filed 7/18/84. Statutory Authority: RCW 74.08.090.
- 388-14-320 Nonassistance support enforcement—Distribution. [Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-14-320, filed 2/12/86; 84-15-057 (Order 2123), § 388-14-320, filed 7/18/84; 80-01-026 (Order 1465), § 388-14-320, filed 12/14/79; Order 1054, § 388-14-320, filed 9/25/75.] Repealed by 88-07-012 (Order 2606), filed 3/4/88. Statutory Authority: RCW 74.08.090.
- 388-14-325 Nonassistance support enforcement—Termination of services. [Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-14-325, filed 2/12/86; 84-15-057 (Order 2123), § 388-14-325, filed 7/18/84; 80-01-026 (Order 1465), § 388-14-325, filed 12/14/79; Order 1054, § 388-14-325, filed 9/25/75.] Repealed by 88-07-012 (Order 2606), filed 3/4/88. Statutory Authority: RCW 74.08.090.
- 388-14-350 Location of absent parents. [Statutory Authority: RCW 74.08.090. 83-21-014 (Order 2036), § 388-14-350, filed 10/6/83; Order 1054, § 388-14-350, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1035.
- 388-14-360 Cooperation with other states. [Order 1054, § 388-14-360, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1050.
- 388-14-365 Reassignment by state administering an approved plan. [Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-14-365, filed 12/14/79; Order 1054, § 388-14-365, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1055.
- 388-14-370 Cooperative arrangements with courts and law enforcement officials. [Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-370, filed 3/4/88; 80-01-026 (Order 1465), § 388-14-370, filed 12/14/79; 78-07-015 (Order 1305), § 388-14-370, filed 6/15/78; Order 1054, § 388-14-370, filed 9/25/75.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-1060.
- 388-14-375 Notice of debt. [Statutory Authority: RCW 74.08.090. 78-07-015 (Order 1305), § 388-14-375, filed 6/15/78.] Repealed by 79-11-086 (Order 1446), filed 10/24/79. Statutory Authority: RCW 74.08.090.
- 388-14-376 Recovery of excess day care and special child rearing expense payments. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-376, filed 6/18/97, effective 7/19/97.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4300 through 388-14A-4304.
- 388-14-380 Petition for hearing after twenty days—Stay. [Statutory Authority: RCW 74.08.090. 78-07-015 (Order 1305), § 388-14-380, filed 6/15/78.] Repealed by 79-11-086 (Order 1446), filed 10/24/79. Statutory Authority: RCW 74.08.090.
- 388-14-385 The division of child support's grievance and dispute resolution method is called a conference board. [Statutory Authority: RCW 74.20A.310, 26.23.035 and 74.08.090. 98-17-033, § 388-14-385, filed 8/11/98, effective 9/11/98. Statutory Authority: RCW 34.05.-220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-385, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 74.08.090. 94-15-045 (Order 3753), § 388-14-385, filed 7/15/94, effective 8/15/94; 93-05-020 (Order 3512), § 388-14-385, filed 2/10/93, effective 3/13/93; 91-09-018 (Order 3133), § 388-14-385, filed 4/9/91, effective 5/10/91. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-14-385, filed 2/5/90, effective 3/1/90. Statutory Authority: 1988 c 275. 89-01-049 (Order 2738), § 388-14-385, filed 12/14/88. Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-385, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-385, filed 2/12/86; 81-05-021 (Order 1605), § 388-14-385, filed 2/11/81; 80-01-026 (Order 1465), § 388-14-385, filed 12/14/79; 78-07-015 (Order 1305), § 388-14-385, filed 6/15/78.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6400.
- 388-14-386 How to apply for a conference board. [Statutory Authority: RCW 74.20A.310, 26.23.035 and 74.08.090. 98-17-033, § 388-14-386, filed 8/11/98, effective 9/11/98.]

- Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6405.
- 388-14-387 Explanation of the conference board process. [Statutory Authority: RCW 74.20A.310, 26.23.035 and 74.08.090. 98-17-033, § 388-14-387, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6410.
- 388-14-388 Scope of authority of conference board chair defined. [Statutory Authority: RCW 74.20A.310, 26.23.035 and 74.08.090. 98-17-033, § 388-14-388, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6415.
- 388-14-390 Hearing when collection action is initiated against a bank account—Exemptions—Burden of proof. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-390, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 74.08.090 and 45 CFR 303.106. 94-15-046 (Order 3754), § 388-14-390, filed 7/15/94, effective 8/15/94. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-14-390, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090. 83-21-014 (Order 2036), § 388-14-390, filed 10/6/83.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6200.
- 388-14-395 Limitation on collection of support payments from head of household—Request for conference board—Burden of proof. [Statutory Authority: RCW 74.08.090. 83-21-014 (Order 2036), § 388-14-395, filed 10/6/83.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-8120.
- 388-14-400 Order to withhold and deliver—Issuance and termination. [Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-14-400, filed 2/12/86.] Repealed by 97-13-092, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035.
- 388-14-405 Order to withhold and deliver—Responsibilities of employer. [Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-405, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-405, filed 2/12/86.] Repealed by 97-13-092, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035.
- 388-14-410 Release of information to consumer reporting agency. [Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-14-410, filed 2/12/86.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2160.
- 388-14-415 Notice of support owed. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-415, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-14-415, filed 6/9/92, effective 7/10/92; 91-09-018 (Order 3133), § 388-14-415, filed 4/9/91, effective 5/10/91. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-14-415, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-415, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-415, filed 2/12/86.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3310.
- 388-14-420 Once a support enforcement case is opened, under what circumstances can it be closed? [Statutory Authority: RCW 26.23.035, 34.05.220 and 74.20A.310. 99-20-012, § 388-14-420, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-420, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 74.08.090, 45 CFR 303.11 and 45 CFR 303.100. 93-05-020 (Order 3512), § 388-14-420, filed 2/10/93, effective 3/13/93. Statutory Authority: RCW 74.08.090. 90-16-041 (Order 3043), § 388-14-420, filed 7/24/90, effective 8/24/90; 88-07-012 (Order 2606), § 388-14-420, filed 3/4/88.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2080.
- 388-14-421 Under what circumstances may DCS deny a request to close a support enforcement case? [Statutory Authority: RCW 26.23.035, 34.05.220 and 74.20A.310. 99-20-012, § 388-14-421, filed 9/24/99, effective 10/25/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2085.
- 388-14-422 Who is mailed notice of DCS' intent to close a case? [Statutory Authority: RCW 26.23.035, 34.05.220 and 74.20A.310. 99-20-012, § 388-14-422, filed 9/24/99, effective 10/25/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2090.
- 388-14-423 What if I don't agree with the case closure notice? [Statutory Authority: RCW 26.23.035, 34.05.220 and 74.20A.310. 99-20-012, § 388-14-423, filed 9/24/99, effective 10/25/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2095.
- 388-14-424 What happens to payments that come in after a case is closed? [Statutory Authority: RCW 26.23.035, 34.05.220 and 74.20A.310. 99-20-012, § 388-14-424, filed 9/24/99, effective 10/25/99.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-2097.
- 388-14-425 Payroll deduction—Notice and order—Issuance and termination. [Statutory Authority: RCW 26.23.060. 92-13-026 (Order 3403), § 388-14-425, filed 6/9/92, effective 7/10/92. Statutory Authority: 1988 c 275. 89-01-049 (Order 2738), § 388-14-425, filed 12/14/88. Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-425, filed 3/4/88.] Repealed by 97-13-092, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035.
- 388-14-427 Payroll deduction notice—Order to withhold and deliver—Wage assignments—Agreements for electronic service. [Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-14-427, filed 2/10/93, effective 3/13/93.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4040.
- 388-14-430 Income withholding action. [Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-430, filed 3/4/88.] Repealed by 97-13-092, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035.
- 388-14-435 Notice of support debt. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-435, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-14-435, filed 2/10/93, effective 3/13/93; 91-09-018 (Order 3133), § 388-14-435, filed 4/9/91, effective 5/10/91.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3304.
- 388-14-440 Notice to payee. [Statutory Authority: RCW 34.05.220 (1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-440, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 74.08.090. 91-09-018 (Order 3133), § 388-14-440, filed 4/9/91, effective 5/10/91.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-3315.
- 388-14-445 Notice of proposed settlement. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-445, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 74.08.090. 91-09-018 (Order 3133), § 388-14-445, filed 4/9/91, effective 5/10/91.] Repealed by 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.
- 388-14-450 Debt adjustment notice. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035.

- 97-13-092, § 388-14-450, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 74.08.090. 91-09-018 (Order 3133), § 388-14-450, filed 4/9/91, effective 5/10/91.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-5400.
- 388-14-460 Notice of intent to enforce—Health insurance coverage. [Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-460, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 26.18.170 and 26.18.180. 92-13-026 (Order 3403), § 388-14-460, filed 6/9/92, effective 7/10/92.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4100.
- 388-14-480 Notice of enrollment—Health insurance coverage—Issuance and termination. [Statutory Authority: RCW 26.18.170 and 26.18.180. 92-13-026 (Order 3403), § 388-14-480, filed 6/9/92, effective 7/10/92.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4120.
- 388-14-490 All Washington employers must report new hires to the Washington state support registry. [Statutory Authority: RCW 26.23.040. 99-20-011, § 388-14-490, filed 9/24/99, effective 10/25/99; 92-13-026 (Order 3403), § 388-14-490, filed 6/9/92, effective 7/10/92.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-8200.
- 388-14-495 Registering an order from another state for enforcement or modification. [Statutory Authority: RCW 34.05.-220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-495, filed 6/18/97, effective 7/19/97.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-7100.
- 388-14-496 Uniform Interstate Family Support Act—Notices served in another state. [Statutory Authority: RCW 34.05.-220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-496, filed 6/18/97, effective 7/19/97.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090.
- 388-14-500 The division of child support will accept oral requests for hearing or conference board. [Statutory Authority: RCW 34.05.220(1) and 74.08.090. 98-17-032, § 388-14-500, filed 8/11/98, effective 9/11/98. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.310 and 26.23.035. 97-13-092, § 388-14-500, filed 6/18/97, effective 7/19/97.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-6100.
- 388-14-510 What is the division of child support's license suspension program? [Statutory Authority: RCW 74.20A.-320(10). 98-17-031, § 388-14-510, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.-090. Later promulgation, see WAC 388-14A-4500.
- 388-14-520 The notice of noncompliance and intent to suspend licenses. [Statutory Authority: RCW 74.20A.320(10). 98-17-031, § 388-14-520, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4505.
- 388-14-530 Who is subject to the DCS license suspension program? [Statutory Authority: RCW 74.20A.320(10). 98-17-031, § 388-14-530, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4510.
- 388-14-540 How do I avoid having my license suspended for failure to pay child support? [Statutory Authority: RCW 74.20A.320(10). 98-17-031, § 388-14-540, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4515.
- 388-14-550 Signing a repayment agreement will avoid certification for noncompliance. [Statutory Authority: RCW 74.20A.320(10). 98-17-031, § 388-14-550, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4520.
- 388-14-560 How to obtain a release of certification for noncompliance. [Statutory Authority: RCW 74.20A.320(10). 98-17-031, § 388-14-560, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4525.
- 388-14-570 Administrative hearings regarding license suspension are limited in scope. [Statutory Authority: RCW 74.20A.320(10). 98-17-031, § 388-14-570, filed 8/11/98, effective 9/11/98.] Repealed by 01-03-089, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-14A-4530.

Chapter 388-16

SOCIAL SERVICES IN PUBLIC ASSISTANCE

- 388-16-010 Aid to families with dependent children services—Purposes and objectives. [Regulation 3.11, filed 7/27/67; Regulation 3.11, filed 1/25/67, 6/14/66, 6/17/64; Regulation 3.12, filed 6/14/66, 6/17/64.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-015 Aid to families with dependent children services—Definitions. [Order 527, § 388-16-015, filed 3/31/71, effective 5/1/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-020 Aid to families with dependent children services—Rights of applicants and recipients. [Order 527, § 388-16-020, filed 3/31/71, effective 5/1/71; Regulation 3.12, filed 7/27/67; Regulation 3.12, filed 1/25/67, 6/14/66, 6/17/64; Regulation 3.122, filed 6/14/66.] Repealed by Order 1088, filed 1/19/76.
- 388-16-050 Aid to families with dependent children services—Eligible persons. [Order 729, § 388-16-050, filed 10/27/72; Order 670, § 388-16-050, filed 4/14/72; Order 527, § 388-16-050, filed 3/31/71, effective 5/1/71; Regulation 3.14, filed 7/27/67.] Repealed by Order 1088, filed 1/19/76.
- 388-16-055 Aid to families with dependent children services—Services for eligible persons. [Order 729, § 388-16-055, filed 10/27/72; Order 670, § 388-16-055, filed 4/14/72.] Repealed by Order 1088, filed 1/19/76.
- 388-16-060 Aid to families with dependent children services—Defined service families—Services provided. [Order 527, § 388-16-060, filed 3/31/71, effective 5/1/71; Regulation 3.141, filed 7/27/67; Regulation 3.141, filed 5/17/67, 1/25/67, 6/14/66.] Repealed by Order 1088, filed 1/19/76.
- 388-16-070 Aid to families with dependent children services—Intake services and initial social studies. [Regulation 3.142, filed 7/27/67; Regulation 3.142, filed 1/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-075 Aid to families with dependent children services—Community planning. [Regulation 3.143, filed 7/27/67; Regulation 3.1421, filed 1/25/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-080 Aid to families with dependent children services—Continued care cases. [Regulation 3.144, filed 7/27/67; Regulation 3.143, filed 1/25/67, 6/14/66.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-110 Aid to families with dependent children services—Duration of service. [Order 527, § 388-16-110, filed 3/31/71, effective 5/1/71; Regulation 3.145, filed 7/27/67; Regulation 3.144, filed 1/25/67, 6/14/66.] Repealed by Order 1088, filed 1/19/76.
- 388-16-115 AFDC services—Family planning services. [Order 1204, § 388-16-115, filed 4/1/77; Order 1088, § 388-16-115, filed 1/19/76; Order 527, § 388-16-115, filed 3/31/71, effective 5/1/71; Order 364, § 388-16-115, filed 7/9/69.] Repealed by Order 1238, filed 8/31/77.
- 388-16-120 Services standards. [Regulation 3.15, filed 7/27/67; Regulation 3.17 (part), filed 6/14/66, 6/17/64.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-150 Selection of best qualified staff—Assignment by county administrators. [Regulation 3.16, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-160 Aid to families with dependent children service case—Definition. [Regulation 3.17, filed 7/27/67; Regulation 3.19, filed 1/25/67, 6/14/66, 6/17/69.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-170 Recording of services. [Regulation 3.18, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.

388-16-180	Complementary services. [Regulation 3.19, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.	388-16-339	Congregate care—Absence or discharge. [Order 965, § 388-16-339, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
388-16-190	Homemaker service. [Regulation 3.191, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.	388-16-340	Congregate care—Payment—Standards—Procedures. [Order 1017, § 388-16-340, filed 4/14/75; Order 965, § 388-16-340, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
388-16-200	Special services for self-support. [Regulation 3.192, filed 7/27/67.] Repealed by Order 392, filed 10/15/69.	388-16-341	Congregate care—Application. [Order 965, § 388-16-341, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
388-16-210	Aid to families with dependent children services—Day care and in-home care (baby-sitting) services. [Order 1001, § 388-16-210, filed 1/14/75; Order 925, § 388-16-210, filed 4/15/74; Order 828, § 388-16-210, filed 7/26/73; Order 720, § 388-16-210, filed 9/28/72; Order 692, § 388-16-210, filed 6/29/72; Order 611, § 388-16-210, filed 9/23/71; Order 551, § 388-16-210, filed 4/1/71; Order 527, § 388-16-210, filed 3/31/71, effective 5/1/71; Emergency Order 569, § 388-16-210, filed 5/25/71; Order 439, § 388-16-210, filed 4/15/70; Order 425, § 388-16-210, filed 1/21/70; Order 392, § 388-16-210, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.	388-16-342	Congregate care—Services to be provided by operator. [Order 965, § 388-16-342, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
388-16-213	Standards of in-home care. [Order 828, § 388-16-213, filed 7/26/73.] Repealed by Order 1088, filed 1/19/76.	388-16-343	Congregate care—Agreement. [Order 965, § 388-16-343, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
388-16-215	Standards of in-home care—Payment standards for day care and in-home care. [Order 1052, § 388-16-215, filed 9/10/75; Order 907, § 388-16-215, filed 2/14/74; Order 720, § 388-16-215, filed 9/28/72; Order 692, § 388-16-215, filed 6/29/72; Order 611, § 388-16-215, filed 9/23/71; Order 527, § 388-16-215, filed 3/31/71, effective 5/1/71; Order 425, § 388-16-215, filed 1/21/70; Order 392, § 388-16-215, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.	388-16-400	Adult services—Objectives. [Order 625, § 388-16-400, filed 11/11/71; Order 527, § 388-16-400, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-400, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
388-16-220	Standards of in-home care—Summer camperships—Standards for purchase. [Order 576, § 388-16-220, filed 7/8/71; Order 527, § 388-16-220, filed 3/31/71, effective 5/1/71; Order 460, § 388-16-220, filed 6/17/70.] Repealed by Order 1088, filed 1/19/76.	388-16-402	Adult services—Eligible persons. [Order 933, § 388-16-402, filed 5/15/74; Order 625, § 388-16-402, filed 11/11/71.] Repealed by Order 1088, filed 1/19/76.
388-16-225	Purchase of child welfare services—Agency—Licensing—Federal requirements. [Order 784, § 388-16-225, filed 3/30/73.] Repealed by Order 1238, filed 8/31/77.	388-16-405	Adult services—Rights of applicant, recipient and beneficiary. [Order 933, § 388-16-405, filed 5/15/74; Order 527, § 388-16-405, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-405, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
388-16-300	Personal service in alternate care living arrangement—Purposes and objectives. [Order 318, § 388-16-300, filed 11/27/68.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.	388-16-410	Adult services—Entry services. [Order 933, § 388-16-410, filed 5/15/74; Order 625, § 388-16-410, filed 11/11/71; Order 527, § 388-16-410, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-410, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
388-16-305	Personal service in alternate care—Definition. [Order 933, § 388-16-305, filed 5/15/74; Order 527, § 388-16-305, filed 3/31/71, effective 5/1/71; Order 318, § 388-16-305, filed 11/27/68.] Repealed by Order 1088, filed 1/19/76.	388-16-415	Adult services—Ongoing services. [Order 933, § 388-16-415, filed 5/15/74; Order 527, § 388-16-415, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-415, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
388-16-310	Personal service in alternate care—Persons eligible. [Order 933, § 388-16-310, filed 5/15/74; Order 527, § 388-16-310, filed 3/31/71, effective 5/1/71; Order 318, § 388-16-310, filed 11/27/68.] Repealed by Order 1088, filed 1/19/76.	388-16-425	Chore services for adult without minor child in home—Objective—Definition—Eligible persons. [Order 933, § 388-16-425, filed 5/15/74; Order 601, § 388-16-425, filed 9/8/71.] Repealed by Order 1088, filed 1/19/76. Later promulgation, see WAC 388-16-42501.
388-16-315	Personal service in alternate care—Plan for services and supervision. [Order 933, § 388-16-315, filed 5/15/74; Order 527, § 388-16-315, filed 3/31/71, effective 5/1/71; Order 318, § 388-16-315, filed 11/27/68.] Repealed by Order 1088, filed 1/19/76.	388-16-42501	Chore services—Objective—Definition—Eligible persons. [Order 1088, § 388-16-425 (codified as WAC 388-16-42501), filed 1/19/76. Formerly WAC 388-16-425.] Repealed by Order 1238, filed 8/31/77.
388-16-320	Personal service in alternate care living arrangement—Acceptance of plan for person referred by mental hospital. [Order 318, § 388-16-320, filed 11/27/68.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.	388-16-430	Chore services—Standards for determining need. [Order 1088, § 388-16-430, filed 1/19/76; Order 933, § 388-16-430, filed 5/15/74; Order 601, § 388-16-430, filed 9/8/71.] Repealed by Order 1238, filed 8/31/77.
388-16-325	Personal service in alternate care—Services provided. [Order 933, § 388-16-325, filed 5/15/74; Order 527, § 388-16-325, filed 3/31/71, effective 5/1/71; Order 318, § 388-16-325, filed 11/27/68.] Repealed by Order 1088, filed 1/19/76.	388-16-435	Chore services for adult without minor child in home—Standards for payment of cost—FICA tax. [Order 933, § 388-16-435, filed 5/15/74; Order 692, § 388-16-435, filed 6/29/72; Order 649, § 388-16-435, filed 2/9/72; Order 601, § 388-16-435, filed 9/8/71.] Repealed by Order 1238, filed 8/31/77.
388-16-330	Personal service in alternate care living arrangement—Standards for administration. [Order 318, § 388-16-330, filed 11/27/68.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.	388-16-440	Chore services for adult without minor child in home—Continuing eligibility. [Order 601, § 388-16-440, filed 9/8/71.] Repealed by Order 1238, filed 8/31/77.
388-16-335	Congregate care—Definition. [Order 965, § 388-16-335, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.	388-16-450	Homemaker service to adults—Purpose and objectives. [Order 933, § 388-16-450, filed 5/15/74; Order 527, § 388-16-450, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-450, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
388-16-336	Congregate care—Eligible persons. [Order 965, § 388-16-336, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.	388-16-455	Homemaker services—Policies for providing. [Order 1088, § 388-16-455, filed 1/19/76; Order 933, § 388-16-455, filed 5/15/74; Order 527, § 388-16-455, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-455, filed 10/15/69.] Repealed by Order 1238, filed 8/31/77.
388-16-337	Congregate care—Determination of need. [Order 965, § 388-16-337, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.	388-16-460	Homemaker service—Definition and purpose. [Order 1088, § 388-16-460, filed 1/19/76; Order 608, § 388-16-460, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
388-16-338	Congregate care—Placement in facility. [Order 965, § 388-16-338, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.	388-16-462	Homemaker services—Payment. [Order 1088, § 388-16-462, filed 1/19/76; Order 608, § 388-16-462, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
		388-16-464	Homemaker services—Staff. [Order 1088, § 388-16-464, filed 1/19/76; Order 608, § 388-16-464, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
		388-16-466	Homemaker service for families with children—Conditions and limitations when provided. [Order 608, § 388-16-466, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.

- 388-16-470 Adult services—Purchase of service—Sheltered workshop and activity center—Other providers—Purpose. [Order 933, § 388-16-470, filed 5/15/74; Order 589, § 388-16-470, filed 8/18/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-475 Adult services—Persons eligible. [Order 933, § 388-16-475, filed 5/15/74; Order 589, § 388-16-475, filed 8/18/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-480 Adult services—Payment. [Order 933, § 388-16-480, filed 5/15/74; Order 589, § 388-16-480, filed 8/18/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-482 Summer camperships for adults—Definition. [Order 690, § 388-16-482, filed 6/15/72.] Repealed by Order 933, filed 5/15/74.
- 388-16-484 Summer camperships for adults—Persons eligible. [Order 690, § 388-16-484, filed 6/15/72.] Repealed by Order 933, filed 5/15/74.
- 388-16-486 Summer camperships for adults—Selection of individuals. [Order 690, § 388-16-486, filed 6/15/72.] Repealed by Order 933, filed 5/15/74.
- 388-16-488 Summer camperships for adults—Payment conditions. [Order 690, § 388-16-488, filed 6/15/72.] Repealed by Order 933, filed 5/15/74.
- 388-16-490 Services to adult offender—Definitions. [Order 608, § 388-16-490, filed 9/22/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-495 Services to adult offender—Persons eligible. [Order 608, § 388-16-495, filed 9/22/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-500 Child protective services—Legislative declaration—Duty to provide. [Order 1078, § 388-16-500, filed 12/24/75; Order 608, § 388-16-500, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-505 Child protective services—Definitions. [Order 1078, § 388-16-505, filed 12/24/75; Order 608, § 388-16-505, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-510 Child protective services—Acceptance of reports—Eligibility for services. [Order 1152, § 388-16-510, filed 9/22/76; Order 1078, § 388-16-510, filed 12/24/75; Order 828, § 388-16-510, filed 7/26/73; Order 608, § 388-16-510, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-512 Child protective services—Notification—Substantiation. [Order 1078, § 388-16-512, filed 12/24/75; Order 984, § 388-16-512, filed 11/29/74; Order 828, § 388-16-512, filed 7/26/73.] Repealed by Order 1238, filed 8/31/77.
- 388-16-515 Child abuse—Mandatory reporting—Immunity from civil liability. [Order 1078, § 388-16-515, filed 12/24/75; Order 984, § 388-16-515, filed 11/29/74; Order 608, § 388-16-515, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-520 Child abuse—Information to be reported. [Order 1078, § 388-16-520, filed 12/24/75; Order 608, § 388-16-520, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-525 Central registry—Definition—Duty to maintain. [Order 1075, § 388-16-525, filed 12/17/75; Order 984, § 388-16-525, filed 11/29/74; Order 828, § 388-16-525, filed 7/26/73; Order 693, § 388-16-525, filed 6/29/72; Order 608, § 388-16-525, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-530 Central registry—Purpose. [Order 693, § 388-16-530, filed 6/29/72; Order 608, § 388-16-530, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-535 Central registry—Storage and retrieval of information. [Order 984, § 388-16-535, filed 11/29/74; Order 828, § 388-16-535, filed 7/26/73; Order 693, § 388-16-535, filed 6/29/72; Order 608, § 388-16-535, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-540 Central registry—Information—Release—Dissemination—Expungement. [Order 1078, § 388-16-540, filed 12/24/75; Order 984, § 388-16-540, filed 11/29/74; Order 828, § 388-16-540, filed 7/26/73; Order 693, § 388-16-540, filed 6/29/72.] Repealed by Order 1238, filed 8/31/77.
- 388-16-545 Central registry—Eligibility procedures and criteria. [Order 1075, § 388-16-545, filed 12/17/75; Order 984, § 388-16-545, filed 11/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-550 Support enforcement services for child(ren) not receiving public assistance—Statutory basis. [Order 624, § 388-16-550, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-555 Support enforcement services for child(ren) not receiving public assistance—Persons eligible. [Order 624, § 388-16-555, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-560 Support enforcement services for child(ren) not receiving public assistance—Application. [Order 624, § 388-16-560, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-565 Support enforcement services for child(ren) not receiving public assistance—Applicant's assignment of rights. [Order 624, § 388-16-565, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-570 Support enforcement services for child(ren) not receiving public assistance—Fees—Limitations. [Order 624, § 388-16-570, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-575 Support enforcement services for child(ren) not receiving public assistance—Disposition of absent parent payments to custodian of child(ren). [Order 624, § 388-16-575, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-580 Support enforcement services for child(ren) not receiving public assistance—Department's obligation after accepting application. [Order 624, § 388-16-580, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-585 Support enforcement services for child(ren) not receiving public assistance—Request to terminate service. [Order 624, § 388-16-585, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.

Chapter 388-17

SENIOR CITIZENS SERVICES PROGRAM

- 388-17-010 Legal basis for senior citizens services program. [Statutory Authority: RCW 74.38.030. 78-05-077 (Order 1292), § 388-17-010, filed 5/1/78; Order 1174, § 388-17-010, filed 11/30/76.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-17-020 Definitions. [Statutory Authority: RCW 74.38.030. 78-05-077 (Order 1292), § 388-17-020, filed 5/1/78; Order 1174, § 388-17-020, filed 11/30/76.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-17-030 Description of program—Purpose. [Order 1174, § 388-17-030, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
- 388-17-040 Scope. [Order 1174, § 388-17-040, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
- 388-17-050 Administration. [Order 1174, § 388-17-050, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
- 388-17-100 Rights and responsibilities of applicants and recipients. [Statutory Authority: RCW 34.05.220 (1)(a) and 74.38.030. 90-04-070 (Order 2991), § 388-17-100, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.38.030. 83-13-070 (Order 1970), § 388-17-100, filed 6/16/83; 78-05-077 (Order 1292), § 388-17-100, filed 5/1/78; Order 1174, § 388-17-100, filed 11/30/76.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-17-120 Eligibility for senior citizens services—Application. [Statutory Authority: RCW 74.38.030. 78-05-077 (Order 1292), § 388-17-120, filed 5/1/78; Order 1174, § 388-17-120, filed 11/30/76.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-17-140 Eligible persons. [Order 1174, § 388-17-140, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
- 388-17-160 Income and resources. [Statutory Authority: RCW 74.38.030. 83-13-070 (Order 1970), § 388-17-160, filed 6/16/83; 80-02-135 (Order 1485), § 388-17-160, filed 2/1/80; 78-05-077 (Order 1292), § 388-17-160, filed 5/1/78; Order 1174, § 388-17-160, filed 11/30/76.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-17-180 Fee schedule. [Statutory Authority: RCW 74.38.030. 83-13-070 (Order 1970), § 388-17-180, filed 6/16/83; 78-05-077 (Order 1292), § 388-17-180, filed 5/1/78; Order 1174, § 388-17-180, filed 11/30/76.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-17-200 Services provided by the senior citizens services program. [Order 1174, § 388-17-200, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
- 388-17-220 Mental health training program. [Order 1174, § 388-17-220, filed 11/30/76.] Repealed by 78-05-077 (Order

1292), filed 5/1/78. Statutory Authority: RCW 74.38-030.

- 388-17-240 Volunteer programs. [Order 1174, § 388-17-240, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
- 388-17-500 Local area agency on aging contracts—Administrative review process. [Statutory Authority: RCW 34.05.220 (1)(a) and 74.38.030. 90-04-070 (Order 2991), § 388-17-500, filed 2/5/90, effective 3/8/90. Statutory Authority: RCW 70.38.030. 87-03-015 (Order 2458), § 388-17-500, filed 1/13/87.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-17-510 Area agency on aging plan—Administrative review process. [Statutory Authority: RCW 34.05.220 (1)(a) and 74.38.030. 90-04-070 (Order 2991), § 388-17-510, filed 2/5/90, effective 3/8/90. Statutory Authority: RCW 70.38.030. 87-03-015 (Order 2458), § 388-17-510, filed 1/13/87.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.

Chapter 388-18

LONG-TERM CARE OMBUDSMAN PROGRAM

- 388-18-010 Purpose. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-010, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-020 Definitions. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-020, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-030 Duties—State ombudsman. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-030, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-040 Duties—Local ombudsman. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-040, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-050 Duties—Certified volunteer ombudsmen. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-050, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-060 Certification procedures for volunteer ombudsmen. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-060, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-070 Access to residents, facilities, and records. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-070, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-080 Reporting requirements. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-080, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190-030.
- 388-18-090 Facility entry—Report and identification—Disclosure of purpose. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-090, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-100 Privacy during ombudsman visits. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-100, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-110 Confidentiality of information. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-110, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-120 Referrals. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-120 filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190.030.
- 388-18-130 Posting requirements. [Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-130, filed 1/17/85.] Repealed by 00-17-098, filed 8/15/00, effective 9/15/00. Statutory Authority: RCW 43.190-030.

Chapter 388-19

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

- 388-19-005 Description of WIC program. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-005, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-005, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-050.
- 388-19-015 Authorized foods. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-015, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-015, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-060.
- 388-19-020 Food vendor participation. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-020, filed 6/6/90, effective 7/7/90; 88-18-022 (Order 2681), § 388-19-020, filed 8/30/88; 88-14-037 (Order 2638), § 388-19-020, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-070.
- 388-19-025 Food vendor contracts. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-025, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-025, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-080.
- 388-19-030 Food vendor monitoring. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-030, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-030, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-090.
- 388-19-035 Food vendor sanctions. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-035, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-035, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-100.
- 388-19-040 Notice of adverse action to WIC food vendor—Denial of food vendor application, contract nonrenewal. [Statutory Authority: RCW 43.20A.550. 88-14-037 (Order 2638), § 388-19-040, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-110.
- 388-19-045 WIC food vendor—Administrative review—Contract dispute resolution. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-045, filed 6/6/90, effective 7/7/90; 88-18-022 (Order 2681), § 388-19-045, filed 8/30/88; 88-14-037 (Order 2638), § 388-19-045, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-120.
- 388-19-050 WIC contractor—Continued participation pending contract dispute resolution. [Statutory Authority: RCW 43.20A.550. 88-18-022 (Order 2681), § 388-19-050, filed 8/30/88; 88-14-037 (Order 2638), § 388-19-050, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-130.

Chapter 388-20

EXCEPTION TO RULE

- 388-20-010 Rules—Applicability. [Statutory Authority: RCW 74.08.090. 83-14-028 (Order 1976), § 388-20-010, filed 6/30/83; Order 773, § 388-20-010, filed 2/16/73; Order 528, § 388-20-010, filed 3/31/71, effective 5/1/71; Order 348, § 388-20-010, filed 5/28/69; Regulation 4.00 (part), filed 12/31/65, effective 2/1/66; Regulation 4.00, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-200-1150.

- 388-20-020 Rules—Procedures for exceptions. [Order 773, § 388-20-020, filed 2/16/73; Order 686, § 388-20-020, filed 5/25/72; Order 528, § 388-20-020, filed 3/31/71, effective 5/1/71; Order 348, § 388-20-020, filed 5/28/69; Order 273, § 388-20-020, filed 1/29/68; Regulation 4.00 (part), filed 12/31/65, effective 2/1/66; Regulation 4.00, filed 1/24/64.] Repealed by 83-14-028 (Order 1976), filed 6/30/83. Statutory Authority: RCW 74.08.090.
- Chapter 388-21**
DIVERSITY INITIATIVE
- 388-21-005 Diversity initiative. [Statutory Authority: Chapter 49.60 RCW. 93-04-037 (Order 3499), § 388-21-005, filed 1/27/93, effective 2/27/93.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- Chapter 388-24**
AID TO FAMILIES WITH DEPENDENT CHILDREN—FOSTER CARE ELIGIBILITY
- 388-24-005 Organization of chapter. [Regulation 6.00, filed 12/21/64, effective 2/1/65; Regulation 6.00, filed 1/24/64.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-010 Aid to blind—Summary of eligibility conditions. [Order 618, § 388-24-010, filed 10/27/71; Order 530, § 388-24-010, filed 3/31/71, effective 5/1/71; Regulation 6.11, filed 6/30/67; Regulation 6.11, filed 6/3/65, 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-015 Aid to blind—Blindness defined. [Order 530, § 388-24-015, filed 3/31/71, effective 5/1/71; Regulation 6.121, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-020 Aid to blind—Publicly soliciting alms defined. [Order 530, § 388-24-020, filed 3/31/71, effective 5/1/71; Regulation 6.122, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-025 Aid to blind—Determining blindness. [Order 530, § 388-24-025, filed 3/31/71, effective 5/1/71; Regulation 6.13, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-030 Factors—Authorization procedure for determining blindness. [Regulation 6.131, filed 1/24/64.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-032 Factors—Services. [Order 530, § 388-24-032, filed 3/31/71, effective 5/1/71.] Repealed by Order 917, filed 3/14/74.
- 388-24-040 Aid to families with dependent children—Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090. 88-09-039 (Order 2621), § 388-24-040, filed 4/15/88; 85-18-041 (Order 2275A), § 388-24-040, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-040, filed 11/2/83. Statutory Authority: RCW 43.20A.550. 82-17-007 (Order 1856), § 388-24-040, filed 8/6/82. Statutory Authority: RCW 74.08.090. 82-09-034 (Order 1792), § 388-24-040, filed 4/14/82; 82-01-009 (Order 1728), § 388-24-040, filed 12/4/81; 81-10-012 (Order 1644), § 388-24-040, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-040, filed 10/23/79. Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-24-040, filed 9/18/78; Order 1004, § 388-24-040, filed 1/24/75; Order 987, § 388-24-040, filed 12/16/74; Order 829, § 388-24-040, filed 7/26/73; Order 618, § 388-24-040, filed 10/27/71; Order 597, § 388-24-040, filed 9/1/71; Order 530, § 388-24-040, filed 3/31/71, effective 5/1/71; Order 441, § 388-24-040, filed 4/15/70; Order 365, § 388-24-040, filed 7/9/69; Order 319, § 388-24-040, filed 11/27/68; Emergency Order 305, filed 9/20/68; Order 291, § 388-24-040, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulation 6.21, filed 8/29/66; Regulation 6.21, filed 12/31/65, 7/13/65, 6/3/65 and 6/17/64, effective 8/1/64; Regulation 6.21, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-215-1025 and 388-215-1100.
- 388-24-042 Aid to families with dependent children—Eligibility of strikers. [Statutory Authority: RCW 74.08.090. 89-12-079 (Order 2808), § 388-24-042, filed 6/7/89; 83-22-066 (Order 2033), § 388-24-042, filed 11/2/83; 82-09-034 (Order 1792), § 388-24-042, filed 4/14/82; 82-01-009 (Order 1728), § 388-24-042, filed 12/4/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1540.
- 388-24-044 Mandatory monthly reporting. [Statutory Authority: RCW 74.08.090. 94-08-017 (Order 3724), § 388-24-044, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.04.057. 92-18-039 (Order 3449), § 388-24-044, filed 8/27/92, effective 9/27/92. Statutory Authority: RCW 74.08.090. 86-16-044 (Order 2400), § 388-24-044, filed 8/1/86; 86-01-010 (Order 2316), § 388-24-044, filed 12/5/85; 84-23-028 (Order 2169), § 388-24-044, filed 11/14/84; 84-09-074 (Order 2096), § 388-24-044, filed 4/18/84; 83-17-012 (Order 1993), § 388-24-044, filed 8/5/83; 82-17-067 (Order 1863), § 388-24-044, filed 8/18/82; 82-10-060 (Order 1799), § 388-24-044, filed 5/5/82.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-2020, 388-245-2030, 388-245-2040 and 388-245-2050.
- 388-24-045 Aid to families with dependent children—Sub-categories of AFDC. [Order 441, § 388-24-045, filed 4/15/70; Order 365, § 388-24-045, filed 7/9/69; Regulation 6.211, filed 8/29/66; Regulation 6.211, filed 12/31/65.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-050 Aid to families with dependent children—Assistance unit. [Statutory Authority: RCW 74.04.660. 93-19-038 (Order 3631), § 388-24-050, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090. 91-12-044 (Order 3188), § 388-24-050, filed 6/4/91, effective 7/5/91; 88-24-009 (Order 2731), § 388-24-050, filed 11/30/88; 88-09-039 (Order 2621), § 388-24-050, filed 4/15/88; 85-18-041 (Order 2275A), § 388-24-050, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-050, filed 11/2/83; 81-10-012 (Order 1644), § 388-24-050, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-050, filed 10/23/79. Statutory Authority: RCW 74.08.090. 78-12-027 (Order 1357), § 388-24-050, filed 11/15/78. Statutory Authority: RCW 74.08.090. 78-06-074 (Order 1297), § 388-24-050, filed 5/31/78, effective 7/1/78; Order 1235, § 388-24-050, filed 8/31/77; Order 1199, § 388-24-050, filed 3/18/77; Order 978, § 388-24-050, filed 10/28/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1600, 388-215-1610 and 388-215-1620 part.
- 388-24-052 Provision of Social Security numbers. [Statutory Authority: RCW 74.08.090. 89-12-079 (Order 2808), § 388-24-052, filed 6/7/89; 85-18-041 (Order 2275A), § 388-24-052, filed 8/30/85; 80-06-066 (Order 1501), § 388-24-052, filed 5/22/80; Order 1054, § 388-24-052, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1500.
- 388-24-055 Aid to families with dependent children-regular—Deprivation of parental support or care. [Statutory Authority: RCW 74.08.090. 88-24-009 (Order 2731), § 388-24-055, filed 11/30/88; 85-18-041 (Order 2275A), § 388-24-055, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-055, filed 11/2/83; 78-10-036 (Order 1338), § 388-24-055, filed 9/18/78; Order 1001, § 388-24-055, filed 1/14/75; Order 597, § 388-24-055, filed 9/1/71; Order 530, § 388-24-055, filed 3/31/71, effective 5/1/71; Regulation 6.221, filed 8/29/66; Regulation 6.221, filed 12/31/65.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1000 part, 388-215-1060 part, 388-215-1300 part, 388-215-1320 part and 388-215-1390 part.
- 388-24-060 Aid to families with dependent children-regular—Deprivation due to death. [Order 597, § 388-24-060, filed 9/1/71; Order 530, § 388-24-060, filed 3/31/71, effective 5/1/71; Regulation 6.2211, filed 8/29/66; Regulation 6.2211, filed 12/31/65.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1300 (parts).
- 388-24-065 Aid to families with dependent children—Deprivation due to incapacity. [Statutory Authority: RCW 74.08.090. 88-24-009 (Order 2731), § 388-24-065, filed 11/30/88; 86-13-064 (Order 2388), § 388-24-065, filed 6/18/86; 84-19-047 (Order 2153), § 388-24-065, filed 9/17/84; 81-10-012 (Order 1644), § 388-24-065, filed

- 4/27/81; Order 1192, § 388-24-065, filed 2/18/77; Order 1109, § 388-24-065, filed 4/15/76; Order 987, § 388-24-065, filed 12/16/74; Order 940, § 388-24-065, filed 6/10/74; Order 923, § 388-24-065, filed 4/15/74; Order 829, § 388-24-065, filed 7/26/73; Order 609, § 388-24-065, filed 9/22/71; Order 597, § 388-24-065, filed 9/1/71; Order 530, § 388-24-065, filed 3/31/71, effective 5/1/71; Order 291, § 388-24-065, filed 6/12/68; Emergency Order 287, filed 5/1/68; Order 267, § 388-24-065, filed 12/5/67; Regulation 6.2212, filed 1/4/67; Regulation 6.2212, filed 8/29/66, 3/31/66 and 12/31/65.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1340, 388-215-1345, 388-215-1350, 388-215-1355 and 388-215-1360.
- 388-24-070 Aid to families with dependent children-regular—Deprivation due to continued absence from home. [Statutory Authority: RCW 74.08.090. 91-16-062 (Order 3223), § 388-24-070, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 74.04.050. 90-16-081 (Order 3046), § 388-24-070, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 74.08.090. 88-24-009 (Order 2731), § 388-24-070, filed 11/30/88; 85-18-041 (Order 2275A), § 388-24-070, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-070, filed 11/2/83; 82-23-059 (Order 1907), § 388-24-070, filed 11/17/82; 82-11-093 (Order 1813), § 388-24-070, filed 5/19/82; 81-06-058 (Order 1619), § 388-24-070, filed 3/4/81; 78-10-036 (Order 1338), § 388-24-070, filed 9/18/78; Order 987, § 388-24-070, filed 12/16/74; Order 854, § 388-24-070, filed 9/13/73; Order 730, § 388-24-070, filed 10/27/72; Order 663, § 388-24-070, filed 3/23/72; Order 597, § 388-24-070, filed 9/1/71; Order 530, § 388-24-070, filed 3/31/71, effective 5/1/71; Regulation 6.2213, filed 8/29/66; Regulation 6.2213, filed 12/31/65.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1320 part, 388-215-1325, 388-215-1330 and 388-215-1335.
- 388-24-071 Aid to families with dependent children—Termination of deprivation. [Order 730, § 388-24-071, filed 10/27/72.] Repealed by Order 923, filed 4/15/74.
- 388-24-074 Aid to families with dependent children-employable—Deprivation due to unemployment of a parent. [Statutory Authority: RCW 74.04.057. 93-12-055 (Order 3565), § 388-24-074, filed 5/27/93, effective 7/1/93. Statutory Authority: RCW 74.04.050. 92-14-031 (Order 3408), § 388-24-074, filed 6/23/92, effective 7/24/92. Statutory Authority: RCW 74.08.090. 92-08-041, § 388-24-074, filed 3/24/92, effective 4/24/92; 91-16-058 (Order 3219), § 388-24-074, filed 8/1/91, effective 9/1/91; 90-21-123 (Order 3087), § 388-24-074, filed 10/23/90, effective 11/23/90; 89-12-079 (Order 2808), § 388-24-074, filed 6/7/89; 88-24-009 (Order 2731), § 388-24-074, filed 11/30/88. Statutory Authority: Chapter 74.04 RCW. 88-06-084 and 88-07-056 (Orders 2601 and 2601A), § 388-24-074, filed 3/2/88 and 3/14/88. Statutory Authority: RCW 74.08.090. 85-18-041 (Order 2275A), § 388-24-074, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-074, filed 11/2/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1365, 388-215-1370, 388-215-1375, 388-215-1380 and 388-215-1385.
- 388-24-075 Aid to families with dependent children-regular—Multiple deprivation factors. [Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-075, filed 10/23/79. Statutory Authority: RCW 74.08.090. 78-12-027 (Order 1357), § 388-24-075, filed 11/15/78; Order 597, § 388-24-075, filed 9/1/71; Order 530, § 388-24-075, filed 3/31/71, effective 5/1/71; Order 496, § 388-24-075, filed 11/25/70, effective 1/1/71; Regulation 6.2214, filed 10/13/66, effective 11/13/66; Regulation 6.2214, filed 8/29/66; Regulation 6.2214, filed 12/31/65.] Repealed by 81-10-012 (Order 1644), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-24-080 Aid to families with dependent children-regular—Employed parent. [Order 597, § 388-24-080, filed 9/1/71; Order 530, § 388-24-080, filed 3/31/71, effective 5/1/71; Order 447, § 388-24-080, filed 5/14/70, effective 6/15/70; Regulation 6.222, filed 8/29/66; Regulation 6.222, filed 12/31/65, 1/24/64.] Repealed by 79-11-081 (Order 1444), filed 10/23/79. Statutory Authority: RCW 43.20A.550.
- 388-24-090 Eligibility conditions applicable to AFDC—Employment or training. [Statutory Authority: RCW 74.08.090. 90-21-123 (Order 3087), § 388-24-090, filed 10/23/90, effective 11/23/90. Statutory Authority: Chapter 74.04 RCW. 88-06-084 and 88-07-056 (Orders 2601 and 2601A), § 388-24-090, filed 3/2/88 and 3/14/88. Statutory Authority: RCW 74.08.090. 83-22-066 (Order 2033), § 388-24-090, filed 11/2/83; 81-10-012 (Order 1644), § 388-24-090, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-090, filed 10/23/79. Statutory Authority: RCW 74.08.-090. 79-03-013 (Order 1368), § 388-24-090, filed 2/15/79; Order 1118, § 388-24-090, filed 5/13/76; Order 829, § 388-24-090, filed 7/26/73; Order 748, § 388-24-090, filed 12/7/72; Order 609, § 388-24-090, filed 9/22/71; Order 597, § 388-24-090, filed 9/1/71; Order 530, § 388-24-090, filed 3/31/71, effective 5/1/71; Order 496, § 388-24-090, filed 11/25/70, effective 1/1/71; Order 447, § 388-24-090, filed 5/14/70, effective 6/15/70; Order 319, § 388-24-090, filed 11/27/68; Emergency Order 305, filed 9/20/68; Regulation 6.231, filed 8/29/66, effective 2/1/66; Regulation 6.231, filed 12/31/65, 6/17/64, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1520.
- 388-24-095 Eligibility conditions applicable to AFDC—Use of resources for employment or training—Unemployed employable and unemployable person defined. [Order 748, § 388-24-095, filed 12/7/72; Order 609, § 388-24-095, filed 9/22/71; Order 530, § 388-24-095, filed 3/31/71, effective 5/1/71; Order 496, § 388-24-095, filed 11/25/70, effective 1/1/71; Order 447, § 388-24-095, filed 5/14/70, effective 6/15/70; Order 319, § 388-24-095, filed 11/27/68; Emergency Order 305, § 388-24-095, filed 9/20/68; Regulation 6.2311, filed 8/29/66 and 12/31/65.] Repealed by Order 829, filed 7/26/73.
- 388-24-097 Full-time employment. [Order 447, § 388-24-097, filed 5/14/70, effective 6/15/70.] Repealed by Order 496, filed 11/25/70, effective 1/1/71 and Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-100 Eligibility factors applicable to aid to dependent children-regular and aid to dependent children-employable—Employable person in or not in labor force. [Regulation 6.2312, filed 8/29/66; Regulation 6.2312, filed 12/31/65.] Repealed by Order 319, filed 11/27/68 and Emergency Order 305, filed 9/20/68.
- 388-24-105 Eligibility factors applicable to aid to dependent children-regular and aid to dependent children-employable—Registration of unemployed person in the labor force with state employment service. [Regulation 6.2313, filed 8/29/66; Regulation 6.2313, filed 12/31/65.] Repealed by Order 319, filed 11/27/68 and Emergency Order 305, filed 9/20/68.
- 388-24-107 Eligibility conditions applicable to AFDC-R and AFDC-E—Registration and participation in employment programs. [Statutory Authority: Chapter 74.04 RCW. 88-06-084 and 88-07-056 (Orders 2601 and 2601A), § 388-24-107, filed 3/2/88 and 3/14/88. Statutory Authority: RCW 74.04.400. 87-12-058 (Order 2503), § 388-24-107, filed 6/1/87; 86-01-001 (Order 2313), § 388-24-107, filed 12/5/85. Statutory Authority: RCW 74.08.090. 83-22-066 (Order 2033), § 388-24-107, filed 11/2/83. Statutory Authority: RCW 74.22.-110 and 74.23.120. 83-01-057 (Order 1924), § 388-24-107, filed 12/15/82. Statutory Authority: RCW 74.08.090. 82-07-026 (Order 1779), § 388-24-107, filed 3/11/82; 82-01-009 (Order 1728), § 388-24-107, filed 12/4/81; 81-10-012 (Order 1644), § 388-24-107, filed 4/27/81; 80-05-045 (Order 1499), § 388-24-107, filed 4/16/80. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-107, filed 10/23/79. Statutory Authority: RCW 74.23.120. 78-05-046 (Order 1289), § 388-24-107, filed 4/24/78; Order 1241, § 388-24-107, filed 9/23/77; Order 1199, § 388-24-107, filed 3/18/77; Order 1046, § 388-24-107, filed 8/14/75; Order 748, § 388-24-107, filed 12/7/72; Order 597, § 388-24-107, filed 9/1/71; Order 530, § 388-24-107, filed 3/31/71, effective 5/1/71; Order 447, § 388-24-107, filed 5/14/70, effective 6/15/70; Order 319, § 388-24-107, filed

	11/27/68; Emergency Order 305, filed 9/20/68.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.-050.	388-24-130	Living in home of relative of specified degree—Financial need. [Regulation 6.233, filed 8/29/66; Regulation 6.233, filed 1/24/64.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
388-24-108	Eligibility conditions applicable to AFDC—Assignment of rights to support. [Statutory Authority: RCW 74.08.090. 88-24-009 (Order 2731), § 388-24-108, filed 11/30/88; 82-13-080 (Order 1829), § 388-24-108, filed 6/21/82; 81-10-012 (Order 1644), § 388-24-108, filed 4/27/81; Order 1054, § 388-24-108, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1400 (parts).	388-24-135	Aid to families with dependent children—Employable parent—Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090. 80-14-014 (Order 1546), § 388-24-135, filed 9/23/80. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-135, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-24-135, filed 2/15/79; Order 1189, § 388-24-135, filed 2/18/77; Order 1101, § 388-24-135, filed 2/25/76; Order 1051, § 388-24-135, filed 9/10/75; Order 748, § 388-24-135, filed 12/7/72; Order 638, § 388-24-135, filed 1/28/72; Order 597, § 388-24-135, filed 9/1/71; Order 530, § 388-24-135, filed 3/31/71, effective 5/1/71; Order 338, § 388-24-135, filed 2/14/69; Order 319, § 388-24-135, filed 11/27/68; Emergency Order 305, § 388-24-135, filed 9/20/68; Order 291, § 388-24-135, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulations 6.24 and 6.241, filed 8/29/66; Regulations 6.24 and 6.241, filed 12/31/65, 7/13/65, 6/17/64 and 1/24/64.] Repealed by 81-10-012 (Order 1644), filed 4/27/81. Statutory Authority: RCW 74.08.090.
388-24-109	Eligibility conditions applicable to AFDC—Support enforcement cooperation. [Statutory Authority: RCW 74.08.090. 89-22-133 (Order 2896), § 388-24-109, filed 11/1/89, effective 12/2/89; 81-10-012 (Order 1644), § 388-24-109, filed 4/27/81; 78-09-053 (Order 1330), § 388-24-109, filed 8/22/78; Order 1054, § 388-24-109, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1400 (parts).	388-24-137	Continuation of assistance when deprivation ceases. [Statutory Authority: RCW 74.08.090. 85-18-041 (Order 2275A), § 388-24-137, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-137, filed 11/2/83; 82-01-009 (Order 1728), § 388-24-137, filed 12/4/81; 81-10-012 (Order 1644), § 388-24-137, filed 4/27/81; 79-11-081 (Order 1444), § 388-24-137, filed 10/23/79; Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-24-137, filed 9/18/78; Order 1198, § 388-24-137, filed 3/17/77; Order 923, § 388-24-137, filed 4/15/74.] Repealed by 88-24-009 (Order 2731), filed 11/30/88. Statutory Authority: RCW 74.08.090.
388-24-110	Eligibility factors applicable to aid to dependent children-regular and aid to dependent children-employable—Verification of unemployment compensation status. [Regulation 6.2314, filed 8/29/66; Regulation 6.2314, filed 12/31/65.] Repealed by Order 319, filed 11/27/68 and Emergency Order 305, filed 9/20/68.	388-24-140	Living in home of relative of specified degree—Deprivation due to unemployment of parent. [Regulation 6.242, filed 8/29/66; Regulation 6.242, filed 12/31/65.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
388-24-111	Good cause not to cooperate with support enforcement. [Statutory Authority: RCW 74.04.050 and 45 CFR 232.94-04-034 (Order 3697), § 388-24-111, filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.04.050. 90-16-081 (Order 3046), § 388-24-111, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 74.08.090. 89-01-048 (Order 2737), § 388-24-111, filed 12/14/88; 79-05-041 (Order 1390), § 388-24-111, filed 4/26/79; 78-09-053 (Order 1330), § 388-24-111, filed 8/22/78.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1410, 388-215-1420, 388-215-1430, 388-215-1440, 388-215-1450, 388-215-1460, 388-215-1470, 388-215-1480 and 388-215-1490.	388-24-145	Living in home of relative of specified degree—Employability of parent. [Regulation 6.2421, filed 8/29/66; Regulation 6.2421, filed 12/31/65.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
388-24-114	Procedures affecting abandoned child. [Order 1241, § 388-24-114, filed 9/23/77.] Repealed by 89-12-079 (Order 2808), filed 6/7/89. Statutory Authority: RCW 74.08.090.	388-24-150	Living in home of relative of specified degree—Unemployed parent. [Regulation 6.2422, filed 8/29/66; Regulation 6.2422, filed 12/31/65.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
388-24-115	Eligibility factors applicable to aid to dependent children-regular and aid to dependent children-employable—Acceptance of available employment. [Regulation 6.2315, filed 8/29/66; Regulation 6.2315, filed 12/31/65.] Repealed by Order 319, filed 11/27/68 and Emergency Order 305, filed 9/20/68.	388-24-155	Parent in the labor force. [Regulation 6.2423, filed 8/29/66; Regulation 6.2423, filed 12/31/65.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
388-24-120	Eligibility factors applicable to aid to dependent children-regular and aid to dependent children-employable—Referral for other services. [Regulation 6.2316, filed 8/29/66; Regulation 6.2316, filed 12/31/65.] Repealed by Order 319, filed 11/27/68 and Emergency Order 305, filed 9/20/68.	388-24-160	Aid to dependent child of unemployed parent—Financial need. [Regulation 6.243, filed 8/29/66; Regulation 6.243, filed 12/31/65.] Repealed by Order 356, filed 5/29/69.
388-24-125	Eligibility conditions applicable to AFDC—Living with a relative of specified degree. [Statutory Authority: RCW 74.04.050. 92-11-056 (Order 3388), § 388-24-125, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 88-24-009 (Order 2731), § 388-24-125, filed 11/30/88; 88-09-039 (Order 2621), § 388-24-125, filed 4/15/88; 85-18-041 (Order 2275A), § 388-24-125, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-125, filed 11/2/83; 82-08-038 (Order 1783), § 388-24-125, filed 4/1/82; 81-10-012 (Order 1644), § 388-24-125, filed 4/27/81; 79-08-043 (Order 1417), § 388-24-125, filed 7/19/79; 78-10-036 (Order 1338), § 388-24-125, filed 9/18/78; Order 1199, § 388-24-125, filed 3/18/77; Order 597, § 388-24-125, filed 9/1/71; Order 530, § 388-24-125, filed 3/31/71, effective 5/1/71; Order 441, § 388-24-125, filed 4/15/70; Regulation 6.232, filed 8/29/66; Regulation 6.232, filed 12/31/65, 6/17/64, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-100 part, 388-215-1050, 388-215-1060 part, 388-215-1070, 388-215-1080, 388-215-1100 part, 388-215-1110 and 388-215-1120.	388-24-180	Aid to families with dependent children—Children eighteen, nineteen, twenty years of age. [Order 530, § 388-24-180, filed 3/31/71, effective 5/1/71; Regulation 6.26, filed 7/13/65; Regulation 6.26, filed 1/24/64.] Repealed by Order 618, filed 10/27/71.
		388-24-190	Coordination of public assistance and child welfare services—Responsibility for protective care for children. [Order 530, § 388-24-190, filed 3/31/71, effective 5/1/71; Regulation 6.271, filed 1/24/64.] Repealed by 89-12-079 (Order 2808), filed 6/7/89. Statutory Authority: RCW 74.08.090.
		388-24-195	Coordination of public assistance and child welfare services—Transfer of cases involving services to children. [Regulation 6.272, filed 1/24/64.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
		388-24-200	Reporting child neglect or abuse—Coordination of department services. [Statutory Authority: RCW 74.08.090. 89-12-079 (Order 2808), § 388-24-200, filed 6/7/89; Order 530, § 388-24-200, filed 3/31/71, effective 5/1/71; Regulation 6.273, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
		388-24-205	Aid to dependent children—Foster family care. [This is reference section only.] Repealed by Order 917, filed 3/14/74.

- 388-24-207 Aid to families with dependent children-foster care—Summary of eligibility conditions. [Order 978, § 388-24-207, filed 10/28/74; Order 530, § 388-24-207, filed 3/31/71, effective 5/1/71; Order 469, § 388-24-207, filed 8/19/70; Order 291, § 388-24-207, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulation 6.281, filed 6/3/65; Regulation 6.281, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-210 Aid to families with dependent children-foster care—Assistance unit. [Order 530, § 388-24-210, filed 3/31/71, effective 5/1/71; Order 469, § 388-24-210, filed 8/19/70; Order 291, § 388-24-210, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulation 6.282, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-215 Aid to families with dependent children-foster care—Requirements. [Order 291, § 388-24-215, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulation 6.283, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-220 Aid to families with dependent children-foster care—Standards and requirements. [Order 978, § 388-24-220, filed 10/28/74; Order 530, § 388-24-220, filed 3/31/71, effective 5/1/71; Order 469, § 388-24-220, filed 8/19/70; Order 291, § 388-24-220, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulation 6.284, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-225 Aid to families with dependent children-foster care—Income and nonexempt resources. [Order 978, § 388-24-225, filed 10/28/74; Order 530, § 388-24-225, filed 3/31/71, effective 5/1/71; Order 291, § 388-24-225, filed 6/12/68; Regulation 6.285, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-230 Aid to families with dependent children-foster care—Authorization and payment. [Order 291, § 388-24-230, filed 6/12/68; Regulation 6.286, filed 1/24/64.] Repealed by Order 469, filed 8/19/70.
- 388-24-235 Aid to families with dependent children-foster care—Medical care. [Order 530, § 388-24-235, filed 3/31/71, effective 5/1/71; Order 469, § 388-24-235, filed 8/19/70; Order 291, § 388-24-235, filed 6/12/68; Regulation 6.287, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-240 Aid to families with dependent children-foster care—Assignment of cases. [Order 291, § 388-24-240, filed 6/12/68; Regulation 6.288, filed 1/24/64.] Repealed by Order 469, filed 8/19/70.
- 388-24-243 Aid to families with dependent children-foster care—Nonprofit agency placement. [Order 530, § 388-24-243, filed 3/31/71, effective 5/1/71; Order 469, § 388-24-243, filed 8/19/70.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-250 Consolidated emergency assistance program—Conditions of eligibility. [Statutory Authority: RCW 74.04.-660, 92-18-040 (Order 3446), § 388-24-250, filed 8/27/92, effective 9/27/92; 92-09-021 (Order 3359), § 388-24-250, filed 4/6/92, effective 5/7/92; 91-02-071 (Order 3121), § 388-24-250, filed 12/28/90, effective 1/1/91; 87-13-077 (Order 2503), § 388-24-250, filed 6/17/87. Statutory Authority: RCW 74.08.090, 85-20-022 (Order 2284), § 388-24-250, filed 9/23/85; 81-20-009 (Order 1704), § 388-24-250, filed 9/25/81; 81-10-011 (Order 1643), § 388-24-250, filed 4/27/81; 80-16-039 (Order 1565), § 388-24-250, filed 11/3/80; Order 1176, § 388-24-250, filed 12/23/76; Order 1004, § 388-24-250, filed 1/24/75; Order 993, § 388-24-250, filed 12/31/74; Order 969, § 388-24-250, filed 9/13/74.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.-090.
- 388-24-252 Consolidated emergency assistance program—Persons included in payment of grant. [Statutory Authority: RCW 74.04.660, 92-09-022 (Order 3360), § 388-24-252, filed 4/6/92, effective 5/7/92.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.090.
- 388-24-253 Exempt income and resources for CEAP. [Statutory Authority: RCW 74.04.660 and CFR 233.20 (a)(4)(ii) (e), 93-07-034 (Order 3527), § 388-24-253, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 74.04.660, 92-09-023 (Order 3361), § 388-24-253, filed 4/6/92, effective 5/7/92; 87-13-077 (Order 2503), § 388-24-253, filed 6/17/87. Statutory Authority: RCW 74.08.090, 85-20-022 (Order 2284), § 388-24-253, filed 9/23/85.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.090.
- 388-24-254 Determining income for CEAP. [Statutory Authority: RCW 74.04.660, 92-09-024 (Order 3362), § 388-24-254, filed 4/6/92, effective 5/7/92; 91-02-071 (Order 3121), § 388-24-254, filed 12/28/90, effective 1/1/91; 87-13-077 (Order 2503), § 388-24-254, filed 6/17/87. Statutory Authority: RCW 74.08.090, 85-20-022 (Order 2284), § 388-24-254, filed 9/23/85.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.090.
- 388-24-255 Consolidated emergency assistance program (CEAP)—Financial need and benefit amounts. [Statutory Authority: RCW 74.04.660, 92-09-025 (Order 3363), § 388-24-255, filed 4/6/92, effective 5/7/92; 87-13-077 (Order 2503), § 388-24-255, filed 6/17/87. Statutory Authority: RCW 74.08.090, 85-20-022 (Order 2284), § 388-24-255, filed 9/23/85; 81-20-009 (Order 1704), § 388-24-255, filed 9/25/81; 81-10-011 (Order 1643), § 388-24-255, filed 4/27/81; 80-16-039 (Order 1565), § 388-24-255, filed 11/3/80; Order 1176, § 388-24-255, filed 12/23/76; Order 969, § 388-24-255, filed 9/13/74.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.-090.
- 388-24-260 Consolidated emergency assistance program—Payments. [Statutory Authority: RCW 74.08.090, 88-17-122 (Order 2675), § 388-24-260, filed 8/24/88. Statutory Authority: RCW 74.04.660, 87-13-077 (Order 2503), § 388-24-260, filed 6/17/87. Statutory Authority: RCW 74.08.090, 85-20-022 (Order 2284), § 388-24-260, filed 9/23/85; 82-24-006 (Order 1910), § 388-24-260, filed 11/18/82; 81-20-009 (Order 1704), § 388-24-260, filed 9/25/81; 81-10-011 (Order 1643), § 388-24-260, filed 4/27/81; 80-16-039 (Order 1565), § 388-24-260, filed 11/3/80; 78-12-001 (Order 1355), § 388-24-260, filed 11/3/78; Order 1176, § 388-24-260, filed 12/23/76; Order 969, § 388-24-260, filed 9/13/74.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.-090.
- 388-24-265 Consolidated emergency assistance program (CEAP)—Assistance units. [Statutory Authority: RCW 74.04.-660, 92-09-026 (Order 3364), § 388-24-265, filed 4/6/92, effective 5/7/92; 87-13-077 (Order 2503), § 388-24-265, filed 6/17/87. Statutory Authority: RCW 74.08.090, 85-18-041 (Order 2275A), § 388-24-265, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-265, filed 11/2/83; 81-20-009 (Order 1704), § 388-24-265, filed 9/25/81; 80-16-039 (Order 1565), § 388-24-265, filed 11/3/80; Order 969, § 388-24-265, filed 9/13/74.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.-090.
- 388-24-270 Consolidated emergency assistance program (CEAP)—Grant standards. [Statutory Authority: RCW 74.08.090, 85-20-022 (Order 2284), § 388-24-270, filed 9/23/85; 82-24-006 (Order 1910), § 388-24-270, filed 11/18/82; 82-11-001 (Order 1804), § 388-24-270, filed 5/6/82; 81-20-009 (Order 1704), § 388-24-270, filed 9/25/81; 81-10-011 (Order 1643), § 388-24-270, filed 4/27/81; 78-10-036 (Order 1338), § 388-24-270, filed 9/18/78; Order 993, § 388-24-270, filed 12/31/74; Order 969, § 388-24-270, filed 9/13/74.] Repealed by 87-13-077 (Order 2503), filed 6/17/87. Statutory Authority: RCW 74.04.660.
- 388-24-275 Emergency assistance to needy families with children—Aliens. [Statutory Authority: RCW 74.08.090, 78-10-036 (Order 1338), § 388-24-275, filed 9/18/78; Order 1004, § 388-24-275, filed 1/24/75.] Repealed by 80-16-039 (Order 1565), filed 11/3/80. Statutory Authority: RCW 74.08.090.
- 388-24-276 Application. [Statutory Authority: RCW 74.08.090, 81-20-009 (Order 1704), § 388-24-276, filed 9/25/81.]

- Repealed by 87-13-077 (Order 2503), filed 6/17/87. Statutory Authority: RCW 74.04.660.
- 388-24-360 Disability assistance. [Order 783, § 388-24-360, filed 3/16/73; Order 563, § 388-24-360, filed 5/19/71; Order 530, § 388-24-360, filed 3/31/71, effective 5/1/71; Regulation 6.30, filed 6/17/64; Regulation 6.30, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-365 Disability assistance—Summary of eligibility conditions. [Order 563, § 388-24-365, filed 5/19/71; Order 530, § 388-24-365, filed 3/31/71, effective 5/1/71; Order 365, § 388-24-365, filed 7/9/69; Regulation 6.31, filed 6/17/64; Regulation 6.31, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-370 Disability assistance—Permanent and total disability. [Order 563, § 388-24-370, filed 5/19/71; Order 530, § 388-24-370, filed 3/31/71, effective 5/1/71; Regulation 6.32, filed 6/17/64; Regulations 6.32, 6.321, et. seq., filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-375 Disability assistance—Application. [Order 563, § 388-24-375, filed 5/19/71.] Repealed by Order 917, filed 3/16/74.
- 388-24-380 Disability assistance—Local office responsibility. [Order 530, § 388-24-380, filed 3/31/71, effective 5/1/71; Regulation 6.33, filed 6/17/64; Regulation 6.33, filed 1/24/64.] Repealed by Order 563, filed 5/19/71.
- 388-24-382 Disability assistance—Periodic review of permanent and total disability. [Order 563, § 388-24-382, filed 5/19/71.] Repealed by Order 917, filed 3/14/74.
- 388-24-384 Disability assistance—Reapplication. [Order 563, § 388-24-384, filed 5/19/71.] Repealed by Order 917, filed 3/14/74.
- 388-24-390 Medical division representative's responsibility. [Regulation 6.34, filed 6/17/64; Regulation 6.343, filed 1/24/64.] Repealed by Order 530, filed 3/31/71, effective 5/1/71. Repealed by Order 563, filed 5/19/71.
- 388-24-392 Medical division representatives responsibility—State office review team supervisory function. [Order 563, § 388-24-392, filed 5/19/71.] Repealed by Order 917, filed 3/14/74.
- 388-24-400 Medical division representatives responsibility—Area review team—Composition—Function. [Order 609, § 388-24-400, filed 9/22/71; Order 563, § 388-24-400, filed 5/19/71; Order 530, § 388-24-400, filed 3/31/71, effective 5/1/71; Regulation 6.35, filed 6/17/64; Regulation 6.341, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-405 State office responsibility—Division of medical care. [Regulation 6.36, filed 6/17/64.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-410 State office responsibility—Refusal to accept available and recommended medical treatment. [Order 563, § 388-24-410, filed 5/19/71; Order 530, § 388-24-410, filed 3/31/71, effective 5/1/71; Regulation 6.37, filed 6/17/64, effective 8/1/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-455 Old age assistance—Summary of eligibility conditions. [Order 530, § 388-24-455, filed 3/31/71, effective 5/1/71; Order 365, § 388-24-455, filed 7/9/69; Order 247, § 388-24-455, filed 11/1/67; Regulations 6.40 and 6.41, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-475 Continuing general assistance—Summary of eligibility conditions. [Order 609, § 388-24-475, filed 9/22/71; Order 530, § 388-24-475, filed 3/31/71, effective 5/1/71; Order 365, § 388-24-475, filed 7/9/69; Order 344, § 388-24-475, filed 4/16/69; Order 291, § 388-24-475, filed 6/12/68; Emergency Order 287, filed 5/1/68; Order 247, § 388-24-475, filed 11/1/67; Regulation 6.51, filed 12/31/65; Regulation 6.51 filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-24-485 Continuing general assistance—Factors. [Regulation 6.52, filed 1/24/64.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
- 388-24-490 Continuing general assistance—Limitations. [Order 247, § 388-24-490, filed 11/1/67; Regulation 6.521, filed 1/24/64.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
- 388-24-495 Continuing general assistance—Unemployability. [Order 609, § 388-24-495, filed 9/22/71; Order 530, § 388-24-495, filed 3/31/71, effective 5/1/71; Order 247, § 388-24-495, 11/1/67; Regulation 6.522, filed 12/31/65; Regulation 6.522, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-24-500 Continuing general assistance—Refusal to accept available and recommended medical treatment. [Order 530, § 388-24-500, filed 3/31/71, effective 5/1/71; Order 247, § 388-24-500, filed 11/1/67; Regulation 6.523, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-24-505 Continuing general assistance—Standards for requirements. [Order 530, § 388-24-505, filed 3/31/71, effective 5/1/71; Regulation 6.524, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-24-510 Continuing general assistance—General assistance-unemployable person for federal aid recipient from another state. [Regulation 6.525, filed 1/24/64.] Repealed by Order 280, filed 2/14/68.
- 388-24-550 Assistance to minor child. [Statutory Authority: RCW 74.08.090. 85-18-041 (Order 2275A), § 388-24-550, filed 8/30/85; Order 1097, § 388-24-550, filed 2/13/76; Order 1049, § 388-24-550, filed 8/29/75; Order 1007, § 388-24-550, filed 2/13/75; Order 842, § 388-24-550, filed 8/9/73; Order 741, § 388-24-550, filed 11/22/72.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1650.
- 388-24-2070 Aid to families with dependent children-foster care—Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2070, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.
- 388-24-2100 Aid to families with dependent children-foster care—Assistance unit. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2100, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.
- 388-24-2150 Aid to families with dependent children-foster care—Requirements. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2150, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.
- 388-24-2200 Aid to families with dependent children-foster care—Standards and requirements. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2200, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.
- 388-24-2250 Aid to families with dependent children-foster care—Income and nonexempt resources. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2250, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.
- 388-24-2350 Aid to families with dependent children-foster care—Medical care. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2350, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.
- 388-24-2430 Aid to families with dependent children-foster care—Nonprofit agency placement. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2430, filed 7/27/94, effective 9/1/94.] Repealed by 00-03-012, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 74.08.090.

Chapter 388-26
AID TO FAMILIES WITH DEPENDENT CHILDREN AND
CONTINUING GENERAL ASSISTANCE—ELIGIBILITY—
COMMON CONDITIONS

388-26-040	Age determination—Affidavit. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-040, filed 9/17/87; Order 917, § 388-26-040, filed 3/14/74; Order 531, § 388-26-040, filed 3/31/71, effective 5/1/71; Regulation 7.14, filed 7/27/67; Regulation 7.14, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation see WAC 388-212-1140.	5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1245.
388-26-050	Residence. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-050, filed 9/17/87; Order 531, § 388-26-050, filed 3/31/71, effective 5/1/71; Order 366, § 388-26-050, filed 7/9/69; Regulation 7.20, filed 6/30/67; Regulation 7.20, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-215-1000 and 388-235-0060.	388-26-110 Residence requirements of other states. [Regulation 7.27, filed 1/24/64.] Repealed by Order 366, filed 7/9/69.
388-26-055	Residence—Establishing. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-055, filed 9/17/87; 81-09-043 (Order 1636), § 388-26-055, filed 4/15/81; 80-03-052 (Order 1490), § 388-26-055, filed 2/22/80; Order 531, § 388-26-055, filed 3/31/71, effective 5/1/71; Order 513, § 388-26-055, filed 1/15/71; Order 366, § 388-26-055, filed 7/9/69; Regulation 7.21, filed 6/30/67; Regulation 7.21, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-215-1225 and 388-235-0060.	388-26-115 Residence—Verification. [Order 531, § 388-26-115, filed 3/31/71, effective 5/1/71; Order 366, § 388-26-115, filed 7/9/69; Regulation 7.28, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
388-26-060	Residence—Maintaining. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-060, filed 9/17/87; Order 1241, § 388-26-060, filed 9/23/77; Order 531, § 388-26-060, filed 3/31/71, effective 5/1/71; Order 366, § 388-26-060, filed 7/9/69; Regulation 7.22, filed 6/30/67; Regulation 7.22, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1230 and 388-235-0070.	388-26-120 Citizenship and alienage. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-120, filed 9/17/87; 84-15-006 (Order 2119), § 388-26-120, filed 7/6/84; 82-23-060 (Order 1908), § 388-26-120, filed 11/17/82; Order 942, § 388-26-120, filed 6/26/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1200 and 388-235-0100.
388-26-065	Residence—Applicant living in another state. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-065, filed 9/17/87; Order 531, § 388-26-065, filed 3/31/71, effective 5/1/71; Order 489, § 388-26-065, filed 10/30/70, effective 12/1/70; Order 366, § 388-26-065, filed 7/9/69; Regulation 7.23, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-235-0080.	388-26-122 Citizenship and alienage—Verification of citizenship. [Order 942, § 388-26-122, filed 6/26/74.] Repealed by Order 1241, filed 9/23/77.
388-26-070	Residence—Applicant receiving assistance from another state. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-070, filed 9/17/87; Order 976, § 388-26-070, filed 10/28/74; Order 917, § 388-26-070, filed 3/14/74; Order 531, § 388-26-070, filed 3/31/71, effective 5/1/71; Order 366, § 388-26-070, filed 7/9/69; Regulation 7.24, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1225 part and 388-235-0090.	388-26-124 Citizenship and alienage—Verification of lawful admission for permanent residence in United States. [Order 942, § 388-26-124, filed 6/26/74.] Repealed by Order 1241, filed 9/23/77.
388-26-080	Residence—Of children. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-080, filed 9/17/87; Order 531, § 388-26-080, filed 3/31/71, effective 5/1/71; Order 366, § 388-26-080, filed 7/9/69; Regulation 7.251, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1225 (parts).	388-26-126 Citizenship and alienage—Verification of permanent residence in United States under color of law. [Order 942, § 388-26-126, filed 6/26/74.] Repealed by Order 1241, filed 9/23/77.
388-26-085	Residence of women. [Regulation 7.252, filed 1/24/64.] Repealed by Order 366, filed 7/9/69.	388-26-128 Citizenship and alienage—Probative value. [Order 942, § 388-26-128, filed 6/26/74.] Repealed by Order 1241, filed 9/23/77.
388-26-090	Residence of Indians. [Regulation 7.253, filed 1/24/64.] Repealed by Order 366, filed 7/9/69.	388-26-130 Concurrent eligibility—Policies. [No history, a caption section only.] Repealed by Order 531, filed 3/31/71, effective 5/1/71.
388-26-095	Residence of inmate or patient in Washington state institution. [Order 248, § 388-26-095, filed 11/1/67; Regulation 7.254, filed 1/24/64.] Repealed by Order 366, filed 7/9/69.	388-26-135 Concurrent eligibility—Federal aid programs. [Order 531, § 388-26-135, filed 3/31/71, effective 5/1/71; Regulation 7.31, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
388-26-100	Servicemen and their dependents. [Regulation 7.255, filed 1/24/64.] Repealed by Order 366, filed 7/9/69.	388-26-140 Concurrent eligibility—Federal aid and general assistance. [Order 531, § 388-26-140, filed 3/31/71, effective 5/1/71; Regulation 7.32, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
388-26-105	Residence—Authorizing return of Washington resident. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-105, filed 9/17/87; Order 531, § 388-26-105, filed 3/31/71, effective 5/1/71; Order 366, § 388-26-105, filed 7/9/69; Regulation 7.26, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed	388-26-145 Citizenship and alienage—Program preferences. [Order 910, § 388-26-145, filed 3/1/74; Order 606, § 388-26-145, filed 9/22/71; Order 531, § 388-26-145, filed 3/31/71, effective 5/1/71; Regulation 7.33, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-215-1620 part and 388-235-9000.
		388-26-149 Property transfer. [Order 1241, § 388-26-149, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
		388-26-200 Transfer of property. [Order 531, § 388-26-200, filed 3/31/71, effective 5/1/71; Regulation 7.50, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
		388-26-205 Transfer of property—Definitions. [Order 531, § 388-26-205, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-205, filed 5/26/70, effective 7/1/70; Regulation 7.51, filed 12/21/64, effective 2/1/65; Regulation 7.51, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
		388-26-210 Transfer of property—With intent to qualify for public assistance. [Order 531, § 388-26-210, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-210, filed 5/26/70, effective 7/1/70; Regulation 7.52, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
		388-26-215 Transfer of property—Transfer within two years prior to application. [Order 531, § 388-26-215, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-215, filed 5/26/70, effective 7/1/70; Regulation 7.53, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
		388-26-220 Transfer of property—Adequate consideration. [Order 531, § 388-26-220, filed 3/31/71, effective 5/1/71; Regulation 7.54, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
		388-26-225 Transfer of property—Exceptions. [Order 531, § 388-26-225, filed 3/31/71, effective 5/1/71; Regulation 7.55, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
		388-26-230 Transfer of property—Adjustment in period of ineligibility. [Order 531, § 388-26-230, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-230, filed 5/26/70, effective

- 388-26-235 tive 7/1/70; Regulation 7.56, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-235 Transfer of property—Assistance during period of ineligibility. [Order 531, § 388-26-235, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-235, filed 5/26/70, effective 7/1/70; Regulation 7.57, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-245 Transfer of property—Life estate, release, assignment—Adequate consideration. [Order 531, § 388-26-245, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-245, filed 5/26/70, effective 7/1/70; Order 256, § 388-26-245, filed 11/8/67; Regulation 7.58, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-250 State insurance commissioner's table for determining valuation of present worth of life and term estates or annuities. [Order 531, § 388-26-250, filed 3/31/71, effective 5/1/71; Order 256, § 388-26-250, filed 11/8/67; Regulation 7.581, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- Chapter 388-28**
AID TO FAMILIES WITH DEPENDENT CHILDREN AND CONTINUING GENERAL ASSISTANCE—ELIGIBILITY NEED
- 388-28-005 Financial need—Rules and procedures. [Statutory Authority: RCW 74.08.090. 83-04-033 (Order 1940), § 388-28-005, filed 1/28/83, effective 3/1/83; Order 1241, § 388-28-005, filed 9/23/77; Order 561, § 388-28-005, filed 5/5/71; Regulation 8.00, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-216-2000 and 388-218-1010.
- 388-28-010 Standards for requirements—Person in own home. [Order 561, § 388-28-010, filed 5/5/71; Order 521, § 388-28-010, filed 3/2/71; Order 442, § 388-28-010, filed 4/15/70; Regulation 8.11, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-020 Standards for requirements—Family relationships. [Order 963, § 388-28-020, filed 8/19/74; Order 917, § 388-28-020, filed 3/14/74; Order 742, § 388-28-020, filed 11/22/72; Order 650, § 388-28-020, filed 2/9/72; Order 561, § 388-28-020, filed 5/5/71; Order 521, § 388-28-020, filed 3/2/71; Order 442, § 388-28-020, filed 4/15/70; Regulation 8.12, filed 6/14/66; Regulation 8.12, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-025 Standards for requirements—Limitations on requirements. [Order 917, § 388-28-025, filed 3/14/74; Regulation 8.13, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-030 Assistance unit—Supplemental security income beneficiary excluded. [Order 943, § 388-28-030, filed 6/28/74.] Repealed by Order 1241, filed 9/23/77.
- 388-28-035 Assistance units—Aid to blind, old age assistance and disability assistance. [Emergency Order 613, § 388-28-035, filed 10/1/71; Order 604, § 388-28-035, filed 9/22/71; Order 292, § 388-28-035, filed 6/12/68; Emergency Order 289, filed 5/1/68; Regulation 8.141, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-28-040 Assistance units—Aid to families with dependent children. [Order 823, § 388-28-040, filed 7/26/73; Emergency Order 613, § 388-28-040, filed 10/1/71; Order 604, § 388-28-040, filed 9/22/71; Order 292, § 388-28-040, filed 6/12/68; Emergency Order 289, filed 5/1/68; Regulation 8.142, filed 8/29/66; Regulation 8.142, filed 6/14/66, 1/24/64.] Repealed by Order 978, filed 10/28/74.
- 388-28-045 Assistant units—Disability assistance. [Order 292, § 388-28-045, filed 6/12/68; Emergency Order 289, filed 5/1/68; Regulation 8.143, filed 1/24/64.] Repealed by Order 604, filed 9/22/71.
- 388-28-050 Assistance units—Continuing general assistance. [Order 650, § 388-28-050, filed 2/9/72; Order 619, § 388-28-050, filed 10/27/71; Order 345, § 388-28-050, filed 4/16/69; Order 292, § 388-28-050, filed 6/12/68; Emergency Order 289, filed 5/1/68; Regulation 8.144, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-28-055 Assistance units—Housekeeper. [Order 917, § 388-28-055, filed 3/14/74; Order 650, § 388-28-055, filed 2/9/72; Regulation 8.145, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-060 Assistance units—Computing and allocating basic requirements of person in own home. [Order 345, § 388-28-060, filed 4/16/69; Regulation 8.15, filed 7/13/65; Regulation 8.15, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-065 Assistance units—Food, clothing, personal maintenance and necessary incidentals. [Order 345, § 388-28-065, filed 4/16/69; Regulation 8.151, filed 3/31/66; Regulation 8.151, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-070 Assistance units—Shelter. [Order 345, § 388-28-070, filed 4/16/69; Regulation 8.152, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-075 Assistance units—Household maintenance. [Order 345, § 388-28-075, filed 4/16/69; Order 292, § 388-28-075, filed 6/12/68; Emergency Order 289, filed 5/1/68; Regulation 8.153, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-080 Monthly cost of basic requirements—Maximums—Person in own home—Person in medical institution. [Order 1131, § 388-28-080, filed 7/8/76; Order 963, § 388-28-080, filed 8/19/74; Order 902, § 388-28-080, filed 1/29/74; Order 650, § 388-28-080, filed 2/9/72; Order 561, § 388-28-080, filed 5/5/71; Order 521, § 388-28-080, filed 3/2/71; Regulation 8.20, filed 7/27/67; Regulation 8.20, filed 8/29/66, 3/31/66, 12/31/65, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-085 Monthly cost of basic requirements as adjusted for maximum grant limitations—Food. [Order 561, § 388-28-085, filed 5/5/71; Order 521, § 388-28-085, filed 3/2/71; Order 375, § 388-28-085, filed 8/7/69; Regulation 8.21, filed 7/27/67; Regulation 8.21, filed 2/23/67, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-090 Monthly cost of basic requirements as adjusted for maximum grant limitations—Clothing. [Order 561, § 388-28-090, filed 5/5/71; Order 521, § 388-28-090, filed 3/2/71; Order 375, § 388-28-090, filed 8/7/69; Regulation 8.22, filed 7/27/67; Regulation 8.22, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-095 Monthly cost of basic requirements as adjusted for maximum grant limitations—Personal maintenance and necessary incidentals. [Order 561, § 388-28-095, filed 5/5/71; Order 521, § 388-28-095, filed 3/2/71; Order 375, § 388-28-095, filed 8/7/69; Regulation 8.23, filed 7/27/67; Regulation 8.23, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-098 Increases in monthly standards for basic requirements. [Order 927, § 388-28-098, filed 4/15/74.] Repealed by Order 963, filed 8/19/74. This section was repealed before publication in WAC.
- 388-28-100 Monthly standards for basic requirements—AFDC and continuing general assistance. [Order 1234, § 388-28-100, filed 8/31/77; Order 1145, § 388-28-100, filed 8/26/76; Order 1101, § 388-28-100, filed 2/25/76; Order 1040, § 388-28-100, filed 8/7/75; Order 993, § 388-28-100, filed 12/31/74; Order 963, § 388-28-100, filed 8/19/74 (§ 388-28-100 was repealed by Order 930, filed 4/25/74 and filed as amended by subsequent orders); Order 902, § 388-28-100, filed 1/29/74; Order 823, § 388-28-100, filed 7/26/73; Order 744, § 388-28-100, filed 11/30/72; Order 724, § 388-28-100, filed 10/12/72; Order 650, § 388-28-100, filed 2/9/72.] Repealed by Order 1241, filed 9/23/77.
- 388-28-105 Increases in monthly standards for basic requirements—Shelter. [Order 561, § 388-28-105, filed 5/5/71; Order 521, § 388-28-105, filed 3/2/71; Order 375, § 388-28-105, filed 8/7/69; Regulation 8.241, filed 7/27/67; Regulation 8.241, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-110 Monthly cost of basic requirements—Home ownership. [Order 375, § 388-28-110, filed 8/7/69; Regulation 8.242, filed 7/27/67; Regulation 8.242, filed 2/23/67, 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-115 Monthly cost of basic requirements as adjusted for maximum grant limitations—Supplied shelter. [Order 521, § 388-28-115, filed 3/2/71; Regulation 8.243, filed 1/24/64.] Repealed by Order 604, filed 9/22/71.
- 388-28-125 Monthly cost of basic requirements as adjusted for maximum grant limitations—Household maintenance—Utilities—Household supplies. [Order 521, § 388-28-125, filed 3/2/71; Order 375, § 388-28-125, filed 8/7/69; Regulation 8.251, filed 7/27/67; Regulation 8.251, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-130 Fuel for space heating. [Order 521, § 388-28-130, filed 3/2/71; Order 375, § 388-28-130, filed 8/7/69; Regula-

388-28-133	tion 8.252, filed 7/27/67; Regulation 8.252, filed 2/23/67, 1/24/64.] Repealed by Order 650, filed 2/9/72. Maximums to monthly standards for basic requirements. [Order 1234, § 388-28-133, filed 8/31/77; Order 1145, § 388-28-133, filed 8/26/76; Order 1040, § 388-28-133, filed 8/7/75; Order 963, § 388-28-133, filed 8/19/74; Order 927, § 388-28-133, filed 4/15/74; Order 902, § 388-28-133, filed 1/29/74; Order 823, § 388-28-133, filed 7/26/73; Order 721, § 388-28-133, filed 9/28/72; Order 650, § 388-28-133, filed 2/9/72; Order 561, § 388-28-133, filed 5/5/71.] Repealed by Order 1241, filed 9/23/77.	388-28-170	Standards for additional requirements under specified circumstances—Daily restaurant meals. [Order 1234, § 388-28-170, filed 8/31/77; Order 1145, § 388-28-170, filed 8/26/76; Order 1052, § 388-28-170, filed 9/10/75; Order 902, § 388-28-170, filed 1/29/74; Order 823, § 388-28-170, filed 7/26/73; Order 650, § 388-28-170, filed 2/9/72; Order 375, § 388-28-170, filed 8/7/69; Regulation 8.313, filed 7/27/67; Regulation 8.313, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
388-28-134	Additional monthly allowance for noninstitutionalized adult recipient of continuing general assistance. [Order 1052, § 388-28-134, filed 10/9/75; Order 917, § 388-28-134, filed 3/14/74; Order 823, § 388-28-134, filed 7/26/73; Order 721, § 388-28-134, filed 9/28/72.] Repealed by Order 1234, filed 8/31/77.	388-28-180	Standards for additional requirements under specified circumstances—Home delivered meals (meals-on-wheels). [Order 650, § 388-28-180, filed 2/9/72; Regulation 8.315, filed 7/27/67; Regulation 8.315, filed 12/21/64, effective 2/1/65.] Repealed by Order 1241, filed 9/23/77.
388-28-135	Standards for requirements—Transportation—Old age and aid to blind assistance only. [Order 442, § 388-28-135, filed 4/15/70; Order 375, § 388-28-135, filed 8/7/69; Regulation 8.26, filed 7/27/67, 2/23/67, 1/24/64.] Repealed by Order 521, filed 3/2/71.	388-28-185	Standards for additional requirements under specified circumstances—Personal and household service in own home—Adult without minor children in household. [Order 393, § 388-28-185, filed 10/15/69; Regulation 8.32, filed 12/21/64, effective 2/1/65; Regulation 8.32, filed 1/24/64.] Repealed by Order 601, filed 9/8/71.
388-28-136	Cost standards for requirements—Person in medical institution. [Order 1145, § 388-28-136, filed 8/26/76; Order 1052, § 388-28-136, filed 9/10/75; Order 1017, § 388-28-136, filed 4/14/75.] Repealed by Order 1241, filed 9/23/77.	388-28-190	Standards for additional requirements under specified circumstances—Determination of need for service. [Order 393, § 388-28-190, filed 10/15/69; Regulation 8.321, filed 3/21/67; Regulation 8.321, filed 12/21/64.] Repealed by Order 601, filed 9/8/71.
388-28-137	Cost standards for requirements—Person in congregate care facility. [Order 1234, § 388-28-137, filed 8/31/77; Order 1145, § 388-28-137, filed 8/26/76; Order 1076, § 388-28-137, filed 12/17/75; Order 1052, § 388-28-137, filed 9/10/75; Order 1017, § 388-28-137, filed 4/14/75.] Repealed by Order 1241, filed 9/23/77.	388-28-195	Standards for additional requirements under specified circumstances—Cost standard. [Order 393, § 388-28-195, filed 10/15/69; Regulation 8.322, filed 3/21/67; Regulation 8.322, filed 12/24/64, effective 2/1/65.] Repealed by Order 601, filed 9/8/71.
388-28-138	Cost standards for requirements—Maternity home care. [Order 1234, § 388-28-138, filed 8/31/77; Order 1116, § 388-28-138, filed 4/28/76.] Repealed by Order 1241, filed 9/23/77.	388-28-200	Monthly cost of basic requirements as adjusted for maximum grant limitations—Computation of payment for personal and household services in kind. [Order 561, § 388-28-200, filed 5/5/71; Order 521, § 388-28-200, filed 3/2/71; Regulation 8.323, filed 12/21/64, effective 2/1/65.] Repealed by Order 601, filed 9/8/71.
388-28-140	Monthly standards for basic requirements—AFDC—Child living with relative not in need. [Order 1234, § 388-28-140, filed 8/31/77; Order 1145, § 388-28-140, filed 8/26/76; Order 1052, § 388-28-140, filed 9/10/75; Order 1007, § 388-28-140, filed 2/13/75; Order 976, § 388-28-140, filed 10/28/74; Order 902, § 388-28-140, filed 1/29/74; Order 823, § 388-28-140, filed 7/26/73; Order 650, § 388-28-140, filed 2/9/72; Order 375, § 388-28-140, filed 8/7/69; Order 346, § 388-28-140, filed 4/16/69; Regulation 8.27, filed 7/27/67; Regulation 8.27, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.	388-28-205	Standards for additional requirements under specified circumstances—Old age and survivors insurance tax. [Regulation 8.324, filed 12/21/64, effective 2/1/65.] Repealed by Order 601, filed 9/8/71.
388-28-142	Monthly standards for basic requirements—AFDC—Child in need of specialized education or training. [Order 1234, § 388-28-142, filed 8/31/77; Order 1052, § 388-28-142, filed 9/10/75; Order 823, § 388-28-142, filed 7/26/73; Order 650, § 388-28-142, filed 2/9/72; Order 561, § 388-28-142, filed 5/5/71; Order 521, § 388-28-142, filed 3/2/71; Order 346, § 388-28-142, filed 4/16/69.] Repealed by Order 1241, filed 9/23/77.	388-28-210	Standards for additional requirements under specified circumstances—Personal and household service in own home for adult without minor children in household—Continuing eligibility for services. [Order 403, § 388-28-210, filed 11/24/69; Order 375, § 388-28-210, filed 8/7/69; Regulation 8.325, filed 7/27/67; Regulation 8.325, filed 12/24/64, effective 2/1/65.] Repealed by Order 601, filed 9/8/71.
388-28-150	Standards for additional requirements under specified circumstances. [Order 1176, § 388-28-150, filed 12/23/76; Order 650, § 388-28-150, filed 2/9/72; Regulation 8.30, filed 7/27/67; Regulation 8.30, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.	388-28-220	Standards for additional requirements under specified circumstances—Transportation to state of legal residence. [Order 969, § 388-28-220, filed 9/13/74; Order 650, § 388-28-220, filed 2/9/72; Regulation 8.33, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
388-28-155	Standards for additional requirements under specified circumstances—Child care expenses for employed person. [Order 1236, § 388-28-155, filed 8/31/77.] Repealed by 78-06-086 (Order 1303), filed 6/2/78. Statutory Authority: RCW 74.04.510 and 74.08.090.	388-28-225	Standards for additional requirements under specified circumstances—Food for guide dog. [Order 1234, § 388-28-225, filed 8/31/77; Order 1145, § 388-28-225, filed 8/26/76; Order 1052, § 388-28-225, filed 9/10/75; Order 902, § 388-28-225, filed 1/29/74; Order 823, § 388-28-225, filed 7/26/73; Order 650, § 388-28-225, filed 2/9/72; Order 375, § 388-28-225, filed 8/7/69; Order 268, § 388-28-225, filed 12/5/67; Regulation 8.34, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
388-28-160	Standards for additional requirements under specified circumstances—Board. [Order 823, § 388-28-160, filed 7/26/73; Order 650, § 388-28-160, filed 2/9/72; Order 521, § 388-28-160, filed 3/2/71; Order 375, § 388-28-160, filed 8/7/69; Regulation 8.311, filed 7/27/67; Regulation 8.311, filed 2/23/67, 1/24/64.] Repealed by Order 1052, filed 9/10/75.	388-28-230	Standards for additional requirements under specified circumstances—Telephone. [Order 650, § 388-28-230, filed 2/9/72; Regulation 8.35, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
388-28-165	Standards for additional requirements under specified circumstances—Restaurant meals. [Order 1234, § 388-28-165, filed 8/31/77; Order 1145, § 388-28-165, filed 8/26/76; Order 1052, § 388-28-165, filed 9/10/75; Order 823, § 388-28-165, filed 7/26/73; Order 650, § 388-28-165, filed 2/9/72; Order 521, § 388-28-165, filed 3/2/71; Order 375, § 388-28-165, filed 8/7/69; Regulation 8.312, filed 7/27/67; Regulation 8.312, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.	388-28-235	Standards for additional requirements under specified circumstances—Laundry. [Order 1234, § 388-28-235, filed 8/31/77; Order 1145, § 388-28-235, filed 8/26/76; Order 1052, § 388-28-235, filed 9/10/75; Order 823, § 388-28-235, filed 7/26/73; Order 650, § 388-28-235, filed 2/9/72; Order 268, § 388-28-235, filed 12/5/67; Regulation 8.36, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
		388-28-245	Standards for additional requirements under specified circumstances—Housekeeping service in household with minor children. [Order 650, § 388-28-245, filed 2/9/72; Order 375, § 388-28-245, filed 8/7/69; Order 268, § 388-28-245, filed 12/5/67; Regulation 8.38, filed 12/21/64, effective 2/1/65; Regulation 8.38, filed 1/24/64.] Repealed by Order 1088, filed 1/19/76.

388-28-250	Standards for additional requirements under specified circumstances—Cost of participating in supplemental medical insurance benefits (SMIB) under Title XVIII-B of the Social Security Act. [Emergency Order 290, § 388-28-250, filed 5/1/68; Regulation 8.39, filed 8/29/66.] Repealed by Order 292, filed 6/12/68.	388-28-315	filed 6/26/74; Order 703, § 388-28-315, filed 8/11/72; Order 619, § 388-28-315, filed 10/27/71; Order 481, § 388-28-315, filed 9/29/70, effective 11/1/70; Regulation 8.521, filed 1/24/64.] Repealed by Order 1054, filed 9/25/75.
388-28-251	Winterizing homes. [Order 1045, § 388-28-251, filed 8/14/75.] Repealed by Order 1241, filed 9/23/77.	388-28-320	Property rights and entitlements—Absent parent's responsibility—Liability—Recovery. [Order 942, § 388-28-320, filed 6/26/74; Order 703, § 388-28-320, filed 8/11/72; Order 481, § 388-28-320, filed 9/29/70, effective 11/1/70; Regulation 8.522, filed 1/24/64.] Repealed by Order 1054, filed 9/25/75.
388-28-260	Requirements of person in boarding home—Continuing general assistance. [Order 1234, § 388-28-260, filed 8/31/77; Order 1145, § 388-28-260, filed 8/26/76; Order 1052, § 388-28-260, filed 9/10/75; Order 902, § 388-28-260, filed 1/29/74; Order 823, § 388-28-260, filed 7/26/73; Order 731, § 388-28-260, filed 10/27/72; Order 650, § 388-28-260, filed 2/9/72; Order 521, § 388-28-260, filed 3/2/71; Order 375, § 388-28-260, filed 8/7/69; Regulation 8.411, filed 7/27/67; Regulation 8.411, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.	388-28-323	Property rights and entitlements—Applicant or recipient responsibility. [Order 942, § 388-28-323, filed 6/26/74; Order 703, § 388-28-323, filed 8/11/72; Order 616, § 388-28-323, filed 10/13/71; Order 481, § 388-28-323, filed 9/29/70, effective 11/1/70.] Repealed by Order 1054, filed 9/25/75.
388-28-270	Requirements of person in boarding home—Clothing—Aid to blind, disability assistance, old age assistance, general assistance-unemployable. [Order 521, § 388-28-270, filed 3/2/71; Regulation 8.412, filed 1/24/64.] Repealed by Order 650, filed 2/9/72.	388-28-325	Support for dependent children—Obtaining support from absent parent. [Regulation 8.523, filed 1/24/64.] Repealed by Order 481, filed 9/29/70, effective 11/1/70.
388-28-275	Requirements of person in boarding home—Personal maintenance and necessary incidentals—Aid to blind, disability assistance, old age assistance, general assistance-unemployable. [Order 521, § 388-28-275, filed 3/2/71; Regulation 8.413, filed 1/24/64.] Repealed by Order 650, filed 2/9/72.	388-28-330	Support enforcement services. [Regulation 8.524, filed 1/24/64.] Repealed by Order 481, filed 9/29/70, effective 11/1/70.
388-28-280	Requirements of person with other living arrangements—Transportation. [Regulation 8.414, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.	388-28-335	Support enforcement services—Budgeting payments. [Order 274, § 388-28-335, filed 1/29/68; Emergency Order 272, § 388-28-335, filed 12/29/67; Regulation 8.525, filed 1/24/64.] Repealed by Order 481, filed 9/29/70, effective 11/1/70.
388-28-285	Requirements of person in boarding home—Additional requirements. [Order 917, § 388-28-285, filed 3/14/74; Order 375, § 388-28-285, filed 8/7/69; Regulation 8.415, filed 7/27/67; Regulation 8.415, filed 8/29/66, 1/24/64.] Repealed by Order 1241, filed 9/23/77.	388-28-337	Property rights and entitlements—Full grant plan. [Order 942, § 388-28-337, filed 6/26/74; Order 703, § 388-28-337, filed 8/11/72; Order 616, § 388-28-337, filed 10/13/71; Order 481, § 388-28-337, filed 9/29/70, effective 11/1/70; Order 274, § 388-28-337, filed 1/29/68; Emergency Order 272, § 388-28-337, filed 12/29/67.] Repealed by Order 1054, filed 9/25/75.
388-28-290	Requirements of person with other living arrangement—Institutional living arrangement. [Order 375, § 388-28-290, filed 8/7/69; Regulation 8.42, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.	388-28-338	Support for dependent children—Optional support plans. [Order 616, § 388-28-338, filed 10/13/71; Order 481, § 388-28-338, filed 9/29/70, effective 11/1/70.] Repealed by Order 703, filed 8/11/72.
388-28-292	Adult family home—Care defined. [Order 455, § 388-28-292, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.	388-28-340	Property rights and entitlement—Establishment of paternity of illegitimate child. [Order 942, § 388-28-340, filed 6/26/74; Order 703, § 388-28-340, filed 8/11/72; Order 664, § 388-28-340, filed 3/23/72; Order 616, § 388-28-340, filed 10/13/71; Order 481, § 388-28-340, filed 9/29/70, effective 11/1/70; Regulation 8.526, filed 1/24/64.] Repealed by Order 1054, filed 9/25/75.
388-28-293	Adult family home—Determination of need for care and placement. [Order 455, § 388-28-293, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.	388-28-343	Confidentiality. [Order 942, § 388-28-343, filed 6/26/74.] Repealed by Order 1054, filed 9/25/75.
388-28-294	Adult family home care—Cost standards. [Order 1234, § 388-28-294, filed 8/31/77; Order 1145, § 388-28-294, filed 8/26/76; Order 1052, § 388-28-294, filed 9/10/75; Order 963, § 388-28-294, filed 8/19/74; Order 902, § 388-28-294, filed 1/29/74; Order 823, § 388-28-294, filed 7/26/73; Order 731, § 388-28-294, filed 10/27/72; Order 650, § 388-28-294, filed 2/9/72; Order 552, § 388-28-294, filed 4/1/71; Order 455, § 388-28-294, filed 5/18/70.] Repealed by Order 1241, filed 9/23/77.	388-28-345	Confidentiality—Procedures affecting abandoned child. [Order 889, § 388-28-345, filed 12/27/73; Order 703, § 388-28-345, filed 8/11/72; Order 481, § 388-28-345, filed 9/29/70, effective 11/1/70; Regulation 8.527, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
388-28-295	Adult family home—Standards for payment approval. [Order 455, § 388-28-295, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.	388-28-350	Confidentiality—Stepparent responsibility. [Order 1132, § 388-28-350, filed 7/8/76; Order 481, § 388-28-350, filed 9/29/70, effective 11/1/70; Regulation 8.53, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1620.
388-28-296	Adult family home—Standards for home and sponsor. [Order 455, § 388-28-296, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.	388-28-355	Nonrelated adult in household. [Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-355, filed 8/30/85; 83-04-033 (Order 1940), § 388-28-355, filed 1/28/83, effective 3/1/83; 78-10-036 (Order 1338), § 388-28-355, filed 9/18/78; Order 1018, § 388-28-355, filed 4/23/75; Order 786, § 388-28-355, filed 4/12/73; Order 650, § 388-28-355, filed 2/9/72; Order 481, § 388-28-355, filed 9/29/70, effective 11/1/70; Order 445, § 388-28-355, filed 4/28/70; Regulation 8.54, filed 6/14/66; Regulation 8.54, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1660.
388-28-297	Adult family home—Services to be provided. [Order 455, § 388-28-297, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.	388-28-360	Community, separate and jointly owned property—Community property. [Regulation 8.551, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2100 part and 388-218-1130.
388-28-298	Adult family home—Application for approval for payment—Home study. [Order 635, § 388-28-298, filed 1/13/72; Order 455, § 388-28-298, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.	388-28-365	Community, separate and jointly owned property—Separate property. [Statutory Authority: RCW 74.08.090. 88-19-029 (Order 2691), § 388-28-365, filed 9/12/88; Regulation 8.552, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statu-
388-28-300	Property rights and entitlements. [Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-300, filed 8/30/85; Order 1241, § 388-28-300, filed 9/23/77; Order 445, § 388-28-300, filed 4/28/70; Regulation 8.50, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.		
388-28-305	Property rights and entitlements—Rights inherent in relationship. [Order 942, § 388-28-305, filed 6/26/74; Order 703, § 388-28-305, filed 8/11/72; Order 445, § 388-28-305, filed 4/28/70; Regulation 8.51, filed 1/24/64.] Repealed by Order 1054, filed 9/25/75.		
388-28-315	Property rights and entitlements—Support for dependent children—Parents' responsibility. [Order 942, §		

- tory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2100 part and 388-218-1140.
- 388-28-370 Community, separate and jointly owned property—Further considerations for determining property of husband and wife. [Statutory Authority: RCW 74.08.090. 88-19-029 (Order 2691), § 388-28-370, filed 9/12/88; Regulation 8.553, filed 1/24/64.] Repealed by 94-04-043 (Order 3696) and 94-10-065 (Order 3732), filed 1/27/94 and 5/3/94, effective 2/27/94 and 6/3/94. Statutory Authority: RCW 74.08.335 and 7.08.090.
- 388-28-380 Community, separate and jointly owned property—Property jointly owned (not community). [Regulation 8.554, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2150 (parts).
- 388-28-385 Community, separate and jointly owned property—Property ownership—Verification. [Regulation 8.56, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2075 (parts).
- 388-28-390 Entitlements. [Statutory Authority: RCW 74.08.090 and 45 CFR 233.20 (a)(3)(ii)(D). 94-08-015 (Order 3726), § 388-28-390, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.08.090. 89-07-038 (Order 2774), § 388-28-390, filed 3/10/89; Order 917, § 388-28-390, filed 3/14/74; Regulation 8.57, filed 2/3/67; Regulation 8.57, filed 12/31/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1050 part and 388-218-1120.
- 388-28-392 Community, separate, and jointly owned property—Time-loss compensation—Lien. [Statutory Authority: RCW 74.08.090. 93-04-028 (Order 3503), § 388-28-392, filed 1/27/93, effective 2/27/93; 91-02-070 (Order 3111), § 388-28-392, filed 12/28/90, effective 1/28/91; 85-18-066 (Order 2280), § 388-28-392, filed 9/4/85; 82-12-066 (Order 1818), § 388-28-392, filed 6/2/82; Order 842, § 388-28-392, filed 8/9/73.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1510 and 388-218-1515.
- 388-28-395 Community, separate and jointly owned property—Premium for supplementary medical insurance—Title XVIII, Part B. [Order 292, § 388-28-395, filed 6/12/68; Emergency Order 289, filed 5/1/68; Regulation 8.571, filed 12/31/65, effective 7/1/66.] Repealed by Order 917, filed 3/14/74.
- 388-28-400 Effect of resources on financial need—Summary of basic policies. [Statutory Authority: RCW 74.08.090. 84-07-019 (Order 2087), § 388-28-400, filed 3/14/84; 83-04-033 (Order 1940), § 388-28-400, filed 1/28/83, effective 3/1/83; Order 1096, § 388-28-400, filed 2/13/76; Regulation 8.61, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Later promulgation, see WAC 388-216-2000 part, 388-216-2050, 388-216-2075 part, 388-216-2200, 388-216-2250, 388-216-2800 part, 388-218-1050 part and 388-218-1110.
- 388-28-410 Effect of resources on financial need—Exempt and non-exempt resources. [Statutory Authority: RCW 74.08.-090. 84-07-019 (Order 2087), § 388-28-410, filed 3/14/84; 80-14-061 (Order 1547), § 388-28-410, filed 10/1/80; Regulation 8.62, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2000 (parts).
- 388-28-415 Effect of resources on financial need—Exempt resources. [Statutory Authority: RCW 74.08.090. 84-07-019 (Order 2087), § 388-28-415, filed 3/14/84; 83-04-033 (Order 1940), § 388-28-415, filed 1/28/83, effective 3/1/83; Regulation 8.63, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2000 (parts).
- 388-28-420 Effect of resources on financial need—Real property—Home. [Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-420, filed 8/30/85; 84-07-019 (Order 2087), § 388-28-420, filed 3/14/84; 80-14-061 (Order 1547), § 388-28-420, filed 10/1/80; Order 373, § 388-28-420, filed 8/1/69; Regulation 8.631, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2500 part, 388-216-2550, 388-216-2560, 388-216-2570, 388-216-2580 and 388-216-2590.
- 388-28-425 Effect of resources on financial need—Real property other than home—All programs. [Statutory Authority: RCW 74.04.057. 93-12-056 (Order 3562), § 388-28-425, filed 5/27/93, effective 7/1/93. Statutory Authority: RCW 74.08.090. 88-19-029 (Order 2691), § 388-28-425, filed 9/12/88; 85-18-042 (Order 2276), § 388-28-425, filed 8/30/85.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2600.
- 388-28-430 Effect of resources on financial need—Personal property exemptions—Ceiling values—General assistance. [Statutory Authority: RCW 74.08.090. 84-07-019 (Order 2087), § 388-28-430, filed 3/14/84; 82-14-049 (Order 1840), § 388-28-430, filed 6/30/82; 82-09-034 (Order 1792), § 388-28-430, filed 4/14/82; 82-01-009 (Order 1728), § 388-28-430, filed 12/4/81; 81-12-036 (Order 1659), § 388-28-430, filed 6/2/81; 80-14-061 (Order 1547), § 388-28-430, filed 10/1/80; 79-04-013 (Order 1369), § 388-28-430, filed 3/15/79; 78-04-036 (Order 1282), § 388-28-430, filed 3/20/78; Order 1241, § 388-28-430, filed 9/23/77; Order 1106, § 388-28-430, filed 3/11/76; Order 891, § 388-28-430, filed 12/27/73; Order 373, § 388-28-430, filed 8/1/69; Order 295, § 388-28-430, filed 8/5/68; Regulation 8.632, filed 8/10/67; Regulation 8.632, filed 7/13/65; 12/21/64, effective 2/1/65; 6/17/64, effective 8/1/64, 1/24/64.] Repealed by 92-16-014 (Order 3423), filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.04.005.
- 388-28-435 Effect of resources on financial need—Personal property exemptions—Ceiling values. [Statutory Authority: RCW 74.04.040 and 45 CFR 233.20 (a)(3)(i)(B)(2). 93-07-126 (Order 3529), § 388-28-435, filed 3/24/93, effective 4/24/93. Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-435, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.04.055. 91-13-082 (Order 3193), § 388-28-435, filed 6/18/91, effective 7/19/91; 88-05-013 (Order 2598), § 388-28-435, filed 2/10/88. Statutory Authority: RCW 74.08.090. 86-23-020 (Order 2441), § 388-28-435, filed 11/10/86; 85-18-042 (Order 2276), § 388-28-435, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-435, filed 1/30/85; 84-07-019 (Order 2087), § 388-28-435, filed 3/14/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-216-2000, 388-216-2500, 388-216-2650 and 388-216-2900.
- 388-28-438 Effect of resources on financial need—Personal property exemptions. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-438, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.-090. 85-18-042 (Order 2276), § 388-28-438, filed 8/30/85; 84-07-019 (Order 2087), § 388-28-438, filed 3/14/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2000 part, 388-216-2150 part, 388-216-2650 part, 388-216-2800 part and 388-218-1530.
- 388-28-439 Effect of resources on need—Property used in self-employment. [Statutory Authority: RCW 74.04.005 (10)(f)(i). 94-06-024 (Order 3706), § 388-28-439, filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-439, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-439, filed 8/30/85.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2500 (parts).
- 388-28-440 Accumulation and depletion of allowable cash resource reserves. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-440, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.04.050. 88-07-052 (Order 2608), § 388-28-440, filed 3/14/88. Statutory Authority: RCW 74.08.090. 84-07-019 (Order 2087), § 388-28-440, filed 3/14/84; 82-01-009 (Order 1728), § 388-28-440, filed 12/4/81; 80-14-061 (Order 1547), § 388-28-440, filed 10/1/80; 78-10-036 (Order

- 1338), § 388-28-440, filed 9/18/78; Order 1224, § 388-28-440, filed 7/19/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2300 part, 388-216-2850 and 388-219-500 part.
- 388-28-450 Nonexempt resources—Effect on financial need. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-450, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-450, filed 8/30/85; 84-07-019 (Order 2087), § 388-28-450, filed 3/14/84; Order 1241, § 388-28-450, filed 9/23/77; Regulation 8.64, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-216-2000 and 388-216-2800.
- 388-28-455 Nonexempt resources—Real property—Nonexempt. [Statutory Authority: RCW 74.08.090. 82-18-063 (Order 1870), § 388-28-455, filed 9/1/82; Regulation 8.641, filed 1/24/64.] Repealed by 84-07-019 (Order 2087), filed 3/14/84. Statutory Authority: RCW 74.08.-090.
- 388-28-457 Transfer of property. [Statutory Authority: RCW 74.08.090. 80-14-061 (Order 1547), § 388-28-457, filed 10/1/80; 78-05-088 (Order 1293), § 388-28-457, filed 5/3/78; Order 1241, § 388-28-457, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.-335.
- 388-28-458 Definitions. [Order 1241, § 388-28-458, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.-335.
- 388-28-459 Transfer of property with intent to qualify for public assistance. [Statutory Authority: RCW 74.08.090. 78-05-088 (Order 1293), § 388-28-459, filed 5/3/78; Order 1241, § 388-28-459, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-460 Transfer within two years prior to application. [Statutory Authority: RCW 74.08.090. 78-05-088 (Order 1293), § 388-28-460, filed 5/3/78; Order 1241, § 388-28-460, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-461 Transfer of property—Adequate consideration. [Statutory Authority: RCW 74.08.090. 78-05-088 (Order 1293), § 388-28-461, filed 5/3/78; Order 1241, § 388-28-461, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-462 Transfer of property—Exceptions. [Statutory Authority: RCW 74.08.090. 78-05-088 (Order 1293), § 388-28-462, filed 5/3/78; Order 1241, § 388-28-462, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-463 Transfer of property—Adjustment in period of ineligibility. [Order 1241, § 388-28-463, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.-335.
- 388-28-464 Transfer of property—Assistance during period of ineligibility. [Statutory Authority: RCW 74.08.090. 87-19-092 (Order 2540), § 388-28-464, filed 9/17/87; 78-06-023 (Order 1293A), § 388-28-464, filed 5/16/78; 78-05-088 (Order 1293), § 388-28-464, filed 5/3/78; Order 1241, § 388-28-464, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-465 Transfer of property—Life estate, release, assignment—Adequate consideration. [Order 1241, § 388-28-465, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-470 Transfer of exempt property by recipient. [Order 1241, § 388-28-470, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-471 Exempt property transferable without consent. [Order 1241, § 388-28-471, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-472 Exempt property transferable with consent. [Order 1241, § 388-28-472, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-473 Property transferred contrary to WAC 388-28-471 and 388-28-472. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-473, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.-090. 84-07-019 (Order 2087), § 388-28-473, filed 3/14/84; 83-04-033 (Order 1940), § 388-28-473, filed 1/28/83, effective 3/1/83; Order 1241, § 388-28-473, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-474 Replacement of exempt property. [Statutory Authority: RCW 74.08.090 and 45 CFR 233.20 (a)(3)(ii)(F). 94-08-018 (Order 3723), § 388-28-474, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-474, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.-090. 82-10-059 (Order 1798), § 388-28-474, filed 5/5/82; 82-01-009 (Order 1728), § 388-28-474, filed 12/4/81; 80-14-061 (Order 1547), § 388-28-474, filed 10/1/80; 78-06-088 (Order 1302), § 388-28-474, filed 6/2/78; Order 1241, § 388-28-474, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-218-1530 and 388-219-2500.
- 388-28-475 Use of income and income potentials. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-475, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 89-22-038 (Order 2889), § 388-28-475, filed 10/27/89, effective 11/27/89. Statutory Authority: RCW 74.04.050. 88-07-052 (Order 2608), § 388-28-475, filed 3/14/88. Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-475, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-475, filed 1/30/85; 83-04-033 (Order 1940), § 388-28-475, filed 1/28/83, effective 3/1/83; Order 1241, § 388-28-475, filed 9/23/77; Regulation 8.80, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1050 part, 388-218-1100 and 388-219-2500 part.
- 388-28-480 Use of income and income potentials—Types of income—Effect on need. [Statutory Authority: RCW 74.08.090. 91-01-047 (Order 3112), § 388-28-480, filed 12/12/90, effective 1/12/91; 90-18-005 (Order 3062), § 388-28-480, filed 8/23/90, effective 9/23/90; 89-18-057 (Order 2865), § 388-28-480, filed 9/1/89, effective 10/2/89; 88-07-117 (Order 2613), § 388-28-480, filed 3/23/88; 86-23-021 (Order 2442), § 388-28-480, filed 11/10/86; 85-18-042 (Order 2276), § 388-28-480, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-480, filed 1/30/85; 83-21-010 (Order 2031), § 388-28-480, filed 10/6/83; 83-04-033 (Order 1940), § 388-28-480, filed 1/28/83, effective 3/1/83; 82-09-034 (Order 1792), § 388-28-480, filed 4/14/82; 82-01-009 (Order 1728), § 388-28-480, filed 12/4/81. Statutory Authority: RCW 74.04.510. 81-08-021 (Order 1628), § 388-28-480, filed 3/25/81. Statutory Authority: RCW 74.08.090. 80-14-061 (Order 1547), § 388-28-480, filed 10/1/80; 78-10-073 (Order 1347), § 388-28-480, filed 9/27/78; Order 1241, § 388-28-480, filed 9/23/77; Order 1224, § 388-28-480, filed 7/19/77; Order 1195, § 388-28-480, filed 3/3/77; Order 1058, § 388-28-480, filed 10/1/75; Order 1028, § 388-28-480, filed 5/29/75; Order 891, § 388-28-480, filed 12/27/73; Regulation 8.82, filed 12/28/66, effective 1/27/67; Regulation 8.82, filed 3/31/66, 12/31/65, 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1050 part, 388-218-1230 part, 388-218-1710 part, 388-218-1720, 388-218-1730, 388-218-1740, 388-218-1820 part, 388-218-1930, 388-218-1940, 388-219-1100 part, 388-219-2600 part and 388-219-3500.
- 388-28-481 Nonexempt resources and income known at time of application. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-481, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.-090. 83-04-033 (Order 1940), § 388-28-481, filed 1/28/83, effective 3/1/83; 82-01-009 (Order 1728), §

- 388-28-481, filed 12/4/81; Order 1241, § 388-28-481, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1010 (parts).
- 388-28-482 Effect of newly acquired income and property on continuing need. [Statutory Authority: RCW 74.04.005, 92-16-014 (Order 3423), § 388-28-482, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08-090, 91-13-083 (Order 3190), § 388-28-482, filed 6/18/91, effective 7/19/91; 89-18-057 (Order 2865), § 388-28-482, filed 9/1/89, effective 10/2/89; 88-19-068 (Order 2697), § 388-28-482, filed 9/16/88; 88-07-117 (Order 2613), § 388-28-482, filed 3/23/88; 86-08-008 (Order 2352), § 388-28-482, filed 3/21/86; 85-04-024 (Order 2200), § 388-28-482, filed 1/30/85; 83-04-033 (Order 1940), § 388-28-482, filed 1/28/83, effective 3/1/83; 82-09-034 (Order 1792), § 388-28-482, filed 4/14/82; 82-01-009 (Order 1728), § 388-28-482, filed 12/4/81; 80-14-061 (Order 1547), § 388-28-482, filed 10/1/80; Order 1241, § 388-28-482, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2900 part, 388-218-1050 part and 388-218-1920.
- 388-28-483 Prospective eligibility, prospective budgeting, and retrospective budgeting. [Statutory Authority: RCW 74.04-057, 92-18-038 (Order 3448), § 388-28-483, filed 8/27/92, effective 9/27/92. Statutory Authority: RCW 74.08.090, 89-18-036 (Order 2861), § 388-28-483, filed 8/29/89, effective 9/29/89; 88-07-117 (Order 2613), § 388-28-483, filed 3/23/88; 86-23-021 (Order 2442), § 388-28-483, filed 11/10/86; 85-18-042 (Order 2276), § 388-28-483, filed 8/30/85; 85-06-060 (Order 2210), § 388-28-483, filed 3/6/85; 83-23-058 (Order 2049), § 388-28-483, filed 11/16/83; 83-04-033 (Order 1940), § 388-28-483, filed 1/28/83, effective 3/1/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1050 part, 388-218-1700, 388-218-1830 part, 388-218-1900 and 388-218-1910.
- 388-28-484 Treatment of newly acquired nonexempt income and resources. [Statutory Authority: RCW 74.08.090 and 45 CFR 233.20 (a)(3)(ii)(F), 94-08-020 (Order 3721), § 388-28-484, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.04.005, 92-16-014 (Order 3423), § 388-28-484, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090, 86-23-021 (Order 2442), § 388-28-484, filed 11/10/86; 85-18-042 (Order 2276), § 388-28-484, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-484, filed 1/30/85; 84-07-019 (Order 2087), § 388-28-484, filed 3/14/84; 83-04-033 (Order 1940), § 388-28-484, filed 1/28/83, effective 3/1/83; 82-09-034 (Order 1792), § 388-28-484, filed 4/14/82; 82-01-009 (Order 1728), § 388-28-484, filed 12/4/81; 79-06-029 (Order 1396), § 388-28-484, filed 5/16/79; Order 1241, § 388-28-484, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1050 part, 388-218-1720 part, 388-218-1800, 388-218-1810, 388-218-1820 part, 388-218-1830 part and 388-219-2600 part.
- 388-28-485 Use of income and income potentials—Parental income and support. [Statutory Authority: RCW 74.04.055, 93-10-022 (Order 3537), § 388-28-485, filed 4/28/93, effective 5/29/93; Order 1054, § 388-28-485, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1610.
- 388-28-490 Use of income and income potentials—Recording net cash income computation. [Regulation 8.821, filed 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-500 Allocating income from an assistance unit. [Statutory Authority: RCW 74.08.090 and 45 CFR 233.20 (a)(3) (iv)(B) and (xiv) and SSA 402 (a)(39), 93-19-036 (Order 3629), § 388-28-500, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090, 92-19-043 (Order 3451), § 388-28-500, filed 9/10/92, effective 10/11/92; 89-01-094 (Order 2741), § 388-28-500, filed 12/21/88; 87-19-090 (Order 2538), § 388-28-500, filed 9/17/87; 85-18-042 (Order 2276), § 388-28-500, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-500, filed 1/30/85; 83-04-033 (Order 1940), § 388-28-500, filed 1/28/83, effective 3/1/83; 82-10-036 (Order 1338), § 388-28-500, filed 9/18/78; Order 917, § 388-28-500, filed 3/14/74; Order 758, § 388-28-500, filed 12/28/72; Order 445, § 388-28-500, filed 4/28/70; Regulation 8.83, filed 5/17/67; Regulation 8.83, filed 6/14/66, 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1605, 388-218-1630 and 388-219-3000 part.
- 388-28-515 Net cash income—Determination—Employment or training expenses—Deductions from gross income. [Statutory Authority: RCW 74.08.090, 85-18-042 (Order 2276), § 388-28-515, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-515, filed 1/30/85; 82-01-009 (Order 1728), § 388-28-515, filed 12/4/81; 80-14-061 (Order 1547), § 388-28-515, filed 10/1/80; 79-06-007 (Order 1393), § 388-28-515, filed 5/8/79; 78-10-036 (Order 1338), § 388-28-515, filed 9/18/78; Order 1236, § 388-28-515, filed 8/31/77; Order 1229, § 388-28-515, filed 8/23/77; Order 1173, § 388-28-515, filed 11/24/76; Order 1096, § 388-28-515, filed 2/13/76; Order 975, § 388-28-515, filed 10/11/74; Order 891, § 388-28-515, filed 12/27/73; Order 445, § 388-28-515, filed 4/28/70; Order 375, § 388-28-515, filed 8/7/69; Order 329, § 388-28-515, filed 1/8/69; Order 296, § 388-28-515, filed 8/26/68; Regulation 8.841, filed 7/27/67; Regulation 8.841, filed 5/17/67, 2/23/67, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1050 part, 388-218-1520, 388-219-1600 part and 388-219-1700.
- 388-28-520 Income from self-employment. [Statutory Authority: RCW 74.08.090, 85-18-042 (Order 2276), § 388-28-520, filed 8/30/85; 82-01-009 (Order 1728), § 388-28-520, filed 12/4/81; 79-04-013 (Order 1369), § 388-28-520, filed 3/15/79.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1300, 388-218-1350 and 388-218-1360.
- 388-28-525 Net cash income—Self-employment income and expenses. [Order 891, § 388-28-525, filed 12/27/73; Regulation 8.842, filed 1/24/64.] Repealed by 79-04-013 (Order 1369), filed 3/15/79. Statutory Authority: RCW 74.08.090.
- 388-28-530 Net cash income—Board, room rental, board and room. [Statutory Authority: RCW 74.08.090, 94-08-016 (Order 3725), § 388-28-530, filed 3/29/94, effective 5/1/94; 84-13-049 (Order 2104), § 388-28-530, filed 6/18/84; 83-17-070 (Order 2008), § 388-28-530, filed 8/19/83; 80-15-002 (Order 1550), § 388-28-530, filed 10/2/80; 79-10-083 (Order 1434), § 388-28-530, filed 9/21/79; 78-10-054 (Order 1344), § 388-28-530, filed 9/22/78; Order 1234, § 388-28-530, filed 8/31/77; Order 1206, § 388-28-530, filed 4/29/77; Order 786, § 388-28-530, filed 4/12/73; Order 650, § 388-28-530, filed 2/9/72; Regulation 8.843, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1320.
- 388-28-532 Income—Foster homes for children and adult family homes. [Statutory Authority: RCW 74.08.090, 89-22-130 (Order 2892), § 388-28-532, filed 11/1/89, effective 12/2/89; Order 786, § 388-28-532, filed 4/12/73.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1230 part, 388-218-1310 and 388-218-1400 part.
- 388-28-535 Net cash income—Determination—Deductions from gross income—Income of child. [Statutory Authority: RCW 74.04.050, 92-03-090 (Order 3315), § 388-28-535, filed 1/15/92, effective 2/15/92. Statutory Authority: RCW 74.08.090, 86-23-021 (Order 2442), § 388-28-535, filed 11/10/86; 85-18-042 (Order 2276), § 388-28-535, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-535, filed 1/30/85; 83-23-058 (Order 2049), § 388-28-535, filed 11/16/83; 83-04-033 (Order 1940), § 388-28-535, filed 1/28/83, effective 3/1/83; 82-13-082 (Order 1831), § 388-28-535, filed 6/21/82; 82-01-009 (Order 1728), § 388-28-535, filed 12/4/81; 80-14-061 (Order 1547), § 388-28-535, filed 10/1/80; 78-05-019 (Order 1287), § 388-28-535, filed 4/13/78; Order 1221, § 388-28-535, filed 8/8/77; Order 1194, § 388-28-535, filed 3/3/77; Order 1131, § 388-28-535, filed 7/8/76;

- Order 1004, § 388-28-535, filed 1/24/75; Order 976, § 388-28-535, filed 10/28/74; Order 749, § 388-28-535, filed 12/7/72; Order 619, § 388-28-535, filed 10/27/71; Order 375, § 388-28-535, filed 8/7/69; Order 320, § 388-28-535, filed 11/27/68; Emergency Order 309, filed 9/20/68; Order 296, § 388-28-535, filed 8/27/68; Regulation 8.844, filed 10/4/67; Regulation 8.844, filed 5/17/67, 3/31/66, 6/17/64, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1050 part, 388-218-1410, 388-218-1650 and 388-218-1690.
- 388-28-550 Net cash income—Income for education or vocational training. [Order 749, § 388-28-550, filed 12/7/72; Order 375, § 388-28-550, filed 8/7/69; Order 296, § 388-28-550, filed 8/26/68; Regulation 8.845, filed 5/17/67; Regulation 8.845, filed 2/3/67, 12/31/65, 1/24/64.] Repealed by Order 891, filed 12/27/73.
- 388-28-555 Net cash income—Guardianship costs—Retired, disabled and survivors insurance benefits—Veterans benefits. [Order 1021, § 388-28-555, filed 4/29/75; Regulation 8.846, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1530 (parts).
- 388-28-560 Allocating income to an assistance unit. [Statutory Authority: RCW 74.08.090 and Section 13742, P.O. 103-66, 94-08-019 (Order 3722), § 388-28-560, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.08.090 and 45 CFR 233.20 (a)(3)(iv)(B) and (xiv) and SSA 402 (a)(39), 93-19-036 (Order 3629), § 388-28-560, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090, 89-24-041 (Order 2912), § 388-28-560, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 74.04.055, 88-04-018 (Order 2571), § 388-28-560, filed 1/22/88. Statutory Authority: RCW 74.08.090, 86-23-021 (Order 2442), § 388-28-560, filed 11/10/86; 85-18-042 (Order 2276), § 388-28-560, filed 8/30/85; 83-04-033 (Order 1940), § 388-28-560, filed 1/28/83, effective 3/1/83; Order 1253, § 388-28-560, filed 12/1/77; Order 1021, § 388-28-560, filed 4/29/75; Order 445, § 388-28-560, filed 4/28/70; Regulation 8.847, filed 12/31/65, effective 2/1/66; Regulation 8.847, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1640, 388-218-1670 and 388-219-3000 part.
- 388-28-570 Net cash income—Exempt earned income. [Statutory Authority: RCW 74.04.057, 93-12-057 (Order 3564), § 388-28-570, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16, 92-08-033, § 388-28-570, filed 3/24/92, effective 11/24/92. Statutory Authority: RCW 74.08.090, 90-17-116 (Order 3050), § 388-28-570, filed 8/21/90, effective 9/21/90; 89-18-057 (Order 2865), § 388-28-570, filed 9/1/89, effective 10/2/89; 87-01-096 (Order 2449), § 388-28-570, filed 12/22/86; 85-18-042 (Order 2276), § 388-28-570, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-570, filed 1/30/85; 83-23-058 (Order 2049), § 388-28-570, filed 11/16/83; 82-19-056 (Order 1876), § 388-28-570, filed 9/15/82; 82-09-034 (Order 1792), § 388-28-570, filed 4/14/82; 82-01-009 (Order 1728), § 388-28-570, filed 12/4/81; Order 1236, § 388-28-570, filed 8/31/77; Order 975, § 388-28-570, filed 10/11/74; Order 891, § 388-28-570, filed 12/27/73; Order 749, § 388-28-570, filed 12/7/72; Order 619, § 388-28-570, filed 10/27/71; Order 445, § 388-28-570, filed 4/28/70; Order 372, § 388-28-570, filed 8/1/69; Order 329, § 388-28-570, filed 1/8/69; Order 296, § 388-28-570, filed 8/26/68; Regulation 8.848, filed 10/4/67; Regulation 8.848, filed 5/17/67, 2/3/67, 11/22/66, 12/31/65, 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1050 part, 388-218-1420, 388-218-1430, 388-218-1440, 388-218-1450, 388-218-1460, 388-218-1470, 388-218-1480, 388-219-1500 and 388-219-1600 part.
- 388-28-575 Disregard of income and resources. [Statutory Authority: RCW 74.08.090 and P.L. 103-66 Section 13736 and 45 CFR 233.20 (a)(13)(ii), 94-08-021 (Order 3720), § 388-28-575, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.04.050 and P.L. 102-325 Section 479B, 93-17-031 (Order 3613), § 388-28-575, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.050, 93-07-031 (Order 3525), § 388-28-575, filed 3/10/93, effective 4/10/93; 92-09-029 (Order 3365), § 388-28-575, filed 4/7/92, effective 5/8/92. Statutory Authority: RCW 74.08.090, 91-13-080 (Order 3191), § 388-28-575, filed 6/18/91, effective 7/19/91; 91-06-007 (Order 3144), § 388-28-575, filed 2/21/91, effective 3/24/91; 90-11-003 (Order 2975), § 388-28-575, filed 5/3/90, effective 6/3/90; 89-17-031 (Order 2848), § 388-28-575, filed 8/8/89, effective 9/8/89; 88-22-036 (Order 2718), § 388-28-575, filed 10/27/88; 88-01-045 (Order 2572), § 388-28-575, filed 12/11/87; 85-18-042 (Order 2276), § 388-28-575, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-575, filed 1/30/85; 83-23-058 (Order 2049), § 388-28-575, filed 11/16/83; 82-11-094 (Order 1812), § 388-28-575, filed 5/19/82; 81-10-035 (Order 1651), § 388-28-575, filed 4/29/81; 79-06-027 (Order 1399), § 388-28-575, filed 5/16/79; 78-09-038 (Order 1324), § 388-28-575, filed 8/17/78; 78-05-019 (Order 1287), § 388-28-575, filed 4/13/78; Order 1229, § 388-28-575, filed 8/23/77; Order 1183, § 388-28-575, filed 1/5/77; Order 1054, § 388-28-575, filed 9/25/75; Order 943, § 388-28-575, filed 6/28/74; Order 926, § 388-28-575, filed 4/15/74; Order 891, § 388-28-575, filed 12/27/73.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation see WAC 388-218-1050 part, 388-218-1200, 388-218-1210, 388-218-1220, 388-218-1230 part, 388-219-1100 part and 388-219-2500 part.
- 388-28-576 Tax Reduction Act of 1975—Payments disregarded. [Order 1229, § 388-28-576, filed 8/23/77; Order 1175, § 388-28-576, filed 12/8/76; Order 1110, § 388-28-576, filed 4/15/76; Order 1028, § 388-28-576, filed 5/29/75.] Repealed by 80-04-051 (Order 1496), filed 3/21/80. Statutory Authority: RCW 74.08.090.
- 388-28-578 Assistance from other agencies and organizations. [Statutory Authority: RCW 74.08.090, 82-17-003 (Order 1854), § 388-28-578, filed 8/5/82; Order 891, § 388-28-578, filed 12/27/73.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1540.
- 388-28-580 Other income. [Order 1224, § 388-28-580, filed 7/19/77; Order 891, § 388-28-580, filed 12/27/73; Order 877, § 388-28-580, filed 11/27/73; Order 770, § 388-28-580, filed 1/26/73; Order 650, § 388-28-580, filed 2/9/72; Order 521, § 388-28-580, filed 3/2/71; Order 520, § 388-28-580, filed 2/24/71; Order 445, § 388-28-580, filed 4/28/70; Order 372, § 388-28-580, filed 8/1/69; Order 268, § 388-28-580, filed 12/5/67; Regulation 8.849, filed 12/28/66, 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1530 (part).
- 388-28-590 Alien sponsorship—Deeming of income and resources—Overpayments. [Statutory Authority: RCW 74.04.005, 93-07-032 (Order 3526), § 388-28-590, filed 3/10/93, effective 4/10/93; 92-16-014 (Order 3423), § 388-28-590, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090, 85-03-068 (Order 2189), § 388-28-590, filed 1/17/85; 83-04-060 (Order 1942), § 388-28-590, filed 2/2/83; 82-19-056 (Order 1876), § 388-28-590, filed 9/15/82; 82-01-009 (Order 1728), § 388-28-590, filed 12/4/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2350, 388-218-1695, 388-219-2000.
- 388-28-600 Determination of net income in-kind. [Statutory Authority: RCW 74.04.050, 74.08.090 and 45 CFR 233.20 (a)(3)(iv), (a)(6)(iii) and (a)(6)(v)(B), 94-08-022 (Order 3719), § 388-28-600, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.08.090, 83-04-033 (Order 1940), § 388-28-600, filed 1/28/83, effective 3/1/83; 78-10-036 (Order 1338), § 388-28-600, filed 9/18/78; Order 1101, § 388-28-600, filed 2/25/76; Order 786, § 388-28-600, filed 4/12/73; Order 650, § 388-28-600, filed 2/9/72; Order 561, § 388-28-600, filed 5/5/71; Order 521, § 388-28-600, filed 3/2/71; Regulation 8.850, filed 7/12/65; Regulation 8.850, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-218-1050 part, 388-218-1340 and 388-218-1400 part.

- 388-28-605 Net cash income—Produce and supplied food. [Order 521, § 388-28-605, filed 3/2/71; Regulation 8.851, filed 7/13/65; Regulation 8.851, filed 3/11/65, 1/24/64.] Repealed by Order 561, filed 5/5/71.
- 388-28-610 Net cash income—Fuel, water, electricity. [Order 521, § 388-28-610, filed 3/2/71; Regulation 8.852, filed 7/13/65; Regulation 8.852, filed 1/24/64.] Repealed by Order 561, filed 5/5/71.
- 388-28-615 Net cash income—Shelter. [Order 521, § 388-28-615, filed 3/2/71; Regulation 8.853, filed 3/31/66; Regulation 8.853, filed 7/13/65, 1/24/64.] Repealed by Order 561, filed 5/5/71.
- 388-28-625 Net cash income—Annual gross value of supplied food per person by number of months and proportions available. [Regulation 8.854, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-630 Aid to the blind applicant with self-support plan. [Regulation 8.86, filed 6/30/67; Regulation 8.86, filed 6/30/74, 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-28-635 Aid to the blind applicant with self-support plan—Approval of aid to the blind applicant's self-support plan. [Regulation 8.861, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-28-640 Aid to the blind applicant with self-support plan—Comparing requirements' costs with values of nonexempt resources and income to determine financial need and to authorize grant. [Regulation 8.90, filed 1/24/64.] Repealed by Order 604, filed 9/22/71.
- 388-28-645 Aid to the blind applicant with self-support plan—Eligibility or ineligibility of applicant. [Regulation 8.91, filed 1/24/64.] Repealed by Order 604, filed 9/22/71.
- 388-28-650 Guardianships and trusts—Indians. [Statutory Authority: RCW 74.08.090. 83-21-010 (Order 2031), § 388-28-650, filed 10/6/83; Order 1001, § 388-28-650, filed 1/14/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-216-2300 (parts).
- Chapter 388-29**
STANDARDS—ELIGIBILITY
- 388-29-001 Definitions. [Statutory Authority: RCW 74.04.770. 92-20-006 (Order 3457), § 388-29-001, filed 9/23/92, effective 10/24/92. Statutory Authority: RCW 74.04.-005. 92-10-048 (Order 3379), § 388-29-001, filed 5/5/92, effective 7/1/92. Statutory Authority: RCW 74.08.090. 90-06-035 (Order 2947), § 388-29-001, filed 3/1/90, effective 4/1/90; 89-11-102 (Order 2801), § 388-29-001, filed 5/24/89; 88-18-056 (Order 2677), § 388-29-001, filed 9/1/88; 85-07-020 (Order 2215), § 388-29-001, filed 3/13/85.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-005 Fair hearing. [Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-005, filed 3/13/85.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-010 Standards of assistance. [Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-010, filed 3/13/85; 83-11-010 (Order 1961), § 388-29-010, filed 5/9/83; 81-19-127 (Order 1701), § 388-29-010, filed 9/23/81; 81-10-011 (Order 1643), § 388-29-010, filed 4/27/81; Order 1241, § 388-29-010, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-020 Standards of assistance—Grant relationships. [Statutory Authority: RCW 74.08.090. 89-11-102 (Order 2801), § 388-29-020, filed 5/24/89; 85-07-020 (Order 2215), § 388-29-020, filed 3/13/85; Order 1241, § 388-29-020, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-025 Limitations on requirements. [Order 1241, § 388-29-025, filed 9/23/77.] Repealed by 85-07-020 (Order 2215), filed 3/13/85. Statutory Authority: RCW 74.08.-090.
- 388-29-030 Assistance unit—Supplemental security income beneficiary excluded. [Order 1241, § 388-29-030, filed 9/23/77.] Repealed by 85-07-020 (Order 2215), filed 3/13/85. Statutory Authority: RCW 74.08.090.
- 388-29-040 Housekeeper. [Order 1241, § 388-29-040, filed 9/23/77.] Repealed by 85-07-020 (Order 2215), filed 3/13/85. Statutory Authority: RCW 74.08.090.
- 388-29-080 Standards of assistance—Basic requirements. [Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-080, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-080, filed 6/18/84; 83-11-010 (Order 1961), § 388-29-080, filed 5/9/83; 81-10-011 (Order 1643), § 388-29-080, filed 4/27/81; Order 1248, § 388-29-080, filed 10/25/77, effective 12/1/77; Order 1241, § 388-29-080, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-100 Standards of assistance—Basic requirements. [Statutory Authority: RCW 74.08.090. 93-18-026 (Order 3624), § 388-29-100, filed 8/25/93, effective 9/25/93. Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-100, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.04.770. 92-20-006 (Order 3457), § 388-29-100, filed 9/23/92, effective 10/24/92. Statutory Authority: RCW 74.08.090. 91-17-065 (Order 3236), § 388-29-100, filed 8/20/91, effective 9/20/91; 91-02-072 (Order 3122), § 388-29-100, filed 12/28/90, effective 1/28/91; 90-21-031 (Order 3084), § 388-29-100, filed 10/9/90, effective 11/9/90; 90-15-018 (Order 3038), § 388-29-100, filed 7/12/90, effective 8/12/90; 90-06-035 (Order 2947), § 388-29-100, filed 3/1/90, effective 4/1/90; 89-21-065 (Order 2882), § 388-29-100, filed 10/17/89, effective 11/17/89; 88-18-056 (Order 2677), § 388-29-100, filed 9/1/88. Statutory Authority: 1987 1st ex.s. c 7. 88-04-019 (Order 2588), § 388-29-100, filed 1/22/88. Statutory Authority: RCW 74.08.090. 86-16-048 (Order 2404), § 388-29-100, filed 8/1/86; 85-24-051 (Order 2309), § 388-29-100, filed 12/2/85; 85-16-049 (Order 2265), § 388-29-100, filed 7/31/85; 85-07-020 (Order 2215), § 388-29-100, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-100, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-100, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-100, filed 8/18/82; 82-11-001 (Order 1804), § 388-29-100, filed 5/6/82; 81-19-127 (Order 1701), § 388-29-100, filed 9/23/81; 81-10-011 (Order 1643), § 388-29-100, filed 4/27/81; 80-15-002 (Order 1550), § 388-29-100, filed 10/2/80; 79-10-083 (Order 1434), § 388-29-100, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-100, filed 7/28/78; Order 1241, § 388-29-100, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-110 Standards of assistance—Grant maximum. [Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-110, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-110, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-110, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-110, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-110, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-110, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-110, filed 8/19/83; 82-11-001 (Order 1804), § 388-29-110, filed 5/6/82; 81-19-127 (Order 1701), § 388-29-110, filed 9/23/81; 81-10-011 (Order 1643), § 388-29-110, filed 4/27/81; 80-15-002 (Order 1550), § 388-29-110, filed 10/2/80; 79-10-083 (Order 1434), § 388-29-110, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-110, filed 7/28/78; Order 1241, § 388-29-110, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-112 Standards of assistance—Consolidated emergency assistance program. [Statutory Authority: RCW 74.08.-090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-112, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-112, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-112, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-112, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-112, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-112, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-112, filed 8/19/83; 83-11-010 (Order 1961), § 388-29-112, filed 5/9/83; 82-11-001 (Order 1804), § 388-29-112, filed 5/6/82; 81-19-127 (Order 1701), § 388-29-112, filed 9/23/81; 81-10-011 (Order 1643), § 388-29-112, filed 4/27/81.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.

388-29-115	Supplemental payments for AFDC recipients. [Statutory Authority: RCW 74.08.090. 81-09-041 (Order 1635), § 388-29-115, filed 4/15/81; 80-05-046 (Order 1500), § 388-29-115, filed 4/16/80.] Repealed by 82-01-009 (Order 1728), filed 12/4/81. Statutory Authority: RCW 74.08.090.		
388-29-125	Standards of assistance—Persons in medical institutions. [Statutory Authority: RCW 74.08.090. 91-10-028 (Order 3164), § 388-29-125, filed 4/23/91, effective 5/24/91; 88-16-078 (Order 2659), § 388-29-125, filed 8/2/88. Statutory Authority: 1987 1st ex.s. c 7. 88-04-019 (Order 2588), § 388-29-125, filed 1/22/88. Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-125, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-125, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-125, filed 8/19/83; 81-19-127 (Order 1701), § 388-29-125, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-125, filed 9/21/79; Order 1241, § 388-29-125, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.	388-29-155	Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090. Standards for additional requirements under specified circumstances—Child care expenses for employed persons. [Statutory Authority: RCW 74.08.090. 80-11-055 (Order 1532), § 388-29-155, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-155, filed 9/21/79; 79-06-007 (Order 1393), § 388-29-155, filed 5/8/79; 78-09-047 (Order 1327), § 388-29-155, filed 8/21/78. Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-29-155, filed 6/2/78.] Repealed by 82-01-009 (Order 1728), filed 12/4/81. Statutory Authority: RCW 74.08.090.
388-29-130	Standards of assistance—Persons in congregate care facilities (CCF), adult residential rehabilitation center/adult residential treatment facility (ARRC/ARTF), and division of developmental disabilities (DDD) group home facilities. [Statutory Authority: RCW 74.08.090. 93-12-052 (Order 3557), § 388-29-130, filed 5/26/93, effective 6/26/93; 88-19-032 (Order 2694), § 388-29-130, filed 9/12/88. Statutory Authority: 1987 1st ex.s. c 7. 88-04-019 (Order 2588), § 388-29-130, filed 1/22/88. Statutory Authority: RCW 74.08.090. 85-24-051 (Order 2309), § 388-29-130, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-130, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-130, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-130, filed 8/19/83; 81-19-127 (Order 1701), § 388-29-130, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-130, filed 9/21/79; 79-04-036 (Order 1379), § 388-29-130, filed 3/22/79; Order 1254, § 388-29-130, filed 12/1/77; Order 1241, § 388-29-130, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.	388-29-158	Standards for additional requirements under specified circumstances—Child care expenses for AFDC recipients in approved training plans. [Statutory Authority: RCW 74.08.090. 81-01-017 (Order 1576), § 388-29-158, filed 12/8/80.] Repealed by 81-10-033 (Order 1649), filed 4/29/81. Statutory Authority: RCW 74.08.-090.
388-29-135	Cost standards for requirements—Maternity home care. [Statutory Authority: RCW 74.08.090. 83-17-070 (Order 2008), § 388-29-135, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-135, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-135, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-135, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-135, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-135, filed 7/28/78; Order 1241, § 388-29-135, filed 9/23/77.] Repealed by 85-07-020 (Order 2215), filed 3/13/85. Statutory Authority: RCW 74.08.090.	388-29-160	Additional requirements—Restaurant meals. [Statutory Authority: RCW 74.08.090. 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-160, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-160, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-160, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-160, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-160, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-160, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-160, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-160, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-160, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-160, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-160, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-160, filed 7/28/78; Order 1241, § 388-29-160, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
388-29-140	Monthly standards for basic requirements—AFDC—Child living with relative not in need. [Statutory Authority: RCW 74.08.090. 78-04-035 (Order 1281), § 388-29-140, filed 3/20/78; Order 1241, § 388-29-140, filed 9/23/77.] Repealed by 78-06-074 (Order 1297), filed 5/31/78, effective 7/1/78. Statutory Authority: RCW 74.08.090 [74.08.090].	388-29-170	Standards for additional requirements under specified circumstances—Daily restaurant meals. [Statutory Authority: RCW 74.08.090. 80-11-055 (Order 1532), § 388-29-170, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-170, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-170, filed 7/28/78; Order 1241, § 388-29-170, filed 9/23/77.] Repealed by 81-08-018 (Order 1626), filed 3/25/81. Statutory Authority: RCW 74.08.090.
388-29-145	Standards of assistance—AFDC—Child in need of specialized education or training. [Statutory Authority: RCW 74.08.090. 85-24-051 (Order 2309), § 388-29-145, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-145, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-145, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-145, filed 8/19/83; 81-19-127 (Order 1701), § 388-29-145, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-145, filed 9/21/79; Order 1241, § 388-29-145, filed 9/23/77.] Repealed by 88-07-062 (Order 2612), filed 3/16/88. Statutory Authority: RCW 74.08.044.	388-29-180	Additional requirements—Home-delivered meals (meals-on-wheels). [Statutory Authority: RCW 74.04.-005. 91-23-086 (Order 3288), § 388-29-180, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-180, filed 3/13/85; 81-19-127 (Order 1701), § 388-29-180, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-180, filed 9/21/79; Order 1241, § 388-29-180, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
388-29-146	Standards of assistance—Foster care. [Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-146, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-146, filed 6/18/84.] Repealed by 88-04-019 (Order 2588), filed 1/22/88. Statutory Authority: 1987 1st ex.s. c 7.	388-29-190	Transportation to state of legal residence. [Statutory Authority: RCW 74.08.090. 78-12-001 (Order 1355), § 388-29-190, filed 11/3/78; Order 1241, § 388-29-190, filed 9/23/77.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
388-29-150	Standards of assistance—Additional requirements. [Statutory Authority: RCW 74.04.090 [74.08.090]. 91-23-085 (Order 3287), § 388-29-150, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 74.08.-090. 85-07-020 (Order 2215), § 388-29-150, filed 3/13/85; 78-12-001 (Order 1355), § 388-29-150, filed 11/3/78; Order 1241, § 388-29-150, filed 9/23/77.]	388-29-200	Additional requirements—Food for guide dog. [Statutory Authority: RCW 74.08.090. 90-06-035 (Order 2947), § 388-29-200, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-200, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-200, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-200, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-200, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-200, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-200, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-200, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-200, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-200, filed 7/28/78; Order 1241, § 388-29-200, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
		388-29-210	Additional requirements—Telephone. [Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-210, filed 3/13/85; Order 1241, § 388-29-210, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.

- 388-29-220 Additional requirements—Laundry. [Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-220, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.-090, 91-02-072 (Order 3122), § 388-29-220, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-220, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-220, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-220, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-220, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-220, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-220, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-220, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-220, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-220, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-220, filed 7/28/78; Order 1241, § 388-29-220, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-230 Additional requirements—Winterizing homes—AFDC. [Statutory Authority: RCW 74.08.090, 91-02-072 (Order 3122), § 388-29-230, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-230, filed 3/1/90, effective 4/1/90; 85-07-020 (Order 2215), § 388-29-230, filed 3/13/85; 81-19-127 (Order 1701), § 388-29-230, filed 9/23/81; 79-04-060 (Order 1385), § 388-29-230, filed 3/28/79; Order 1241, § 388-29-230, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-260 Standards of assistance—Persons in boarding homes—General assistance. [Statutory Authority: RCW 74.08.-090, 88-20-082 (Order 2708), § 388-29-260, filed 10/5/88; 85-24-051 (Order 2309), § 388-29-260, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-260, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-260, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-260, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-260, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-260, filed 9/23/81; 80-15-002 (Order 1550), § 388-29-260, filed 10/2/80; 79-10-083 (Order 1434), § 388-29-260, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-260, filed 7/28/78; Order 1241, § 388-29-260, filed 9/23/77.] Repealed by 90-06-035 (Order 2947), filed 3/1/90, effective 4/1/90. Statutory Authority: RCW 74.08.090.
- 388-29-270 Additional requirements for emergent situations—AFDC. [Statutory Authority: RCW 74.04.005, 92-09-033 (Order 3369), § 388-29-270, filed 4/7/92, effective 5/8/92. Statutory Authority: RCW 74.08.090, 87-01-071 (Order 2451), § 388-29-270, filed 12/17/86; 85-20-022 (Order 2284), § 388-29-270, filed 9/23/85; 82-19-060 (Order 1877), § 388-29-270, filed 9/17/82; 78-12-001 (Order 1355), § 388-29-270, filed 11/3/78; Order 1241, § 388-29-270, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-280 Standards of assistance—Adult family home care. [Statutory Authority: RCW 74.08.090, 93-12-052 (Order 3557), § 388-29-280, filed 5/26/93, effective 6/26/93; 90-06-035 (Order 2947), § 388-29-280, filed 3/1/90, effective 4/1/90; 88-19-032 (Order 2694), § 388-29-280, filed 9/12/88. Statutory Authority: 1987 1st ex.s.c 7, 88-04-019 (Order 2588), § 388-29-280, filed 1/22/88. Statutory Authority: RCW 74.08.090, 85-07-020 (Order 2215), § 388-29-280, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-280, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-280, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-280, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-280, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-280, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-280, filed 7/28/78; Order 1241, § 388-29-280, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-290 Low-income home energy assistance allowance. [Statutory Authority: RCW 43.20A.550, 85-04-020 (Order 2196), § 388-29-290, filed 1/30/85; 84-02-050 (Order 2058), § 388-29-290, filed 1/4/84. Statutory Authority: RCW 74.08.090, 82-23-061 (Order 1909), § 388-29-290, filed 11/17/82. Statutory Authority: RCW 43.20A.550, 82-01-050 (Order 1736), § 388-29-290, filed 12/16/81. Statutory Authority: RCW 74.08.090, 81-08-045 (Order 1631), § 388-29-290, filed 3/31/81. Statutory Authority: RCW 74.04.510 and 74.08.090, 80-05-044 (Order 1498), § 388-29-290, filed 4/16/80.] Repealed by 85-24-051 (Order 2309), filed 12/2/85. Statutory Authority: RCW 74.08.090.
- 388-29-295 Standards of assistance—Supplemental security income (SSI) program. [Statutory Authority: RCW 74.04.050, 94-04-035 (Order 3698), § 388-29-295, filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.-090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-295, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.04.620, 92-18-027 (Order 3443), § 388-29-295, filed 8/26/92, effective 9/26/92. Statutory Authority: RCW 74.08.090, 91-02-072 (Order 3122), § 388-29-295, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-295, filed 3/1/90, effective 4/1/90; 89-05-030 (Order 2759), § 388-29-295, filed 2/13/89; 88-01-040 (Order 2565), § 388-29-295, filed 12/11/87; 87-01-102 (Order 2452), § 388-29-295, filed 12/23/86; 86-14-061 (Order 2391), § 388-29-295, filed 6/27/86; 86-01-007 (Order 2311), § 388-29-295, filed 12/5/85; 85-07-020 (Order 2215), § 388-29-295, filed 3/13/85; 84-09-073 (Order 2095), § 388-29-295, filed 4/18/84; 83-17-070 (Order 2008), § 388-29-295, filed 8/19/83; 82-17-004 (Order 1855), § 388-29-295, filed 8/5/82; 81-19-127 (Order 1701), § 388-29-295, filed 9/23/81.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.

Chapter 388-30
AID TO FAMILIES WITH DEPENDENT CHILDREN AND
CONTINUING GENERAL ASSISTANCE—
CONTINUING ELIGIBILITY

- 388-30-010 Continuing eligibility. [Order 533, § 388-30-010, filed 3/31/71, effective 5/1/71; Regulation 9.00, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-015 Factors not common to all categories—Old age assistance. [Regulation 9.11, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-30-020 Continuing eligibility—Aid to blind. [Order 533, § 388-30-020, filed 3/31/71, effective 5/1/71; Regulation 9.12, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-30-025 Continuing eligibility—Aid to families with dependent children. [Order 976, § 388-30-025, filed 10/28/74; Order 918, § 388-30-025, filed 3/14/74; Order 830, § 388-30-025, filed 7/26/73; Order 533, § 388-30-025, filed 3/31/71, effective 5/1/71; Order 321, § 388-30-025, filed 11/27/68; Regulation 9.13, filed 8/29/66; Regulation 9.13, filed 6/17/64, effective 8/1/64, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-030 Continuing eligibility—Disability assistance. [Order 637, § 388-30-030, filed 1/13/72; Order 533, § 388-30-030, filed 3/31/71, effective 5/1/71; Regulation 9.14, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-30-040 Continuing eligibility—Continuing general assistance to unemployable persons. [Order 533, § 388-30-040, filed 3/31/71, effective 5/1/71; Order 490, § 388-30-040, filed 10/30/70, effective 12/1/70; Regulation 9.15, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-30-050 Continuing eligibility—Age. [Order 917, § 388-30-050, filed 3/14/74; Order 620, § 388-30-050, filed 10/27/71; Order 533, § 388-30-050, filed 3/31/71, effective 5/1/71; Order 490, § 388-30-050, filed 10/30/70, effective 12/1/70; Order 367, § 388-30-050, filed 7/9/69; Regulation 9.21, filed 12/31/65; Regulation 9.21, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-055 Continuing eligibility—Residence. [Order 533, § 388-30-055, filed 3/31/71, effective 5/1/71; Order 490, § 388-30-055, filed 10/30/70, effective 12/1/70; Order 367, § 388-30-055, filed 7/9/69; Regulation 9.221, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-060 Continuing eligibility—Institutional living arrangement. [Order 533, § 388-30-060, filed 3/31/71, effective 5/1/71; Regulation 9.23, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-065 Continuing eligibility—Transfer of exempt property. [Order 533, § 388-30-065, filed 3/31/71, effective 5/1/71; Regulation 9.24, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-070 Continuing eligibility—Exempt property transferable without consent. [Order 533, § 388-30-070, filed 3/31/71, effective 5/1/71; Order 459, § 388-30-070, filed 5/26/70, effective 7/1/70; Regulation 9.241, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

- 388-30-075 Continuing eligibility—Exempt property transferable with consent. [Order 533, § 388-30-075, filed 3/31/71, effective 5/1/71; Order 459, § 388-30-075, filed 5/26/70, effective 7/1/70; Regulation 9.242, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-078 Replacement of exempt property. [Order 1194, § 388-30-078, filed 3/3/77.] Repealed by Order 1241, filed 9/23/77.
- 388-30-080 Continuing eligibility—Property transferred contrary to WAC 388-30-070 and 388-30-075. [Order 533, § 388-30-080, filed 3/31/71, effective 5/1/71; Order 459, § 388-30-080, filed 5/26/70, effective 7/1/70; Regulation 9.243, filed 12/21/64, effective 2/1/65; Regulation 9.243, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-085 Continuing eligibility—Financial need. [Order 533, § 388-30-085, filed 3/31/71, effective 5/1/71; Regulation 9.25, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-090 Continuing eligibility—Nonexempt resources and income known at time of application. [Order 1058, § 388-30-090, filed 10/1/75; Order 533, § 388-30-090, filed 3/31/71, effective 5/1/71; Regulation 9.251, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-095 Continuing eligibility—Effect of newly acquired income and property on need. [Order 1224, § 388-30-095, filed 7/19/77; Order 975, § 388-30-095, filed 10/11/74; Order 917, § 388-30-095, filed 3/14/74; Order 533, § 388-30-095, filed 3/31/71, effective 5/1/71; Regulation 9.252, filed 10/4/67; Regulation 9.252, filed 5/17/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-100 Continuing eligibility—Effect of newly acquired nonexempt income on need. [Order 1058, § 388-30-100, filed 10/1/75; Order 533, § 388-30-100, filed 3/31/71, effective 5/1/71; Regulation 9.253, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-105 Responsibility for eligibility maintenance. [Order 533, § 388-30-105, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-105, filed 5/14/70, effective 6/15/70; Regulation 9.261, filed 7/27/67; Regulation 9.261, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-107 Responsibility for eligibility maintenance—Recipient. [Order 1016, § 388-30-107, filed 4/1/75; Order 842, § 388-30-107, filed 8/9/73; Order 790, § 388-30-107, filed 4/12/73; Order 533, § 388-30-107, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-107, filed 5/14/70, effective 6/15/70.] Repealed by Order 1241, filed 9/23/77.
- 388-30-110 Responsibility for eligibility maintenance—Local office. [Order 533, § 388-30-110, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-110, filed 5/14/70, effective 6/15/70.] Repealed by Order 1241, filed 9/23/77.
- 388-30-115 Responsibility for eligibility maintenance—Recipient's whereabouts unknown or failure to provide eligibility data. [Order 906, § 388-30-115, filed 2/14/74; Order 746, § 388-30-115, filed 12/7/72; Order 533, § 388-30-115, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-115, filed 5/14/70, effective 6/15/70; Regulation 9.263, filed 3/11/65.] Repealed by Order 1241, filed 9/23/77.
- 388-30-120 Responsibility for eligibility maintenance—Reasonable doubt of eligibility—Warrant withheld. [Order 533, § 388-30-120, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-120, filed 5/14/70, effective 6/15/70; Order 269, § 388-30-120, filed 12/5/67; Regulation 9.264, filed 3/11/65.] Repealed by Order 746, filed 12/7/72.
- 388-30-121 Responsibility for eligibility maintenance—Redirection of warrant. [Order 746, § 388-30-121, filed 12/7/72.] Repealed by Order 1241, filed 9/23/77.
- 388-30-125 Periodic review and redetermination of eligibility. [Order 917, § 388-30-125, filed 3/14/74; Order 841, § 388-30-125, filed 8/9/73; Order 746, § 388-30-125, filed 12/7/72; Order 533, § 388-30-125, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-125, filed 5/14/70, effective 6/15/70; Regulation 9.27, filed 7/27/67; Regulation 9.27, filed 6/17/64, effective 8/1/64, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-130 Periodic review and redetermination of eligibility—Content of review. [Order 533, § 388-30-130, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-130, filed 5/14/70, effective 6/15/70; Regulation 9.271, filed 6/17/64, effective 8/1/64; Regulation 9.271, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-135 Periodic review and redetermination of eligibility—Action on review. [Order 533, § 388-30-135, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-135, filed 5/14/70, effective 6/15/70; Regulation 9.272, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-140 Periodic review and redetermination of eligibility—Changing and terminating grant. [Order 533, § 388-30-140, filed 3/31/71, effective 5/1/71; Regulation 9.28, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-150 Supplemental assistance—Requirements of recipient enrolled in community training level 4 or 5 course of remedial or vocational education. [Regulation 9.31, filed 8/29/66; Regulation 9.31, filed 12/31/65.] Repealed by Order 327, filed 11/27/68.
- 388-30-160 Supplemental assistance—Transportation for enrolled recipient. [Regulation 9.311, filed 12/31/65.] Repealed by Order 327, filed 11/27/68.
- 388-30-165 Supplemental assistance—Care of child of enrolled recipient. [Regulation 9.312, filed 12/31/65.] Repealed by Order 327, filed 11/27/68.
- 388-30-170 Supplemental assistance—Tuition, supplies and materials, uniforms. [Regulation 9.313, filed 12/31/65.] Repealed by Order 327, filed 11/27/68.
- 388-30-175 Supplemental assistance—Requirements of federal aid recipient enrolled in Title V project of Economic Opportunity Act. [Regulation 9.32, filed 7/27/67; Regulation 9.32, filed 8/29/66, 12/31/65.] Repealed by Order 327, filed 11/27/68.

Chapter 388-31

LIFELINE TELEPHONE ASSISTANCE PROGRAM

- 388-31-010 Purpose of program. [Statutory Authority: RCW 80.36.440. 90-18-007 (Order 3063), § 388-31-010, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-010, filed 9/17/87.] Repealed by 01-09-023, filed 4/9/01, effective 6/1/01. Statutory Authority: RCW 74.08.090, 80.36.-440.
- 388-31-015 Definitions. [Statutory Authority: RCW 80.36.440. 90-18-007 (Order 3063), § 388-31-015, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-015, filed 9/17/87.] Repealed by 01-09-023, filed 4/9/01, effective 6/1/01. Statutory Authority: RCW 74.08.090, 80.36.440.
- 388-31-020 Conditions of eligibility. [Statutory Authority: RCW 80.36.440. 90-18-007 (Order 3063), § 388-31-020, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-020, filed 9/17/87.] Repealed by 01-09-023, filed 4/9/01, effective 6/1/01. Statutory Authority: RCW 74.08.090, 80.36.-440.
- 388-31-025 WTAP benefits. [Statutory Authority: RCW 80.36.440. 90-18-007 (Order 3063), § 388-31-025, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-025, filed 9/17/87.] Repealed by 01-09-023, filed 4/9/01, effective 6/1/01. Statutory Authority: RCW 74.08.090, 80.36.440.
- 388-31-030 Notification and eligibility periods. [Statutory Authority: RCW 80.36.440. 90-18-007 (Order 3063), § 388-31-030, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-030, filed 9/17/87.] Repealed by 01-09-023, filed 4/9/01, effective 6/1/01. Statutory Authority: RCW 74.08.090, 80.36.440.
- 388-31-035 WTAP fund. [Statutory Authority: RCW 80.36.440. 93-16-043 (Order 3604), § 388-31-035, filed 7/28/93, effective 8/28/93; 90-18-007 (Order 3063), § 388-31-035, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-035, filed 9/17/87.] Repealed by 01-09-023, filed 4/9/01, effective 6/1/01. Statutory Authority: RCW 74.08.090, 80.36.440.

Reviser's note: Later promulgation, see chapter 388-273 WAC.

Chapter 388-33

AID TO FAMILIES WITH DEPENDENT CHILDREN AND CONTINUING GENERAL ASSISTANCE—GRANT OR VENDOR PAYMENT

- 388-33-015 Payment of grant—Persons included. [Statutory Authority: RCW 74.04.005. 92-10-047 (Order 3378), § 388-33-015, filed 5/5/92, effective 7/1/92. Statutory

- Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-33-015, filed 9/18/78; Order 652, § 388-33-015, filed 2/9/72; Order 534, § 388-33-015, filed 3/31/71, effective 5/1/71; Regulation 10.11, filed 8/29/66; Regulation 10.11, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1010 (parts).
- 388-33-020 Payment of grant—Monthly basis. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-020, filed 4/15/81; Order 906, § 388-33-020, filed 2/14/74; Order 694, § 388-33-020, filed 6/29/72; Order 534, § 388-33-020, filed 3/31/71, effective 5/1/71; Regulation 10.12, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1010 (parts).
- 388-33-025 Payment of grant—Amount. [Order 534, § 388-33-025, filed 3/31/71, effective 5/1/71; Order 394, § 388-33-025, filed 10/15/69; Regulation 10.13, filed 8/29/66; Regulation 10.13, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1010 (parts).
- 388-33-030 Payment limitations—Maximum cost of requirements. [Order 376, § 388-33-030, filed 8/7/69; Regulation 10.14, filed 12/31/65; Regulation 10.14, filed 1/24/64.] Repealed by Order 394, filed 10/15/69.
- 388-33-045 Payment of grant—Deduction of overpayment. [Order 534, § 388-33-045, filed 3/31/71, effective 5/1/71; Regulation 10.16, filed 8/29/66; Regulation 10.16, filed 3/31/66, 10/1/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-270-1400.
- 388-33-050 Payment of grant—Self-imposed maximum amount. [Order 534, § 388-33-050, filed 3/31/71, effective 5/1/71; Regulation 10.17, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1010 (parts).
- 388-33-051 Payment of grant—Rounding down. [Statutory Authority: RCW 74.08.090. 82-24-071 (Order 1918), § 388-33-051, filed 12/1/82.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1010 (parts).
- 388-33-055 Payment of grant—Minimum amount. [Statutory Authority: RCW 74.08.090. 82-24-071 (Order 1918), § 388-33-055, filed 12/1/82; 82-09-034 (Order 1792), § 388-33-055, filed 4/14/82; 82-01-009 (Order 1728), § 388-33-055, filed 12/4/81; Order 534, § 388-33-055, filed 3/31/71, effective 5/1/71; Regulation 10.18, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1010 (parts).
- 388-33-080 Grant authorization, reauthorization, and computation—Authorizing documents. [Statutory Authority: RCW 74.08.090. 85-15-056 (Order 2258), § 388-33-080, filed 7/17/85; 81-09-044 (Order 1637), § 388-33-080, filed 4/15/81; Order 534, § 388-33-080, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-080, filed 5/14/70, effective 6/15/70; Regulation 10.21, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1050 (part).
- 388-33-085 Grant authorization, reauthorization, and computation—Local office function. [Statutory Authority: RCW 74.08.090. 85-15-056 (Order 2258), § 388-33-085, filed 7/17/85; 81-09-044 (Order 1637), § 388-33-085, filed 4/15/81; Order 906, § 388-33-085, filed 2/14/74; Order 534, § 388-33-085, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-085, filed 5/14/70, effective 6/15/70; Regulation 10.22, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-210-1350 part, 388-265-1050 part, chapter 388-245 WAC.
- 388-33-090 Grant authorization, reauthorization and computation—State office function. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-090, filed 4/15/81; Order 906, § 388-33-090, filed 2/14/74; Order 534, § 388-33-090, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-090, filed 5/14/70, effective 6/15/70; Regulation 10.23, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-095 Grant authorization, reauthorization and computation—State office reauthorization and recomputation of grant. [Order 906, § 388-33-095, filed 2/14/74; Order 534, § 388-33-095, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-095, filed 5/14/70, effective 6/15/70; Regulation 10.231, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1050 (parts).
- 388-33-105 Grant authorization, reauthorization, computation—Recording denial, grant authorization and change. [Order 449, § 388-33-105, filed 5/14/70, effective 6/15/70; Regulation 10.24, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-115 Effective date of eligibility—Applicant, reapplicant and reinstated recipient. [Statutory Authority: RCW 74.08.-090. 81-12-045 (Order 1661), § 388-33-115, filed 6/3/81; Order 906, § 388-33-115, filed 2/14/74; Order 534, § 388-33-115, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-115, filed 5/14/70, effective 6/15/70; Regulation 10.25, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-210-1350 (parts).
- 388-33-120 Effective date of eligibility—Exceptions. [Statutory Authority: RCW 74.08.090. 82-09-034 (Order 1792), § 388-33-120, filed 4/14/82; 82-01-009 (Order 1728), § 388-33-120, filed 12/4/81; 79-06-028 (Order 1398), § 388-33-120, filed 5/16/79; 78-10-036 (Order 1338), § 388-33-120, filed 9/18/78; Order 906, § 388-33-120, filed 2/14/74; Order 791, § 388-33-120, filed 4/12/73; Order 747, § 388-33-120, filed 12/7/72; Order 534, § 388-33-120, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-120, filed 5/14/70, effective 6/15/70; Order 394, § 388-33-120, filed 10/15/69; Regulation 10.251, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-210-1350 part, 388-245-1210 and 388-245-1410 part.
- 388-33-125 Notification of grant approval. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-125, filed 4/15/81; Order 906, § 388-33-125, filed 2/14/74; Order 534, § 388-33-125, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-125, filed 5/14/70, effective 6/15/70; Order 270, § 388-33-125, filed 12/5/67; Regulation 10.252, filed 7/27/67; Regulation 10.252, filed 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-210-1410 (parts).
- 388-33-135 Effective date of change in eligibility. [Statutory Authority: 1991 c 126. 91-20-052 (Order 3250), § 388-33-135, filed 9/24/91, effective 10/25/91. Statutory Authority: 1990 c 285. 90-16-085 (Order 3045), § 388-33-135, filed 8/1/90, effective 9/1/90. Statutory Authority: RCW 74.08.090. 88-07-117 (Order 2613), § 388-33-135, filed 3/23/88; 85-15-056 (Order 2258), § 388-33-135, filed 7/17/85; 83-23-058 (Order 2049), § 388-33-135, filed 11/16/83; 83-04-033 (Order 1940), § 388-33-135, filed 1/28/83, effective 3/1/83; 82-09-034 (Order 1792), § 388-33-135, filed 4/14/82; Order 1058, § 388-33-135, filed 10/1/75; Order 694, § 388-33-135, filed 6/29/72; Order 534, § 388-33-135, filed 3/31/71, effective 5/1/71; Order 443, § 388-33-135, filed 4/15/70; Regulation 10.26, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1000 part and 388-245-1510.
- 388-33-140 Effective date of increase or decrease in grant. [Statutory Authority: RCW 74.08.090. 85-23-018 (Order 2303), § 388-33-140, filed 11/13/85; 85-15-056 (Order 2258), § 388-33-140, filed 7/17/85; 83-23-058 (Order 2049), § 388-33-140, filed 11/16/83; 83-17-004 (Order 1994), § 388-33-140, filed 8/5/83; 83-04-033 (Order 1940), § 388-33-140, filed 1/28/83, effective 3/1/83; 82-16-065 (Order 1852), § 388-33-140, filed 7/30/82, effective 9/1/82; Order 1058, § 388-33-140, filed 10/1/75; Order 1008, § 388-33-140, filed 2/13/75; Order 966, § 388-33-140, filed 8/29/74; Order 906, § 388-33-

- 140, filed 2/14/74; Order 791, § 388-33-140, filed 4/12/73; Order 534, § 388-33-140, filed 3/31/71, effective 5/1/71; Order 443, § 388-33-140, filed 4/15/70; Order 337, § 388-33-140, filed 2/3/69; Order 275, § 388-33-140, filed 1/29/68; Regulation 10.261, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1310.
- 388-33-143 Effective date of budgeting earned income. [Order 966, § 388-33-143, filed 8/29/74.] Repealed by Order 1008, filed 2/13/75.
- 388-33-145 Effective date of change in eligibility—Dates regular grant payments are actually changed. [Regulation 10.262, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-165 Effective date of grant—Fair hearing or court decision involved. [Statutory Authority: RCW 74.08.090. 82-14-047 (Order 1838), § 388-33-165, filed 6/30/82; Order 694, § 388-33-165, filed 6/29/72; Order 534, § 388-33-165, filed 3/31/71, effective 5/1/71; Regulation 10.271, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1600.
- 388-33-170 Effective date of grant—Law or rule change involved. [Order 534, § 388-33-170, filed 3/31/71, effective 5/1/71; Regulation 10.272, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1610.
- 388-33-175 Other effective dates—Certification prior to actual change in circumstances. [Regulation 10.273, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-180 Other effective dates—Recomputation of age change. [Regulation 10.274, filed 3/31/66; Regulation 10.274, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-190 Effective date of grant—Monthly deduction of overpayment. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-190, filed 4/15/81; Order 906, § 388-33-190, filed 2/14/74; Order 694, § 388-33-190, filed 6/29/72; Order 570, § 388-33-190, filed 6/11/71; Order 534, § 388-33-190, filed 3/31/71, effective 5/1/71; Regulation 10.28, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1315.
- 388-33-195 Underpayments. [Statutory Authority: RCW 74.08.090. 88-19-069 (Order 2698), § 388-33-195, filed 9/16/88; 85-15-056 (Order 2258), § 388-33-195, filed 7/17/85; 82-01-009 (Order 1728), § 388-33-195, filed 12/4/81; Order 906, § 388-33-195, filed 2/14/74; Order 791, § 388-33-195, filed 4/12/73.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-270-1550.
- 388-33-210 Other changes affecting grants. [Regulation 10.30, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-220 Other changes affecting grants—Address change within county. [Regulation 10.31, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-230 Address change to another local office area. [Order 534, § 388-33-230, filed 3/31/71, effective 5/1/71; Regulation 10.32, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1320 (parts).
- 388-33-235 Address change to another local office area—Reside permanently. [Order 534, § 388-33-235, filed 3/31/71, effective 5/1/71; Regulation 10.321, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-245-1000 and 388-245-1320.
- 388-33-240 Address change to another local office area—Visit. [Order 534, § 388-33-240, filed 3/31/71, effective 5/1/71; Regulation 10.322, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1000 and 388-245-1320.
- 388-33-245 Other changes affecting grants—Inter county transfer of case record and grant-procedure. [Regulation 10.323, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-250 Other changes affecting grants—Transfer-out by present county. [Regulation 10.324, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-255 Other changes affecting grants—Transfer-in by new county. [Regulation 10.325, filed 1/24/64.] Repealed by Order 297, filed 8/26/68.
- 388-33-260 Other changes affecting grants—Transfer involving institutional medical care. [Regulation 10.326, filed 1/24/64.] Repealed by Order 297, filed 8/26/68.
- 388-33-265 Other changes affecting grants—Transfer of suspended grant case. [Regulation 10.327, filed 1/24/64.] Repealed by Order 297, filed 8/26/68.
- 388-33-270 Other changes affecting grants—Transfer of closed case record. [Regulation 10.328, filed 1/24/64.] Repealed by Order 297, filed 8/26/68.
- 388-33-300 Other changes affecting grants—Out-of-state change of address. [Regulation 10.33, filed 1/24/64.] Repealed by Order 297, filed 8/26/68.
- 388-33-310 Other changes affecting grants—Case number change. [Regulation 10.34, filed 1/24/64.] Repealed by Order 297, filed 8/26/68.
- 388-33-320 Other changes affecting grants—Name change. [Regulation 10.35, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-335 Reduction of grant amount. [Order 906, § 388-33-335, filed 2/14/74; Order 694, § 388-33-335, filed 6/29/72; Order 570, § 388-33-335, filed 6/11/71; Order 534, § 388-33-335, filed 3/31/71, effective 5/1/71; Order 270, § 388-33-335, filed 12/5/67; Regulation 10.36, filed 6/30/67; Regulation 10.36, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1300.
- 388-33-350 Suspension or termination of grants. [Order 369, § 388-33-350, filed 8/14/69; Regulation 10.40, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-355 Suspension of grant. [Statutory Authority: RCW 74.08.090. 88-21-094 (Order 2714), § 388-33-355, filed 10/19/88; 86-10-023 (Order 2369), § 388-33-355, filed 5/1/86; 85-16-045 (Order 2261), § 388-33-355, filed 7/31/85; 82-09-034 (Order 1792), § 388-33-355, filed 4/14/82; 82-01-009 (Order 1728), § 388-33-355, filed 12/4/81; Order 906, § 388-33-355, filed 2/14/74; Order 747, § 388-33-355, filed 12/7/72; Order 694, § 388-33-355, filed 6/29/72; Order 570, § 388-33-355, filed 6/11/71; Order 534, § 388-33-355, filed 3/31/71, effective 5/1/71; Order 369, § 388-33-355, filed 8/14/69; Regulation 10.41, filed 6/30/67; Regulation 10.41, filed 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1400 and 388-245-1410 part.
- 388-33-365 Termination of grant. [Order 906, § 388-33-365, filed 2/14/74; Order 694, § 388-33-365, filed 6/29/72; Order 570, § 388-33-365, filed 6/11/71; Order 534, § 388-33-365, filed 3/31/71, effective 5/1/71; Order 369, § 388-33-365, filed 8/14/69; Regulation 10.42, filed 6/30/67; Regulation 10.42, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1500.
- 388-33-370 Termination of suspended grant. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-370, filed 4/15/81; Order 747, § 388-33-370, filed 12/7/72; Order 534, § 388-33-370, filed 3/31/71, effective 5/1/71; Order 369, § 388-33-370, filed 8/14/69; Regulation 10.421, filed 6/30/67; Regulation 10.421, filed 1/24/64.] Repealed by 88-21-094 (Order 2714), filed 10/19/88. Statutory Authority: RCW 74.08.090.
- 388-33-373 Continuation of assistance pending appeal—Pretermination or presuspension hearing. [Order 534, § 388-33-373, filed 3/31/71, effective 5/1/71; Order 369, § 388-33-373, filed 8/14/69.] Repealed by Order 570, filed 6/11/71.
- 388-33-374 Grant reduction, termination, suspension—Conferences. [Order 694, § 388-33-374, filed 6/29/72; Order 570, § 388-33-374, filed 6/11/71; Order 534, § 388-33-374, filed 3/31/71, effective 5/1/71; Order 369, § 388-33-374, filed 8/14/69.] Repealed by Order 906, filed 2/14/74.

- 388-33-375 Termination of suspended grant—Authorization of assistance resulting from change of decision on eligibility and grant. [Order 906, § 388-33-375, filed 2/14/74; Order 694, § 388-33-375, filed 6/29/72; Order 570, § 388-33-375, filed 6/11/71; Order 534, § 388-33-375, filed 3/31/71, effective 5/1/71.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1520.
- 388-33-376 Advance and adequate notice—Suspension—Termination—Reduction of benefits. [Statutory Authority: RCW 74.08.090. 91-11-020 (Order 3178), § 388-33-376, filed 5/7/91, effective 6/1/91; 90-09-035 (Order 2966), § 388-33-376, filed 4/11/90, effective 5/12/90; 89-03-051 (Order 2755), § 388-33-376, filed 1/13/89; 86-10-023 (Order 2369), § 388-33-376, filed 5/1/86; 78-08-053 (Order 1320), § 388-33-376, filed 7/20/78.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1000 part and 388-245-1700.
- 388-33-377 Grant continuation pending fair hearing. [Statutory Authority: RCW 74.08.090. 82-08-037 (Order 1784), § 388-33-377, filed 4/1/82. Statutory Authority: RCW 34.04.020 and 74.08.090. 81-17-069 (Order 1695), § 388-33-377, filed 8/19/81. Statutory Authority: RCW 74.08.090. 81-09-058 (Order 1640), § 388-33-377, filed 4/20/81; 78-08-053 (Order 1320), § 388-33-377, filed 7/20/78; Order 1194, § 388-33-377, filed 3/3/77; Order 906, § 388-33-377, filed 2/14/74; Order 694, § 388-33-377, filed 6/29/72; Order 570, § 388-33-377, filed 6/11/71.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1740.
- 388-33-378 Determination—Notification. [Order 906, § 388-33-378, filed 2/14/74; Order 747, § 388-33-378, filed 12/7/72.] Repealed by 78-08-053 (Order 1320), filed 7/20/78. Statutory Authority: RCW 74.08.090.
- 388-33-380 Notification of suspension or termination or reduction of grant. [Order 906, § 388-33-380, filed 2/14/74; Order 694, § 388-33-380, filed 6/29/72; Order 570, § 388-33-380, filed 6/11/71; Order 534, § 388-33-380, filed 3/31/71, effective 5/1/71; Order 369, § 388-33-380, filed 8/14/69; Order 311, § 388-33-380, filed 10/31/68; Regulation 10.43, filed 1/24/64.] Repealed by 78-08-053 (Order 1320), filed 7/20/78. Statutory Authority: RCW 74.08.090.
- 388-33-382 Notification of suspension or termination or reduction of grant—Effect on eligibility and grant. [Statutory Authority: RCW 74.08.090. 90-09-035 (Order 2966), § 388-33-382, filed 4/11/90, effective 5/12/90; 82-08-037 (Order 1784), § 388-33-382, filed 4/1/82; Order 906, § 388-33-382, filed 2/14/74; Order 791, § 388-33-382, filed 4/12/73; Order 694, § 388-33-382, filed 6/29/72.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation see WAC 388-245-1730.
- 388-33-385 Notification of suspension or termination or reduction of grant—Dispensation of advance notice. [Statutory Authority: RCW 74.08.090. 86-09-081 (Order 2363), § 388-33-385, filed 4/22/86; 84-09-071 (Order 2093), § 388-33-385, filed 4/18/84; Order 906, § 388-33-385, filed 2/14/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1710.
- 388-33-387 Notification of exception to policy request and decision. [Statutory Authority: RCW 74.08.090. 82-04-077 (Order 1760), § 388-33-387, filed 2/3/82.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-200-1160.
- 388-33-389 Grievance procedure—Applicants and recipients of public assistance, medical assistance, and social services administered by Title 388 WAC. [Statutory Authority: RCW 74.08.090. 82-04-077 (Order 1760), § 388-33-389, filed 2/3/82.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-200-1100.
- 388-33-400 Payee of grant. [Statutory Authority: 1987 c 406. 87-18-007 (Order 2527), § 388-33-400, filed 8/21/87; Order 1054, § 388-33-400, filed 9/25/75; Order 906, § 388-33-400, filed 2/14/74; Order 534, § 388-33-400, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-400, filed 5/29/69; Order 322, § 388-33-400, filed 11/27/68; Emergency Order 306, filed 9/20/68; Regulation 10.50, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1100 part.
- 388-33-410 Payee of grant—Money (cash) payments. [Order 357, § 388-33-410, filed 5/29/69; Order 322, § 388-33-410, filed 11/27/68; Emergency Order 306, filed 9/20/68; Regulation 10.51, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-420 Payment of grant to other person in behalf of recipient. [Statutory Authority: 1987 c 406. 87-18-007 (Order 2527), § 388-33-420, filed 8/21/87; Order 1241, § 388-33-420, filed 9/23/77; Order 917, § 388-33-420, filed 3/14/74; Order 621, § 388-33-420, filed 10/27/71; Order 534, § 388-33-420, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-420, filed 5/29/69; Order 322, § 388-33-420, filed 11/27/68; Emergency Order 306, filed 9/20/68; Regulation 10.52, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1200 and 1250 part.
- 388-33-425 Payment of grant to guardian—Continuing general assistance. [Order 917, § 388-33-425, filed 3/14/74; Order 534, § 388-33-425, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-425, filed 5/29/69; Order 322, § 388-33-425, filed 11/27/68; Emergency Order 306, filed 9/20/68; Regulation 10.521, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-430 Payment of grant to guardian—Aid to families with dependent children—Special and limited nature. [Order 534, § 388-33-430, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-430, filed 5/29/69; Order 322, § 388-33-430, filed 11/27/68; Emergency Order 306, filed 9/20/68; Regulation 10.522, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1250 (parts).
- 388-33-435 Payee of grant—Appointment and payment to agent—OAA, AB, DA, GAU. [Order 322, § 388-33-435, filed 11/27/68; Emergency Order 306, filed 9/20/68; Regulation 10.523, filed 1/24/64.] Repealed by Order 357, filed 5/29/69.
- 388-33-440 Protective or vendor payment due to mismanagement of AFDC grant. [Order 1054, § 388-33-440, filed 9/25/75; Order 700, § 388-33-440, filed 7/27/72; Order 534, § 388-33-440, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-440, filed 3/20/69; Order 322, § 388-33-440, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-265-1150, 388-265-1250 and 388-265-1400.
- 388-33-442 Protective or vendor payment due to mismanagement of AFDC grant—Plan approval—Duration. [Order 700, § 388-33-442, filed 7/27/72; Order 534, § 388-33-442, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-442, filed 3/20/69; Order 322, § 388-33-442, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1500 (parts).
- 388-33-444 Protective or vendor payment due to mismanagement of AFDC grant—Notice to AFDC recipient, protective payee or vendor. [Order 700, § 388-33-444, filed 7/27/72; Order 534, § 388-33-444, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-444, filed 3/20/69; Order 322, § 388-33-444, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1550 (parts).
- 388-33-446 Protective or vendor payment due to mismanagement of AFDC grant—Discharge of protective payee—Reinstatement of relative payee. [Order 700, § 388-33-446, filed 7/27/72; Order 534, § 388-33-446, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-446, filed 3/20/69; Order 322, § 388-33-446, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94.

- Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-265-1550 and 388-265-1600.
- 388-33-447 Protective or vendor payment due to mismanagement of AFDC grant—Fair hearing. [Order 1195, § 388-33-447, filed 3/3/77; Order 700, § 388-33-447, filed 7/27/72.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-448 Protective or vendor payment due to mismanagement of AFDC grant—Periodic review of plan. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-448, filed 4/15/81; Order 700, § 388-33-448, filed 7/27/72; Order 534, § 388-33-448, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-448, filed 3/20/69; Order 322, § 388-33-448, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1500 (parts).
- 388-33-449 Protective or vendor payment due to mismanagement of AFDC grant—Information confidential. [Order 534, § 388-33-449, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-449, filed 3/20/69; Order 322, § 388-33-449, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1700.
- 388-33-450 Protective payment—Employment or work incentive program refused without good cause. [Statutory Authority: RCW 74.22.110. 84-22-018 (Order 2166), § 388-33-450, filed 10/31/84; Order 831, § 388-33-450, filed 7/26/73; Order 747, § 388-33-450, filed 12/7/72; Order 534, § 388-33-450, filed 3/31/71, effective 5/1/71; Order 322, § 388-33-450, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1300.
- 388-33-452 Protective payments—Fair hearing. [Order 322, § 388-33-452, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by Order 357, filed 5/29/69.
- 388-33-453 Protective payment—Failure or refusal to cooperate with support enforcement. [Statutory Authority: RCW 74.08.090. 89-22-133 (Order 2896), § 388-33-453, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 74.22.110. 84-22-018 (Order 2166), § 388-33-453, filed 10/31/84; Order 1195, § 388-33-453, filed 3/3/77; Order 1054, § 388-33-453, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1350.
- 388-33-454 Protective payments—OAA, AB, DA, GAU. [Order 357, § 388-33-454, filed 5/29/69.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-455 Protective payment—Special needs of SSI beneficiary, general assistance recipient or recipient of the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) program. [Statutory Authority: 1987 c 406. 87-18-007 (Order 2527), § 388-33-455, filed 8/21/87; Order 933, § 388-33-455, filed 5/15/74; Order 917, § 388-33-455, filed 3/14/74; Order 534, § 388-33-455, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-455, filed 5/29/69.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1100 part, 388-265-1150 part, 388-265-1250 part, 388-265-1450 and 388-265-1750.
- 388-33-456 Protective payment—Periodic review. [Order 357, § 388-33-456, filed 5/29/69.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-457 Protective payment—Modification or termination of plan. [Order 534, § 388-33-457, filed 3/31/71, effective 5/1/71.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-265-1550, and 388-265-1600.
- 388-33-458 Protective payment—Periodic review. [Order 534, § 388-33-458, filed 3/31/71, effective 5/1/71.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1500 (parts).
- 388-33-459 Protective payment—Fair hearing. [Order 534, § 388-33-459, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-459, filed 5/29/69.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1650.
- 388-33-460 Payment to vendor of goods and services. [Statutory Authority: RCW 74.08.090. 92-03-089 (Order 3314), § 388-33-460, filed 1/15/92, effective 2/15/92; 81-09-044 (Order 1637), § 388-33-460, filed 4/15/81; Order 1054, § 388-33-460, filed 9/25/75; Order 747, § 388-33-460, filed 12/7/72; Order 534, § 388-33-460, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-460, filed 5/14/70, effective 6/15/70; Order 341, § 388-33-460, filed 3/20/69; Regulation 10.60, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1400 (parts).
- 388-33-470 Disbursement—Assistance grants. [Regulation 10.70, filed 8/10/67; Regulation 10.70, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-480 Direct rental payments to landlords—Pilot program. [Statutory Authority: RCW 74.04.050. 88-14-061 (Order 2645), § 388-33-480, filed 7/1/88.] Repealed by 92-03-085 (Order 3310), filed 1/15/92, effective 2/15/92. Statutory Authority: RCW 74.04.050.
- 388-33-495 Payment dates. [Regulation 10.72, filed 8/10/67; Regulation 10.72, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-500 Payment dates—Initial grant. [Regulation 10.721, filed 8/10/67; Regulation 10.721, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-505 Payment dates—Adjusting grant. [Regulation 10.722, filed 8/10/67; Regulation 10.722, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-515 Payment dates—One-time grant. [Order 399, § 388-33-515, filed 11/5/69; Regulation 10.723, filed 8/10/67; Regulation 10.723, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-525 Warrant endorsement. [Order 747, § 388-33-525, filed 12/7/72; Order 534, § 388-33-525, filed 3/31/71, effective 5/1/71; Regulation 10.73, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1800.
- 388-33-535 Delivery of warrant. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-33-535, filed 9/18/78; Order 747, § 388-33-535, filed 12/7/72; Order 534, § 388-33-535, filed 3/31/71, effective 5/1/71; Regulation 10.74, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1850 (parts).
- 388-33-540 Delivery of warrant—Temporary address. [Regulation 10.741, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-545 Delivery of warrant—Address unknown. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-33-545, filed 9/18/78; Order 747, § 388-33-545, filed 12/7/72; Order 534, § 388-33-545, filed 3/31/71, effective 5/1/71; Regulation 10.742, filed 3/11/65; Regulation 10.742, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1850 (parts).
- 388-33-550 Delivery in care of local office. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-33-550, filed 9/18/78; Order 747, § 388-33-550, filed 12/7/72; Order 534, § 388-33-550, filed 3/31/71, effective 5/1/71; Regulation 10.743, filed 3/11/65; Regulation 10.743, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1850 (parts).
- 388-33-555 Delivery of warrant—Change in address or circumstances reported direct to state office. [Regulation 10.744, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-575 Issuance of duplicate warrant. [Order 534, § 388-33-575, filed 3/31/71, effective 5/1/71; Order 426, § 388-33-575, filed 1/21/70; Regulation 10.75, filed 1/24/64.] Repealed by Order 661, filed 3/9/72.
- 388-33-576 Loss, theft, or destruction of warrant payable to recipient. [Statutory Authority: RCW 74.08.090. 86-22-038 (Order 2433), § 388-33-576, filed 11/3/86; 84-09-072 (Order 2094), § 388-33-576, filed 4/18/84; 81-09-044 (Order 1637), § 388-33-576, filed 4/15/81; 78-09-062

- (Order 1331), § 388-33-576, filed 8/24/78; Order 1164, § 388-33-576, filed 10/27/76; Order 1055, § 388-33-576, filed 9/25/75; Order 1026, § 388-33-576, filed 5/19/75; Order 661, § 388-33-576, filed 3/9/72.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1950.
- 388-33-577 Loss, theft or destruction of cash proceeds from warrant. [Statutory Authority: RCW 74.08.090. 78-12-001 (Order 1355), § 388-33-577, filed 11/3/78; Order 1164, § 388-33-577, filed 10/27/76; Order 661, § 388-33-577, filed 3/9/72.] Repealed by 82-16-065 (Order 1852), filed 7/30/82, effective 9/1/82. Statutory Authority: RCW 74.08.090.
- 388-33-579 Loss, theft or destruction of warrant payable to vendor. [Order 661, § 388-33-579, filed 3/9/72.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-2000.
- 388-33-585 Cancellation of warrant. [Order 534, § 388-33-585, filed 3/31/71, effective 5/1/71; Order 426, § 388-33-585, filed 1/21/70; Regulation 10.76, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-265-1900.
- 388-33-595 One-time grant—Authorization—Disbursement. [Statutory Authority: RCW 74.04.050. 89-23-085 (Order 2903), § 388-33-595, filed 11/17/89, effective 12/18/89. Statutory Authority: RCW 74.08.090. 83-17-004 (Order 1994), § 388-33-595, filed 8/5/83; 82-16-065 (Order 1852), § 388-33-595, filed 7/30/82, effective 9/1/82; 82-01-009 (Order 1728), § 388-33-595, filed 12/4/81; 81-09-044 (Order 1637), § 388-33-595, filed 4/15/81; 78-09-073 (Order 1332), § 388-33-595, filed 8/25/78; Order 1176, § 388-33-595, filed 12/23/76; Order 1068, § 388-33-595, filed 11/17/75; Order 933, § 388-33-595, filed 5/15/74; Order 791, § 388-33-595, filed 4/12/73; Order 698, § 388-33-595, filed 7/13/72; Order 534, § 388-33-595, filed 3/31/71, effective 5/1/71; Order 426, § 388-33-595, filed 1/21/70; Order 399, § 388-33-595, filed 11/5/69; Regulation 10.80, filed 6/14/66; Regulation 10.80, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-255-1400.
- 388-33-605 One-time grant—Notification to recipient. [Order 534, § 388-33-605, filed 3/31/71, effective 5/1/71; Regulation 10.81, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-630 Immediate warrants issued by ESSO. [Statutory Authority: RCW 74.08.090. 78-11-044 (Order 1351), § 388-33-630, filed 10/20/78; Order 1165, § 388-33-630, filed 10/27/76; Order 791, § 388-33-630, filed 4/12/73; Order 534, § 388-33-630, filed 3/31/71, effective 5/1/71; Order 499, § 388-33-630, filed 5/14/70, effective 6/15/70.] Repealed by 81-09-044 (Order 1637), filed 4/15/81. Statutory Authority: RCW 74.08.090.
- Chapter 388-34**
PERSON IN INSTITUTION—ELIGIBILITY—PAYMENT
- 388-34-010 Institutional living arrangements. [Regulation 11.00, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-015 Definitions. [Order 1044, § 388-34-015, filed 8/14/75; Order 323, § 388-34-015, filed 11/27/68; Order 249, § 388-34-015, filed 11/1/67; Regulation 11.01, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-020 Eligibility conditions. [Order 1044, § 388-34-020, filed 8/14/75; Order 323, § 388-34-020, filed 11/27/68; Order 249, § 388-34-020, filed 11/1/67; Regulation 11.02, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-025 Eligibility conditions—Eligibility for AFDC—Child or needy relative temporarily in institution. [Order 759, § 388-34-025, filed 12/28/72; Order 249, § 388-34-025, filed 11/1/67; Regulation 11.03, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-035 Skilled nursing home care. [Order 759, § 388-34-035, filed 12/28/72; Regulation 11.10, filed 8/29/66; Regulation 11.10, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-040 Skilled nursing home care—Application. [Order 759, § 388-34-040, filed 12/28/72; Regulation 11.11, filed 8/29/66; Regulation 11.11, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-045 Skilled nursing home care—Cost standards for requirements. [Order 1017, § 388-34-045, filed 4/14/75; Order 907, § 388-34-045, filed 2/14/74; Order 862, § 388-34-045, filed 10/11/73; Order 842, § 388-34-045, filed 8/9/73; Order 824, § 388-34-045, filed 7/26/73; Order 732, § 388-34-045, filed 10/27/72; Order 675, § 388-34-045, filed 5/10/72; Order 651, § 388-34-045, filed 2/9/72; Order 553, § 388-34-045, filed 4/1/71; Order 377, § 388-34-045, filed 8/7/69; Regulation 11.12, filed 2/23/67, 8/29/66, 3/31/66, 12/31/65, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-055 Skilled nursing home care—Authorization and payment. [Order 759, § 388-34-055, filed 12/28/72; Regulation 11.131, filed 8/29/66; Regulation 11.131, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-060 Authorizing initial and continuing eligibility and grant—Procedures. [Regulation 11.132, filed 8/29/66; Regulation 11.132, filed 1/24/64.] Repealed by Order 759, filed 12/28/72.
- 388-34-065 Authorizing initial and continuing eligibility and grant—Reporting procedure between county office and state office. [Regulation 11.133, filed 1/24/64.] Repealed by Order 651, filed 2/9/72.
- 388-34-070 Intermediate care facility—Eligibility. [Order 323, § 388-34-070, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-072 Intermediate care facility—Determination of need for intermediate care. [Order 395, § 388-34-072, filed 10/15/69; Order 323, § 388-34-072, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-074 Intermediate care facility—Placement of recipient. [Order 395, § 388-34-074, filed 10/15/69; Order 323, § 388-34-074, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-076 Intermediate care facility—Services to be provided by operator. [Order 395, § 388-34-076, filed 10/15/69; Order 323, § 388-34-076, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-078 Intermediate care facility—Payment standards—Rates—Procedures. [Order 562, § 388-34-078, filed 5/19/71; Order 553, § 388-34-078, filed 4/1/71; Order 467, § 388-34-078, filed 7/21/70; Order 395, § 388-34-078, filed 10/15/69; Order 377, § 388-34-078, filed 8/7/69; Order 339, § 388-34-078, filed 2/14/69; Order 323, § 388-34-078, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-080 Intermediate care facility—Payment procedures—Operator's responsibility. [Order 395, § 388-34-080, filed 10/15/69; Order 323, § 388-34-080, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-082 Intermediate care facility—Periodic review and re-evaluation. [Order 395, § 388-34-082, filed 10/15/69; Order 323, § 388-34-082, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-084 Intermediate care facility—Application from facility to provide intermediate care. [Order 395, § 388-34-084, filed 10/15/69.] Repealed by Order 651, filed 2/9/72.
- 388-34-085 Public nursing home—Definition—Grant requirements. [Order 1017, § 388-34-085, filed 4/14/75; Order 907, § 388-34-085, filed 2/14/74; Order 824, § 388-34-085, filed 7/26/73; Order 651, § 388-34-085, filed 2/9/72; Order 553, § 388-34-085, filed 4/1/71; Order 377, § 388-34-085, filed 8/7/69; Order 249, § 388-34-085, filed 11/1/67; Regulation 11.20, filed 7/24/67; Regulation 11.20, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-095 Fraternal, religious, or benevolent home. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-34-095, filed 9/18/78; Order 651, § 388-34-095, filed 2/9/72; Order 377, § 388-34-095, filed 8/7/69;

	Order 249, § 388-34-095, filed 11/1/67; Regulation 11.30, filed 8/29/66; Regulation 11.30, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08-090.		134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
388-34-110	General hospital—Grants requirements. [Order 1017, § 388-34-110, filed 4/14/75; Order 917, § 388-34-110, filed 3/14/74, 3/18/74; Order 824, § 388-34-110, filed 7/26/73; Order 651, § 388-34-110, filed 2/9/72; Order 553, § 388-34-110, filed 4/1/71; Order 377, § 388-34-110, filed 8/7/69; Order 249, § 388-34-110, filed 11/1/67; Regulation 11.41, filed 7/27/67; Regulation 11.41, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.	388-34-376	Intermediate care—Services to be provided by operator. [Order 440, § 388-34-376, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
388-34-120	Tuberculosis hospital—Grant requirements. [Order 1017, § 388-34-120, filed 4/14/75; Order 917, § 388-34-120, filed 3/14/74, 3/18/74; Order 824, § 388-34-120, filed 7/26/73; Order 651, § 388-34-120, filed 2/9/72; Order 377, § 388-34-120, filed 8/7/69; Order 553, § 388-34-120, filed 4/1/71; Order 249, § 388-34-120, filed 11/1/67; Regulation 11.42, filed 7/27/67, 2/23/67, 1/4/67, 8/29/66, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.	388-34-378	Intermediate care—Grant requirements—Procedures. [Order 1017, § 388-34-378, filed 4/14/75; Order 907, § 388-34-378, filed 2/14/74; Order 862, § 388-34-378, filed 10/11/73; Order 842, § 388-34-378, filed 8/9/73; Order 824, § 388-34-378, filed 7/26/73; Order 732, § 388-34-378, filed 10/27/72; Order 716, § 388-34-378, filed 9/14/72; Order 675, § 388-34-378, filed 5/10/72; Order 651, § 388-34-378, filed 2/9/72; Order 440, § 388-34-378, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
388-34-125	Psychiatric hospital (JCAH approved)—Standards for requirements. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-34-125, filed 9/18/78; Order 1044, § 388-34-125, filed 8/14/75; Order 824, § 388-34-125, filed 7/26/73; Order 651, § 388-34-125, filed 2/9/72; Order 553, § 388-34-125, filed 4/1/71; Order 377, § 388-34-125, filed 8/7/69; Order 249, § 388-34-125, filed 11/1/67.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.	388-34-380	Intermediate care—Payment procedures—Operator's responsibility. [Order 440, § 388-34-380, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
388-34-130	Patient in psychiatric facility—Commercial home not subject to state licensing. [Regulation 11.50, filed 7/27/67; Regulation 11.50, filed 3/21/67, 8/29/66, 1/24/64.] Repealed by Order 455 (part), filed 5/18/70.	388-34-384	Intermediate care—Application to provide intermediate care. [Order 867, § 388-34-384, filed 10/26/73; Order 627, § 388-34-384, filed 10/24/71; Order 440, § 388-34-384, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
388-34-140	Maternity services. [Order 688, § 388-34-140, filed 6/15/72; Order 434, § 388-34-140, filed 3/31/70; Regulation 11.60, filed 3/31/66; Regulation 11.60, filed 6/24/64, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.		Chapter 388-35 NONCONTINUING GENERAL ASSISTANCE— ELIGIBILITY—PAYMENT—STANDARDS
388-34-150	Other homes. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-34-150, filed 9/18/78; Regulation 11.70, filed 8/29/66; Regulation 11.70, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.	388-35-010	Conditions of eligibility. [Statutory Authority: RCW 74.08.090. 80-03-052 (Order 1490), § 388-35-010, filed 2/22/80; 79-11-090 (Order 1447), § 388-35-010, filed 10/25/79; 78-10-031 (Order 1337), § 388-35-010, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
388-34-160	Grant change—Admittance to institution other than nursing home. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-34-160, filed 5/4/83; 78-10-036 (Order 1338), § 388-34-160, filed 9/18/78; Regulation 11.80, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.	388-35-020	Determination of financial need. [Statutory Authority: RCW 74.08.090. 80-02-022 (Order 1471), § 388-35-020, filed 1/9/80; 78-10-031 (Order 1337), § 388-35-020, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08-090.
388-34-165	Grant change—Discharge from institution other than licensed nursing home. [Regulation 11.81, filed 6/14/66; Regulation 11.81, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.	388-35-030	Certification period. [Statutory Authority: RCW 74.08.090. 78-10-031 (Order 1337), § 388-35-030, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
388-34-180	Notification of grant authorization and change in grant. [Order 312, § 388-34-180, filed 10/31/68; Regulation 11.90, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.	388-35-050	Assistance units—Eligible persons. [Statutory Authority: RCW 74.08.090. 78-10-031 (Order 1337), § 388-35-050, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08-090.
388-34-370	Intermediate care—Eligibility conditions. [Order 701, § 388-34-370, filed 7/27/72; Order 651, § 388-34-370, filed 2/9/72.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.	388-35-060	Reapplication. [Statutory Authority: RCW 74.08.090. 79-10-085 (Order 1436), § 388-35-060, filed 9/21/79; 78-10-031 (Order 1337), § 388-35-060, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
388-34-372	Intermediate care—Determination of need for intermediate care. [Order 701, § 388-34-372, filed 7/27/72; Order 440, § 388-34-372, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.	388-35-070	Noncontinuing general assistance—Requirements. [Statutory Authority: RCW 74.08.090. 80-15-002 (Order 1550), § 388-35-070, filed 10/2/80; 79-10-085 (Order 1436), § 388-35-070, filed 9/21/79; 78-10-031 (Order 1337), § 388-35-070, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
388-34-374	Intermediate care—Placement of recipient. [Order 440, § 388-34-374, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.		Chapter 388-36 GENERAL ASSISTANCE— NONCONTINUING—ELIGIBILITY—PAYMENT
388-34-375	Intermediate care—Absence for social reasons. [Order 867, § 388-34-375, filed 10/26/73.] Repealed by 93-19-	388-36-010	Noncontinuing general assistance. [Order 536, § 388-36-010, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-010, filed 12/31/69; Order 294, § 388-36-010, filed 7/10/68; Regulation 12.00, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
		388-36-015	Employable person—Defined. [Order 294, § 388-36-015, filed 7/10/68; Regulation 12.01, filed 12/31/65, effective 2/1/66; Regulation 12.01, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
		388-36-025	Noncontinuing general assistance—Eligibility conditions—Summary. [Order 760, § 388-36-025, filed 12/28/72; Order 536, § 388-36-025, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-025, filed 12/31/69; Order 368, § 388-36-025, filed 7/9/69; Order 294, § 388-36-025, filed 7/10/68; Order 250, § 388-36-025,

- filed 11/1/67; Regulation 12.10, filed 12/31/65, effective 2/1/66; Regulation 12.10, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-055 Full-time employment. [Order 250, § 388-36-055, filed 11/1/67; Regulation 12.12, filed 12/31/65, effective 2/1/66; Regulation 12.12, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-060 Full-time employment—Effect on eligibility. [Order 250, § 388-36-060, filed 11/1/67; Regulation 12.121, filed 12/31/65, effective 2/1/66; Regulation 12.121, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-070 Noncontinuing general assistance—Limitations on eligibility. [Order 760, § 388-36-070, filed 12/28/72; Order 633, § 388-36-070, filed 12/24/71; Order 622, § 388-36-070, filed 10/27/71; Order 536, § 388-36-070, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-070, filed 12/31/69; Order 250, § 388-36-070, filed 11/1/67; Regulation 12.13, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-080 Transfer of resource. [Order 294, § 388-36-080, filed 7/10/68; Regulation 12.14, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-095 Noncontinuing general assistance—Requirements. [Order 653, § 388-36-095, filed 2/9/72; Order 536, § 388-36-095, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-095, filed 12/31/69; Order 294, § 388-36-095, filed 7/10/68; Order 250, § 388-36-095, filed 11/1/67; Regulation 12.151, filed 12/31/65, effective 2/1/66; Regulation 12.151, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-100 Noncontinuing general assistance—Computing income. [Order 536, § 388-36-100, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-100, filed 12/31/69; Regulation 12.152, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-105 Noncontinuing general assistance—Exempt and nonexempt resources and income. [Order 536, § 388-36-105, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-105, filed 12/31/69; Regulation 12.153, filed 12/31/65, effective 2/1/66; Regulation 12.153, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-110 Noncontinuing general assistance—Utilization of resources and income by noncontinuing general assistance recipient. [Order 536, § 388-36-110, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-110, filed 12/31/69; Regulation 12.154, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-125 Noncontinuing general assistance—Assistance unit defined. [Order 760, § 388-36-125, filed 12/28/72; Order 659, § 388-36-125, filed 2/23/72; Order 536, § 388-36-125, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-125, filed 12/31/69; Regulation 12.20, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-160 Other persons eligible for noncontinuing general assistance. [Order 294, § 388-36-160, filed 7/10/68; Regulation 12.30, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-170 Applicant for federal aid or continuing general assistance. [Regulation 12.32, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-180 Noncontinuing general assistance—Applicant without intent to remain in state. [Order 536, § 388-36-180, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-180, filed 12/31/69; Order 368, § 388-36-180, filed 7/9/69; Order 294, § 388-36-180, filed 7/10/68; Regulation 12.33, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-190 Other persons temporarily in need. [Order 294, § 388-36-190, filed 7/10/68; Regulation 12.34, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-200 Immediate grant. [Regulation 12.35, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-202 Noncontinuing general assistance—Application. [Order 536, § 388-36-202, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-202, filed 12/31/69.] Repealed by Order 841, filed 8/9/73.
- 388-36-205 Computation, authorization, reauthorization of grant. [Regulation 12.40, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-210 Noncontinuing general assistance—Effective date of eligibility. [Order 536, § 388-36-210, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-210, filed 12/31/69; Regulation 12.41, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-220 Grant amount. [Regulation 12.42, filed 1/24/64.] Repealed by Order 536, filed 3/31/71, effective 5/1/71.
- 388-36-230 Noncontinuing general assistance—Grant period. [Order 536, § 388-36-230, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-230, filed 12/31/69; Regulation 12.43, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-240 Noncontinuing general assistance—Authorization and re-authorization of grant. [Order 536, § 388-36-240, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-240, filed 12/31/69; Regulation 12.44, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-245 Noncontinuing general assistance—Notification to recipient. [Order 536, § 388-36-245, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-245, filed 12/31/69; Regulation 12.441, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-255 Noncontinuing general assistance—Payment of grant. [Order 536, § 388-36-255, filed 3/31/71; effective 5/1/71; Order 450, § 388-36-255, filed 5/14/70, effective 6/15/70; Order 417, § 388-36-255, filed 12/31/69; Regulation 12.50, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-265 Noncontinuing general assistance—Vendor payment. [Order 536, § 388-36-265, filed 3/31/71, effective 5/1/71; Order 450, § 388-36-265, filed 5/14/70, effective 6/15/70; Order 417, § 388-36-265, filed 12/31/69; Regulation 12.51, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.

Chapter 388-37

GENERAL ASSISTANCE—ELIGIBILITY—STANDARDS OF ASSISTANCE—PAYMENT

- 388-37-010 Continuing general assistance—Exclusions. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-010, filed 8/21/87. Statutory Authority: RCW 74.08.090. 86-11-021 (Order 2374), § 388-37-010, filed 5/14/86; 85-20-086 (Order 2289), § 388-37-010, filed 10/1/85; 84-19-046 (Order 2152), § 388-37-010, filed 9/17/84; 83-21-012 (Order 2034), § 388-37-010, filed 10/6/83; 83-08-025 (Order 1955), § 388-37-010, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-010, filed 10/26/82; 81-15-056 (Order 1681), § 388-37-010, filed 7/17/81; 81-10-010 (Order 1642), § 388-37-010, filed 4/27/81; 80-12-013 (Order 1536), § 388-37-010, filed 8/25/80; 79-06-026 (Order 1397), § 388-37-010, filed 5/16/79; 78-10-031 (Order 1337), § 388-37-010, filed 9/15/78; Order 1214, § 388-37-010, filed 6/23/77; Order 1102, § 388-37-010, filed 3/2/76; Order 939, § 388-37-010, filed 5/23/74; Order 904, § 388-37-010, filed 1/31/74; Order 841, § 388-37-010, filed 8/9/73.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.-090.
- 388-37-020 Continuing general assistance—Eligibility conditions—General. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-020, filed 8/21/87. Statutory Authority: RCW 74.08.090. 83-21-012 (Order 2034), § 388-37-020, filed 10/6/83; 81-12-045 (Order 1661), § 388-37-020, filed 6/3/81; 78-10-031 (Order 1337), § 388-37-020, filed 9/15/78; Order 1251, § 388-37-020, filed 11/10/77; Order 841, § 388-37-020, filed 8/9/73.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.-090.
- 388-37-021 Provision of Social Security numbers. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-021, filed 8/21/87.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-025 Earned income exemption. [Statutory Authority: RCW 74.08.090. 83-21-012 (Order 2034), § 388-37-025, filed 10/6/83; Order 1251, § 388-37-025, filed 11/10/77.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.-090.
- 388-37-029 General assistance retrospective budgeting supplement for AFDC or FIP recipients. [Statutory Authority: RCW 74.08.090. 91-21-124 (Order 3269), § 388-37-029, filed 10/23/91, effective 11/23/91.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-030 Continuing general assistance—Eligible persons. [Statutory Authority: 1991 c 10 and 126. 91-20-051 (Order

- 3249), § 388-37-030, filed 9/24/91, effective 10/25/91. Statutory Authority: 1990 c 285, 90-16-085 (Order 3045), § 388-37-030, filed 8/1/90, effective 9/1/90. Statutory Authority: 1987 c 406, 87-18-005 (Order 2525), § 388-37-030, filed 8/21/87. Statutory Authority: RCW 74.08.090, 85-15-090 (Order 2259), § 388-37-030, filed 7/24/85; 84-19-046 (Order 2152), § 388-37-030, filed 9/17/84; 83-21-012 (Order 2034), § 388-37-030, filed 10/6/83; 83-08-025 (Order 1955), § 388-37-030, filed 3/30/83; 81-10-010 (Order 1642), § 388-37-030, filed 4/27/81; 80-02-022 (Order 1471), § 388-37-030, filed 1/9/80; 78-06-021 (Order 1295), § 388-37-030, filed 5/16/78; Order 1214, § 388-37-030, filed 6/23/77; Order 1189, § 388-37-030, filed 2/18/77; Order 1173, § 388-37-030, filed 11/24/76; Order 1102, § 388-37-030, filed 3/2/76; Order 1083, § 388-37-030, filed 12/24/75; Order 976, § 388-37-030, filed 10/28/74; Order 973, § 388-37-030, filed 9/26/74; Order 939, § 388-37-030, filed 5/23/74; Order 904, § 388-37-030, filed 1/31/74; Order 841, § 388-37-030, filed 8/9/73.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-031 Continuing general assistance—Payment to employable spouse. [Statutory Authority: RCW 74.08.090, 81-12-045 (Order 1661), § 388-37-031, filed 6/3/81; Order 1102, § 388-37-031, filed 3/2/76.] Repealed by 92-10-049 (Order 3380), filed 5/5/92, effective 7/1/92. Statutory Authority: RCW 74.04.005.
- 388-37-032 Continuing general assistance—Determination of incapacity. [Statutory Authority: 1987 c 406, 87-18-005 (Order 2525), § 388-37-032, filed 8/21/87. Statutory Authority: RCW 74.08.090, 85-22-020 (Order 2297), § 388-37-032, filed 10/30/85; 84-19-046 (Order 2152), § 388-37-032, filed 9/17/84; 83-08-025 (Order 1955), § 388-37-032, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-032, filed 10/26/82; 81-12-045 (Order 1661), § 388-37-032, filed 6/3/81; Order 1145, § 388-37-032, filed 8/26/76; Order 1102, § 388-37-032, filed 3/2/76; Order 1046, § 388-37-032, filed 8/14/75; Order 973, § 388-37-032, filed 9/26/74; Order 904, § 388-37-032, filed 1/31/74.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-034 Continuing general assistance—Local office review of incapacity. [Order 943, § 388-37-034, filed 6/28/74; Order 904, § 388-37-034, filed 1/31/74.] Repealed by Order 1102, filed 3/2/76.
- 388-37-035 Incapacity—Medical evidence. [Statutory Authority: 1987 c 406, 87-18-005 (Order 2525), § 388-37-035, filed 8/21/87. Statutory Authority: RCW 74.08.090, 84-19-046 (Order 2152), § 388-37-035, filed 9/17/84; 83-21-012 (Order 2034), § 388-37-035, filed 10/6/83; 83-08-025 (Order 1955), § 388-37-035, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-035, filed 10/26/82; 82-12-067 (Order 1819), § 388-37-035, filed 6/2/82; 81-21-038 (Order 1709), § 388-37-035, filed 10/15/81; 81-10-010 (Order 1642), § 388-37-035, filed 4/27/81; 80-12-013 (Order 1536), § 388-37-035, filed 8/25/80; Order 1251, § 388-37-035, filed 11/10/77; Order 1214, § 388-37-035, filed 6/23/77; Order 1173, § 388-37-035, filed 11/24/76; Order 1145, § 388-37-035, filed 8/26/76; Order 1109, § 388-37-035, filed 4/15/76; Order 1102, § 388-37-035, filed 3/2/76; Order 973, § 388-37-035, filed 9/26/74; Order 904, § 388-37-035, filed 1/31/74.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.-090.
- 388-37-036 Incapacity—Functional, mental, and emotional disorders. [Statutory Authority: RCW 74.08.090, 83-08-025 (Order 1955), § 388-37-036, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-036, filed 10/26/82.] Repealed by 85-15-090 (Order 2259), filed 7/24/85. Statutory Authority: RCW 74.08.090.
- 388-37-037 Continuing general assistance—Refusal to accept available and required medical treatment. [Statutory Authority: 1987 c 406, 87-18-005 (Order 2525), § 388-37-037, filed 8/21/87. Statutory Authority: RCW 74.08.090, 85-22-020 (Order 2297), § 388-37-037, filed 10/30/85; 84-19-046 (Order 2152), § 388-37-037, filed 9/17/84; 83-08-025 (Order 1955), § 388-37-037, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-037, filed 10/26/82; 81-12-045 (Order 1661), § 388-37-037, filed 6/3/81; Order 1102, § 388-37-037, filed 3/2/76; Order 904, § 388-37-037, filed 1/31/74.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-038 Incapacity—Waiver of medical documentation. [Statutory Authority: RCW 74.04.005, 92-08-036, § 388-37-038, filed 3/24/92, effective 4/24/92. Statutory Authority: 1991 c 10 and 126, 91-20-051 (Order 3249), § 388-37-038, filed 9/24/91, effective 10/25/91. Statutory Authority: 1987 c 406, 87-18-005 (Order 2525), § 388-37-038, filed 8/21/87. Statutory Authority: RCW 74.08.090, 84-19-046 (Order 2152), § 388-37-038, filed 9/17/84; 83-08-025 (Order 1955), § 388-37-038, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-038, filed 10/26/82.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-039 Continuing general assistance—Assistance units. [Statutory Authority: RCW 74.04.005, 92-10-049 (Order 3380), § 388-37-039, filed 5/5/92, effective 7/1/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.-090.
- 388-37-040 Continuing general assistance—Standards for requirements—Authorization. [Statutory Authority: 1987 c 406, 87-18-005 (Order 2525), § 388-37-040, filed 8/21/87. Statutory Authority: RCW 74.08.090, 84-19-046 (Order 2152), § 388-37-040, filed 9/17/84; 82-22-021 (Order 1894), § 388-37-040, filed 10/26/82; 81-12-045 (Order 1661), § 388-37-040, filed 6/3/81; 79-06-028 (Order 1398), § 388-37-040, filed 5/16/79; Order 1102, § 388-37-040, filed 3/2/76; Order 841, § 388-37-040, filed 8/9/73.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-045 General assistance-unemployable—Determination of capacity to engage in gainful employment. [Statutory Authority: RCW 74.04.005, 93-06-073 (Order 3520), § 388-37-045, filed 3/2/93, effective 4/2/93.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-050 General assistance-unemployable—Redetermination of eligibility. [Statutory Authority: RCW 74.04.005, 93-06-073 (Order 3520), § 388-37-050, filed 3/2/93, effective 4/2/93. Statutory Authority: 1987 c 406, 87-18-005 (Order 2525), § 388-37-050, filed 8/21/87. Statutory Authority: RCW 74.08.090, 84-19-046 (Order 2152), § 388-37-050, filed 9/17/84; 83-08-025 (Order 1955), § 388-37-050, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-050, filed 10/26/82; Order 1102, § 388-37-050, filed 3/2/76; Order 943, § 388-37-050, filed 6/28/74; Order 904, § 388-37-050, filed 1/31/74; Order 841, § 388-37-050, filed 8/9/73.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-060 Congregate care—Alcoholism treatment. [Statutory Authority: RCW 74.08.090, 85-15-090 (Order 2259), § 388-37-060, filed 7/24/85; 84-19-046 (Order 2152), § 388-37-060, filed 9/17/84; 83-08-025 (Order 1955), § 388-37-060, filed 3/30/83. Statutory Authority: RCW 74.08.044, 82-04-076 (Order 1759), § 388-37-060, filed 2/3/82; Order 1173, § 388-37-060, filed 11/24/76.] Repealed by 87-18-005 (Order 2525), filed 8/21/87. Statutory Authority: 1987 c 406.
- 388-37-100 Progressive evaluation process. [Statutory Authority: RCW 74.08.090, 85-15-090 (Order 2259), § 388-37-100, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-110 Determination of severity—General definitions. [Statutory Authority: RCW 74.08.090, 88-15-013 (Order 2652), § 388-37-110, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-110, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-115 Progressive evaluation process Step I—Review of medical documentation. [Statutory Authority: 1991 c 10 and 126, 91-20-051 (Order 3249), § 388-37-115, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 74.08.090, 85-15-090 (Order 2259), § 388-37-115, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-120 Progressive evaluation process Step II—Severity of mental impairments. [Statutory Authority: 1987 c 406, 87-18-005 (Order 2525), § 388-37-120, filed 8/21/87.

	Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-120, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.		10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
388-37-130	Progressive evaluation process Step III—Severity of physical impairments. [Statutory Authority: RCW 74.08.090. 88-15-013 (Order 2652), § 388-37-130, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-130, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.	388-37-230	Noncontinuing general assistance—Exempt and nonexempt resources and income. [Statutory Authority: RCW 74.08.090. 78-06-022 (Order 1294), § 388-37-230, filed 5/16/78; Order 841, § 388-37-230, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
388-37-135	Alcoholism/drug addiction. [Statutory Authority: RCW 74.04.050. 92-03-047 (Order 3306), § 388-37-135, filed 1/10/92, effective 2/10/92. Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-135, filed 8/21/87. Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-135, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.-090.	388-37-235	Noncontinuing general assistance—Computing income. [Order 841, § 388-37-235, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
388-37-140	Progressive evaluation process Step IV—Multiple impairments. [Statutory Authority: RCW 74.08.090. 89-01-047 (Order 2733), § 388-37-140, filed 12/14/88; 88-15-013 (Order 2652), § 388-37-140, filed 7/8/88. Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-140, filed 8/21/87. Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-140, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.	388-37-240	Noncontinuing general assistance—Utilization of resources and income. [Order 841, § 388-37-240, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
388-37-150	Progressive evaluation process Step V—Functional capacities—Mental impairments. [Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-150, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.	388-37-245	Noncontinuing general assistance—Effective date of eligibility. [Order 841, § 388-37-245, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
388-37-160	Progressive evaluation process Step V—Functional capacities—Physical impairments. [Statutory Authority: RCW 74.08.090. 88-15-013 (Order 2652), § 388-37-160, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-160, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.	388-37-250	Noncontinuing general assistance—Grant period. [Order 841, § 388-37-250, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
388-37-170	Evaluation of vocational factors for Steps VI and VII. [Statutory Authority: RCW 74.08.090. 88-15-013 (Order 2652), § 388-37-170, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-170, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.	388-37-255	Noncontinuing general assistance—Authorization and reauthorization of grant. [Order 841, § 388-37-255, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
388-37-180	Progressive evaluation process Step VI—Evaluation of capacity to perform past work. [Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-180, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.	388-37-260	Noncontinuing general assistance—Notification to recipient. [Order 841, § 388-37-260, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
388-37-190	Progressive evaluation process Step VII—Assessment of capacity to perform other work. [Statutory Authority: RCW 74.08.090. 88-15-013 (Order 2652), § 388-37-190, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-190, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.	388-37-265	Noncontinuing general assistance—Payment of grant. [Order 841, § 388-37-265, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
388-37-210	Noncontinuing general assistance—Eligible persons. [*Order 1085, § 388-37-210, filed 1/15/76; Emergency Order 1073, § 388-37-210, filed 12/12/75 (Emergency Order 1073 repealed WAC 388-37-210, which was then readopted, as amended, by Order 1085, filed 1/15/76); Order 969, § 388-37-210, filed 9/13/74; Order 939, § 388-37-210, filed 5/23/74; Order 904, § 388-37-210, filed 1/31/74; Order 841, § 388-37-210, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.	388-37-270	Noncontinuing general assistance—Vendor payment. [Order 841, § 388-37-270, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
388-37-215	Noncontinuing general assistance—Specific eligibility conditions. [Order 1173, § 388-37-215, filed 11/24/76; Order 973, § 388-37-215, filed 9/26/74; Order 841, § 388-37-215, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.	388-37-300	GAU CWEP—Purpose. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-300, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
388-37-220	Noncontinuing general assistance—Requirements. [Order 1242, § 388-37-220, filed 9/23/77; Order 1145, § 388-37-220, filed 8/26/76; Order 1040, § 388-37-220, filed 8/7/75; Order 904, § 388-37-220, filed 1/31/74; Order 841, § 388-37-220, filed 8/9/73.] Repealed by 78-	388-37-310	GAU CWEP—Definitions. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-310, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
		388-37-320	GAU CWEP—Participation requirement. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-320, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
		388-37-330	GAU CWEP—Exemptions. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-330, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
		388-37-340	GAU CWEP—Placements. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-340, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
		388-37-350	GAU CWEP—Placement agencies. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-350, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
		388-37-360	GAU CWEP—Scope of services. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-360, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
		388-37-370	GAU CWEP—Good cause for refusal or failure to participate. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-370, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
		388-37-380	GAU CWEP—Sanctions for refusal or failure to participate. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-380, filed 8/6/92, effective

9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.

**Chapter 388-38
APPLICATION**

- 388-38-010 Definitions. [Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-010, filed 5/21/86; 81-17-028 (Order 1693), § 388-38-010, filed 8/12/81; Order 1101, § 388-38-010, filed 2/25/76; Order 537, § 388-38-010, filed 3/31/71, effective 5/1/71; Regulation 13.01, filed 7/27/67; Regulation 13.01, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-210-1010, and 388-210-1200.
- 388-38-020 Inquiry. [Regulation 13.10, filed 1/24/64.] Repealed by Order 537, filed 3/31/71, effective 5/1/71.
- 388-38-030 Application—Department responsibility. [Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-030, filed 5/21/86; Order 605, § 388-38-030, filed 9/22/71; Order 537, § 388-38-030, filed 3/31/71, effective 5/1/71; Regulation 13.20, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-200-1050 part, 388-210-1000, 388-210-1010 part, 388-210-1050 part, 388-200-1400 and 388-212-1000 part.
- 388-38-035 Application registration. [Regulation 13.21, filed 1/24/64.] Repealed by Order 537, filed 3/31/71, effective 5/1/71.
- 388-38-040 Application—Recording and documenting. [Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-040, filed 5/21/86; Order 943, § 388-38-040, filed 6/28/74; Order 537, § 388-38-040, filed 3/31/71, effective 5/1/71; Regulation 13.22, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-210-1010, 388-210-1020, and 388-210-1050.
- 388-38-045 Applicant responsibility for providing information. [Statutory Authority: RCW 74.08.090. 89-03-051 (Order 2755), § 388-38-045, filed 1/13/89; 86-11-060 (Order 2380), § 388-38-045, filed 5/21/86.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-200-1200, 388-210-1020 part, 388-210-1100 and 388-210-1250.
- 388-38-050 Alteration or addition to forms. [Order 978, § 388-38-050, filed 10/28/74; Repealed by Order 943, filed 6/28/74; Order 537, § 388-38-050, filed 3/31/71, effective 5/1/71; Regulation 13.23, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-210-1020 (parts).
- 388-38-060 Application—Prior to specified events. [Order 537, § 388-38-060, filed 3/31/71, effective 5/1/71; Regulation 13.24, filed 1/24/64.] Repealed by Order 973, filed 9/26/74.
- 388-38-070 Person being paroled or released from state correctional institution. [Order 943, § 388-38-070, filed 6/28/74; Order 537, § 388-38-070, filed 3/31/71, effective 5/1/71; Regulation 13.25, filed 1/24/64.] Repealed by Order 1195, filed 3/3/77.
- 388-38-080 Person in state mental hospital or institution for mentally retarded. [Order 537, § 388-38-080, filed 3/31/71, effective 5/1/71; Regulation 13.26, filed 1/24/64.] Repealed by Order 1165, filed 10/27/76.
- 388-38-085 Applicant requiring placement in licensed and classified nursing home or at Oakhurst Infirmary. [Regulation 13.261, filed 1/24/64.] Repealed by Order 537, filed 3/31/71, effective 5/1/71.
- 388-38-08501 Trial visit. [Order 873, § 388-38-085 (codified as WAC 388-38-08501), filed 11/16/73.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-090 Applicant requiring other type of placement. [Regulation 13.262, filed 1/24/64.] Repealed by Order 537, filed 3/31/71, effective 5/1/71.
- 388-38-100 Disposal of application. [This reference only section is being repealed inasmuch as § 388-38-100 was deleted from Order 537, filed 3/31/71, effective 5/1/71.]
- 388-38-110 Time limit for disposal. [Statutory Authority: RCW 74.04.057. 88-07-118 (Order 2614), § 388-38-110, filed 3/23/88. Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-110, filed 5/21/86; 82-07-026 (Order 1779), § 388-38-110, filed 3/11/82; 81-17-028 (Order 1693), § 388-38-110, filed 8/12/81; Order 1165, § 388-38-110, filed 10/27/76; Order 943, § 388-38-110, filed 6/28/74; Order 537, § 388-38-110, filed 3/31/71, effective 5/1/71; Regulation 13.31, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-210-1200 part, 388-210-1220, 388-210-1230 part and 388-504-0470.
- 388-38-120 Disposal actions. [Statutory Authority: RCW 74.08.-090. 86-11-060 (Order 2380), § 388-38-120, filed 5/21/86; 81-12-045 (Order 1661), § 388-38-120, filed 6/3/81; Order 1241, § 388-38-120, filed 9/23/77; Order 1101, § 388-38-120, filed 2/25/76; Order 943, § 388-38-120, filed 6/28/74; Order 537, § 388-38-120, filed 3/31/71, effective 5/1/71; Order 354, § 388-38-120, filed 5/29/69; Order 313, § 388-38-120, filed 10/31/68; Regulation 13.32, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-210-1200 part, 388-210-1300 part, 388-210-1310, 388-210-1320 part, 388-210-1330, and 388-210-1340.
- 388-38-140 Notification of decision. [Regulation 13.40, filed 1/24/64.] Repealed by Order 313, filed 10/31/68.
- 388-38-150 Application approved—Notice. [Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-150, filed 5/21/86; Order 537, § 388-38-150, filed 3/31/71, effective 5/1/71; Order 313, § 388-38-150, filed 10/31/68; Regulation 13.41, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-160 Withdrawn application. [Regulation 13.42, filed 1/24/64.] Repealed by Order 313, filed 10/31/68. Later promulgation, see WAC 388-210-1410 (parts).
- 388-38-170 Denial of application. [Regulation 13.43, filed 1/24/64.] Repealed by Order 313, filed 10/31/68.
- 388-38-172 Application denied or withdrawn—Notice. [Statutory Authority: RCW 74.08.090. 89-03-051 (Order 2755), § 388-38-172, filed 1/13/89; 86-11-060 (Order 2380), § 388-38-172, filed 5/21/86; Order 537, § 388-38-172, filed 3/31/71, effective 5/1/71; Order 313, § 388-38-172, filed 10/31/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see 388-210-1420.
- 388-38-180 Intercounty transfer of application. [Regulation 13.50, filed 1/24/64.] Repealed by Order 537, filed 3/31/71, effective 5/1/71.
- 388-38-200 Verifying eligibility and re-eligibility. [Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-200, filed 5/21/86; 83-13-095 (Order 1971), § 388-38-200, filed 6/20/83; Order 1241, § 388-38-200, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-200-1050 part, 388-210-1050 part, 388-200-1320 part, 388-212-1000 part, 388-212-1050, 388-212-1100, 388-212-1150, 388-212-1200 and 388-212-1250.
- 388-38-220 Verification of citizenship. [Order 1241, § 388-38-220, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-225 Verification of lawful admission for permanent residence in United States. [Order 1241, § 388-38-225, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-230 Verification of permanent residence in United States under color of law. [Order 1241, § 388-38-230, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-250 Responsibility for eligibility maintenance. [Order 1241, § 388-38-250, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-200-1050 (parts).
- 388-38-255 Responsibility for eligibility maintenance—Recipient. [Order 1241, § 388-38-255, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94.

- Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-200-1050 part and 388-270-1125.
- 388-38-260 Responsibility for eligibility maintenance—Local office. [Order 1241, § 388-38-260, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of 388-200-1050 and 388-245-1150.
- 388-38-265 Recipient's whereabouts unknown or failure to provide eligibility data. [Statutory Authority: RCW 74.08.090. 83-24-015 (Order 2051), § 388-38-265, filed 11/30/83; Order 1241, § 388-38-265, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1715 and 388-245-1720.
- 388-38-270 Redirection of warrant. [Statutory Authority: RCW 74.08.090. 86-07-002 (Order 2345), § 388-38-270, filed 3/6/86; Order 1241, § 388-38-270, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1350.
- 388-38-280 Periodic review and redetermination of eligibility. [Statutory Authority: RCW 74.08.090. 86-21-051 (Order 2434), § 388-38-280, filed 10/13/86; 86-08-004 (Order 2350), § 388-38-280, filed 3/20/86; Order 1241, § 388-38-280, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1150 part and 388-245-1160.
- 388-38-285 Content of review. [Order 1241, § 388-38-285, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1150 part.
- 388-38-290 Action on review. [Order 1241, § 388-38-290, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-245-1170.
- 388-38-295 Changing and terminating grant. [Order 1241, § 388-38-295, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- Chapter 388-39**
MEDICAL CARE
- [Regulation 14.00 through 14.33, filed 1/24/64.] Repealed by Order 244, filed 10/20/67.
- Chapter 388-40**
ALCOHOL/DRUG PROGRAMS
- 388-40-010 Alcoholism and drug detoxification program—Eligible persons. [Statutory Authority: RCW 74.50.080. 90-21-125 (Order 3089), § 388-40-010, filed 10/23/90, effective 11/23/90. Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-010, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-010, filed 8/21/87. Statutory Authority: RCW 74.08.090. 82-20-023 (Order 1884), § 388-40-010, filed 9/29/82; 81-10-011 (Order 1643), § 388-40-010, filed 4/27/81.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.
- 388-40-020 Alcoholism and Drug Addiction Treatment and Support Act (ADATSA)—Program description. [Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-020, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-020, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.
- 388-40-030 ADATSA services. [Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-030, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-030, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.
- 388-40-040 Financial eligibility requirements. [Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-040, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.50.010. 88-13-110 (Order 2635), § 388-40-040, filed 6/21/88. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-040, filed 8/21/87.]
- Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.-090.
- 388-40-050 Incapacity requirements for ADATSA treatment. [Statutory Authority: 1989 1st ex.s. c 18. 89-24-037 (Order 2908), § 388-40-050, filed 12/1/89, effective 1/1/90; 89-18-025 (Order 2851), § 388-40-050, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-050, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.
- 388-40-055 Incapacity requirements for ADATSA shelter. [Statutory Authority: RCW 74.50.080. 90-21-125 (Order 3089), § 388-40-055, filed 10/23/90, effective 11/23/90. Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-055, filed 8/29/89, effective 9/29/89.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.-090.
- 388-40-060 Eligibility determination and review—Time frame. [Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-060, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-060, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.
- 388-40-070 SSI referral requirements. [Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-070, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.
- 388-40-080 ADATSA assessment centers—Role. [Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-080, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090. 89-01-093 (Order 2740), § 388-40-080, filed 12/21/88. Statutory Authority: RCW 74.50.010. 88-13-110 (Order 2635), § 388-40-080, filed 6/21/88. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-080, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.
- 388-40-090 ADATSA treatment modalities—Description of services, requirements, and limitations. [Statutory Authority: RCW 74.50.080. 90-21-125 (Order 3089), § 388-40-090, filed 10/23/90, effective 11/23/90. Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-090, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.50.010. 88-13-110 (Order 2635), § 388-40-090, filed 6/21/88. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-090, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.
- 388-40-091 Availability of treatment—Priority groups. [Statutory Authority: RCW 74.50.080. 90-21-125 (Order 3089), § 388-40-091, filed 10/23/90, effective 11/23/90. Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-091, filed 8/29/89, effective 9/29/89.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.-090.
- 388-40-095 ADATSA treatment—Living allowance. [Statutory Authority: RCW 74.50.010. 88-13-110 (Order 2635), § 388-40-095, filed 6/21/88.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.
- 388-40-100 ADATSA shelter services. [Statutory Authority: RCW 74.50.080. 90-21-125 (Order 3089), § 388-40-100, filed 10/23/90, effective 11/23/90. Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-100, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090. 89-01-093 (Order 2740), § 388-40-100, filed 12/21/88. Statutory Authority: RCW 74.50.-010. 88-13-110 (Order 2635), § 388-40-100, filed 6/21/88. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-100, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.
- 388-40-110 ADATSA protective payee requirements. [Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-110, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.50.010. 88-23-020 (Order 2723), § 388-40-110, filed 11/7/88; 88-13-110 (Order 2635), §

388-40-110, filed 6/21/88.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

Chapter 388-41

MEDICAL AUDIT DISPUTE RESOLUTION

- 388-41-001 Authority. [Statutory Authority: RCW 74.08.090 and 74.09.290. 93-24-058 (Order 3674), § 388-41-001, filed 11/24/93, effective 12/25/93.] Repealed by 00-23-014, filed 11/3/00, effective 12/4/00. Statutory Authority: RCW 74.08.090, 43.20B.675.
- 388-41-003 Purpose. [Statutory Authority: RCW 74.08.090 and 74.09.290. 93-24-058 (Order 3674), § 388-41-003, filed 11/24/93, effective 12/25/93.] Repealed by 00-23-014, filed 11/3/00, effective 12/4/00. Statutory Authority: RCW 74.08.090, 43.20B.675.
- 388-41-010 Definitions. [Statutory Authority: RCW 74.08.090 and 74.09.290. 93-24-058 (Order 3674), § 388-41-010, filed 11/24/93, effective 12/25/93.] Repealed by 00-23-014, filed 11/3/00, effective 12/4/00. Statutory Authority: RCW 74.08.090, 43.20B.675.
- 388-41-020 Audit dispute conference. [Statutory Authority: RCW 74.08.090 and 74.09.290. 93-24-058 (Order 3674), § 388-41-020, filed 11/24/93, effective 12/25/93.] Repealed by 00-23-014, filed 11/3/00, effective 12/4/00. Statutory Authority: RCW 74.08.090, 43.20B.675.

Chapter 388-42 FUNERAL EXPENSE

- 388-42-010 Funerals. [Regulation 15.00, filed 1/24/64.] Repealed by Order 538, filed 3/31/71, effective 5/1/71.
- 388-42-020 Funeral and interment assistance—Definitions. [Statutory Authority: RCW 74.08.120. 93-05-021 (Order 3513), § 388-42-020, filed 2/10/93, effective 3/13/93; 92-16-015 (Order 3422), § 388-42-020, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.-090. 84-11-071 (Order 2100), § 388-42-020, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-020, filed 8/12/81; 81-10-011 (Order 1643), § 388-42-020, filed 4/27/81; 78-10-058 (Order 1340), § 388-42-020, filed 9/22/78; Order 612, § 388-42-020, filed 9/27/71; Order 538, § 388-42-020, filed 3/31/71, effective 5/1/71; Order 278, § 388-42-020, filed 2/14/68; Order 242, § 388-42-020, filed 10/20/67; Regulation 15.10, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-025 Available services. [Statutory Authority: RCW 74.08.-120. 93-05-021 (Order 3513), § 388-42-025, filed 2/10/93, effective 3/13/93; 92-16-015 (Order 3422), § 388-42-025, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-025, filed 5/22/84, effective 7/1/84.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-030 General eligibility. [Statutory Authority: RCW 74.08.-120. 92-16-015 (Order 3422), § 388-42-030, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-030, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-030, filed 8/12/81; 78-10-058 (Order 1340), § 388-42-030, filed 9/22/78; Order 612, § 388-42-030, filed 9/27/71; Order 538, § 388-42-030, filed 3/31/71, effective 5/1/71; Order 371, § 388-42-030, filed 8/7/69; Order 314, § 388-42-030, filed 10/31/68; Order 242, § 388-42-030, filed 10/20/67; Regulation 15.20, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-040 Resources. [Statutory Authority: RCW 74.08.090. 86-11-023 (Order 2376), § 388-42-040, filed 5/14/86; 84-11-071 (Order 2100), § 388-42-040, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-040, filed 8/12/81; Order 538, § 388-42-040, filed 3/31/71, effective 5/1/71; Order 242, § 388-42-040, filed 10/20/67; Regulation 15.30, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-050 Funeral expenses—Veterans' burial benefit. [Statutory Authority: RCW 74.08.090. 81-10-011 (Order 1643), § 388-42-050, filed 4/27/81; Order 538, § 388-42-050, filed 3/31/71, effective 5/1/71; Order 242, § 388-42-050, filed 10/20/67; Regulation 15.31, filed 1/24/64.] Repealed by 81-17-026 (Order 1691), filed 8/12/81. Statutory Authority: RCW 74.08.090.
- 388-42-060 Funeral expenses—Workmen's compensation. [Order 538, § 388-42-060, filed 3/31/71, effective 5/1/71.] Repealed by 81-17-026 (Order 1691), filed 8/12/81. Statutory Authority: RCW 74.08.090.
- 388-42-070 Funeral expenses—Social Security death benefit. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-42-070, filed 9/18/78; Order 538, § 388-42-070, filed 10/20/67; Regulation 15.33, filed 3/31/66; Regulation 15.33, filed 1/24/64.] Repealed by 81-17-026 (Order 1691), filed 8/12/81. Statutory Authority: RCW 74.08.090.
- 388-42-080 Funeral expenses—Railroad retirement death benefit. [Order 538, § 388-42-080, filed 3/31/71, effective 5/1/71; Order 242, § 388-42-080, filed 10/20/67; Regulation 15.34, filed 1/24/64.] Repealed by 81-17-026 (Order 1691), filed 8/12/81. Statutory Authority: RCW 74.08.090.
- 388-42-090 Funeral expenses—Life insurance. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-42-090, filed 9/18/78; Order 538, § 388-42-090, filed 3/31/71, effective 5/1/71; Order 371, § 388-42-090, filed 8/7/69; Order 242, § 388-42-090, filed 10/20/67; Regulation 15.35, filed 1/24/64.] Repealed by 81-17-026 (Order 1691), filed 8/12/81. Statutory Authority: RCW 74.08.090.
- 388-42-100 Decedent's estate. [Statutory Authority: RCW 74.08.-090. 84-11-071 (Order 2100), § 388-42-100, filed 5/22/84, effective 7/1/84; Order 1176, § 388-42-100, filed 12/23/76; Order 538, § 388-42-100, filed 3/31/71, effective 5/1/71; Order 371, § 388-42-100, filed 8/1/69; Order 242, § 388-42-100, filed 10/20/67; Regulation 15.36, filed 12/31/65; Regulation 15.36, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-110 Interment of two or more bodies in one grave. [Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-110, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-110, filed 8/12/81; Order 612, § 388-42-110, filed 9/27/71; Order 538, § 388-42-110, filed 3/31/71, effective 5/1/71; Order 371, § 388-42-110, filed 8/1/69; Order 278, § 388-42-110, filed 2/14/68; Order 242, § 388-42-110, filed 10/20/67; Regulation 15.40, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-115 Application. [Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-115, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-115, filed 8/12/81; Order 612, § 388-42-115, filed 9/27/71.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-125 Fair hearing. [Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-125, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-125, filed 8/12/81; Order 538, § 388-42-125, filed 3/31/71, effective 5/1/71; Order 242, § 388-42-125, filed 10/20/67; Regulation 15.50, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-150 Maximum cost standards. [Statutory Authority: RCW 74.08.120. 93-05-021 (Order 3513), § 388-42-150, filed 2/10/93, effective 3/13/93; 92-16-015 (Order 3422), § 388-42-150, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 91-06-005 (Order 3142), § 388-42-150, filed 2/21/91, effective 3/24/91; 90-10-031 (Order 2973), § 388-42-150, filed 4/25/90, effective 5/26/90; 88-18-023 (Order 2682), § 388-42-150, filed 8/30/88. Statutory Authority: 1987 c 7. 87-24-073 (Order 2563), § 388-42-150, filed 12/2/87. Statutory Authority: RCW 74.08.090. 85-24-052 (Order 2310), § 388-42-150, filed 12/2/85; 84-11-071 (Order 2100), § 388-42-150, filed 5/22/84, effective 7/1/84; 82-06-050 (Order 1772), § 388-42-150, filed 3/3/82; 81-17-026 (Order 1691), § 388-42-150, filed 8/12/81; 80-11-055 (Order 1532), § 388-42-150, filed 8/20/80; 79-10-083 (Order 1434), § 388-42-150, filed 9/21/79; 78-10-058 (Order 1340), § 388-42-150, filed 9/22/78; Order 1247,

- § 388-42-150, filed 10/10/77; Order 1052, § 388-42-150, filed 9/10/75; Order 907, § 388-42-150, filed 2/14/74; Order 612, § 388-42-150, filed 9/27/71; Order 538, § 388-42-150, filed 3/31/71, effective 5/1/71; Order 378, § 388-42-150, filed 8/7/69; Order 255, § 388-42-150, filed 11/8/67; Regulation 15.60, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-160 Agreements with funeral directors, cemetery and crematory operators. [Order 242, § 388-42-160, filed 10/20/67; Regulation 15.70, filed 1/24/64.] Repealed by Order 281, filed 2/14/68.
- 388-42-170 Lien against deceased person's assets exempted for use by spouse and/or minor children. [Regulation 15.80, filed 12/31/65.] Repealed by Order 245, filed 10/20/67.
- Chapter 388-43**
DEAF AND HARD OF HEARING SERVICES
- 388-43-001 Scope. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-001, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-002 Regional centers. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-002, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-003 Services. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-003, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-005 Definitions. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-005, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-010 Eligibility requirements. [Statutory Authority: RCW 43.20A.725 and 43.20A.730. 95-03-049 (Order 3825), § 388-43-010, filed 1/11/95, effective 2/11/95. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-010, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-020 Approval of application for initial device or request for replacement device. [Statutory Authority: RCW 43.20A.725 and 43.20A.730. 95-03-049 (Order 3825), § 388-43-020, filed 1/11/95, effective 2/11/95. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-020, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-030 Denial of initial application or request for replacement device. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-030, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-040 Application renewal process. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-040, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-050 Notice of approval or denial. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-050, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-060 Review by department. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-060, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-070 Distribution. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-070, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-080 Training. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-080, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-090 Ownership and liability. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-090, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-100 TRS advisory committee appointment. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-100, filed 12/30/93, effective 1/30/94.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-43-110 Telecommunications relay service. [Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-110, filed 12/30/93, effective 1/30/94.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- 388-43-120 Policies for transition. [Statutory Authority: RCW 43.20A.725. 94-04-037 (Order 3700), § 388-43-120, filed 1/26/94, effective 2/26/94.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-43-130 Uses for returned equipment. [Statutory Authority: RCW 43.20A.725 and 43.20A.730. 95-03-049 (Order 3825), § 388-43-130, filed 1/11/95, effective 2/11/95.] Decodified by 99-20-022, filed 9/28/99, effective 9/28/99.
- Reviser's note:** Later promulgation, see chapter 388-818 WAC.
- Chapter 388-44**
OVERPAYMENT—REPAYMENT
- 388-44-010 Overpayment—Underpayment—Defined. [Statutory Authority: RCW 74.04.050, 86-04-014 (Order 2335), § 388-44-010, filed 1/24/86. Statutory Authority: RCW 74.08.090, 83-05-046 (Order 1947), § 388-44-010, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-010, filed 2/3/82; 81-09-045 (Order 1638), § 388-44-010, filed 4/15/81; Order 1058, § 388-44-010, filed 10/1/75; Order 800, § 388-44-010, filed 5/25/73; Order 539, § 388-44-010, filed 3/31/71, effective 5/1/71; Order 396, § 388-44-010, filed 10/15/69; Regulation 16.01, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.-090.
- 388-44-020 Intentional overpayment—Defined. [Statutory Authority: RCW 74.08.090, 83-05-046 (Order 1947), § 388-44-020, filed 2/16/83; 81-09-045 (Order 1638), § 388-44-020, filed 4/15/81; Order 843, § 388-44-020, filed 8/9/73; Order 800, § 388-44-020, filed 5/25/73; Order 539, § 388-44-020, filed 3/31/71, effective 5/1/71; Regulation 16.02, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-025 Overpayments—Effective dates. [Statutory Authority: RCW 74.08.090, 83-05-046 (Order 1947), § 388-44-025, filed 2/16/83.] Repealed by 86-04-014 (Order 2335), filed 1/24/86. Statutory Authority: RCW 74.04.-050.
- 388-44-035 Overpayment—Amount. [Statutory Authority: RCW 74.08.090, 88-19-070 (Order 2699), § 388-44-035, filed 9/16/88. Statutory Authority: RCW 74.04.050, 86-04-014 (Order 2335), § 388-44-035, filed 1/24/86. Statutory Authority: RCW 74.08.090, 83-05-046 (Order 1947), § 388-44-035, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-035, filed 2/3/82; 81-09-045 (Order 1638), § 388-44-035, filed 4/15/81; Order 539, § 388-44-035, filed 3/31/71, effective 5/1/71; Order 396, § 388-44-035, filed 10/15/69; Regulation 16.11, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-040 Overpayment—Due to need factor. [Order 539, § 388-44-040, filed 3/31/71, effective 5/1/71; Order 396, § 388-44-040, filed 10/15/69; Regulation 16.12, filed 1/24/64.] Repealed by 81-09-045 (Order 1638), filed 4/15/81. Statutory Authority: RCW 74.08.090.
- 388-44-045 Overpayment—During known period of ineligibility. [Regulation 16.13, filed 1/24/64.] Repealed by Order 396, filed 10/15/69.
- 388-44-046 Overpayment—Support payments not treated as overpayment. [Order 1054, § 388-44-046, filed 9/25/75.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.-090.
- 388-44-050 Overpayment—Relationship to underpayment. [Statutory Authority: RCW 74.08.090, 82-04-072 (Order 1755), § 388-44-050, filed 2/3/82; Order 539, § 388-44-

- 050, filed 3/31/71, effective 5/1/71; Regulation 16.14, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-075 Establishing overpayment. [Order 396, § 388-44-075, filed 10/15/69; Regulation 16.20, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-085 Establishing overpayment—Person not available for interview. [Order 396, § 388-44-085, filed 10/15/69; Regulation 16.22, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-095 Establishing overpayment—Substantiation. [Order 396, § 388-44-095, filed 10/15/69; Regulation 16.23, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-110 Overpayment—Liability. [Statutory Authority: RCW 74.04.050, 86-04-014 (Order 2335), § 388-44-110, filed 1/24/86. Statutory Authority: RCW 74.08.090, 83-05-046 (Order 1947), § 388-44-110, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-110, filed 2/3/82; 80-14-061 (Order 1547), § 388-44-110, filed 10/1/80; Order 800, § 388-44-110, filed 5/25/73; Order 539, § 388-44-110, filed 3/31/71, effective 5/1/71; Regulation 16.24, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-115 Verification of overpayment. [Statutory Authority: RCW 74.04.050, 86-04-014 (Order 2335), § 388-44-115, filed 1/24/86. Statutory Authority: RCW 74.08.090, 83-05-046 (Order 1947), § 388-44-115, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-115, filed 2/3/82; 81-19-029 (Order 1698), § 388-44-115, filed 9/9/81; Order 800, § 388-44-115, filed 5/25/73.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-120 Invalid overpayment. [Order 800, § 388-44-120, filed 5/25/73.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-125 Repayment of overpayment from current recipients. [Statutory Authority: RCW 74.04.050, 86-04-014 (Order 2335), § 388-44-125, filed 1/24/86. Statutory Authority: RCW 74.08.090, 84-21-079 (Order 2163), § 388-44-125, filed 10/18/84; 83-05-046 (Order 1947), § 388-44-125, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-125, filed 2/3/82; Order 965, § 388-44-125, filed 8/29/74; Order 897, § 388-44-125, filed 1/11/74; Order 800, § 388-44-125, filed 5/25/73; Order 539, § 388-44-125, filed 3/31/71, effective 5/1/71; Regulation 16.30, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-127 Repayment of overpayment occurring prior to April 3, 1982, and resulting from department error. [Statutory Authority: RCW 74.08.090, 84-21-079 (Order 2163), § 388-44-127, filed 10/18/84; 83-05-046 (Order 1947), § 388-44-127, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-127, filed 2/3/82; 81-05-002 (Order 1596), § 388-44-127, filed 2/5/81; 78-06-082 (Order 1298), § 388-44-127, filed 6/1/78; Order 897, § 388-44-127, filed 1/11/74; Order 800, § 388-44-127, filed 5/25/73; Order 539, § 388-44-127, filed 3/31/71, effective 5/1/71; Order 512, § 388-44-127, filed 1/14/71, effective 2/15/71; Order 396, § 388-44-127, filed 10/15/69.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-130 Repayment of overpayment from former recipients. [Statutory Authority: 74.08.090, 83-05-046 (Order 1947), § 388-44-130, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-130, filed 2/3/82; Order 965, § 388-44-130, filed 8/29/74; Order 897, § 388-44-130, filed 1/11/74; Order 800, § 388-44-130, filed 5/25/73; Order 539, § 388-44-130, filed 3/31/71, effective 5/1/71; Order 446, § 388-44-130, filed 4/28/70; Regulation 16.31, filed 1/24/64.] Repealed by 86-04-014 (Order 2335), filed 1/24/86. Statutory Authority: RCW 74.04.050.
- 388-44-140 Responsibility for recovery of overpayment. [Statutory Authority: RCW 74.04.050, 86-04-014 (Order 2335), § 388-44-140, filed 1/24/86. Statutory Authority: RCW 74.08.090, 82-04-072 (Order 1755), § 388-44-140, filed 2/3/82; Order 897, § 388-44-140, filed 1/11/74; Order 800, § 388-44-140, filed 5/25/73; Order 539, § 388-44-140, filed 3/31/71, effective 5/1/71; Regulation 16.32, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-145 Involuntary repayment of overpayment—Mandatory grant deduction. [Statutory Authority: RCW 74.08.090, 91-09-070 (Order 3160), § 388-44-145, filed 4/17/91, effective 5/18/91. Statutory Authority: RCW 74.04.-050, 86-04-014 (Order 2335), § 388-44-145, filed 1/24/86. Statutory Authority: RCW 74.08.090, 84-21-079 (Order 2163), § 388-44-145, filed 10/18/84; 83-05-046 (Order 1947), § 388-44-145, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-145, filed 2/3/82; 81-09-045 (Order 1638), § 388-44-145, filed 4/15/81; Order 965, § 388-44-145, filed 8/29/74; Order 897, § 388-44-145, filed 1/11/74; Order 800, § 388-44-145, filed 5/25/73; Order 539, § 388-44-145, filed 3/31/71, effective 5/1/71; Order 401, § 388-44-145, filed 11/5/69; Order 324, § 388-44-145, filed 11/27/68; Emergency Order 310, filed 10/18/68; Regulation 16.321, filed 6/30/67; Regulation 16.321, filed 8/29/66, 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.-090.
- 388-44-150 Recovery of overpayments—Former recipients. [Statutory Authority: RCW 74.04.050, 86-04-014 (Order 2335), § 388-44-150, filed 1/24/86. Statutory Authority: RCW 74.08.090, 83-05-046 (Order 1947), § 388-44-150, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-150, filed 2/3/82; Order 800, § 388-44-150, filed 5/25/73; Order 539, § 388-44-150, filed 3/31/71, effective 5/1/71; Regulation 16.322, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-155 Involuntary repayment—Current or former recipient. [Regulation 16.323, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-160 Repayment from estate. [Order 539, § 388-44-160, filed 3/31/71, effective 5/1/71; Order 251, § 388-44-160, filed 11/1/67; Regulation 16.324, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.-090.
- 388-44-200 Accounts receivable. [Reference section only.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-205 Accounts receivable—Establishing. [Regulation 16.41, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-210 Accounts receivable—Closures. [Regulation 16.42, filed 12/21/64, effective 2/1/65; Regulation 16.42, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-215 Accounts receivable—Credit balances. [Regulation 16.43, filed 12/21/64, effective 2/1/65; Regulation 16.43, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-220 Accounts receivable—Transfer. [Regulation 16.44, filed 12/21/64, effective 2/1/65; Regulation 16.44, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-240 Cash repayment. [Regulation 16.50, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-250 Gifts, bequests by will, contributions. [Statutory Authority: RCW 74.08.090, 82-04-072 (Order 1755), § 388-44-250, filed 2/3/82; Order 539, § 388-44-250, filed 3/31/71, effective 5/1/71; Regulation 16.60, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-255 Preparation of will. [Regulation 16.61, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-280 Subrogation. [Order 539, § 388-44-280, filed 3/31/71, effective 5/1/71; Regulation 16.70, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.-090.
- 388-44-285 Subrogation—Responsibility. [Regulation 16.71, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-300 Subrogation—Other procedures for collection. [Regulation 16.74, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.

- 388-44-315 Adjustment of federal aid matching erroneously claimed. [Regulation 16.80, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-320 Conditions requiring adjustment. [Regulation 16.81, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-325 Method of reporting. [Regulation 16.82, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-330 Time limits, write-offs, and compromises. [Statutory Authority: RCW 43.20B.030, 88-13-059 (Order 2633), § 388-44-330, filed 6/14/88.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.

Chapter 388-45
THE STATE-FUNDED FOOD ASSISTANCE PROGRAM FOR
LEGAL IMMIGRANTS

- 388-45-010 The state-funded food assistance program for legal immigrants. [Statutory Authority: RCW 74.04.050, 74.04.057 and 74.08.090, 97-20-124, § 388-45-010, filed 10/1/97, effective 11/1/97.] Repealed by 00-22-063, filed 10/27/00, effective 11/27/00. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, and 74.04.055.

Chapter 388-46
RECIPIENT FRAUD

- 388-46-010 Fraud—Criminal prosecution. [Order 801, § 388-46-010, filed 5/25/73; Order 540, § 388-46-010, filed 3/31/71, effective 5/1/71; Regulation 17.10, filed 1/24/64.] Repealed by 01-06-044, filed 3/5/01, effective 4/5/01. Statutory Authority: RCW 74.04.510, 74.04.-057, and 74.04.050.
- 388-46-020 State office investigative units. [Regulation 17.20, filed 1/24/64.] Repealed by Order 540, filed 3/31/71, effective 5/1/71.
- 388-46-030 Methods of handling suspected fraud cases—Investigative unit help not required. [Regulation 17.31, filed 1/24/64.] Repealed by Order 540, filed 3/31/71, effective 5/1/71.
- 388-46-040 Methods of handling suspected fraud case—Investigative unit help needed. [Regulation 17.32, filed 1/24/64.] Repealed by Order 540, filed 3/31/71, effective 5/1/71.
- 388-46-050 Fraud—Referral to prosecutor. [Order 540, § 388-46-050, filed 3/31/71, effective 5/1/71; Regulation 17.40, filed 1/24/64.] Repealed by Order 801, filed 5/25/73.
- 388-46-060 Register of suspected fraud cases. [Regulation 17.50, filed 1/24/64.] Repealed by Order 540, filed 3/31/71, effective 5/1/71.
- 388-46-070 Complaints. [Regulation 17.60, filed 1/24/64.] Repealed by Order 540, filed 3/31/71, effective 5/1/71.
- 388-46-080 Case reading by investigative unit administrative assistant. [Regulation 17.70, filed 1/24/64.] Repealed by Order 540, filed 3/31/71, effective 5/1/71.
- 388-46-090 Fraud—Restitution of overpayment. [Order 540, § 388-46-090, filed 3/31/71, effective 5/1/71; Regulation 17.80, filed 1/24/64.] Repealed by Order 801, filed 5/25/73.
- 388-46-100 Fraud—Federal food coupons and commodities. [Order 801, § 388-46-100, filed 5/25/73; Order 540, § 388-46-100, filed 3/31/71, effective 5/1/71; Regulation 17.90, filed 1/24/64.] Repealed by 01-06-044, filed 3/5/01, effective 4/5/01. Statutory Authority: RCW 74.04.510, 74.04.057, and 74.04.050.
- 388-46-110 Disqualification period for recipients convicted of unlawfully obtaining assistance. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.290 and Public Law 104-193, Section 103 (a)(1)(1996), 97-10-038, § 388-46-110, filed 4/30/97, effective 5/1/97. Statutory Authority: RCW 74.08.331, 74.08.290 and 1995 c 379, 95-19-003 (Order 3892), § 388-46-110, filed 9/6/95, effective 10/7/95.] Repealed by 01-06-044, filed 3/5/01, effective 4/5/01. Statutory Authority: RCW 74.04.510, 74.04.057, and 74.04.050.
- 388-46-120 Disqualification period for temporary assistance to needy families (TANF) applicants or recipients convicted of misrepresenting residence to obtain assistance in two or more states. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.290 and Public Law 104-193, Section 103 (a)(1)(1996), 97-10-038, § 388-46-120, filed 4/30/97, effective 5/1/97.] Repealed by 01-06-044, filed 3/5/01, effective 4/5/01. Statutory Authority: RCW 74.04.510, 74.04.057, and 74.04.050.

Chapter 388-47
JOB OPPORTUNITIES AND BASIC SKILLS TRAINING
PROGRAM

- 388-47-010 Job opportunities and basic skills training program (JOBS)—Authority and purpose. [Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-010, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-020 JOBS program—Definitions. [Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-020, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-030 Assessment. [Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-030, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-050 Employability plan. [Statutory Authority: RCW 74.04.-050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2), 95-18-020 (Order 3885), § 388-47-050, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-050, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-060 Unemployed parent program. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2), 95-18-020 (Order 3885), § 388-47-060, filed 8/25/95, effective 9/25/95.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-070 JOBS program—Priority of services. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2), 95-18-020 (Order 3885), § 388-47-070, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.25.020, 92-18-022 (Order 3442), § 388-47-070, filed 8/25/92, effective 9/25/92. Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-070, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-100 JOBS program—Participation requirements and exemptions. [Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-100, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-105 JOBS program—Required notices. [Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-105, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-107 Notice of employability plan decisions. [Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-107, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-110 JOBS program—Education participation. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2), 95-18-020 (Order 3885), § 388-47-110, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-110, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
- 388-47-115 Funding approval of education and JOBS components. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2), 95-18-020 (Order 3885), § 388-47-115, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.057, 93-12-060 (Order 3563), § 388-47-115, filed 5/27/93, effective 7/1/93. Statutory Authority: RCW 74.04.050, 92-12-045 (Order 3398), § 388-47-115, filed 5/29/92, effective 7/1/92; 91-02-092 (Order 3129), § 388-47-115, filed

	12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.	Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.
388-47-120	JOBS program—Other education and training. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2), 95-18-020 (Order 3885), § 388-47-120, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-120, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.	
388-47-125	JOBS program—Community work experience program. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2), 95-18-020 (Order 3885), § 388-47-125, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-125, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.	
388-47-127	JOBS program—Work experience. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2), 95-18-020 (Order 3885), § 388-47-127, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-127, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.	
388-47-130	JOBS program readiness training—Job readiness training—Intensive job search. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2), 95-18-020 (Order 3885), § 388-47-130, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-130, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.	
388-47-135	JOBS program—On-the-job training. [Statutory Authority: RCW 74.04.050, 45 CFR 250.33, 250.74 (b)(1)(vi) and (c)(1) and (2), 95-18-020 (Order 3885), § 388-47-135, filed 8/25/95, effective 9/25/95. Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-135, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.	
388-47-140	JOBS program—Work supplementation program. [Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-140, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.	
388-47-200	JOBS program—Good cause for refusal or failure to participate. [Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-200, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.	
388-47-210	JOBS program—Sanctions for refusal or failure to participate. [Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-210, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.	
388-47-215	JOBS program—Complaints and grievances. [Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-215, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.	
388-47-220	JOBS program—Conciliation and fair hearings. [Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-220, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95. Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090.	
388-47-300	Indian tribal JOBS programs. [Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-300, filed 12/31/90, effective 1/31/91.] Repealed by 95-19-075 (Order 3897), filed 9/18/95, effective 10/19/95.	
		Reviser's note: Later promulgation, see chapter 388-300 WAC.
		Chapter 388-48 SAFEGUARDING INFORMATION
388-48-010		Public assistance information confidential and privileged. [Order 541, § 388-48-010, filed 3/31/71, effective 5/1/71; Regulation 18.10, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-48-020		Information not confidential. [Statutory Authority: RCW 74.08.090, 78-08-047 (Order 1319), § 388-48-020, filed 7/19/78; Order 541, § 388-48-020, filed 3/31/71, effective 5/1/71; Regulation 18.11, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-48-025		Conditions and limitations on disclosing confidential information. [Reference section only] Repealed by Order 541, filed 3/31/71, effective 5/1/71.
388-48-030		Conditions and limitations on disclosing confidential information—Inquiry whether individual receives assistance. [Order 1096, § 388-48-030, filed 2/13/76; Order 993, § 388-48-030, filed 12/31/74; Order 541, § 388-48-030, filed 3/31/71, effective 5/1/71; Regulation 18.21, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-48-033		Conditions and limitations on disclosing confidential information—Request from parent for address or location of child. [Order 1096, § 388-48-033, filed 2/13/76; Order 1030, § 388-48-033, filed 6/12/75; Order 843, § 388-48-033, filed 8/9/73.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-48-037		Conditions and limitations on disclosing confidential information—Request from law enforcement agency or United States Immigration Service for address or location of recipient. [Order 993, § 388-48-037, filed 12/31/74; Order 843, § 388-48-037, filed 8/9/73.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-48-040		Conditions and limitations on disclosing confidential information—Information related to administration of assistance. [Order 541, § 388-48-040, filed 3/31/71, effective 5/1/71; Regulation 18.22, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-48-050		Conditions and limitations on disclosing confidential information—Release of information to United States armed services. [Order 541, § 388-48-050, filed 3/31/71, effective 5/1/71; Regulation 18.23, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-48-060		Conditions and limitations on disclosing confidential information—Release of information to disability insurance unit. [Regulation 18.24, filed 1/24/64.] Repealed by Order 541, filed 3/31/71, effective 5/1/71.
388-48-070		Conditions and limitations on disclosing confidential information—Release of information requested by applicant or recipient. [Order 541, § 388-48-070, filed 3/31/71, effective 5/1/71; Regulation 18.25, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-48-080		Conditions and limitations on disclosing confidential information—Release of information to applicant or recipient. [Order 541, § 388-48-080, filed 3/31/71, effective 5/1/71; Regulation 18.26, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-48-100		Employees authorized to disclose information. [Order 541, § 388-48-100, filed 3/31/71, effective 5/1/71; Regulation 18.30, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-48-110		Distribution of rules and regulations. [Order 541, § 388-48-110, filed 3/31/71, effective 5/1/71; Order 271, §

- 388-48-110, filed 12/5/67; Regulation 18.40, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-48-120 Solicitation or use of confidential information. [Order 541, § 388-48-120, filed 3/31/71, effective 5/1/71; Regulation 18.50, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-48-130 Prohibition against release of confidential and privileged information in judicial proceedings. [Order 541, § 388-48-130, filed 3/31/71, effective 5/1/71; Order 271, § 388-48-130, filed 12/5/67; Regulation 18.60, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
- 388-48-140 General. [Regulation 18.70, filed 1/24/64.] Repealed by Order 541, filed 3/31/71, effective 5/1/71.
- Chapter 388-49**
FOOD ASSISTANCE PROGRAMS
(Formerly chapter 388-54 WAC)
- 388-49-010 Purpose of program. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-010, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-015 General provisions. [Statutory Authority: RCW 74.04.-510. 96-23-020, § 388-49-015, filed 11/12/96, effective 1/1/97. Statutory Authority: RCW 74.04.050, Public Law 103-31 and Administrative Notice 94-38. 94-23-130 (Order 3809), § 388-49-015, filed 11/23/94, effective 1/1/95. Statutory Authority: RCW 74.04.510. 94-13-203 (Order 3744), § 388-49-015, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.04.510 and Washington vs. Sunchal Park-King Co. 92-1-03967-9. 93-13-132 (Order 3574), § 388-49-015, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.04.510. 89-18-058 (Order 2866), § 388-49-015, filed 9/1/89, effective 10/2/89; 89-07-001 (Order 2770), § 388-49-015, filed 3/2/89; 88-18-058 (Order 2685), § 388-49-015, filed 9/1/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-015, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-020 Definitions. [Statutory Authority: RCW 74.05.510, Public Law 104-193 (1996), sections 115 and 824, and EHB 3901 (1997), section 101 of 55th legislature. 97-16-046, § 388-49-020, filed 7/31/97, effective 8/1/97. Statutory Authority: RCW 74.04.510, P.L. 104-193 and Sections 803, 821 and 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. 97-06-096, § 388-49-020, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 74.04.510. 96-23-022, § 388-49-020, filed 11/12/96, effective 1/1/97. Statutory Authority: RCW 74.04.050. 96-06-031 (Order 3947), § 388-49-020, filed 2/29/96, effective 4/1/96; 95-19-013 (Order 3894), § 388-49-020, filed 9/7/95, effective 10/6/95. Statutory Authority: RCW 74.04.050, 74.04.-510, 7 CFR 273.9(c) and 7 CFR 273.1(b). 95-06-028 (Order 3840), § 388-49-020, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, Administrative Notice 94-34 and Public Law 101-624 Section 1725. 94-20-042 (Order 3787), § 388-49-020, filed 9/28/94, effective 10/29/94. Statutory Authority: RCW 74.04.050. 94-16-038 (Order 3757), § 388-49-020, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510 and 7 CFR 271.2. 93-11-041 (Order 3551), § 388-49-020, filed 5/12/93, effective 7/1/93. Statutory Authority: RCW 74.04.050. 92-11-059 (Order 3390), § 388-49-020, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.04.510. 91-16-065 (Order 3224), § 388-49-020, filed 8/1/91, effective 9/1/91; 91-10-096 (Order 3170), § 388-49-020, filed 5/1/91, effective 6/1/91; 90-12-057 (Order 3015), § 388-49-020, filed 5/31/90, effective 7/1/90; 89-18-035 (Order 2854), § 388-49-020, filed 8/29/89, effective 9/29/89; 89-07-001 (Order 2770), § 388-49-020, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-16-081 (Order 2662), § 388-49-020, filed 8/2/88. Statutory Authority: RCW 74.04.510. 88-08-080 (Order 2618), § 388-49-020, filed 4/6/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-020, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-030 Filing an application. [Statutory Authority: RCW 74.04.510. 91-14-081 (Order 3194), § 388-49-030, filed 7/1/91, effective 8/1/91; 89-07-001 (Order 2770), § 388-49-030, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-030, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-040 Supplemental security income (SSI) households. [Statutory Authority: RCW 74.04.510. 91-14-082 (Order 3195), § 388-49-040, filed 7/1/91, effective 8/1/91. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-040, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-050 Authorized representative. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-050, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-060 Interview process. [Statutory Authority: RCW 74.04.-050 (7 CFR 273.2 (e)(i)). 94-01-066 (Order 3680), § 388-49-060, filed 12/8/93, effective 1/8/94. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-060, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-070 Public assistance households. [Statutory Authority: RCW 74.04.510. 90-12-056 (Order 3014), § 388-49-070, filed 5/31/90, effective 7/1/90; 89-18-027 (Order 2855), § 388-49-070, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-070, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-080 Expedited service. [Statutory Authority: RCW 74.04.-050. 95-11-122 (Order 3856), § 388-49-080, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.04.050, Administrative Notice 93-53 and 7 CFR 274.2 (b)(3). 93-22-026 (Order 3654), § 388-49-080, filed 10/27/93, effective 11/27/93. Statutory Authority: RCW 74.04.510. 91-12-043 (Order 3187), § 388-49-080, filed 6/4/91, effective 7/5/91; 90-23-072 (Order 3097), § 388-49-080, filed 11/20/90, effective 12/21/90; 90-12-055 (Order 3013), § 388-49-080, filed 5/31/90, effective 7/1/90. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-080, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-090 Destitute household. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-090, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-100 Rights and responsibilities. [Statutory Authority: RCW 74.04.050, Public Law 101-624 Section 1725 and Administrative Notice Memo 92-34. 94-18-129 (Order 3781), § 388-49-100, filed 9/7/94, effective 10/8/94. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-100, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-110 Verification. [Statutory Authority: RCW 74.04.050. 95-11-123 (Order 3855), § 388-49-110, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.04.-050, CFR 273.21(i) and Administrative Notices 94-53 and 94-30. 94-17-173 (Order 3774), § 388-49-110, filed 8/24/94, effective 9/24/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9. 92-09-032 (Order 3368), § 388-49-110, filed 4/7/92, effective 5/8/92. Statutory Authority: RCW 74.04.510. 90-23-073 (Order 3098), § 388-49-110, filed 11/20/90, effective 12/21/90; 89-07-001 (Order 2770), § 388-49-110, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-110, filed 12/31/87.] Repealed by 98-16-044,

- 388-49-120 filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. Application disposition. [Statutory Authority: RCW 74.04.510, 93-14-087 (Order 3540), § 388-49-120, filed 7/1/93, effective 8/1/93; 91-14-082 (Order 3195), § 388-49-120, filed 7/1/91, effective 8/1/91. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-120, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-150 Delayed and pended applications. [Statutory Authority: RCW 74.04.050, 95-18-004 (Order 3883), § 388-49-150, filed 8/23/95, effective 9/23/95; 88-02-031 (Order 2575), § 388-49-150, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-160 Certification periods. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.10 (f)(2), 97-09-030, § 388-49-160, filed 4/10/97, effective 5/11/97. Statutory Authority: RCW 74.04.050 and 7 CFR 273.10 (f)(2), 96-14-074 (Order 3987), § 388-49-160, filed 6/28/96, effective 8/1/96. Statutory Authority: RCW 74.04.050 and Waiver to 7 CFR 273.10 (f)(6), 95-06-030 (Order 3841), § 388-49-160, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-160, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-170 Recertification. [Statutory Authority: RCW 74.04.050, 95-18-004 (Order 3883), § 388-49-170, filed 8/23/95, effective 9/23/95; 88-02-031 (Order 2575), § 388-49-170, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-180 Categorical eligibility. [Statutory Authority: RCW 74.04.510, 92-09-116 (Order 3374), § 388-49-180, filed 4/21/92, effective 5/22/92; 90-12-058 (Order 3016), § 388-49-180, filed 5/31/90, effective 7/1/90. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-180, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-190 Household concept. [Statutory Authority: RCW 74.04.-510, Public Law 104-193 (1996), section 115, and EHB 3901 (1997), section 101 of 55th legislature, 97-16-045, § 388-49-190, filed 7/31/97, effective 8/1/97. Statutory Authority: RCW 74.04.510 and Public Law 104-193, Section 115 (1996), 97-09-031, § 388-49-190, filed 4/10/97, effective 7/1/97. Statutory Authority: RCW 74.04.510, Public Law 104-193 and Sections 803 and 821 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 96-22-103, § 388-49-190, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.050 and 74.04.510, 95-12-001 (Order 3854), § 388-49-190, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.04.050, 74.04.510, P.L. 103-66, Administrative Notice 94-39 and 7 CFR 273.1(b), 95-06-027 (Order 3838), § 388-49-190, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, P.L. 103-66 and USDA Food and Nutrition Service Administrative Notices 94-01, 94-02 and 94-03, 94-16-039 (Order 3762), § 388-49-190, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510, 91-10-098 (Order 3172), § 388-49-190, filed 5/1/91, effective 6/1/91; 90-14-064 (Order 3033), § 388-49-190, filed 6/29/90, effective 8/1/90; 89-07-001 (Order 2770), § 388-49-190, filed 3/2/89. Statutory Authority: RCW 74.04.050, 88-16-081 (Order 2662), § 388-49-190, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-190, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-191 Household composition—Family independence program. [Statutory Authority: Chapter 74.21 RCW, 88-18-025 (Order 2684), § 388-49-191, filed 8/30/88.] Repealed by 89-03-053 (Order 2757), filed 1/13/89. Statutory Authority: Chapter 74.21 RCW.
- 388-49-200 Residents of institutions. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.1(e), 93-11-042 (Order 3550), § 388-49-200, filed 5/12/93, effective 7/1/93. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-200, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-210 Alcohol and drug treatment centers. [Statutory Authority: RCW 74.04.050, P.L. 103-66 and Administrative Notices 94-01, 94-02 and 94-03, 94-16-040 (Order 3760), § 388-49-210, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-210, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-220 Group living arrangements. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.1 (e)(1)(iii), 93-11-043 (Order 3549), § 388-49-220, filed 5/12/93, effective 7/1/93. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-220, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-230 Shelters for battered women and children. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-230, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-240 Meals for the homeless. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-240, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-250 Boarders. [Statutory Authority: RCW 74.04.510 [74.04.510] and 7 CFR 273.9(c) and 273.1(b), 95-06-026 (Order 3837), § 388-49-250, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.510, 89-05-032 (Order 2762), § 388-49-250, filed 2/13/89. Statutory Authority: RCW 74.04.050, 88-16-083 (Order 2664), § 388-49-250, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-250, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-260 Nonhousehold and ineligible household members. [Statutory Authority: RCW 74.04.050 and 7 CFR 273.1(b), 95-06-029 (Order 3839), § 388-49-260, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, 88-16-081 (Order 2662), § 388-49-260, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-260, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-270 Sponsored aliens. [Statutory Authority: RCW 74.04.-510, 91-16-063 (Order 3225), § 388-49-270, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-270, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-280 Communal dining and delivered meals. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-280, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-290 Identity. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-290, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-300 Residency. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-300, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-310 Citizenship and alien status. [Statutory Authority: RCW 74.04.510, Sections 5302 and 5306 of the Balanced Budget Act of 1997 and Public Law 104-193, 97-22-042, § 388-49-310, filed 10/31/97, effective 12/1/97. Statutory Authority: RCW 74.04.510 and Section 510 of Public Law 104-208 (1996), 97-12-025, § 388-49-310, filed 5/29/97, effective 6/29/97. Statutory Authority: RCW 74.04.510 and section 402 of HR 3734 (P.L. 104-193) (1996), 97-06-074, § 388-49-310, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.04.050, 92-14-030 (Order 3409), § 388-49-310, filed 6/23/92, effective 7/24/92; 91-11-019 (Order 3177), § 388-49-310, filed 5/7/91, effective 6/1/91. Statutory

- Authority: RCW 74.04.510. 89-16-106 (Order 2836), § 388-49-310, filed 8/2/89, effective 9/2/89; 89-07-001 (Order 2770), § 388-49-310, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-16-085 (Order 2666), § 388-49-310, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-310, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-320 Social Security number. [Statutory Authority: RCW 74.04.510. 89-16-063 (Order 2835), § 388-49-320, filed 7/31/89, effective 8/31/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-320, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-330 Student. [Statutory Authority: 7 CFR 273.5 and RCW 74.04.050. 96-07-053 (Order 3957), § 388-49-330, filed 3/18/96, effective 5/1/96. Statutory Authority: RCW 74.04.050 and Public Law 102-237 Section 1727. 94-17-175 (Order 3777), § 388-49-330, filed 8/24/94, effective 10/1/94; 92-11-058 (Order 3387), § 388-49-330, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.04.510. 91-10-099 (Order 3173), § 388-49-330, filed 5/1/91, effective 6/1/91; 89-16-107 (Order 2837), § 388-49-330, filed 8/2/89, effective 9/2/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-330, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-340 Cooperation with quality control review. [Statutory Authority: RCW 74.04.050, Administrative Notice 94-14 and IPM 94-03. 94-18-034 (Order 3778), § 388-49-340, filed 8/30/94, effective 10/1/94. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-340, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-350 Food distribution program. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-350, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-355 Work requirements for able-bodied adults without dependents. [Statutory Authority: RCW 74.04.510. 97-03-035, § 388-49-355, filed 1/9/97, effective 2/9/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-360 Work registration and food stamp employment and training (FSE&T) program participation. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-360, filed 4/4/97, effective 5/5/97. Statutory Authority: RCW 74.01.510, 74.04.510, 7 CFR 273.7 (b)(1)(i), Public Law 103-66 Section 13922 and Administrative Notice 92-34. 94-22-030 (Order 3803), § 388-49-360, filed 10/26/94, effective 11/26/94. Statutory Authority: RCW 74.04.510. 89-19-025 (Order 2870), § 388-49-360, filed 9/12/89, effective 10/13/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-360, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-362 Food stamp employment and training program responsibilities. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-362, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-364 Food stamp employment and training program services. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-364, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-366 Food stamp employment and training good cause. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-366, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-368 Food stamp employment and training disqualifications. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-368, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-369 Food stamp employment and training payments. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-369, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-370 Unsuitable employment. [Statutory Authority: RCW 74.04.510. 89-19-025 (Order 2870), § 388-49-370, filed 9/12/89, effective 10/13/89.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-380 Voluntary quit. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-380, filed 4/4/97, effective 5/5/97. Statutory Authority: RCW 74.01.510, 74.04.510, 7 CFR 273.7 (b)(1)(i), Public Law 103-66 Section 13922 and Administrative Notice 92-34. 94-22-030 (Order 3803), § 388-49-380, filed 10/26/94, effective 11/26/94. Statutory Authority: RCW 74.04.510. 89-19-025 (Order 2870), § 388-49-380, filed 9/12/89, effective 10/13/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-380, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-385 Food stamp workfare. [Statutory Authority: RCW 74.04.510 and Section 6 of HR 3734 (Public Law 104-193) (1996). 97-09-012, § 388-49-385, filed 4/4/97, effective 5/5/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-390 Strikers. [Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-390, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-400 Resources—Allowable maximums. [Statutory Authority: RCW 74.04.510. 90-23-075 (Order 3100), § 388-49-400, filed 11/20/90, effective 12/21/90. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-400, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-410 Resources—Exempt. [Statutory Authority: RCW 74.04.510 and Admin. Order 95-62, P.L. 103-66, P.L. 103-436 and 7 CFR 273.8 (e)(4). 96-07-022 (Order 3953), § 388-49-410, filed 3/13/96, effective 5/1/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.1(b), 273.8 (e)(5) and 273.8 (h)(1)(i). 95-06-031 (Order 3836), § 388-49-410, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, USDA Food and Nutrition Service Administrative Notice 94-03 sections 13923 and 13924, P.L. 103-66 and CFR 273.8 (e)(3), 273.8(g), and 273.8(h). 94-16-041 (Order 3756), § 388-49-410, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510. 92-09-117 (Order 3375), § 388-49-410, filed 4/21/92, effective 5/22/92; 91-23-087 (Order 3289), § 388-49-410, filed 11/19/91, effective 12/20/91; 91-10-097 (Order 3171), § 388-49-410, filed 5/1/91, effective 6/1/91; 90-11-004 (Order 2976), § 388-49-410, filed 5/3/90, effective 6/3/90; 89-18-030 (Order 2857), § 388-49-410, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.04.050. 88-16-081 (Order 2662), § 388-49-410, filed 8/2/88. Statutory Authority: RCW 74.04.510. 88-08-081 (Order 2619), § 388-49-410, filed 4/6/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-410, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-420 Resources—Nonexempt. [Statutory Authority: RCW 74.04.050 and 7 CFR 273.1(b). 95-06-032 (Order 3835), § 388-49-420, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.510. 91-22-046 (Order 3277), §

- 388-49-420, filed 10/31/91, effective 12/1/91; 91-10-097 (Order 3171), § 388-49-420, filed 5/1/91, effective 6/1/91; 90-23-075 (Order 3100), § 388-49-420, filed 11/20/90, effective 12/21/90; 89-07-001 (Order 2770), § 388-49-420, filed 3/2/89. Statutory Authority: RCW 74.04.050, 88-16-081 (Order 2662), § 388-49-420, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-420, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-430 Resources—Vehicles. [Statutory Authority: RCW 74.04.510, 96-23-023, § 388-49-430, filed 11/12/96, effective 1/1/97. Statutory Authority: RCW 74.04.510 and P.L. 103-66, 95-24-018 (Order 3920), § 388-49-430, filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.1(b), 273.8(e)(5) and 273.8(h)(i). 95-06-031 (Order 3836), § 388-49-430, filed 2/22/95, effective 4/1/95. Statutory Authority: RCW 74.04.050, USDA Food and Nutrition Service Administrative Notice 94-03 sections 13923 and 13924, P.L. 103-66 and CFR 273.8(e)(3), 273.8(g) and 273.8(h). 94-16-041 (Order 3756), § 388-49-430, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.050 and 7 CFR 273.8(h). 93-16-044 (Order 3605), § 388-49-430, filed 7/28/93, effective 8/28/93. Statutory Authority: RCW 74.04.510, 91-16-064 (Order 3226), § 388-49-430, filed 8/1/91, effective 9/1/91; 89-18-030 (Order 2857), § 388-49-430, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-430, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-440 Resources—Transfer of property. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-440, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-450 Income—Earned. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(b)(1)(vi) and (c)(16). 94-22-032 (Order 3800), § 388-49-450, filed 10/26/94, effective 1/1/95. Statutory Authority: RCW 74.04.510 and 1992 § 479B, 93-17-032 (Order 3614), § 388-49-450, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.510, 89-11-101 (Order 2800), § 388-49-450, filed 5/24/89; 89-05-032 (Order 2762), § 388-49-450, filed 2/13/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-450, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-460 Income—Unearned. [Statutory Authority: RCW 74.04.510 and Section 829 of H.R. 3734 (Public Law 104-193). 96-22-102, § 388-49-460, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9(b)(2)(ii) and (iv). 94-22-033 (Order 3801), § 388-49-460, filed 10/26/94, effective 1/1/95. Statutory Authority: RCW 74.04.510 and 7 CFR 273.11(k). 94-16-042 (Order 3761), § 388-49-460, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510, 89-24-040 (Order 2911), § 388-49-460, filed 12/1/89, effective 1/1/90; 89-05-032 (Order 2762), § 388-49-460, filed 2/13/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-460, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-470 Income—Exclusions. [Statutory Authority: RCW 74.04.510 and 7 U.S.C. 2014 (d) and (k). 97-05-002, § 388-49-470, filed 2/5/97, effective 3/8/97. Statutory Authority: RCW 74.04.510 and Section 807 and 808 of H.R. 3734 (Public Law 104-193). 96-22-100, § 388-49-470, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(c)(16). 94-22-029 (Order 3802), § 388-49-470, filed 10/26/94, effective 1/1/95. Statutory Authority: RCW 74.04.510, P.L. 103-66 (8-10-93) and 7 CFR 273.11(k). 94-16-074 (Order 3766), § 388-49-470, filed 7/29/94, effective 9/1/94. Statutory Authority: RCW 74.04.510 and 1992 § 479B, 93-17-032 (Order 3614), § 388-49-470, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(b)(5), (c)(2), and (c)(6). 92-22-051 (Order 3475), § 388-49-470, filed 10/28/92, effective 12/1/92. Statutory Authority: RCW 74.04.510 and Public Law 102-237, 92-11-063 (Order 3392), § 388-49-470, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.04.510, 92-03-119 (Order 3316), § 388-49-470, filed 1/21/92, effective 2/21/92; 91-06-004 (Order 3141), § 388-49-470, filed 2/21/91, effective 3/24/91; 90-15-028 (Order 3040), § 388-49-470, filed 7/13/90, effective 8/13/90; 89-24-040 (Order 2911), § 388-49-470, filed 12/1/89, effective 1/1/90; 89-11-101 (Order 2800), § 388-49-470, filed 5/24/89; 88-21-096 (Order 2716), § 388-49-470, filed 10/19/88; 88-08-079 (Order 2617), § 388-49-470, filed 4/6/88. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-470, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-480 Income—Ineligible household members. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.1(b)(2)(i). 95-07-122 (Order 3842), § 388-49-480, filed 3/22/95, effective 4/22/95. Statutory Authority: RCW 74.04.510, 91-15-088 (Order 3209), § 388-49-480, filed 7/23/91, effective 8/23/91; 89-07-001 (Order 2770), § 388-49-480, filed 3/2/89. Statutory Authority: RCW 74.04.050, 88-16-081 (Order 2662), § 388-49-480, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-480, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-485 Income—Nonhousehold members. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-485, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-490 Income—Sponsored aliens. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-490, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-500 Income—Deductions. [Statutory Authority: RCW 74.04.510 and Section 809 of HR 3734 P.L. 104-193. 96-24-072, § 388-49-500, filed 12/2/96, effective 1/1/97. Statutory Authority: USDA Administrative Notice 96-03 and RCW 74.04.050 and USDA. 96-06-046 (Order 3951), § 388-49-500, filed 3/5/96, effective 4/5/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9(a),(d)(6)(v) and (vi), (5), (7) and (8). 95-21-052 (Order 3907), § 388-49-500, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9(d)(6)(v). 95-11-120 (Order 3852), § 388-49-500, filed 5/24/95, effective 7/1/95. Statutory Authority: RCW 74.04.500 and 7 CFR 273.9(d)(1) and (5)(i). 95-02-023 (Order 3814), § 388-49-500, filed 12/28/94, effective 1/28/95. Statutory Authority: RCW 74.04.510 and Public Law 103-66, 94-20-041 (Order 3786), § 388-49-500, filed 9/28/94, effective 10/29/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(e)(5)(ii). 94-12-042 (Order 3738), § 388-49-500, filed 5/26/94, effective 7/1/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a)(3), (d)(l), (d)(5)(i) and (ii). 93-23-033 (Order 3666), § 388-49-500, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a). 92-22-055 (Order 3473), § 388-49-500, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(e)(5)(i). 92-09-031 (Order 3367), § 388-49-500, filed 4/7/92, effective 5/8/92. Statutory Authority: RCW 74.04.510, 91-23-090 (Order 3292), § 388-49-500, filed 11/19/91, effective 12/20/91; 90-23-074 (Order 3099), § 388-49-500, filed 11/20/90, effective 12/21/90; 90-12-054 (Order 3012), § 388-49-500, filed 5/31/90, effective 7/1/90; 89-23-083 (Order 2901), § 388-49-500, filed 11/17/89, effective 12/18/89; 88-23-085 (Order 2726), § 388-49-500, filed 11/18/88; 88-08-078 (Order 2616), § 388-49-500, filed 4/6/88. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-500, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-505 Utility allowances. [Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(2)(6)(vi) requires the state review and adjust the utility allowances each year. 97-18-086, § 388-49-505, filed 9/3/97, effective 10/1/97. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(d)(6)(v) and (vi). 96-22-101, § 388-49-505, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.050 and

- 7 CFR 273.9 (a), (d)(6)(v) and (vi), (5), (7) and (8). 95-21-052 (Order 3907), § 388-49-505, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04-050 and 7 CFR 273.9 (d)(6)(vi). 95-11-121 (Order 3853), § 388-49-505, filed 5/24/95, effective 7/1/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9 (d)(6)(v) and (vi). 94-17-174 (Order 3776), § 388-49-505, filed 8/24/94, effective 10/1/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (d)(6)(vi) and Letter of Approval from Food and Nutrition Services. 93-18-024 (Order 3626), § 388-49-505, filed 8/25/93, effective 10/1/93. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a). 92-22-055 (Order 3473), § 388-49-505, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.04.510. 91-08-013 (Order 3154), § 388-49-505, filed 3/26/91, effective 4/26/91; 89-23-083 (Order 2901), § 388-49-505, filed 11/17/89, effective 12/18/89; 88-23-085 (Order 2726), § 388-49-505, filed 11/18/88. Statutory Authority: RCW 74.04.050. 88-04-042 (Order 2593), § 388-49-505, filed 1/28/88.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-510 Income eligibility standards. [Statutory Authority: RCW 74.04.510, Food Stamp Act and 7 CFR 273.9(a). 98-03-049, § 388-49-510, filed 1/15/98, effective 1/28/98. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a). 96-22-104, § 388-49-510, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9 (a), (d)(6)(v) and (vi), (5), (7) and (8). 95-21-052 (Order 3907), § 388-49-510, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04-050 and 7 CFR 273.9(a). 94-20-045 (Order 3790), § 388-49-510, filed 9/28/94, effective 10/29/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (a)(3), (d)(l), (d)(5)(i) and (ii). 93-23-033 (Order 3666), § 388-49-510, filed 11/10/93, effective 12/1/93. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a). 92-22-055 (Order 3473), § 388-49-510, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.04.510. 91-23-090 (Order 3292), § 388-49-510, filed 11/19/91, effective 12/20/91; 90-23-074 (Order 3099), § 388-49-510, filed 11/20/90, effective 12/21/90; 89-23-083 (Order 2901), § 388-49-510, filed 11/17/89, effective 12/18/89; 88-23-085 (Order 2726), § 388-49-510, filed 11/18/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-510, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-515 Eligibility determinations. [Statutory Authority: RCW 74.04.050. 96-18-042, § 388-49-515, filed 8/29/96, effective 10/1/96; 88-16-082 (Order 2663), § 388-49-515, filed 8/2/88.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-520 Income budgeting—General circumstances. [Statutory Authority: RCW 74.04.050. 96-18-045, § 388-49-520, filed 8/29/96, effective 10/1/96. Statutory Authority: RCW 74.04.510, 74.04.570 and 7 CFR 273.21 (f)(2)(iii). 93-17-030 (Order 3611), § 388-49-520, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.510. 92-16-018 (Order 3425), § 388-49-520, filed 7/23/92, effective 9/1/92; 92-03-086 (Order 3311), § 388-49-520, filed 1/15/92, effective 2/15/92; 91-12-025 (Order 3184), § 388-49-520, filed 5/31/91, effective 7/1/91; 90-17-117 (Order 3051), § 388-49-520, filed 8/21/90, effective 9/21/90. Statutory Authority: RCW 74.04.050. 88-16-082 (Order 2663), § 388-49-520, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-520, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-530 Retrospective income budgeting. [Statutory Authority: RCW 74.04.510. 92-16-017 (Order 3426), § 388-49-530, filed 7/23/92, effective 9/1/92; 91-12-025 (Order 3184), § 388-49-530, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.04.050. 88-16-082 (Order 2663), § 388-49-530, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-530, filed 12/31/87.] Repealed by 96-18-043, filed 8/29/96, effective 10/1/96. Statutory Authority: RCW 74.04.050.
- 388-49-535 Income budgeting—Special circumstances. [Statutory Authority: RCW 74.04.050. 96-18-044, § 388-49-535,
- filed 8/29/96, effective 10/1/96. Statutory Authority: RCW 74.04.510, 74.04.570 and 7 CFR 273.21 (f)(2)(iii). 93-17-030 (Order 3611), § 388-49-535, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.510. 91-12-025 (Order 3184), § 388-49-535, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.04.050 and 7 CFR 273.9 (d)(6)(v) and (vi). 94-17-174 (Order 3776), § 388-49-535, filed 8/2/88.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04-055, 74.04.057 and 74.08.090.
- 388-49-550 Computing food stamp benefits. [Statutory Authority: RCW 74.04.510 and 74.08.090. 98-10-025, § 388-49-550, filed 4/23/98, effective 5/24/98. Statutory Authority: RCW 74.04.510. 96-23-024, § 388-49-550, filed 11/12/96, effective 1/1/97. Statutory Authority: RCW 74.04.050 and 7 CFR 273.10 (e)(4)(ii)(F). 95-21-054 (Order 3909), § 388-49-550, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04.050 and 7 CFR 273.10 (e)(4)(ii)(F) and FNS ADM Memo 07-19-94. 94-21-041 (Order 3795), § 388-49-550, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.04.050, Administrative Notice 94-03 and P.L. 103-66 section 13916. 94-16-045 (Order 3755), § 388-49-550, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.10 (e)(4)(ii)(F). 93-22-028 (Order 3656), § 388-49-550, filed 10/27/93, effective 11/27/93. Statutory Authority: RCW 74.04.510. 91-23-088 (Order 3290), § 388-49-550, filed 11/19/91, effective 12/20/91; 90-23-077 (Order 3102), § 388-49-550, filed 11/20/90, effective 12/21/90; 89-22-132 (Order 2894), § 388-49-550, filed 11/1/89, effective 12/2/89; 89-05-031 (Order 2760), § 388-49-550, filed 2/13/89; 88-23-082 (Order 2728), § 388-49-550, filed 11/18/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-550, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-560 Issuing food stamp benefits. [Statutory Authority: RCW 74.04.510 and 74.08.090. 98-10-025, § 388-49-560, filed 4/23/98, effective 5/24/98. Statutory Authority: RCW 74.04.050 and 7 CFR 274.2 (b)(3). 93-22-027 (Order 3655), § 388-49-560, filed 10/27/93, effective 11/27/93. Statutory Authority: RCW 74.04.050 and 7 CFR 274.3 (e)(1). 93-04-069 (Order 3509), § 388-49-560, filed 1/29/93, effective 3/1/93. Statutory Authority: RCW 74.04.050. 92-15-039 (Order 3417), § 388-49-560, filed 7/9/92, effective 8/9/92; 90-12-084 (Order 3022), § 388-49-560, filed 6/1/90, effective 7/2/90; 88-02-031 (Order 2575), § 388-49-560, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-570 Replacing lost, stolen, or destroyed food stamp allotments (7 CFR 274.6). [Statutory Authority: RCW 74.04.510 and 74.08.090. 98-10-025, § 388-49-570, filed 4/23/98, effective 5/24/98. Statutory Authority: RCW 74.04.510. 89-18-059 (Order 2867), § 388-49-570, filed 9/1/89, effective 10/2/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-570, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-580 Restoring food stamp benefits. [Statutory Authority: RCW 74.04.510 and 74.08.090. 98-10-025, § 388-49-580, filed 4/23/98, effective 5/24/98. Statutory Authority: RCW 74.04.510. 92-08-035, § 388-49-580, filed 3/24/92, effective 4/24/92. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-580, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-590 Monthly reporting. [Statutory Authority: RCW 74.04-050. 94-07-080 (Order 3708), § 388-49-590, filed 3/16/94, effective 5/1/94. Statutory Authority: RCW 74.04.050 and 7 CFR 273.21 (k)(2)(ii). 92-22-048A (Order 3471), § 388-49-590, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.04.510. 92-12-042 (Order 3395), § 388-49-590, filed 5/29/92, effective 7/1/92; 90-23-073 (Order 3098), § 388-49-590, filed 11/20/90, effective 12/21/90; 90-10-064 (Order 2974), § 388-49-590, filed 5/1/90, effective 6/1/90. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-590, filed 12/31/87.] Repealed by 98-16-044,

- filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-600 Notices to households. [Statutory Authority: 7 CFR 273.13 (b)(14), 95-18-003 (Order 3884), § 388-49-600, filed 8/23/95, effective 10/1/95. Statutory Authority: RCW 74.04.510, 91-11-087 (Order 3181), § 388-49-600, filed 5/21/91, effective 6/1/91; 90-09-036 (Order 2967), § 388-49-600, filed 4/11/90, effective 5/12/90. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-600, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-610 Changes—Prospective budgeting. [Statutory Authority: RCW 74.04.510, 93-13-133 (Order 3575), § 388-49-610, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.04.050, 88-16-080 (Order 2661), § 388-49-610, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-610, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-620 Changes—Retrospective budgeting. [Statutory Authority: RCW 74.04.050, 88-16-080 (Order 2661), § 388-49-620, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-620, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-630 Changes—Reporting requirements. [Statutory Authority: RCW 74.04.510, Administrative Notices 94-30, 94-53 and Section 5(e) of the Food Stamp Act of 1977, 94-17-171 (Order 3773), § 388-49-630, filed 8/24/94, effective 10/1/94. Statutory Authority: RCW 74.04.510, 92-16-016 (Order 3427), § 388-49-630, filed 7/23/92, effective 9/1/92; 91-22-045 and 91-24-039 (Orders 3276 and 3276A), § 388-49-630, filed 10/31/91 and 11/27/91, effective 12/1/91 and 2/1/92. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-630, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-640 Overissuances. [Statutory Authority: RCW 74.04.510, 97-04-024, § 388-49-640, filed 1/28/97, effective 2/28/97. Statutory Authority: RCW 74.04.050, 95-19-013 (Order 3894), § 388-49-640, filed 9/7/95, effective 10/6/95. Statutory Authority: RCW 74.04.510 and 7 CFR 273.18(1), 94-23-131 (Order 3810), § 388-49-640, filed 11/23/94, effective 1/1/95. Statutory Authority: RCW 74.04.510, 92-12-043 (Order 3396), § 388-49-640, filed 5/29/92, effective 7/1/92; 91-22-047 (Order 3278), § 388-49-640, filed 10/31/91, effective 12/1/91; 88-08-039 (Order 2610), § 388-49-640, filed 4/1/88. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-640, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-650 Alien sponsor overissuances. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-650, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-660 Intentional program violations—Administrative disqualification hearings. [Statutory Authority: RCW 74.04.050, 95-19-013 (Order 3894), § 388-49-660, filed 9/7/95, effective 10/6/95. Statutory Authority: RCW 74.04.510, 92-12-044 (Order 3397), § 388-49-660, filed 5/29/92, effective 7/1/92; 89-23-082 (Order 2900), § 388-49-660, filed 11/17/89, effective 1/1/90; 89-12-035 (Order 2804), § 388-49-660, filed 6/1/89; 88-08-040 (Order 2609), § 388-49-660, filed 4/1/88. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-660, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-670 Intentional program violations—Disqualification penalties. [Statutory Authority: RCW 74.04.510, 97-04-023, § 388-49-670, filed 1/28/97, effective 2/28/97; 96-06-042 (Order 3948), § 388-49-670, filed 3/1/96, effective 4/1/96. Statutory Authority: RCW 74.04.050, 95-19-013 (Order 3894), § 388-49-670, filed 9/7/95, effective 10/6/95. Statutory Authority: RCW 74.04.510 and P.L. 103-66 section 13942, 94-16-043 (Order 3758), § 388-49-670, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 74.04.510, 89-12-034 (Order 2803), § 388-49-670, filed 6/1/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-670, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-680 Agency conference. [Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-680, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-690 Fair hearings. [Statutory Authority: RCW 74.04.510, 89-22-131 (Order 2893), § 388-49-690, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-690, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-49-700 Fair hearings—Continuation of benefits pending. [Statutory Authority: RCW 74.04.050, 93-04-034 (Order 3505), § 388-49-700, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.04.510, 92-12-042 (Order 3395), § 388-49-700, filed 5/29/92, effective 7/1/92; 89-22-131 (Order 2893), § 388-49-700, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-700, filed 12/31/87.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

Chapter 388-50

CASE RECORDS—CASE NUMBERING

[Regulation 19.01 through 19.43, filed 1/24/64.] Repealed by Order 276, filed 1/29/68.

Chapter 388-51

JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM CHILD CARE AND OTHER WORK-RELATED SUPPORTIVE SERVICES AND TRANSITIONAL CHILD CARE

- 388-51-010 Child care and other work-related supportive services—Purpose. [Statutory Authority: 1991 c 16, 92-08-033, § 388-51-010, filed 3/24/92, effective 4/24/92. Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-010, filed 12/31/90, effective 1/31/91.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-020 Definitions. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211, 93-12-059 (Order 3566), § 388-51-020, filed 5/27/93, effective 7/1/93. Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-020, filed 12/31/90, effective 1/31/91.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-040 Assurances and responsibilities under JOBS, income assistance, and transitional child care. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211, 93-12-059 (Order 3566), § 388-51-040, filed 5/27/93, effective 7/1/93. Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-040, filed 12/31/90, effective 1/31/91.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-100 Child care—Payment. [Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-100, filed 12/31/90, effective 1/31/91.] Repealed by 92-08-033, filed 3/24/92, effective 4/24/92. Statutory Authority: 1991 c 16.
- 388-51-110 JOBS, income assistance, and transitional child care programs. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211, 93-12-059 (Order 3566), § 388-51-110, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16, 92-08-033, § 388-51-110, filed 3/24/92, effective 4/24/92.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
- 388-51-115 JOBS, income assistance, and transitional child care programs—Eligible children and recipients. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211, 93-12-059 (Order 3566), § 388-51-115, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16, 92-08-033, § 388-51-115, filed

388-51-120	3/24/92, effective 4/24/92.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f). JOBS, income assistance, and transitional child care program—Payment. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-120, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16. 92-08-033, § 388-51-120, filed 3/24/92, effective 4/24/92.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).	388-51-200	Transitional supportive services. [Statutory Authority: RCW 74.04.050. 91-02-086 (Order 3126), § 388-51-200, filed 12/31/90, effective 1/31/91.] Repealed by 93-12-059 (Order 3566), filed 5/27/93, effective 7/1/93. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211.
388-51-123	JOBS, income assistance, and transitional child care programs—Effective dates. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-123, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16. 92-08-033, § 388-51-123, filed 3/24/92, effective 4/24/92.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).	388-51-210	Supportive services. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.2 (c)(2)(i) and (3)(i). 95-03-047 (Order 3823), § 388-51-210, filed 1/11/95, effective 2/11/95. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-210, filed 5/27/93, effective 7/1/93.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
388-51-125	Jobs and income assistance child care program—Responsibilities. [Statutory Authority: 1991 c 16. 92-08-033, § 388-51-125, filed 3/24/92, effective 4/24/92.] Repealed by 93-12-059 (Order 3566), filed 5/27/93, effective 7/1/93. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211.	388-51-220	One-time work-related expenses. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.2 (c)(2)(i) and (3)(i). 95-03-047 (Order 3823), § 388-51-220, filed 1/11/95, effective 2/11/95.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
388-51-130	Income assistance and transitional child care programs—Effect on eligibility and payments. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-130, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16. 92-08-033, § 388-51-130, filed 3/24/92, effective 4/24/92.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).	388-51-250	Transitional supportive services. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.2 (c)(2)(i) and (3)(i). 95-03-047 (Order 3823), § 388-51-250, filed 1/11/95, effective 2/11/95. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-250, filed 5/27/93, effective 7/1/93.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
388-51-135	JOBS, income assistance, and transitional child care—Hearings. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-135, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16. 92-08-033, § 388-51-135, filed 3/24/92, effective 4/24/92.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).	388-51-260	Supportive services overpayments. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-260, filed 5/27/93, effective 7/1/93.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).
388-51-140	Income assistance child care program—Conversion. [Statutory Authority: 1991 c 16. 92-08-033, § 388-51-140, filed 3/24/92, effective 4/24/92.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).	388-51-300	Transitional child care. [Statutory Authority: RCW 74.08.090. 90-06-032 (Order 2944), § 388-51-300, filed 3/1/90, effective 4/1/90.] Repealed by 93-12-059 (Order 3566), filed 5/27/93, effective 7/1/93. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211.
388-51-150	Other supportive services. [Statutory Authority: RCW 74.04.050. 91-02-086 (Order 3126), § 388-51-150, filed 12/31/90, effective 1/31/91.] Repealed by 93-12-059 (Order 3566), filed 5/27/93, effective 7/1/93. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211.	Chapter 388-52 SERVICES INVOLVING OTHER AGENCIES	
388-51-155	Transitional child care—Purpose and initial eligibility. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-155, filed 5/27/93, effective 7/1/93.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).	388-52-150	Vocational rehabilitation services. [Order 975, § 388-52-150, filed 10/11/74; Order 542, § 388-52-150, filed 3/31/71, effective 5/1/71; Order 465, § 388-52-150, filed 6/23/70; Regulation 20.24, filed 1/24/64.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.-090 and 1997 c 409 § 209.
388-51-160	Transitional child care—Copayment. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-160, filed 5/27/93, effective 7/1/93.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).	388-52-155	Vocational rehabilitation services—Training expenses. [Order 975, § 388-52-155, filed 10/11/74; Order 542, § 388-52-155, filed 3/31/71, effective 5/1/71.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-51-170	Transitional child care—Ongoing eligibility. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-170, filed 5/27/93, effective 7/1/93.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).	388-52-156	Vocational rehabilitation services for disabled—Time limitation on training. [Order 542, § 388-52-156, filed 3/31/71, effective 5/1/71.] Repealed by Order 854, filed 9/13/73.
388-51-180	Child care overpayments. [Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-180, filed 5/27/93, effective 7/1/93.] Repealed by 95-23-028 (Order 3916), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(f).	388-52-160	Comprehensive employment and training program—Definitions. [Order 975, § 388-52-160, filed 10/11/74.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.-090 and 1997 c 409 § 209.
		388-52-163	Comprehensive employment and training program—Services provided. [Order 975, § 388-52-163, filed 10/11/74.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.-210, 74.08.090 and 1997 c 409 § 209.
		388-52-166	Comprehensive employment and training program—Participation of recipient. [Statutory Authority: RCW 74.08.090. 81-10-011 (Order 1643), § 388-52-166, filed 4/27/81; 79-03-013 (Order 1368), § 388-52-166, filed 2/15/79; Order 975, § 388-52-166, filed 10/11/74.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.-090 and 1997 c 409 § 209.
		388-52-169	Treatment of recipient's income from CETA. [Order 975, § 388-52-169, filed 10/11/74.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory

Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

388-52-172 Release of information to prime sponsors of CETA program. [Order 975, § 388-52-172, filed 10/11/74.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08-090 and 1997 c 409 § 209.

388-52-175 Vocational rehabilitation services for disabled—Division of costs between department and division of vocational rehabilitation. [Order 465, § 388-52-175, filed 6/23/70; Regulation 20.245, filed 1/24/64.] Repealed by Order 542, filed 3/31/71, effective 5/1/71.

388-52-185 Vocational rehabilitation services for disabled—Time limitation on training. [Order 465, § 388-52-185, filed 6/23/70; Regulation 20.246, filed 1/24/64.] Repealed by Order 542, filed 3/31/71, effective 5/1/71.

388-52-200 Vocational rehabilitation services for nondisabled. [Regulation 20.25, filed 1/24/64.] Repealed by Order 465, filed 6/23/70.

388-52-225 Other considerations in joint case planning. [Regulation 20.255, filed 1/24/64.] Repealed by Order 465, filed 6/23/70.

Chapter 388-53
INDIVIDUAL AND FAMILY GRANT PROGRAM—DISASTER RELIEF

388-53-010 Purpose. [Statutory Authority: RCW 38.52.030. 91-06-006 (Order 3143), § 388-53-010, filed 2/21/91, effective 3/24/91; 87-12-053 (Order 2498), § 388-53-010, filed 6/1/87; 85-14-106 (Order 2256), § 388-53-010, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-010, filed 3/20/80; Order 1104, § 388-53-010, filed 3/11/76.] Repealed by 94-04-036 (Order 3699), filed 1/26/94, effective 2/26/94. Statutory Authority: Chapter 38.52 RCW.

388-53-020 Definitions. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-020, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-020, filed 3/20/80; Order 1104, § 388-53-020, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.

388-53-030 Authorization of program. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-030, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-030, filed 3/20/80; Order 1104, § 388-53-030, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.

388-53-040 Administrative procedures. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-040, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-040, filed 3/20/80; Order 1104, § 388-53-040, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.

388-53-050 Eligibility for grants. [Statutory Authority: RCW 38.52.030. 91-06-006 (Order 3143), § 388-53-050, filed 2/21/91, effective 3/24/91; 87-12-053 (Order 2498), § 388-53-050, filed 6/1/87; 85-14-106 (Order 2256), § 388-53-050, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-050, filed 3/20/80; Order 1104, § 388-53-050, filed 3/11/76.] Repealed by 94-04-036 (Order 3699), filed 1/26/94, effective 2/26/94. Statutory Authority: Chapter 38.52 RCW.

388-53-060 Allocation of funds. [Order 1104, § 388-53-060, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.

388-53-070 Expenditures and payments. [Statutory Authority: RCW 38.52.030. 80-04-039 (Order 1494), § 388-53-070, filed 3/20/80; Order 1104, § 388-53-070, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.

388-53-080 Organization and functions. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-080, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-080, filed 3/20/80; Order 1104, § 388-53-080, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.

388-53-090 Administrative panel. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-090, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-090, filed 3/20/80; Order 1104, § 388-53-090, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.

388-53-100 Appeal process—GCO reconsideration. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), §

388-53-100, filed 7/3/85; 81-01-016 (Order 1575), § 388-53-100, filed 12/8/80; 80-04-039 (Order 1494), § 388-53-100, filed 3/20/80; Order 1104, § 388-53-100, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.

388-53-110 State appeal panel. [Order 1104, § 388-53-110, filed 3/11/76.] Repealed by 80-04-039 (Order 1494), filed 3/20/80. Statutory Authority: RCW 38.52.030.

388-53-120 Administrative plan review. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-120, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-120, filed 3/20/80; Order 1104, § 388-53-120, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.

Chapter 388-53A
TEMPORARY HOUSING PROGRAM—LIMITED TO GOVERNOR'S REQUEST FOR FEDERAL ASSISTANCE

388-53A-010 Purpose. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-010, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.-030.

388-53A-020 Definitions. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-020, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.-030.

388-53A-030 Authorization of program. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-030, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.

388-53A-040 Administrative procedures. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-040, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.

388-53A-050 Program eligibility. [Statutory Authority: RCW 38.52.-030. 79-06-082 (Order 1404), § 388-53A-050, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.

388-53A-060 Program eligibility review. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-060, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.

388-53A-070 Criteria for continued eligibility. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-070, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.

388-53A-080 Termination of temporary housing. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-080, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.

388-53A-090 Allocation of funds. [Statutory Authority: RCW 38.52.-030. 79-06-082 (Order 1404), § 388-53A-090, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.

388-53A-100 Organization and functions. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-100, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.

388-53A-110 Eligibility determinations. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-110, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.

388-53A-120 Notification of approval or disapproval. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-120, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.

388-53A-130 Reconsideration process. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-130, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.

- 388-53A-140 State appeal. [Statutory Authority: RCW 38.52.030, 79-06-082 (Order 1404), § 388-53A-140, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52-030.
- Chapter 388-54**
FOOD ASSISTANCE PROGRAMS
- 388-54-010 Eligibility and authorization. [Order 252, § 388-54-010, filed 11/1/67; Regulation 21.10, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-020 Eligible needy households—General. [Order 252, § 388-54-020, filed 11/1/67; Regulation 21.20, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-025 Eligible needy households—Recipients of public assistance grants. [Order 252, § 388-54-025, filed 11/1/67; Regulation 21.21, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-030 Eligible needy households—Nonrecipients of public assistance grants. [Order 252, § 388-54-030, filed 11/1/67; Regulation 21.22, filed 12/31/65, effective 2/1/66; Regulation 21.22, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-040 Student applicant. [Order 252, § 388-54-040, filed 11/1/67; Regulation 21.221, filed 12/31/65, effective 2/1/66; Regulation 21.221, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-045 Treatment of allowances provided under U.S. Department of Labor and other government-sponsored training programs. [Order 252, § 388-54-045, filed 11/1/67; Regulation 21.222, filed 12/31/65, effective 2/1/66.] Repealed by Order 350, filed 5/28/69.
- 388-54-060 Certification of eligibility—Recipient of continuing assistance or recipient in suspended grant status. [Order 252, § 388-54-060, filed 11/1/67; Regulation 21.31, filed 12/31/65, effective 2/1/66; Regulation 21.31, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-070 Recipient of noncontinuing assistance. [Order 252, § 388-54-070, filed 11/1/67; Regulation 21.32, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-080 Nonrecipient of assistance. [Order 252, § 388-54-080, filed 11/1/67; Regulation 21.33, filed 12/31/65, effective 2/1/66; Regulation 21.33, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-110 Authorization process—Recipient of continuing public assistance grant. [Order 252, § 388-54-110, filed 11/1/67; Regulation 21.41, filed 12/31/65, effective 2/1/66; Regulation 21.41, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-120 Authorization process—Recipient of noncontinuing assistance. [Order 252, § 388-54-120, filed 11/1/67; Regulation 21.42, filed 12/31/65, effective 2/1/66; Regulation 21.42, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-130 Authorization process—Persons not receiving assistance. [Order 252, § 388-54-130, filed 11/1/67; Regulation 21.43, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-140 Authorization process—Exceptions. [Order 252, § 388-54-140, filed 11/1/67; Regulation 21.44, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-150 Civil rights. [Order 252, § 388-54-150, filed 11/1/67; Regulation 21.50, effective 2/1/66, filed 12/31/65.] Repealed by Order 350, filed 5/28/69.
- 388-54-300 Food stamp program. [Order 429, § 388-54-300, filed 3/17/70; Order 252, § 388-54-300, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 543, filed 3/31/71, effective 5/1/71.
- 388-54-305 Food stamp program—General terms and conditions. [Order 429, § 388-54-305, filed 3/17/70; Order 343, § 388-54-305, filed 3/20/69; Order 252, § 388-54-305, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 543, filed 3/31/71, effective 5/1/71.
- 388-54-310 Food stamp program—Administration. [Order 429, § 388-54-310, filed 3/17/70; Order 315, § 388-54-310, filed 10/31/68; Order 252, § 388-54-310, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 543, filed 3/31/71, effective 5/1/71.
- 388-54-315 Food stamp program—Eligibility standards. [Order 543, § 388-54-315, filed 3/31/71, effective 5/1/71; Order 515, § 388-54-315, filed 1/22/71; Order 498, § 388-54-315, filed 12/2/70; Order 470, § 388-54-315, filed 8/19/70; Order 451, § 388-54-315, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-315, filed 3/17/70; Order 252, § 388-54-315, filed 10/31/68; Order 252, § 388-54-315, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-320 Food stamp program—Application—Certification—Review—Recertification—Cancellation. [Order 600, § 388-54-320, filed 9/8/71; Order 588, § 388-54-320, filed 8/18/71; Order 568, § 388-54-320, filed 5/19/71; Order 543, § 388-54-320, filed 3/31/71, effective 5/1/71; Order 515, § 388-54-320, filed 1/22/71; Order 478, § 388-54-320, filed 9/8/70; Order 470, § 388-54-320, filed 8/19/70; Order 451, § 388-54-320, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-320, filed 3/17/70; Order 315, § 388-54-320, filed 10/31/68; Order 252, § 388-54-320, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-325 Food stamp program—Basis of coupon issuance. [Order 543, § 388-54-325, filed 3/31/71, effective 5/1/71; Order 451, § 388-54-325, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-325, filed 3/17/70; Order 252, § 388-54-325, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-330 Food stamp program—Issuance and sales of coupons. [Order 543, § 388-54-330, filed 3/31/71, effective 5/1/71; Order 491, § 388-54-330, filed 10/30/70, effective 12/1/70; Order 451, § 388-54-330, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-330, filed 3/17/70; Order 252, § 388-54-330, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-335 Food stamp program—Payment of certain certification costs. [Order 252, § 388-54-335, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 429, filed 3/17/70.
- 388-54-340 Food stamp program—Civil rights assurance. [Order 543, § 388-54-340, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-340, filed 3/17/70; Order 252, § 388-54-340, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-345 Food stamp program—Nonassistance household—Income and resources standard. [Order 543, § 388-54-345, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-345, filed 3/17/70; Order 413, § 388-54-345, filed 12/23/69. Order 252, § 388-54-345, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-350 Food stamp program—Nonassistance household—Definitions. [Order 588, § 388-54-350, filed 8/18/71; Order 543, § 388-54-350, filed 3/31/71, effective 5/1/71; Order 470, § 388-54-350, filed 8/19/70; Order 429, § 388-54-350, filed 3/17/70; Order 252, § 388-54-350, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-355 Food stamp program—Hardship provisions. [Order 543, § 388-54-355, filed 3/31/71, effective 5/1/71; Order 515, § 388-54-355, filed 1/22/71; Order 451, § 388-54-355, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-355, filed 3/17/70; Order 252, § 388-54-355, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-360 Food stamp program—Nonassistance household—Student applicant. [Order 600, § 388-54-360, filed 9/8/71; Order 568, § 388-54-360, filed 5/19/71; Order 543, § 388-54-360, filed 3/31/71, effective 5/1/71; Order 515, § 388-54-360, filed 1/22/71; Order 429, § 388-54-360, filed 3/17/70; Order 349, § 388-54-360, filed 5/28/69; Order 252, § 388-54-360, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-365 Food stamp program—Nonassistance household—Treatment of allowances from department of labor and other government sponsored training programs. [Order 543, § 388-54-365, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-365, filed 3/17/70; Order 379, § 388-54-365, filed 8/7/69; Order 325, § 388-54-365, filed 11/27/68; Order 315, § 388-54-365, filed 10/31/68; Order 252, § 388-54-365, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.

388-54-370	Food stamp program—Nonassistance household—Treatment of earned income under Title 1 of Elementary and Secondary Education Act, amendments of 1966. [Order 543, § 388-54-370, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-370, filed 3/17/70; Order 325, § 388-54-370, filed 11/27/68; Order 315, § 388-54-370, filed 10/31/68; Order 252, § 388-54-370, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.	(Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-375	Food stamp program—Nonassistance household—Treatment of income from certain programs authorized or financed by Economic Opportunity Act of 1964. [Order 543, § 388-54-375, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-375, filed 3/17/70; Order 325, § 388-54-375, filed 11/27/68; Order 315, § 388-54-375, filed 10/31/68; Order 252, § 388-54-375, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.	388-54-430 Eligibility standards—Residence. [Order 992, § 388-54-430, filed 12/31/74; Order 660, § 388-54-430, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-376	Food stamp program—Nonassistance household—Treatment of earned income—Child or adult AFDC recipient. [Order 600, § 388-54-376, filed 9/8/71; Order 543, § 388-54-376, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-376, filed 3/17/70.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.	388-54-432 Eligibility standards—Boarding house—Institution. [Order 992, § 388-54-432, filed 12/31/74; Order 660, § 388-54-432, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-377	Food stamp program—Ineligible receipt of food coupons. [Order 543, § 388-54-377, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-377, filed 3/17/70; Order 349, § 388-54-377, filed 5/28/69; Order 325, § 388-54-377, filed 11/27/68; Order 283, § 388-54-377, filed 3/6/68.] Repealed by Order 568, filed 5/19/71.	388-54-435 Eligibility standards—Cooking facilities. [Order 992, § 388-54-435, filed 12/31/74; Order 660, § 388-54-435, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-378	Food stamp program—Unused coupons—Disposition. [Order 543, § 388-54-378, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-378, filed 3/17/70; Order 330, § 388-54-378, filed 1/8/69; Order 283, § 388-54-378, filed 3/6/68.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.	388-54-440 Eligibility standards—Household determination. [Order 1063, § 388-54-440, filed 10/23/75; Order 1021, § 388-54-440, filed 4/29/75; Order 992, § 388-54-440, filed 12/31/74; Order 809, § 388-54-440, filed 6/15/73; Order 704, § 388-54-440, filed 8/11/72; Order 685, § 388-54-440, filed 5/25/72; Order 704, § 388-54-440, filed 8/11/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-380	Food stamp program—Monthly basis of issuance—Continuing and noncontinuing assistance households. [Order 252, § 388-54-380, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 451, filed 5/20/70, effective 6/15/70.	388-54-442 Student tax dependents. [Order 1030, § 388-54-442, filed 6/12/75.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-385	Food stamp program—Net monthly income basis of coupon issuance table. [Order 543, § 388-54-385, filed 3/31/71, effective 5/1/71; Order 451, § 388-54-385, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-385, filed 3/17/70; Order 343, § 388-54-385, filed 3/20/69; Order 252, § 388-54-385, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.	388-54-445 Eligibility standards—Delivered meals. [Order 660, § 388-54-445, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-390	Food stamp program—Ineligible receipt of food coupons. [Order 568, § 388-54-390, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.	388-54-448 Eligibility standards—Communal dining. [Order 992, § 388-54-448, filed 12/31/74.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-393	Food stamp program—Ineligible receipt of food coupons—Liability for repayment. [Order 568, § 388-54-393, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.	388-54-450 Eligibility standards—Tax dependents. [Order 660, § 388-54-450, filed 2/23/72, effective 4/1/72.] Repealed by Order 734, filed 11/9/72.
388-54-396	Food stamp program—Ineligible receipt of food coupons—Collection of claims. [Order 568, § 388-54-396, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.	388-54-452 Eligibility standards—Drug-alcohol treatment programs. [Order 992, § 388-54-452, filed 12/31/74.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-399	Food stamp program—Ineligible receipt of food coupons—Eligibility-claim unpaid. [Order 568, § 388-54-399, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.	388-54-455 Eligibility standards—Work registration requirement. [Order 992, § 388-54-455, filed 12/31/74; Order 660, § 388-54-455, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-405	Food stamp program—General provisions. [Order 1021, § 388-54-405, filed 4/29/75; Order 992, § 388-54-405, filed 12/31/74; Order 660, § 388-54-405, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.	388-54-460 Nonassistance household—Resources—Standards—Exemptions. [Order 1136, § 388-54-460, filed 7/29/76; Order 1030, § 388-54-460, filed 6/12/75; Order 1021, § 388-54-460, filed 4/29/75; Order 992, § 388-54-460, filed 12/31/74; Order 660, § 388-54-460, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-410	Application—Assistance household. [Order 931, § 388-54-410, filed 4/25/74; Order 660, § 388-54-410, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.	388-54-462 Earned income tax credit disregarded. [Order 1175, § 388-54-462, filed 12/8/76; Order 1121, § 388-54-462, filed 5/26/76.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-415	Nonassistance household. [Order 660, § 388-54-415, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.	388-54-465 Nonassistance household—Nonrecurring lump-sum payments. [Order 992, § 388-54-465, filed 12/31/74; Order 660, § 388-54-465, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-420	Authorized representative. [Order 992, § 388-54-420, filed 12/31/74; Order 660, § 388-54-420, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.	388-54-470 Monthly net income. [Statutory Authority: RCW 74.04.510. 78-10-056 (Order 1342), § 388-54-470, filed 9/22/78; Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-54-470, filed 6/2/78; Order 1249, § 388-54-470, filed 10/28/77; Order 1153, § 388-54-470, filed 9/22/76; Order 1091, § 388-54-470, filed 1/28/76; Order 1039, § 388-54-470, filed 8/7/75; Order 1030, § 388-54-470, filed 6/12/75; Order 1007, § 388-54-470, filed 2/13/75; Order 992, § 388-54-470, filed 12/31/74; Order 966, § 388-54-470, filed 8/29/74; Order 889, § 388-54-470, filed 12/27/73; Order 803, § 388-54-470, filed 5/31/73; Order 687, § 388-54-470, filed 6/1/72; Order 660, § 388-54-470, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
388-54-425	Eligibility standards—General. [Order 931, § 388-54-425, filed 4/25/74; Order 660, § 388-54-425, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033	388-54-475 Definitions of income. [Order 1153, § 388-54-475, filed 9/22/76; Order 992, § 388-54-475, filed 12/31/74; Order 704, § 388-54-475, filed 8/11/72; Order 685, § 388-54-475, filed 5/25/72; Order 660, § 388-54-475, filed

- 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-480 Income exclusions. [Statutory Authority: RCW 74.04.510, 78-10-056 (Order 1342), § 388-54-480, filed 9/22/78; 78-02-050 (Order 1266), § 388-54-480, filed 1/19/78; Order 1194, § 388-54-480, filed 3/3/77; Order 1136, § 388-54-480, filed 7/29/76; Order 1021, § 388-54-480, filed 4/29/75; Order 992, § 388-54-480, filed 12/31/74; Order 966, § 388-54-480, filed 8/29/74; Order 871, § 388-54-480, filed 11/20/73; Order 660, § 388-54-480, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-482 Tax Reduction Act of 1975 payments disregarded. [Order 1028, § 388-54-482, filed 5/29/75.] Repealed by Order 1121, filed 5/26/76. Later promulgation, see WAC 388-54-462.
- 388-54-485 Income deductions. [Statutory Authority: RCW 74.04.-510, 79-01-068 (Order 1363), § 388-54-485, filed 12/29/78; 78-10-056 (Order 1342), § 388-54-485, filed 9/22/78; Statutory Authority: RCW 74.04.510 and 74.08.090, 78-06-086 (Order 1303), § 388-54-485, filed 6/2/78; Order 1245, § 388-54-485, filed 10/10/77; Order 1092, § 388-54-485, filed 1/28/76; Order 1063, § 388-54-485, filed 10/23/75; Order 1021, § 388-54-485, filed 4/29/75; Order 992, § 388-54-485, filed 12/31/74; Order 771, § 388-54-485, filed 1/26/73; Order 660, § 388-54-485, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-490 Income computation. [Order 660, § 388-54-490, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-495 Self-employment income. [Order 992, § 388-54-495, filed 12/31/74; Order 660, § 388-54-495, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-500 Farm employment income. [Statutory Authority: RCW 74.04.510, 78-12-004 (Order 1356), § 388-54-500, filed 11/6/78; Order 660, § 388-54-500, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-505 Nonassistance household—Verification of eligibility. [Statutory Authority: RCW 74.04.510, 78-12-004 (Order 1356), § 388-54-505, filed 11/6/78; Statutory Authority: RCW 74.04.510 and 74.08.090, 78-06-086 (Order 1303), § 388-54-505, filed 6/2/78; Order 1030, § 388-54-505, filed 6/12/75; Order 992, § 388-54-505, filed 12/31/74; Order 660, § 388-54-505, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-507 Preliminary certification. [Statutory Authority: RCW 74.04.510, 78-12-004 (Order 1356), § 388-54-507, filed 11/6/78.] Repealed by 80-10-043 (Order 1529), filed 8/6/80. Statutory Authority: RCW 74.04.510.
- 388-54-509 Special certification for migrant farm laborers. [Statutory Authority: RCW 74.04.510, 78-12-004 (Order 1356), § 388-54-509, filed 11/6/78.] Repealed by 80-10-043 (Order 1529), filed 8/6/80. Statutory Authority: RCW 74.04.510.
- 388-54-510 Certification. [Statutory Authority: RCW 74.04.510, 79-01-085 (Order 1364), § 388-54-510, filed 1/3/79; Order 992, § 388-54-510, filed 12/31/74; Order 660, § 388-54-510, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-515 Certification—Changes during certification period—Reporting. [Order 1080, § 388-54-515, filed 12/24/75; Order 992, § 388-54-515, filed 12/31/74; Order 734, § 388-54-515, filed 11/9/72; Order 660, § 388-54-515, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-520 Certification—Effecting changes during certification period. [Order 1080, § 388-54-520, filed 12/24/75; Order 992, § 388-54-520, filed 12/31/74; Order 660, § 388-54-520, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-525 Advance notice—Expiration or adverse action. [Statutory Authority: RCW 74.04.510, 78-11-046 (Order 1352), § 388-54-525, filed 10/20/78; Order 992, § 388-54-525, filed 12/31/74; Order 660, § 388-54-525, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-526 Conference procedure. [Order 869, § 388-54-526, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-527 Participation during appeals. [Order 992, § 388-54-527, filed 12/31/74; Order 869, § 388-54-527, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-528 Adjustments after hearing decision. [Order 924, § 388-54-528, filed 4/15/74; Order 869, § 388-54-528, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-530 Recertification. [Order 660, § 388-54-530, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-535 Transfer of certification and lost benefits. [Statutory Authority: RCW 74.04.510, 78-05-064 (Order 1291), § 388-54-535, filed 4/27/78; Order 660, § 388-54-535, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-540 Basis of coupon issuance. [Statutory Authority: RCW 74.04.510, 78-10-056 (Order 1342), § 388-54-540, filed 9/22/78; Statutory Authority: RCW 74.04.510 and 74.08.090, 78-06-086 (Order 1303), § 388-54-540, filed 6/2/78; Order 1249, § 388-54-540, filed 10/28/77; Order 1153, § 388-54-540, filed 9/22/76; Order 1091, § 388-54-540, filed 1/28/76; Order 1039, § 388-54-540, filed 8/7/75; Order 1007, § 388-54-540, filed 2/13/75; Order 966, § 388-54-540, filed 8/29/74; Order 889, § 388-54-540, filed 12/27/73; Order 803, § 388-54-540, filed 5/31/73; Order 687, § 388-54-540, filed 6/1/72; Order 660, § 388-54-540, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-545 Identification card. [Order 660, § 388-54-545, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-550 Authorization to purchase. [Order 660, § 388-54-550, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-555 Food coupon issuance and sales—Variable purchase. [Order 803, § 388-54-555, filed 5/31/73; Order 702, § 388-54-555, filed 7/27/72; Order 660, § 388-54-555, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-560 Food coupon use or redemption. [Order 992, § 388-54-560, filed 12/31/74; Order 660, § 388-54-560, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-565 Ineligible receipt of food coupons. [Order 925, § 388-54-565, filed 4/15/74; Order 660, § 388-54-565, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-570 Ineligible receipt of food coupons—Liability for repayment. [Order 1021, § 388-54-570, filed 4/29/75; Order 660, § 388-54-570, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-575 Ineligible receipt of food coupons—Collection of claim. [Order 869, § 388-54-575, filed 11/1/73; Order 660, § 388-54-575, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-580 Ineligible receipt of food coupons—Claim unpaid—Eligibility for food coupons. [Order 660, § 388-54-580, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-585 Replacement purchase. [Order 660, § 388-54-585, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-590 Cash refunds. [Order 1136, § 388-54-590, filed 7/29/76; Order 869, § 388-54-590, filed 11/1/73.] Repealed by

- 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-595 Retroactive benefits. [Statutory Authority: RCW 74.04.510. 78-05-064 (Order 1291), § 388-54-595, filed 4/27/78; Order 1136, § 388-54-595, filed 7/29/76; Order 1063, § 388-54-595, filed 10/23/75; Order 924, § 388-54-595, filed 4/15/74.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.-510.
- 388-54-598 Offsetting unpaid claims. [Order 1136, § 388-54-598, filed 7/29/76.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-600 Purpose of program. [Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-600, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-601 Definitions. [Statutory Authority: RCW 74.04.510. 87-15-055 (Order 2512), § 388-54-601, filed 7/14/87; 86-08-032 (Order 2356), § 388-54-601, filed 3/26/86; 85-20-030 (Order 2286), § 388-54-601, filed 9/24/85; 84-06-015 (Order 2078), § 388-54-601, filed 2/28/84.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-605 General food stamp provisions. [Statutory Authority: RCW 74.04.510. 85-11-033 (Order 2232), § 388-54-605, filed 5/15/85; 82-24-005 (Order 1905), § 388-54-605, filed 11/18/82; 80-09-076 (Order 1525), § 388-54-605, filed 7/18/80; 79-03-033 (Order 1374), § 388-54-605, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-610 Application and participation—Initiating the application. [Statutory Authority: RCW 74.04.510. 86-21-050 (Order 2432), § 388-54-610, filed 10/13/86; 80-14-060 (Order 1548), § 388-54-610, filed 10/1/80; 79-03-033 (Order 1374), § 388-54-610, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-615 Application and participation—Applications processed by the Social Security Administration district offices (SSADO). [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-615, filed 4/6/83; 81-22-082 (Order 1713), § 388-54-615, filed 11/4/81; 80-14-060 (Order 1548), § 388-54-615, filed 10/1/80.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-620 Application and participation—Interview. [Statutory Authority: RCW 74.04.510 [74.04.510]. 84-06-014 (Order 2077), § 388-54-620, filed 2/28/84. Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-620, filed 11/18/82; 80-14-060 (Order 1548), § 388-54-620, filed 10/1/80; 79-03-033 (Order 1374), § 388-54-620, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-625 Application and participation—Time limits. [Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-625, filed 11/18/82; 79-03-033 (Order 1374), § 388-54-625, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-630 Application and participation—Verification. [Statutory Authority: RCW 74.04.510. 87-09-028 (Order 2482), § 388-54-630, filed 4/9/87; 85-20-030 (Order 2286), § 388-54-630, filed 9/24/85; 83-22-002 (Order 2041), § 388-54-630, filed 10/20/83; 83-08-071 (Order 1956), § 388-54-630, filed 4/6/83; 82-24-005 (Order 1905), § 388-54-630, filed 11/18/82; 81-11-045 (Order 1653), § 388-54-630, filed 5/20/81; 80-10-043 (Order 1529), § 388-54-630, filed 8/6/80; 79-03-033 (Order 1374), § 388-54-630, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-635 Application and participation—Authorized representative. [Statutory Authority: RCW 74.04.510. 87-15-055 (Order 2491), § 388-54-635, filed 7/14/87; 82-24-005 (Order 1905), § 388-54-635, filed 11/18/82; 79-03-033 (Order 1374), § 388-54-635, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-640 Application and participation—Opportunity to participate. [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-640, filed 4/6/83; 81-23-044 (Order 1720), § 388-54-640, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-640, filed 3/1/79.] Repealed by
- 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-645 Application and participation—Expedited service. [Statutory Authority: RCW 74.04.510. 87-12-052 (Order 2497), § 388-54-645, filed 6/1/87; 83-08-071 (Order 1956), § 388-54-645, filed 4/6/83; 82-06-002 (Order 1765), § 388-54-645, filed 2/18/82; 81-23-044 (Order 1720), § 388-54-645, filed 11/18/81; 81-11-045 (Order 1653), § 388-54-645, filed 5/20/81; 80-10-043 (Order 1529), § 388-54-645, filed 8/6/80; 79-03-033 (Order 1374), § 388-54-645, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-650 Application and participation—Participation of public assistance households. [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-650, filed 4/6/83; 81-23-044 (Order 1720), § 388-54-650, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-650, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-655 Application and participation—Destitute households. [Statutory Authority: RCW 74.04.510. 86-08-032 (Order 2356), § 388-54-655, filed 3/26/86; 83-08-071 (Order 1956), § 388-54-655, filed 4/6/83; 81-23-044 (Order 1720), § 388-54-655, filed 11/18/81; 80-01-056 (Order 1466), § 388-54-655, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-655, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-660 Application and participation—Special circumstances for participation. [Statutory Authority: RCW 74.04.-510. 87-15-054 (Order 2491), § 388-54-660, filed 7/14/87; 85-06-064 (Order 2214), § 388-54-660, filed 3/6/85; 83-10-078 (Order 1959), § 388-54-660, filed 5/4/83; 82-24-005 (Order 1905), § 388-54-660, filed 11/18/82; 82-11-092 (Order 1814), § 388-54-660, filed 5/19/82; 81-23-044 (Order 1720), § 388-54-660, filed 11/18/81; 80-10-043 (Order 1529), § 388-54-660, filed 8/6/80; 80-01-056 (Order 1466), § 388-54-660, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-660, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-662 Categorical eligibility. [Statutory Authority: RCW 74.04.510. 87-06-003 (Order 2470), § 388-54-662, filed 2/19/87.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-665 Household determination. [Statutory Authority: RCW 74.04.510. 87-15-054 (Order 2491), § 388-54-665, filed 7/14/87; 87-01-009 (Order 2448), § 388-54-665, filed 12/8/86; 85-20-030 (Order 2286), § 388-54-665, filed 9/24/85; 83-08-071 (Order 1956), § 388-54-665, filed 4/6/83; 82-11-092 (Order 1814), § 388-54-665, filed 5/19/82; 81-23-044 (Order 1720), § 388-54-665, filed 11/18/81; 80-15-080 (Order 1558), § 388-54-665, filed 10/20/80; 80-10-043 (Order 1529), § 388-54-665, filed 8/6/80; 79-03-033 (Order 1374), § 388-54-665, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-670 Students. [Statutory Authority: RCW 74.04.510. 87-03-019 (Order 2462), § 388-54-670, filed 1/13/87; 86-18-060 (Order 2421), § 388-54-670, filed 9/2/86; 83-08-071 (Order 1956), § 388-54-670, filed 4/6/83; 83-03-015 (Order 1934), § 388-54-670, filed 1/12/83; 80-15-080 (Order 1558), § 388-54-670, filed 10/20/80; 79-07-057 (Order 1408), § 388-54-670, filed 6/25/79; 79-03-033 (Order 1374), § 388-54-670, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-675 Work registration and job search. [Statutory Authority: RCW 74.04.510. 87-15-055 (Order 2512), § 388-54-675, filed 7/14/87; 85-09-013 (Order 2222), § 388-54-675, filed 4/8/85; 83-08-071 (Order 1956), § 388-54-675, filed 4/6/83; 81-23-044 (Order 1720), § 388-54-675, filed 11/18/81; 81-11-045 (Order 1653), § 388-54-675, filed 5/20/81; 80-15-080 (Order 1558), § 388-54-675, filed 10/20/80; 79-03-033 (Order 1374), § 388-54-675, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-676 Workfare. [Statutory Authority: RCW 74.04.510. 84-06-029 (Order 2080), § 388-54-676, filed 2/29/84. Statutory Authority: 1983 1st ex.s. c 41. 83-21-082 (Order 2040), § 388-54-676, filed 10/19/83.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.

- 388-54-677 Voluntary quit. [Statutory Authority: RCW 74.04.510. 87-15-055 (Order 2512), § 388-54-677, filed 7/14/87; 86-08-084 (Order 2360), § 388-54-677, filed 4/2/86; 85-09-013 (Order 2222), § 388-54-677, filed 4/8/85; 80-15-080 (Order 1558), § 388-54-677, filed 10/20/80; 79-07-056 (Order 1409), § 388-54-677, filed 6/25/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-678 Job search requirement. [Statutory Authority: RCW 74.04.510. 81-23-044 (Order 1720), § 388-54-678, filed 11/18/81; 81-11-045 (Order 1653), § 388-54-678, filed 5/20/81.] Repealed by 85-09-013 (Order 2222), filed 4/8/85. Statutory Authority: RCW 74.04.510.
- 388-54-679 Strikers. [Statutory Authority: RCW 74.04.510. 85-09-013 (Order 2222), § 388-54-679, filed 4/8/85.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-680 Citizenship and alien status. [Statutory Authority: RCW 74.04.510. 87-22-011 (Order 2548), § 388-54-680, filed 10/26/87; 83-10-078 (Order 1959), § 388-54-680, filed 5/4/83; 82-24-005 (Order 1905), § 388-54-680, filed 11/18/82; 79-03-033 (Order 1374), § 388-54-680, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-685 Residency. [Statutory Authority: RCW 74.04.510. 82-11-092 (Order 1814), § 388-54-685, filed 5/19/82; 79-03-033 (Order 1374), § 388-54-685, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-687 Social Security number (SSN). [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-687, filed 4/6/83; 80-10-043 (Order 1529), § 388-54-687, filed 8/6/80.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-690 Resources—Allowable maximums. [Statutory Authority: RCW 74.04.510. 86-17-013 (Order 2408), § 388-54-690, filed 8/8/86; 82-24-005 (Order 1905), § 388-54-690, filed 11/18/82; 81-01-015 (Order 1574), § 388-54-690, filed 12/8/80; 79-03-033 (Order 1374), § 388-54-690, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-695 Resources—Exempt. [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-695, filed 4/6/83; 82-24-005 (Order 1905), § 388-54-695, filed 11/18/82; 82-11-092 (Order 1814), § 388-54-695, filed 5/19/82; 82-06-004 (Order 1767), § 388-54-695, filed 2/18/82; 81-01-015 (Order 1574), § 388-54-695, filed 12/8/80; 80-05-044 (Order 1498), § 388-54-695, filed 4/16/80; 80-01-056 (Order 1466), § 388-54-695, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-695, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-700 Food distribution program—General provisions and coverage. [Order 665, § 388-54-700, filed 3/23/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-705 Food distribution program—Participation. [Order 665, § 388-54-705, filed 3/23/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-710 Food distribution program—Issuance of commodities. [Order 665, § 388-54-710, filed 3/23/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-715 Resources—Nonexempt. [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-715, filed 4/6/83; 82-24-005 (Order 1905), § 388-54-715, filed 11/18/82; 80-01-056 (Order 1466), § 388-54-715, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-715, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-717 Resources—Vehicles. [Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-717, filed 11/18/82; 81-01-015 (Order 1574), § 388-54-717, filed 12/8/80; 79-03-033 (Order 1374), § 388-54-717, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-720 Resources—Transfer of property. [Statutory Authority: RCW 74.04.510. 86-17-013 (Order 2408), § 388-54-720, filed 8/8/86; 82-24-005 (Order 1905), § 388-54-720, filed 11/18/82; 79-03-033 (Order 1374), § 388-54-720, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-725 Income—Definitions. [Statutory Authority: RCW 74.04.510. 86-17-013 (Order 2408), § 388-54-725, filed 8/8/86; 86-01-009 (Order 2315), § 388-54-725, filed 12/5/85; 85-11-035 (Order 2235), § 388-54-725, filed 5/15/85; 82-24-005 (Order 1905), § 388-54-725, filed 11/18/82; 81-08-021 (Order 1628), § 388-54-725, filed 3/25/81. Statutory Authority: RCW 74.08.090. 80-04-051 (Order 1496), § 388-54-725, filed 3/21/80. Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-725, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-728 Income eligibility. [Statutory Authority: RCW 74.04.510. 85-20-030 (Order 2286), § 388-54-728, filed 9/24/85; 84-06-015 (Order 2078), § 388-54-728, filed 2/28/84.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-730 Income—Eligibility standards. [Statutory Authority: RCW 74.04.510. 87-14-071 (Order 2511), § 388-54-730, filed 7/1/87; 86-20-019 (Order 2428), § 388-54-730, filed 9/22/86; 85-16-048 (Order 2264), § 388-54-730, filed 7/31/85; 84-17-070 (Order 2140), § 388-54-730, filed 8/15/84; 83-17-072 (Order 2010), § 388-54-730, filed 8/19/83; 83-08-071 (Order 1956), § 388-54-730, filed 4/6/83; 82-15-027 (Order 1846), § 388-54-730, filed 7/14/82; 81-23-044 (Order 1720), § 388-54-730, filed 11/18/81; 80-13-059 (Order 1543), § 388-54-730, filed 9/17/80; 79-09-033 (Order 1423), § 388-54-730, filed 8/15/79; 79-03-033 (Order 1374), § 388-54-730, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-735 Income—Exclusions. [Statutory Authority: RCW 74.04.510. 87-03-019 (Order 2462), § 388-54-735, filed 1/13/87; 86-17-013 (Order 2408), § 388-54-735, filed 8/8/86; 82-24-005 (Order 1905), § 388-54-735, filed 11/18/82; 82-11-092 (Order 1814), § 388-54-735, filed 5/19/82; 82-06-004 (Order 1767), § 388-54-735, filed 2/18/82; 81-08-021 (Order 1628), § 388-54-735, filed 3/25/81; 80-04-006 (Order 1492), § 388-54-735, filed 3/7/80; 80-01-056 (Order 1466), § 388-54-735, filed 12/19/79; 79-08-126 (Order 1421), § 388-54-735, filed 8/1/79; 79-03-033 (Order 1374), § 388-54-735, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-737 Income—Energy allowance. [Statutory Authority: RCW 74.04.510. 86-01-078 (Order 2318), § 388-54-737, filed 12/18/85; 84-04-067 (Order 2072), § 388-54-737, filed 2/1/84; 82-11-092 (Order 1814), § 388-54-737, filed 5/19/82.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-740 Income—Deductions. [Statutory Authority: RCW 74.04.050. 87-22-095 (Order 2556), § 388-54-740, filed 11/4/87. Statutory Authority: RCW 74.04.510. 87-17-044 (Order 2523), § 388-54-740, filed 8/17/87; 87-12-051 (Order 2496), § 388-54-740, filed 6/1/87; 87-03-054 (Order 2467), § 388-54-740, filed 1/21/87; 86-23-019 (Order 2440), § 388-54-740, filed 11/10/86; 86-17-013 (Order 2408), § 388-54-740, filed 8/8/86; 85-20-030 (Order 2286), § 388-54-740, filed 9/24/85; 85-05-013 (Order 2203), § 388-54-740, filed 2/13/85; 84-04-067 (Order 2072), § 388-54-740, filed 2/1/84; 83-19-034 (Order 2023), § 388-54-740, filed 9/14/83; 83-08-071 (Order 1956), § 388-54-740, filed 4/6/83; 83-03-015 (Order 1934), § 388-54-740, filed 1/12/83; 81-23-044 (Order 1720), § 388-54-740, filed 11/18/81; 81-08-019 (Order 1625), § 388-54-740, filed 3/25/81; 81-02-005 (Order 1584), § 388-54-740, filed 12/30/80; 80-04-006 (Order 1492), § 388-54-740, filed 3/7/80; 80-01-056 (Order 1466), § 388-54-740, filed 12/19/79; 79-09-033 (Order 1423), § 388-54-740, filed 8/15/79; 79-03-033 (Order 1374), § 388-54-740, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-745 Income—Budgeting. [Statutory Authority: RCW 74.04.510. 87-03-054 (Order 2467), § 388-54-745, filed 1/21/87; 85-20-030 (Order 2286), § 388-54-745, filed 9/24/85; 84-06-015 (Order 2078), § 388-54-745, filed 2/28/84; 79-03-033 (Order 1374), § 388-54-745, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-750 Income—Self-employment. [Statutory Authority: RCW 74.04.510. 86-11-026 (Order 2379), § 388-54-750, filed 5/14/86; 85-20-030 (Order 2286), § 388-54-

- 388-54-828 Fraud disqualification—Court imposed. [Statutory Authority: RCW 74.04.510. 80-10-043 (Order 1529), § 388-54-828, filed 8/6/80; 79-10-084 (Order 1435), § 388-54-828, filed 9/21/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-829 Administrative disqualification hearing waiver. [Statutory Authority: RCW 74.04.510. 83-21-011 (Order 2032), § 388-54-829, filed 10/6/83.] Repealed by 84-20-099 (Order 2156), filed 10/3/84. Statutory Authority: RCW 74.04.510.
- 388-54-830 Treatment of income and resources of disqualified members. [Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-830, filed 11/18/82; 81-23-044 (Order 1720), § 388-54-830, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-830, filed 3/1/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-83050 Treatment of income and resources of excluded members. [Statutory Authority: RCW 74.04.510. 83-21-011 (Order 2032), § 388-54-83050, filed 10/6/83.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-835 Claims against households—Nonfraud. [Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-835, filed 11/18/82; 80-04-006 (Order 1492), § 388-54-835, filed 3/7/80; 79-03-033 (Order 1374), § 388-54-835, filed 3/1/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-840 Claims against households—Fraud. [Statutory Authority: RCW 74.04.510. 81-22-083 (Order 1714), § 388-54-840, filed 11/4/81; 80-10-043 (Order 1529), § 388-54-840, filed 8/6/80; 79-03-033 (Order 1374), § 388-54-840, filed 3/1/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-850 Overpayments. [Statutory Authority: RCW 74.04.510. 87-07-032 (Order 2475), § 388-54-850, filed 3/13/87; 86-18-059 (Order 2420), § 388-54-850, filed 9/2/86; 85-07-047 (Order 2216), § 388-54-850, filed 3/20/85; 83-21-011 (Order 2032), § 388-54-850, filed 10/6/83.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- Reviser's note:** Later promulgation, see chapter 388-49 WAC.
- Chapter 388-55**
REFUGEE ASSISTANCE
- 388-55-006 Summary of eligibility conditions. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-006, filed 2/9/96, effective 3/11/96.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-55-008 Eligibility conditions—Refugee status. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-008, filed 2/9/96, effective 3/11/96.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-55-010 Common eligibility conditions. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-010, filed 2/9/96, effective 3/11/96. Statutory Authority: RCW 43.20A.550. 91-24-046 (Order 3299), § 388-55-010, filed 11/27/91, effective 12/28/91; 91-01-122 (Order 3120), § 388-55-010, filed 12/19/90, effective 1/19/91; 89-17-029 (Order 2846), § 388-55-010, filed 8/8/89, effective 9/8/89; 89-03-008 (Order 2752), § 388-55-010, filed 1/6/89; 84-13-028 (Order 2111), § 388-55-010, filed 6/13/84; 83-13-069 (Order 1969), § 388-55-010, filed 6/16/83; 82-10-061 (Order 1800), § 388-55-010, filed 5/5/82; 81-08-061 (Order 1630), § 388-55-010, filed 4/1/81; 79-02-025 (Order 1367), § 388-55-010, filed 1/17/79, effective 3/1/79; 78-04-037 (Order 1283), § 388-55-010, filed 3/20/78; Order 1188, § 388-55-010, filed 2/18/77; Order 1173, § 388-55-010, filed 11/24/76; Order 1160, § 388-55-010, filed 10/6/76; Order 1079, § 388-55-010, filed 12/24/75; Order 1041, § 388-55-010, filed 8/7/75.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-55-020 Work and training eligibility conditions. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-020, filed 2/9/96, effective 3/11/96. Statutory Authority: RCW 43.20A.550. 89-03-008 (Order 2752), § 388-55-020, filed 1/6/89; 84-13-028 (Order 2111), § 388-55-020, filed 6/13/84; 83-13-069 (Order 1969), § 388-55-020, filed 6/16/83; 83-13-069 (Order 1969), § 388-55-020, filed 6/16/83.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-55-024 Noncompliance with work and training requirements. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-024, filed 2/9/96, effective 3/11/96.] Repealed by 00-22-085, filed 10/31/00, effective 12/1/00. Statutory Authority: RCW 74.08.090.
- 388-55-027 Good cause determination. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-027, filed 2/9/96, effective 3/11/96.] Repealed by 00-22-085, filed 10/31/00, effective 12/1/00. Statutory Authority: RCW 74.08.-090.
- 388-55-030 Treatment of income and resources. [Statutory Authority: RCW 74.04.050 and 74.08.090. 97-20-128, § 388-55-030, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-030, filed 2/9/96, effective 3/11/96. Statutory Authority: RCW 43.20A.550. 83-13-069 (Order 1969), § 388-55-030, filed 6/16/83.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-55-040 Refugee medical assistance. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-040, filed 2/9/96, effective 3/11/96. Statutory Authority: RCW 43.20A.-550. 91-24-046 (Order 3299), § 388-55-040, filed 11/27/91, effective 12/28/91; 89-03-008 (Order 2752), § 388-55-040, filed 1/6/89; 83-13-069 (Order 1969), § 388-55-040, filed 6/16/83.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-55-050 Refugee social service eligibility. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-050, filed 2/9/96, effective 3/11/96.] Repealed by 00-22-085, filed 10/31/00, effective 12/1/00. Statutory Authority: RCW 74.08.090.
- 388-55-060 Refugee notification and referral. [Statutory Authority: RCW 43.20A.550 and 45 CFR 400 Subparts E, F and G. 96-05-009 (Order 3944), § 388-55-060, filed 2/9/96, effective 3/11/96.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-56**
COMMUNITY WORK AND TRAINING
- 388-56-010, 388-56-020, 388-56-030, 388-56-050, 388-56-060, 388-56-070, 388-56-080, 388-56-090, 388-56-150, 388-56-160, 388-56-170, 388-56-180, 388-56-190, 388-56-220, 388-56-230, 388-56-240, 388-56-260, 388-56-270, 388-56-280, 388-56-290, 388-56-300, 388-56-310, 388-56-315, 388-56-320, 388-56-340, 388-56-360, 388-56-370, 388-56-380, 388-56-390. [Regulation 22.00 through 22.63, filed 6/30/67.] Repealed by Order 326, filed 11/27/68.
- 388-56-040 [Order 279, § 388-56-040, filed 2/14/68; Regulation 22.02, filed 6/30/67.] Repealed by Order 326, filed 11/27/68.
- 388-56-330 [Regulation 22.58, filed 6/30/67.] Repealed by Order 277, filed 1/29/68 and Order 282, filed 2/14/68.
- Chapter 388-57**
EMPLOYMENT AND TRAINING—WORK INCENTIVE
- 388-57-010 Utilization of employment security department. [Order 832, § 388-57-010, filed 7/26/73; Order 544, § 388-57-010, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-010, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.-050.
- 388-57-011 Washington employment opportunities program (OPPORTUNITIES). [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-011, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.

- 388-57-015 Utilization of employment security department DES—Registration. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-015, filed 10/6/83. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-015, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-015, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-015, filed 2/15/79; Order 1101, § 388-57-015, filed 2/25/76; Order 832, § 388-57-015, filed 7/26/73; Order 610, § 388-57-015, filed 9/22/71; Order 544, § 388-57-015, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-015, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-015, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-020 Unemployment compensation status—Verification. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-020, filed 10/6/83. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-020, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-020, filed 10/23/79; Order 1189, § 388-57-020, filed 2/18/77; Order 1051, § 388-57-020, filed 9/10/75; Order 832, § 388-57-020, filed 7/26/73; Order 610, § 388-57-020, filed 9/22/71; Order 544, § 388-57-020, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-020, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-025 Acceptance of full or part-time employment—Effect of refusal on eligibility. [Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-025, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-025, filed 2/15/79. Order 1101, § 388-57-025, filed 2/25/76; Order 906, § 388-57-025, filed 2/14/74; Order 750, § 388-57-025, filed 12/7/72; Order 610, § 388-57-025, filed 9/22/71; Order 544, § 388-57-025, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-025, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-025, filed 2/14/69.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-57-028 Vocational training. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-028, filed 10/6/83. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-028, filed 10/23/79; Order 1199, § 388-57-028, filed 3/18/77; Order 1101, § 388-57-028, filed 2/25/76; Order 976, § 388-57-028, filed 10/28/74; Order 832, § 388-57-028, filed 7/26/73; Order 610, § 388-57-028, filed 9/22/71; Order 544, § 388-57-028, filed 3/31/71, effective 5/1/71; Order 355, § 388-57-028, filed 5/29/60.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-029 Person attending post-high school education or training. [Order 750, § 388-57-029, filed 12/7/72; Order 610, § 388-57-029, filed 9/22/71; Order 544, § 388-57-029, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-029, filed 5/14/70, effective 6/15/70.] Repealed by Order 858, filed 9/27/73.
- 388-57-030 Acceptance of training for employment—Effect of refusal on eligibility. [Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-030, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-030, filed 2/15/79; Order 1165, § 388-57-030, filed 10/27/76; Order 906, § 388-57-030, filed 2/14/74; Order 750, § 388-57-030, filed 12/7/72; Order 610, § 388-57-030, filed 9/22/71; Order 544, § 388-57-030, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-030, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-030, filed 2/14/69.] Repealed by 81-14-063 (Order 1670), filed 7/1/81. Statutory Authority: RCW 74.08.090.
- 388-57-032 Employment and training (E&T) program. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-032, filed 10/6/83. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-032, filed 4/27/81; 80-02-023 (Order 1472), § 388-57-032, filed 1/9/80.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-035 Referral of employable applicant or recipient to division of vocational rehabilitation. [Order 544, § 388-57-035, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-035, filed 2/14/69.] Repealed by Order 610, filed 9/22/71.
- 388-57-036 Employment and training (E&T)—Definitions. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-036, filed 10/6/83; 82-01-041 (Order 1733), § 388-57-036, filed 12/16/81. Statutory Authority: RCW 74.08.090. 81-19-110 (Order 1700), § 388-57-036, filed 9/22/81; 81-10-010 (Order 1642), § 388-57-036, filed 4/27/81; 80-02-023 (Order 1472), § 388-57-036, filed 1/9/80.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-040 Work incentive program (WIN)—Authority. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-040, filed 3/14/88; Order 750, § 388-57-040, filed 12/7/72; Order 544, § 388-57-040, filed 3/31/71, effective 5/1/71; Order 397, § 388-57-040, filed 10/15/69; Order 340, § 388-57-040, filed 2/14/69.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-045 Work incentive program—Definitions. [Order 1165, § 388-57-045, filed 10/27/76; Order 1101, § 388-57-045, filed 2/25/76; Order 872, § 388-57-045, filed 11/16/73; Order 750, § 388-57-045, filed 12/7/72.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-050 Work incentive program—Objective. [Order 340, § 388-57-050, filed 2/14/69.] Repealed by Order 544, filed 3/31/71, effective 5/1/71.
- 388-57-055 Work incentive program—Referral of AFDC recipient to state employment service. [Order 544, § 388-57-055, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-055, filed 5/14/70, effective 6/15/70; Order 414, § 388-57-055, filed 12/23/69; Order 340, § 388-57-055, filed 2/14/69.] Repealed by Order 750, filed 12/7/72.
- 388-57-056 Refusal to cooperate in appraisal prior to certification. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-056, filed 10/6/83. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-056, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-056, filed 10/23/79; Order 1118, § 388-57-056, filed 5/13/76.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-057 Work incentive program—Certification and supportive services. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-057, filed 3/14/88. Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-057, filed 10/6/83; 82-13-081 (Order 1830), § 388-57-057, filed 6/21/82. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-057, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-057, filed 10/23/79; Order 1165, § 388-57-057, filed 10/27/76; Order 1118, § 388-57-057, filed 5/13/76; Order 1101, § 388-57-057, filed 2/25/76; Order 872, § 388-57-057, filed 11/16/73; Order 832, § 388-57-057, filed 7/26/73; Order 750, § 388-57-057, filed 12/7/72.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-059 WIN program—Grievances. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-059, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-060 Work incentive program—Mandatory participation by certified AFDC recipient. [Order 750, § 388-57-060, filed 12/7/72; Order 544, § 388-57-060, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-060, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-060, filed 2/14/69.] Repealed by Order 832, filed 7/26/73.
- 388-57-061 Refusal of training or employment under WIN/E&T without good cause. [Statutory Authority: RCW 74.22.110. 84-22-018 (Order 2166), § 388-57-061, filed 10/31/84. Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-061, filed 10/6/83; 82-01-041 (Order 1733), § 388-57-061, filed 12/16/81. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-061, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-061, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-061, filed 2/15/79; Order 832, § 388-57-061, filed 7/26/73.]

	Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.	388-57-084	Work incentive program—Prereferral physical examination. [Order 544, § 388-57-084, filed 3/31/71, effective 5/1/71; Order 476, § 388-57-084, filed 9/8/70.] Repealed by Order 750, filed 12/7/72.
388-57-062	Refusal of training or employment under WIN without good cause—Counseling period. [Statutory Authority: RCW 74.08.090, 79-03-013 (Order 1368), § 388-57-062, filed 2/15/79; Order 1165, § 388-57-062, filed 10/27/76; Order 832, § 388-57-062, filed 7/26/73.] Repealed by 82-01-041 (Order 1733), filed 12/16/81. Statutory Authority: RCW 74.23.120.	388-57-090	Refusal of training or employment under WIN/employment and training without good cause—Fair hearings. [Statutory Authority: RCW 74.04.400, 84-18-024 (Order 2147), § 388-57-090, filed 8/29/84, effective 10/1/84. Statutory Authority: RCW 74.08.090, 81-10-010 (Order 1642), § 388-57-090, filed 4/27/81; 80-02-023 (Order 1472), § 388-57-090, filed 1/9/80; Order 1118, § 388-57-090, filed 5/13/76; Order 832, § 388-57-090, filed 7/26/73; Order 750, § 388-57-090, filed 12/7/72; Order 544, § 388-57-090, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-090, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
388-57-063	WIN program—Failure to participate. [Statutory Authority: RCW 74.04.050, 88-07-055 (Order 2607), § 388-57-063, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.	388-57-095	Intensive applicant employment services—Departmental authority. [Statutory Authority: RCW 74.23.120, 83-21-013 (Order 2035), § 388-57-095, filed 10/6/83. Statutory Authority: RCW 74.22.110 and 74.23.120, 83-01-057 (Order 1924), § 388-57-095, filed 12/15/82. Statutory Authority: RCW 74.08.090, 82-07-026 (Order 1779), § 388-57-095, filed 3/11/82.] Repealed by 84-18-024 (Order 2147), filed 8/29/84, effective 10/1/84. Statutory Authority: RCW 74.04.400.
388-57-064	Refusal of training or employment or reduction of earnings under WIN without good cause—Deregistration sanction and reacceptance to WIN. [Statutory Authority: RCW 74.23.120, 83-21-013 (Order 2035), § 388-57-064, filed 10/6/83. Statutory Authority: RCW 74.22.110 and 74.23.120, 83-01-057 (Order 1924), § 388-57-064, filed 12/15/82. Statutory Authority: RCW 74.22.110, 82-05-005 (Order 1762), § 388-57-064, filed 2/4/82. Statutory Authority: RCW 74.23.120, 82-01-041 (Order 1733), § 388-57-064, filed 12/16/81. Statutory Authority: RCW 74.22.110, 79-10-082 (Order 1433), § 388-57-064, filed 9/21/79; Order 1165, § 388-57-064, filed 10/27/76; Order 1118, § 388-57-064, filed 5/13/76; Order 832, § 388-57-064, filed 7/26/73.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.	388-57-097	Community work experience program (CWEP). [Statutory Authority: RCW 74.04.050, 88-07-055 (Order 2607), § 388-57-097, filed 3/14/88. Statutory Authority: RCW 74.04.400, 84-13-005 (Order 2102), § 388-57-097, filed 6/7/84; 83-23-010 (Order 2047), § 388-57-097, filed 11/4/83. Statutory Authority: RCW 74.22.-110 and 74.23.120, 83-01-057 (Order 1924), § 388-57-097, filed 12/15/82. Statutory Authority: RCW 74.08.390, 82-11-018 (Order 1807), § 388-57-097, filed 5/10/82.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
388-57-065	County office screening unit—Composition—Duties. [Order 414, § 388-57-065, filed 12/23/69; Order 340, § 388-57-065, filed 2/14/69.] Repealed by Order 452, filed 5/14/70, effective 6/15/70.	388-57-100	Employment search program (ESP). [Statutory Authority: RCW 74.04.050, 88-07-055 (Order 2607), § 388-57-100, filed 3/14/88. Statutory Authority: RCW 74.04.400, 84-18-024 (Order 2147), § 388-57-100, filed 8/29/84, effective 10/1/84.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
388-57-066	WIN program—Notice of intended deregistration. [Statutory Authority: RCW 74.04.050, 88-07-055 (Order 2607), § 388-57-066, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.	388-57-105	Title IV-A employment programs—Complaints and grievances. [Statutory Authority: RCW 74.04.050, 88-07-055 (Order 2607), § 388-57-105, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91.
388-57-067	WIN program—Sanction. [Statutory Authority: RCW 74.04.050, 88-07-055 (Order 2607), § 388-57-067, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.	388-57-110	Work incentive program—Special work projects. [Order 544, § 388-57-110, filed 3/31/71, effective 5/1/71; Order 397, § 388-57-110, filed 10/15/69.] Repealed by Order 750, filed 12/7/72.
388-57-070	Community services office—State employment service joint case responsibility. [Statutory Authority: RCW 74.23.120, 83-21-013 (Order 2035), § 388-57-070, filed 10/6/83; Order 1165, § 388-57-070, filed 10/27/76; Order 750, § 388-57-070, filed 12/7/72; Order 544, § 388-57-070, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-070, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.	388-57-112	Title IV-A employment programs—Failure to participate without good cause. [Statutory Authority: RCW 74.04.050, 88-07-055 (Order 2607), § 388-57-112, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
388-57-071	Work incentive program—Good cause. [Statutory Authority: RCW 74.04.050, 88-07-055 (Order 2607), § 388-57-071, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.	388-57-115	Title IV-A employment programs—Sanction. [Statutory Authority: RCW 74.04.050, 88-07-055 (Order 2607), § 388-57-115, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
388-57-074	OPPORTUNITIES program—Exemption and hearings. [Statutory Authority: RCW 74.04.050, 88-07-055 (Order 2607), § 388-57-074, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.	388-57-117	OPPORTUNITIES program—Effect of sanction on AFDC. [Statutory Authority: RCW 74.04.050, 88-07-055 (Order 2607), § 388-57-117, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.-050.
388-57-075	Work incentive program—Child care plan—Standards—Payment. [Order 544, § 388-57-075, filed 3/31/71, effective 5/1/71; Order 414, § 388-57-075, filed 12/23/69; Order 340, § 388-57-075, filed 2/14/69.] Repealed by Order 750, filed 12/7/72.	388-57-120	Employment partnership program (EPP)—Authority. [Statutory Authority: RCW 74.04.050, 88-07-055 (Order 2607), § 388-57-120, filed 3/14/88. Statutory Authority: RCW 74.08.090, 86-16-047 (Order 2403), § 388-57-120, filed 8/1/86.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
388-57-079	Work incentive program—Supplemental payments for trainees—Special authorization for clothing. [Order 544, § 388-57-079, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-079, filed 5/14/70, effective 6/15/70.] Repealed by Order 750, filed 12/7/72.	388-57-121	Purpose. [Statutory Authority: RCW 74.08.090, 86-16-047 (Order 2403), § 388-57-121, filed 8/1/86.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
388-57-080	Work incentive program—Special authorization for transportation. [Order 544, § 388-57-080, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-080, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-080, filed 2/14/69.] Repealed by Order 750, filed 12/7/72.	388-57-122	Eligible participants. [Statutory Authority: RCW 74.08.090, 86-16-047 (Order 2403), § 388-57-122, filed
388-57-083	Work incentive program—Special authorization for supplementary medical care. [Order 544, § 388-57-083, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-083, filed 5/14/70, effective 6/15/70.] Repealed by Order 750, filed 12/7/72.		

- 8/1/86.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-123 Employment partnership program—Eligible employers. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-123, filed 3/14/88. Statutory Authority: RCW 74.08.090. 86-16-047 (Order 2403), § 388-57-123, filed 8/1/86.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-124 Employment partnership program—Conditions of employment. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-124, filed 3/14/88. Statutory Authority: RCW 74.08.090. 86-16-047 (Order 2403), § 388-57-124, filed 8/1/86.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-125 Employment partnership program—Funding and payment. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-125, filed 3/14/88. Statutory Authority: RCW 74.08.090. 86-16-047 (Order 2403), § 388-57-125, filed 8/1/86.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- Chapter 388-58**
CUBAN REFUGEE ASSISTANCE
- 388-58-010 Cuban refugee assistance. [Regulation 24.00, filed 12/21/64, effective 2/1/65; Regulation 24.00, filed 1/24/64.] Repealed by Order 545, filed 3/31/71, effective 5/1/71.
- 388-58-020 Scope of program—Federal auspices. [Regulation 24.11, filed 12/21/64, effective 2/1/65; Regulation 24.11, filed 1/24/64.] Repealed by Order 545, filed 3/31/71, effective 5/1/71.
- 388-58-025 Scope of program—Organization in Florida. [Regulation 24.12, filed 12/21/64, effective 2/1/65; Regulation 24.12, filed 1/24/64.] Repealed by Order 545, filed 3/31/71, effective 5/1/71.
- 388-58-030 Scope of program—Transition allowances. [Regulation 24.13, filed 12/21/64, effective 2/1/65; Regulation 24.13, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-040 Cuban refugee assistance—Administration—Federal-state-local relationships. [Order 969, § 388-58-040, filed 9/13/74; Order 804, § 388-58-040, filed 5/31/73; Order 545, § 388-58-040, filed 3/31/71, effective 5/1/71; Regulation 24.21, filed 3/31/66; Regulation 24.21, filed 12/21/64, effective 2/1/65; Regulation 24.21, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-050 Cuban refugee assistance—Refugee status defined. [Order 969, § 388-58-050, filed 9/13/74; Order 804, § 388-58-050, filed 5/31/73; Order 545, § 388-58-050, filed 3/31/71, effective 5/1/71; Regulation 24.22, filed 12/21/64, effective 2/1/65; Regulation 24.22, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-060 Cuban refugee assistance—Eligibility conditions. [Order 969, § 388-58-060, filed 9/13/74; Order 804, § 388-58-060, filed 5/31/73; Order 545, § 388-58-060, filed 3/31/71, effective 5/1/71; Regulation 24.30, filed 12/21/64, effective 2/1/65; Regulation 24.30, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-065 Cuban refugee assistance—Relatives joining resettled refugee. [Order 545, § 388-58-065, filed 3/31/71, effective 5/1/71; Regulation 24.31, filed 12/21/64, effective 2/1/65; Regulation 24.31, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-070 Cuban refugee assistance—Financial need. [Order 545, § 388-58-070, filed 3/31/71, effective 5/1/71; Regulation 24.32, filed 12/21/64, effective 2/1/65; Regulation 24.32, filed 6/17/64, effective 8/1/64; Regulation 24.32, filed 1/24/64, effective 8/1/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-075 Cuban refugee assistance—Other eligibility considerations. [Order 545, § 388-58-075, filed 3/31/71, effective 5/1/71; Regulation 24.33, filed 12/21/64, effective 2/1/65; Regulations 24.33, 24.34, 24.35, 24.36, 24.37, and 24.38, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-080 Records. [Regulation 24.34, filed 12/21/64, effective 2/1/65; Regulation 24.39, filed 1/24/64.] Repealed by Order 545, filed 3/31/71, effective 5/1/71.
- 388-58-090 Cuban refugee assistance—Payment of grant or foster care. [Order 545, § 388-58-090, filed 3/31/71, effective 5/1/71; Regulation 24.41, filed 12/21/64, effective 2/1/65; Regulation 24.41, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-100 Payment—Medical care. [Regulation 24.42, filed 12/21/64, effective 2/1/65; Regulation 24.34, filed 1/24/64.] Repealed by Order 545, filed 3/31/71, effective 5/1/71.
- 388-58-120 Reporting. [Regulation 24.50, filed 12/21/64, effective 2/1/65; Regulation 24.50, filed 1/24/64.] Repealed by Order 545, filed 3/31/71, effective 5/1/71.
- 388-58-130 Cuban refugee assistance—Unaccompanied children. [Order 969, § 388-58-130, filed 9/13/74; Order 545, § 388-58-130, filed 3/31/71, effective 5/1/71; Regulation 24.60, filed 12/21/64, effective 2/1/65; Regulation 24.60, filed 6/17/64, effective 8/1/64, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- Chapter 388-59**
SUPPLEMENTAL SECURITY INCOME
- 388-59-010 State supplementary payments—Definitions. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-010, filed 12/12/90, effective 1/12/91; 82-06-052 (Order 1774), § 388-59-010, filed 3/3/82; 79-04-036 (Order 1379), § 388-59-010, filed 3/22/79; Order 910, § 388-59-010, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-020 State supplementary payments—General provisions. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-020, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-020, filed 3/22/79; Order 910, § 388-59-020, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-030 State supplementary payments—Establishing eligibility. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-030, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-030, filed 3/22/79; Order 910, § 388-59-030, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-040 State supplementary payments—Amount. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-040, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-040, filed 3/22/79; Order 910, § 388-59-040, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-045 Separation of income and resources. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-045, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-045, filed 3/22/79.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-048 Termination of optional state supplement. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-048, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-048, filed 3/22/79.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-050 State supplementary payments—Additional requirements under specified circumstances—Chore services. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-050, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-050, filed 3/22/79; Order 910, § 388-59-050, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-060 State supplementary payments—Overpayment and underpayment. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-060, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-060, filed 3/22/79; Order 910, § 388-59-060, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed

- 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-070 Mandatory state supplementary payments—Determining amount. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-070, filed 12/12/90, effective 1/12/91; Order 910, § 388-59-070, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-080 Mandatory state supplementary payments—Reduction. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-080, filed 12/12/90, effective 1/12/91; Order 910, § 388-59-080, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-090 Mandatory state supplementary payments—Termination of eligibility. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-090, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-090, filed 3/22/79; Order 910, § 388-59-090, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-100 Representative payee. [Order 1194, § 388-59-100, filed 3/3/77; Order 910, § 388-59-100, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-120 Representative payee—Immediate hardship. [Order 910, § 388-59-120, filed 3/1/74.] Repealed by Order 940, filed 6/10/74 before publication in WAC.
- 388-59-130 Representative payee—Monthly standards for emergency payments. [Order 910, § 388-59-130, filed 3/1/74.] Repealed by Order 940, filed 6/10/74 before publication in WAC.
- 388-59-140 Representative payee—Application—Verification—Payment. [Order 910, § 388-59-140, filed 3/1/74.] Repealed by Order 940, filed 6/10/74 before publication in WAC.
- Chapter 388-62**
REPATRIATED UNITED STATES CITIZENS—ASSISTANCE
- 388-62-010 Assistance for United States citizens returned from foreign countries. [Regulation 26.00, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-020 United States (U.S.) repatriates—Program objectives. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-020, filed 8/20/91, effective 9/20/91; Order 546, § 388-62-020, filed 3/31/71, effective 5/1/71; Regulation 26.10, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-025 United States (U.S.) repatriates—Definitions. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-025, filed 8/20/91, effective 9/20/91.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-030 Administration—General. [Regulation 26.20, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-035 United States (U.S.) repatriates—Department responsibilities. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-035, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-035, filed 9/13/74; Order 546, § 388-62-035, filed 3/31/71, effective 5/1/71; Regulation 26.21, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-050 Persons served. [Regulation 26.30, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-055 Referral and identification of persons. [Regulation 26.31, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-060 Referral procedure. [Regulation 26.32, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-070 United States (U.S.) repatriates—Eligibility. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-070, filed 8/20/91, effective 9/20/91; Order 1082, § 388-62-070, filed 12/24/75; Order 546, § 388-62-070, filed 3/31/71, effective 5/1/71; Regulation 26.40, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-075 United States (U.S.) repatriates—Standards of assistance. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-075, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-075, filed 9/13/74; Order 546, § 388-62-075, filed 3/31/71, effective 5/1/71; Regulation 26.41, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-080 United States (U.S.) repatriates—Resources. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-080, filed 8/20/91, effective 9/20/91; Order 546, § 388-62-080, filed 3/31/71, effective 5/1/71; Regulation 26.42, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-095 United States (U.S.) repatriates—Assistance payments—Types of grants. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-095, filed 8/20/91, effective 9/20/91; Order 546, § 388-62-095, filed 3/31/71, effective 5/1/71; Regulation 26.51, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-100 Payments of assistance—Grants. [Regulation 26.52, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-105 Payments of assistance—Medical care. [Regulation 26.53, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-115 Repatriated United States citizens—Duration of assistance. [Order 546, § 388-62-115, filed 3/31/71, effective 5/1/71; Regulation 26.55, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-130 Repatriated United States citizens—Welfare services. [Order 546, § 388-62-130, filed 3/31/71, effective 5/1/71; Regulation 26.60, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-135 United States (U.S.) repatriates—Care and protection of children. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-135, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-135, filed 9/13/74; Order 546, § 388-62-135, filed 3/31/71, effective 5/1/71; Regulation 26.61, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-155 Repatriated United States citizens—Food stamps. [Order 546, § 388-62-155, filed 3/31/71, effective 5/1/71; Regulation 26.71, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-160 Repatriated United States citizens—Work incentive program. [Order 546, § 388-62-160, filed 3/31/71, effective 5/1/71; Regulation 26.72, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-165 Repatriated United States citizens—Funeral-burial expenses. [Order 969, § 388-62-165, filed 9/13/74; Order 546, § 388-62-165, filed 3/31/71, effective 5/1/71; Regulation 26.73, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-170 Repatriated United States citizens—Related social services. [Order 546, § 388-62-170, filed 3/31/71, effective 5/1/71; Regulation 26.74, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-180 Recording. [Regulation 26.80, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-185 Reporting. [Regulation 26.81, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-190 United States (U.S.) repatriates—Safeguarding information. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-190, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-190, filed 9/13/74; Order 546, § 388-62-190, filed 3/31/71, effective 5/1/71; Regulation 26.82, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.

388-62-200	United States (U.S.) repatriates—Reimbursement and assignment of claims. [Statutory Authority: RCW 74.08.090, 91-17-060 (Order 3231), § 388-62-200, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-200, filed 9/13/74; Order 546, § 388-62-200, filed 3/31/71, effective 5/1/71; Regulation 26.90, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08-090.		
388-62-205	Form for assignment of claim to United States for assistance received under Section 1113 of the Social Security Act. [Regulation 26.91, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.		
Chapter 388-63			
FAMILY HOME FOR RETARDED ADULTS			
388-63-005	Family home for adults—Definitions and exceptions. [Order 1159, § 388-63-005, filed 10/6/76; Order 752, § 388-63-005, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-63-125	6/28/73.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-63-010	Capacity of home—Limitations on ages and numbers. [Order 1159, § 388-63-010, filed 10/6/76; Order 752, § 388-63-010, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-63-130	Exceptions to rules. [Order 1159, § 388-63-125, filed 10/6/76.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-63-015	Application for license. [Order 1159, § 388-63-015, filed 10/6/76; Order 752, § 388-63-015, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-63-140	Adult family home—Standards for approval for placement. [Order 954, § 388-63-130, filed 7/26/74; Order 813, § 388-63-130, filed 6/28/73.] Repealed by Order 1159, filed 10/6/76.
388-63-020	Duration and provisions of license. [Order 1159, § 388-63-020, filed 10/6/76; Order 752, § 388-63-020, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-63-140	Adult family home—Standards for home and sponsor. [Order 813, § 388-63-140, filed 6/28/73.] Repealed by Order 1159, filed 10/6/76.
388-63-025	Family home for retarded adults—Periodic visits—Consultation. [Order 752, § 388-63-025, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-63-150	Adult family home—Services to be provided. [Order 813, § 388-63-150, filed 6/28/73.] Repealed by Order 1159, filed 10/6/76.
388-63-030	Family home for retarded adults—Administrative hearing. [Order 752, § 388-63-030, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-63-160	Adult family home—Application for approval for placement—Home study. [Order 954, § 388-63-160, filed 7/26/74; Order 813, § 388-63-160, filed 6/28/73.] Repealed by Order 1159, filed 10/6/76.
388-63-035	Family home for retarded adults—Register. [Order 752, § 388-63-035, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	Chapter 388-64	
388-63-040	Family home for retarded adults—Reporting illness, injuries and death. [Order 752, § 388-63-040, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	MINIMUM LICENSING REQUIREMENTS FOR GROUP HOMES	
388-63-045	Family home for retarded adults—First aid—Medical care. [Order 752, § 388-63-045, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-64-005,	388-64-010, 388-64-015, 388-64-020, 388-64-025, 388-64-030, 388-64-035, 388-64-040, 388-64-045, 388-64-050, 388-64-055, 388-64-060, 388-64-065, 388-64-105, 388-64-110, 388-64-115, 388-64-120, 388-64-125, 388-64-130, 388-64-135, 388-64-140, 388-64-145, 388-64-200, 388-64-205, 388-64-210, 388-64-215, 388-64-220, 388-64-225, 388-64-230, 388-64-235, 388-64-240, 388-64-245, 388-64-300, 388-64-305, 388-64-310, 388-64-400, 388-64-410, 388-64-500, 388-64-510, 388-64-515. [Order 347, filed 5/29/69.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
388-63-050	Family home for retarded adults—Characteristics of family. [Order 1159, § 388-63-050, filed 10/6/76; Order 752, § 388-63-050, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-64-100	[Order 420, § 388-64-100, filed 1/21/70; Order 347, § 388-64-100, filed 5/29/69.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
388-63-055	Family home for retarded adults—Discipline. [Order 752, § 388-63-055, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-64-525	[Order 504, § 388-64-525, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
388-63-060	Family home for retarded adults—Physical aspects of home. [Order 752, § 388-63-060, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	Chapter 388-65	
388-63-065	Family home for retarded adults—Other requirements in providing care. [Order 1159, § 388-63-065, filed 10/6/76; Order 752, § 388-63-065, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	FOSTER FAMILY HOMES—FAMILY DAY CARE HOMES—LICENSING—MINIMUM REQUIREMENTS	
388-63-070	Family home for retarded adults—Discrimination prohibited. [Order 752, § 388-63-070, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-65-010	Foster family homes—Definitions and exceptions. [Order 753, § 388-65-010, filed 12/14/72; Order 257, § 388-65-010, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
388-63-110	Adult family home—Placement—Care defined. [Order 1159, § 388-63-110, filed 10/6/76; Order 954, § 388-63-110, filed 7/26/74; Order 813, § 388-63-110, filed 6/28/73.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-65-020	Foster family homes—Capacity of home—Limitations on ages and numbers. [Order 753, § 388-65-020, filed 12/14/72; Order 421, § 388-65-020, filed 1/21/70; Order 257, § 388-65-020, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
388-63-120	Determination of need for care and placement. [Order 1159, § 388-63-120, filed 10/6/76; Order 954, § 388-63-120, filed 7/26/74; Order 813, § 388-63-120, filed 6/28/73.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-65-030	Foster family homes—Application for license. [Order 753, § 388-65-030, filed 12/14/72; Order 257, § 388-65-030, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
		388-65-035	Duration and provisions of license. [Order 257, § 388-65-035, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
		388-65-038	Duration and provisions of license—Limitation on licensing. [Order 753, § 388-65-038, filed 12/14/72.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
		388-65-040	Periodic visits—Consultation. [Order 257, § 388-65-040, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
		388-65-045	Administrative hearings. [Order 257, § 388-65-045, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
		388-65-050	Register. [Order 257, § 388-65-050, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
		388-65-055	Daily attendance record. [Order 257, § 388-65-055, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
		388-65-060	Reporting of injuries and death. [Order 257, § 388-65-060, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
		388-65-065	First aid—Medical care. [Order 257, § 388-65-065, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
		388-65-070	First aid—Characteristics of foster family. [Order 753, § 388-65-070, filed 12/14/72; Order 421, § 388-65-070, filed 1/21/70; Order 308, § 388-65-070, filed 9/20/68;

- Order 257, § 388-65-070, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-080 Discipline. [Order 257, § 388-65-080, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-090 Physical aspects of home. [Order 421, § 388-65-090, filed 1/21/70; Order 257, § 388-65-090, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-100 Physical aspects of home—Additional requirements for full-time foster care. [Order 753, § 388-65-100, filed 12/14/72; Order 257, § 388-65-100, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-200 Additional requirements for family day care homes for children. [Order 257, § 388-65-200, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-210 Additional requirements for family day care homes for children—Additional requirements for homes for expectant mothers. [Order 753, § 388-65-210, filed 12/14/72; Order 257, § 388-65-210, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-300 Additional requirements for the care of mentally retarded adults. [Order 257, § 388-65-300, filed 11/24/67.] Repealed by Order 753, filed 12/14/72.
- 388-65-310 Additional requirements for the care of mentally retarded adults—Discrimination prohibited. [Order 505, § 388-65-310, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.

Chapter 388-66
DAY CARE CENTERS—
LICENSING—MINIMUM REQUIREMENTS

- 388-66-005, 388-66-010, 388-66-015, 388-66-020, 388-66-025, 388-66-030, 388-66-035, 388-66-040, 388-66-045, 388-66-050, 388-66-055, 388-66-060, 388-66-065, 388-66-070, 388-66-095, 388-66-110, 388-66-120, 388-66-125, 388-66-135, 388-66-150, 388-66-155, 388-66-165, 388-66-170, 388-66-175, 388-66-180, 388-66-185, 388-66-190, 388-66-195, 388-66-200, 388-66-230, 388-66-245, 388-66-250. [Order 258, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-66-090, 388-66-115, 388-66-130, 388-66-160, 388-66-220, 388-66-225, 388-66-235, 388-66-240, 388-66-255, 388-66-300. [Order 422, filed 1/21/70; Order 258, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-66-310 [Order 506, § 388-66-310, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.

Chapter 388-67
MATERNITY HOMES—
LICENSING—MINIMUM REQUIREMENTS

- 388-67-005, 388-67-010, 388-67-020, 388-67-025, 388-67-030, 388-67-035, 388-67-040, 388-67-045, 388-67-050, 388-67-055, 388-67-060, 388-67-065, 388-67-070, 388-67-100, 388-67-105, 388-67-150, 388-67-155, 388-67-160, 388-67-165, 388-67-170, 388-67-175, 388-67-200, 388-67-205, 388-67-250, 388-67-255, 388-67-260, 388-67-265, 388-67-270, 388-67-275, 388-67-280, 388-67-300, 388-67-305, 388-67-310, 388-67-315, 388-67-325, and 388-67-335. [Order 259, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-67-210, 388-67-320, 388-67-330. [Order 423, filed 1/21/70; Order 259, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-67-345 [Order 507, § 388-67-345, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.

Chapter 388-68
CHILD CARE INSTITUTIONS—LICENSING—
MINIMUM LICENSING REQUIREMENTS

- 388-68-005, 388-68-010, 388-68-020, 388-68-025, 388-68-030, 388-68-035, 388-68-040, 388-68-045, 388-68-050, 388-68-055, 388-68-060, 388-68-065, 388-68-070, 388-68-100, 388-68-150, 388-68-155, 388-68-160, 388-68-165, 388-68-170, 388-68-175, 388-68-180, 388-68-200, 388-68-205, 388-68-250, 388-68-255, 388-68-260, 388-68-265, 388-68-270, 388-68-275, 388-68-280, and 388-68-300.

- [Order 260, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-68-105, 388-68-210, 388-68-305, 388-68-315, 388-68-320, 388-68-325. [Order 424, filed 1/21/70; Order 260, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-68-110 [Order 424, § 388-68-110, filed 1/21/70.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-68-310 [Order 428, § 388-68-310, filed 3/3/70; Order 260, § 388-68-310, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-68-345 [Order 508, § 388-68-345, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.

Chapter 388-69
CHILD PLACING AGENCIES—
LICENSING—MINIMUM REQUIREMENTS

- 388-69-005, 388-69-010, 388-69-020, 388-69-025, 388-69-030, 388-69-035, 388-69-040, 388-69-045, 388-69-050, 388-69-055, 388-69-060, 388-69-100, 388-69-105, 388-69-150, 388-69-155, 388-69-160, 388-69-165, 388-69-170, 388-69-175. [Order 261, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-69-185 [Order 509, § 388-69-185, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.

Chapter 388-71
INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

- 388-71-005 Duty to provide. [Order 1081, § 388-71-005, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-010 Definitions. [Order 1081, § 388-71-010, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-015 Conditions for placement. [Order 1081, § 388-71-015, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.-090.
- 388-71-020 Condition under which compact applies. [Order 1081, § 388-71-020, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-025 Exemptions. [Order 1081, § 388-71-025, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.-090.
- 388-71-030 Child leaving Washington state. [Order 1081, § 388-71-030, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-035 Child entering Washington state. [Order 1081, § 388-71-035, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-040 Procedures for change in placement status. [Order 1081, § 388-71-040, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.
- 388-71-045 Retention of jurisdiction. [Order 1081, § 388-71-045, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.-090.
- 388-71-050 Financial responsibility. [Order 1081, § 388-71-050, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.-090.
- 388-71-055 Penalty for illegal placement. [Order 1081, § 388-71-055, filed 12/24/75.] Repealed by 98-01-149, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 74.08.090.

Chapter 388-72
SERVICES FOR THE BLIND

- 388-72-010 Services for the blind—Organization. [Manual VII, Regulation 1.00 and chart, filed 1/24/64, effective 3/1/64.] Repealed by Order 867, filed 10/26/73.
- 388-72-020 Advisory committee for the blind. [Manual VII, Regulation 1.11, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090. Later promulgation, see Title 67 WAC.

388-72-025	Physicians' eye advisory committee. [Manual VII, Regulation 1.12, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	(Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-030	Aid to blind. [Manual VII, Regulation 1.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-165 Home teaching services for adult blind—Relationship with staff, other agencies and community. [Manual VII, Regulation 3.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-035	County office responsibility. [Manual VII, Regulation 1.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-170 Home teaching services for adult blind—Case record. [Manual VII, Regulation 3.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-040	Mail address of services for the blind. [Manual VII, Regulation 1.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-175 Supervision and consultation. [Manual VII, Regulation 3.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-045	Abbreviations. [Manual VII, Regulation 1.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-180 Termination of service. [Manual VII, Regulation 3.70, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-050	Eligibility. [Statutory Authority: RCW 74.08.090. 80-02-051 (Order 1475), § 388-72-050, filed 1/16/80.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-200 Prevention of blindness and restoration of vision—Legal basis—Objective. [Order 867, § 388-72-200, filed 10/26/73; Manual VII, Regulation 4.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-060	Exempt resources. [Statutory Authority: RCW 74.08.090. 80-02-051 (Order 1475), § 388-72-060, filed 1/16/80.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-205 Prevention of blindness and restoration of vision—Physicians eligible to render services. [Order 867, § 388-72-205, filed 10/26/73; Manual VII, Regulation 4.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-070	Eligibility determination. [Statutory Authority: RCW 74.08.090. 80-02-051 (Order 1475), § 388-72-070, filed 1/16/80.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-207 Prevention of blindness and restoration of vision—Staff ophthalmologist. [Order 867, § 388-72-207, filed 10/26/73.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-080	Residence—State of Washington. [Statutory Authority: RCW 74.08.090. 80-02-051 (Order 1475), § 388-72-080, filed 1/16/80.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-210 Prevention of blindness and restoration of vision—Services provided. [Order 867, § 388-72-210, filed 10/26/73; Manual VII, Regulation 4.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-090	Application review. [Statutory Authority: RCW 74.08.090. 80-02-051 (Order 1475), § 388-72-090, filed 1/16/80.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-215 Prevention of blindness and restoration of vision—Services excluded. [Order 867, § 388-72-215, filed 10/26/73.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-100	Allotment for blind student attending college or university—General. [Manual VII, Regulation 2.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-220 Prevention of blindness and restoration of vision—Persons eligible. [Order 867, § 388-72-220, filed 10/26/73; Manual VII, Regulation 4.31, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-105	Allotment for blind student attending college or university—Application for allotment. [Manual VII, Regulation 2.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-225 Prevention of blindness and restoration of vision—Resources. [Order 867, § 388-72-225, filed 10/26/73; Manual VII, Regulation 4.32, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-110	Allotment for blind student attending college or university—Administrative relationship between state department of public assistance and superintendent of public instruction. [Manual VII, Regulation 2.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-230 Prevention of blindness and restoration of vision—Requirements. [Order 867, § 388-72-230, filed 10/26/73; Manual VII, Regulation 4.33, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-115	Allotment for blind student attending college or university—Application from blind person interested in attending college or university. [Manual VII, Regulation 2.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-235 Prevention of blindness and restoration of vision—Residence. [Order 867, § 388-72-235, filed 10/26/73; Manual VII, Regulation 4.34, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-120	Allotment for blind student attending college or university—Responsibility of college or university. [Manual VII, Regulation 2.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-240 Prevention of blindness and restoration of vision—Application. [Order 867, § 388-72-240, filed 10/26/73; Manual VII, Regulation 4.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-125	Allotment for blind student attending college or university—Use of allotment from state board of education. [Manual VII, Regulation 2.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-250 Prevention of blindness and restoration of vision—Authorization of services. [Manual VII, Regulation 4.51, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-150	Home teaching services for adult blind—Purpose. [Manual VII, Regulation 3.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-255 Prevention of blindness and restoration of vision—Consultation services. [Manual VII, Regulation 4.52, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-155	Home teaching services for adult blind—Teaching plan. [Manual VII, Regulation 3.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.	388-72-260 Prevention of blindness and restoration of vision—Social summary. [Manual VII, Regulation 4.53, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
388-72-160	Home teaching services for adult blind—Personal adjustment services. [Manual VII, Regulation 3.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023	

- 388-72-265 Prevention of blindness and restoration of vision—Physical examination. [Manual VII, Regulation 4.54, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-270 Prevention of blindness and restoration of vision—Glasses. [Manual VII, Regulation 4.56, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-275 Prevention of blindness and restoration of vision—Prostheses. [Manual VII, Regulation 4.57, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-280 Prevention of blindness and restoration of vision—Drugs. [Manual VII, Regulation 4.58, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-285 Prevention of blindness and restoration of vision—Reports. [Manual VII, Regulation 4.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-290 Prevention of blindness and restoration of vision—Participating ophthalmologists. [Manual VII, Regulation 4.70, filed 1/24/64, effective 3/1/64.] Repealed by Order 867, filed 10/26/73.
- 388-72-300 Rehabilitation center for the blind. [Manual VII, Regulation 5.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-305 Rehabilitation center for the blind—Application. [Manual VII, Regulation 5.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-310 Rehabilitation center for the blind—Eligibility. [Manual VII, Regulation 5.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-315 Rehabilitation center for the blind—Maintenance while attending the rehabilitation center. [Manual VII, Regulation 5.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-350 Services for blind children—State department of public assistance responsibilities. [Manual VII, Regulation 7.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-355 Services for blind children—State school for the blind. [Manual VII, Regulation 7.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-400 Talking book machines—General. [Manual VII, Regulation 8.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-405 Talking book machines—Distribution. [Manual VII, Regulation 8.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-410 Talking book machines—Application procedure. [Manual VII, Regulation 8.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-415 Talking book machines—Eligibility for talking book machines. [Manual VII, Regulation 8.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-425 Talking book machines—County office responsibility for talking book machine. [Manual VII, Regulation 8.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-435 Talking book machines—Issuance of machine. [Manual VII, Regulation 8.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-445 Talking book machines—Return of machine. [Manual VII, Regulation 8.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-500 Training center for the blind—General. [Manual VII, Regulation 9.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-505 Training center for the blind—Application. [Manual VII, Regulation 9.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-510 Training center for the blind—Eligibility. [Manual VII, Regulation 9.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-515 Training center for the blind—Maintenance while attending training center. [Manual VII, Regulation 9.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-520 Training center for the blind—Placement. [Manual VII, Regulation 9.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-550 Vending stands—General. [Manual VII, Regulation 10.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-555 Vending stands—Application. [Manual VII, Regulation 10.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-560 Vending stands—Eligibility. [Manual VII, Regulation 10.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-565 Vending stands—Selection. [Manual VII, Regulation 10.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-570 Vending stands—Training and placement. [Manual VII, Regulation 10.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-575 Vending stands—Maintenance during vending stand training. [Manual VII, Regulation 10.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-580 Vending stands—Equipment and stock. [Manual VII, Regulation 10.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-585 Vending stands—Supervision. [Manual VII, Regulation 10.70, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-590 Vending stands—Fair hearing. [Manual VII, Regulation 10.80, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-600 Vocational rehabilitation services for the blind—General. [Manual VII, Regulation 11.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-605 Vocational rehabilitation services for the blind—Eligibility for vocational rehabilitation services for the blind. [Manual VII, Regulation 11.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-610 Vocational rehabilitation services for the blind—Referral for vocational rehabilitation services for the blind. [Manual VII, Regulation 11.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-615 Vocational rehabilitation services for the blind—Services provided. [Manual VII, Regulation 11.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-620 Vocational rehabilitation services for the blind—Exchange of case information. [Manual VII, Regulation 11.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-625 Vocational rehabilitation services for the blind—County office responsibility. [Manual VII, Regulation 11.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-630 Vocational rehabilitation services for the blind—Costs incidental to vocational rehabilitation. [Manual VII,

- Regulation 11.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-635 Vocational rehabilitation services for the blind—Vending stands. [Manual VII, Regulation 11.70, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- Chapter 388-72A**
COMPREHENSIVE ASSESSMENT REPORTING EVALUATION (CARE) TOOL
- 388-72A-0005 When do the rules in chapter 388-72A WAC apply to me? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090. 03-05-097, § 388-72A-0005, filed 2/19/03, effective 3/22/03.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-72A-0010 Do chapter 388-71 WAC and WAC 388-845-1300 apply to me? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095. 04-19-103, § 388-72A-0010, filed 9/20/04, effective 10/21/04. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090. 03-05-097, § 388-72A-0010, filed 2/19/03, effective 3/22/03.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-72A-0015 If the department did not use the CARE tool for my last assessment, may I have my assessments done on the assessment form used for my last assessment? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090. 03-05-097, § 388-72A-0015, filed 2/19/03, effective 3/22/03.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-72A-0020 What is an assessment? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090. 03-05-097, § 388-72A-0020, filed 2/19/03, effective 3/22/03.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-005.
- 388-72A-0025 What is the process for conducting an assessment? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090. 03-05-097, § 388-72A-0025, filed 2/19/03, effective 3/22/03.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0065.
- 388-72A-0030 What is the purpose of an assessment? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090. 03-05-097, § 388-72A-0030, filed 2/19/03, effective 3/22/03.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0055.
- 388-72A-0035 What are personal care services? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095. 04-19-103, § 388-72A-0035, filed 9/20/04, effective 10/21/04. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090. 03-05-097, § 388-72A-0035, filed 2/19/03, effective 3/22/03.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0015.
- 388-72A-0036 How are my needs for personal care services determined? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095. 04-19-103, § 388-72A-0036, filed 9/20/04, effective 10/21/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0075.
- 388-72A-0037 How are self-performance and support provided for the activities of daily living (ADLs) scored? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095. 04-19-103, § 388-72A-0037, filed 9/20/04, effective 10/21/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0075.
- 388-72A-0038 How are the ADLs bathing, body care, and medication management scored? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095. 04-19-103, § 388-72A-0038, filed 9/20/04, effective 10/21/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095. 04-19-103, § 388-72A-0038, filed 9/20/04, effective 10/21/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095. 04-19-103, § 388-72A-0039, filed 9/20/04, effective 10/21/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095. 04-19-103, § 388-72A-0039, filed 9/20/04, effective 10/21/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095. 04-19-103, § 388-72A-0040, filed 2/19/03, effective 3/22/03.] Repealed by 04-19-103, filed 9/20/04, effective 10/21/04. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095.
- 388-72A-0040 What information does the assessor gather? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090. 03-05-097, § 388-72A-0040, filed 2/19/03, effective 3/22/03.] Repealed by 04-19-103, filed 9/20/04, effective 10/21/04. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095.
- 388-72A-0041 How are status and assistance available scored for ADLs and IADLs? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095. 04-19-103, § 388-72A-0041, filed 9/20/04, effective 10/21/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-72A-0042 How are ADLs and IADLs scored for children? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090 and 74.39A.095. 04-21-029, § 388-72A-0042, filed 10/13/04, effective 11/13/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0213.
- 388-72A-0043 How are other elements in CARE scored for children age seventeen and younger and foster care clients? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090 and 74.39A.095. 04-21-029, § 388-72A-0043, filed 10/13/04, effective 11/13/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0213.
- 388-72A-0045 How will the department plan to meet my care needs? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090. 03-05-097, § 388-72A-0045, filed 2/19/03, effective 3/22/03.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-72A-0050 What if I disagree with the result of the assessment or the decisions about what services I may receive? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090. 03-05-097, § 388-72A-0050, filed 2/19/03, effective 3/22/03.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1305.
- 388-72A-0053 Am I eligible for one of the HCP programs? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-72A-0053, filed 7/26/04, effective 8/26/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0210, 388-106-0310, 388-106-0410, 388-106-0510, 388-106-0610.
- 388-72A-0055 Am I eligible for COPES-funded services? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095. 04-19-103, § 388-72A-0055, filed 9/20/04, effective 10/21/04. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090. 03-05-097, § 388-72A-0055, filed 2/19/03, effective 3/22/03.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0310.
- 388-72A-0057 Am I eligible for medically needy residential waiver (MNRW)-funded services? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-72A-0057, filed 7/26/04, effective 8/26/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0410.
- 388-72A-0058 Am I eligible for medically needy in-home waiver (MNIW)-funded services? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-72A-0058, filed 7/26/04,

	082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0140.	388-73-019	Effect of local ordinances. [Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-019, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-72A-0110	How much will the department pay for my care? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A-090, 03-05-097, § 388-72A-0110, filed 2/19/03, effective 3/22/03.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08-090, 74.09.520. Later promulgation, see WAC 388-106-0120.	388-73-01950	Fire standards. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032, 96-10-032 (Order 3969), § 388-73-01950, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 74.15.030, 92-15-043 (Order 3418), § 388-73-01950, filed 7/9/92, effective 8/9/92; 83-02-060 (Order 1933), § 388-73-01950, filed 1/5/83.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-72A-0115	When the department adjusts an algorithm, when does the adjustment become effective? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A-095, 04-19-103, § 388-72A-0115, filed 9/20/04, effective 10/21/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08-090, 74.09.520.	388-73-020	Certification of juvenile detention facility and exempt agency. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032, 96-10-032 (Order 3969), § 388-73-020, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 74.15.030, 83-02-060 (Order 1933), § 388-73-020, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-73-020, filed 9/10/79. Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-020, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-72A-0120	When a client requests a fair hearing to have the client's CARE tool assessment results reviewed and there is (are) a more recent CARE assessment(s), which CARE tool assessment does the administrative law judge review in the fair hearing? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.090, and 74.39A.095, 04-19-103, § 388-72A-0120, filed 9/20/04, effective 10/21/04.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1310.	388-73-022	Application or reapplication for license or certification—Investigation. [Statutory Authority: RCW 74.15-030, 90-20-076 (Order 3069), § 388-73-022, filed 9/28/90, effective 10/29/90; 86-24-059 (Order 2445), § 388-73-022, filed 12/2/86. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-73-022, filed 9/10/79. Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-022, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
Chapter 388-73			
CHILD CARE AGENCIES—MINIMUM LICENSING/CERTIFICATION REQUIREMENTS			
388-73-010	Authority. [Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-73-010, filed 9/10/79. Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-010, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-024	Licenses for homes supervised by licensed agency. [Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-024, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-024, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-73-024, filed 9/10/79. Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-024, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-012	Definitions. [Statutory Authority: RCW 74.15.030 and 74.08.090, 99-01-059, § 388-73-012, filed 12/11/98, effective 1/11/99. Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032, 96-10-032 (Order 3969), § 388-73-012, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-012, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-012, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-012, filed 2/29/84. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-73-012, filed 9/10/79. Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-012, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-026	Licensing of employees. [Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-026, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-026, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-014	Persons and organizations subject to licensing. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032, 96-10-032 (Order 3969), § 388-73-014, filed 4/24/96, effective 5/25/96. Statutory Authority: Chapter 74.15 RCW, 95-23-033 (Order 3918), § 388-73-014, filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-014, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-014, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-014, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-014, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-014, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-73-014, filed 9/10/79. Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-014, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-028	Limitations on licenses and dual licensure. [Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-028, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-028, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-016	Exceptions to rules. [Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-016, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-016, filed 5/4/89; 78-10-006 (Order 1336), § 388-73-016, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-030	General qualifications of licensee, adoptive applicant, and persons on the premises. [Statutory Authority: RCW 74.15.030, 96-10-043 (Order 3974), § 388-73-030, filed 4/26/96, effective 5/27/96; 92-08-056, § 388-73-030, filed 3/26/92, effective 4/26/92; 90-20-076 (Order 3069), § 388-73-030, filed 9/28/90, effective 10/29/90; 78-10-006 (Order 1336), § 388-73-030, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-018	Persons and organizations not subject to licensing. [Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-018, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-018, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-032	Age of licensee. [Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-032, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
		388-73-034	Posting of license. [Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-034, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-034, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
		388-73-036	Licensure—Denial, suspension, or revocation. [Statutory Authority: RCW 74.15.030, 96-10-043 (Order 3974), § 388-73-036, filed 4/26/96, effective 5/27/96; 92-08-056, § 388-73-036, filed 3/26/92, effective 4/26/92; 90-20-076 (Order 3069), § 388-73-036, filed 9/28/90, effective 10/29/90. Statutory Authority: RCW 34.05.220 (1)(a) and 74.15.030, 90-04-072 (Order 2995), § 388-73-036, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.15.030, 89-11-005 (Order 2796), § 388-73-036, filed 5/4/89; 86-24-059 (Order

- 2445), § 388-73-036, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-036, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-038 Licensed capacity. [Statutory Authority: RCW 74.15.-030. 92-08-056, § 388-73-038, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-038, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-040 Discrimination prohibited. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-040, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-042 Religious activities. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-042, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-042, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-042, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-044 Special requirements regarding American Indians. [Statutory Authority: RCW 74.15.030. 89-05-063 (Order 2743), § 388-73-044, filed 2/15/89; 81-20-011 (Order 1703), § 388-73-044, filed 9/25/81; 78-10-006 (Order 1336), § 388-73-044, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-046 Discipline. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-046, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-048 Corporal punishment. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-048, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-048, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-048, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-050 Abuse, neglect, exploitation. [Statutory Authority: RCW 74.15.030. 83-02-060 (Order 1933), § 388-73-050, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-050, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-052 Interstate placement of children. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-052, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-052, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-052, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-054 Client records and information—All agencies. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.-032. 96-10-032 (Order 3969), § 388-73-054, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-054, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-054, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-054, filed 2/29/84. Statutory Authority: RCW 74.08.-090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-054, filed 9/10/79. Statutory Authority: RCW 74.15.-030. 78-10-006 (Order 1336), § 388-73-054, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-056 Reporting of illness, death, injury, epidemic, child abuse, or unauthorized absence—All facilities. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-056, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-056, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-056, filed 12/2/86. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-056, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-056, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-057 Reporting of circumstantial changes. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-057, filed 3/26/92, effective 4/26/92; 85-13-064 (Order 2244), § 388-73-057, filed 6/18/85; 78-10-006 (Order 1336), § 388-73-057, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-058 Earnings, allowances, personal belongings. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-058, filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.15.030. 84-06-030 (Order 2081), § 388-73-058, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-058, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-058, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-058, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-060 Work assignments. [Statutory Authority: RCW 74.15.-030. 92-15-043 (Order 3418), § 388-73-060, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-060, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-060, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-060, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-062 Transportation. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-062, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-062, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-062, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-062, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-064 Clothing. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-064, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-064, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-066 Personal hygiene. [Statutory Authority: RCW 74.15.-030. 78-10-006 (Order 1336), § 388-73-066, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-068 Personnel policies. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-068, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-068, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-068, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-069 Consumption of alcoholic beverages. [Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-069, filed 7/9/92, effective 8/9/92; 86-24-059 (Order 2445), § 388-73-069, filed 12/2/86.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-070 Training. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-070, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-070, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-070, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-072 Education and vocational instruction. [Statutory Authority: RCW 74.15.030. 84-06-030 (Order 2081), § 388-73-072, filed 2/29/84. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-072, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-072, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-074 Social service staff. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-074, filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-074, filed 12/2/86. Statutory Authority: RCW 74.08.-090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-074, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-074, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-076 Social study—Treatment plans. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-076, filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-076, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-076, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-076, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-076, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.

	9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.		9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-077	Multidisciplinary care plan for severely and multiply-handicapped children. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-077, filed 3/26/92, effective 4/26/92; 84-06-030 (Order 2081), § 388-73-077, filed 2/29/84.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-116	Laundry. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-116, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-116, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-116, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-078	Clerical, accounting and administrative services. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-078, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-078, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-118	Toilets, handwashing sinks, and bathing facilities. [Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-118, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-118, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-118, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-118, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-118, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-118, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-080	Support and maintenance staff. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-080, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-080, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-120	Lighting. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-120, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-120, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-120, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-100	Site and telephone. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-100, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-100, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-122	Pest control. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-122, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-101	Wheeled baby walkers. [Statutory Authority: RCW 74.15.030 and 74.08.090. 99-01-059, § 388-73-101, filed 12/11/98, effective 1/11/99.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-124	Sewage and liquid wastes. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-124, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-102	Equipment, safety, and maintenance. [Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-102, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-102, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-102, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-102, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-102, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-126	Water supply. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-126, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-126, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-103	Water safety. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-103, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-103, filed 1/5/83.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-128	Temperature. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-128, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-128, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-104	Firearms. [Statutory Authority: RCW 74.15.030 and 74.08.090. 99-01-059, § 388-73-104, filed 12/11/98, effective 1/11/99. Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-104, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-104, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-130	Ventilation. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-130, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-130, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-106	Storage. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-106, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-106, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-106, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-132	Health care plan. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-132, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-132, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-132, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-132, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-108	Bedrooms. [Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-108, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-108, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-108, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-108, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-108, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-108, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-108, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-134	First aid. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-134, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-134, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-134, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-134, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-134, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-110	Special care room. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-110, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-110, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-136	Medications controlled by licensee. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-136, filed 3/26/92, effective 4/26/92; 89-07-097 (Order 2778), § 388-73-136, filed 3/22/89; 86-24-059 (Order 2445), § 388-73-136, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-136, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-136, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-112	Kitchen facilities. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-112, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-112, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-112, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-138	Self-administration of medications. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-138, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-138, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-138, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-114	Housekeeping sink. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-114, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-114, filed	388-73-140	Health history, physical examinations, immunizations. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-140, filed 3/26/92, effective 4/26/92; 85-18-063 (Order 2277), § 388-73-140, filed 9/4/85; 84-06-030

- (Order 2081), § 388-73-140, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-140, filed 1/5/83; 80-13-019 (Order 1540), § 388-73-140, filed 9/9/80. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-140, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-140, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-142 Infection control, communicable disease. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-142, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-142, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-142, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-142, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-142, filed 1/5/83; 80-13-019 (Order 1540), § 388-73-142, filed 9/9/80; 78-10-006 (Order 1336), § 388-73-142, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-143 HIV/AIDS education and training. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-143, filed 3/26/92, effective 4/26/92; 89-22-134 (Order 2897), § 388-73-143, filed 11/1/89, effective 12/2/89.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-144 Nutrition. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-144, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-144, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-144, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-144, filed 1/5/83; 80-13-019 (Order 1540), § 388-73-144, filed 9/9/80; 78-10-006 (Order 1336), § 388-73-144, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-146 Care of younger or severely and multiply-handicapped children. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-146, filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.15-030. 92-08-056, § 388-73-146, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-146, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-146, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-146, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-146, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-146, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-200 Child-placing agency. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-200, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-202 Required personnel. [Statutory Authority: RCW 74.15-030. 92-08-056, § 388-73-202, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-202, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-202, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-204 Office space. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-204, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-206 Out-of-country, out-of-state agencies. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-206, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-208 Medical care. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-208, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-208, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-208, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-210 Foster care licensees. [Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-210, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-210, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-210, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-212 Foster care placements. [Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-212, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-212, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-212, filed 12/2/86. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-212, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-212, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-213 Certification to provide adoption services. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-213, filed 3/26/92, effective 4/26/92.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-214 Adoption procedures. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-214, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-214, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-214, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-216 Adoptive placements. [Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-216, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-216, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-216, filed 12/2/86. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-216, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-216, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-300 Foster family homes. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-300, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-300, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-302 Orientation and training. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-302, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-302, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-304 Capacity. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-304, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-304, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-304, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-304, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-304, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-306 Foster parents—Employment. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-306, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-306, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-306, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-308 Absence from home. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-308, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-308, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-310 Fire safety. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-310, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-310, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-310, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-310, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-310, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-312 Family foster homes—Services to person under care. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-312, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-312, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-351 Staffed residential homes for children or expectant mothers. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-351, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-353 Agency affiliation. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-353, filed

	11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.		filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-355	Function of staffed residential home for children or expectant mothers. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-355, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-389	Sprinkler system maintenance. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-389, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-357	Capacity. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-357, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-391	Fire evacuation plan. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-391, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-361	Required positions. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-361, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-393	Fire evacuation drill. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-393, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-363	Nursing services. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-363, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-395	Staff fire safety training. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-395, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-365	Required rooms, areas, and equipment. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-365, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-400	Day care providers. [Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-400, filed 7/9/92, effective 8/9/92; 78-10-006 (Order 1336), § 388-73-400, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-73-367	Staffed residential homes for children or expectant mothers—Services to person under care. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-367, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-402	Maximum hours—Rest periods. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-402, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-402, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-73-369	Fire safety—Staffed residential child care home for children or expectant mothers. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-369, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-403	Operating hours—Staff on premises. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-403, filed 12/2/86.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-73-371	Location of care. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-371, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-404	Ill children. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-404, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-73-373	Occupancy separations. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-373, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-406	Nap and sleep equipment. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-406, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-406, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-73-375	Exits. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-375, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-408	Evening and nighttime care. [Statutory Authority: RCW 74.15.030. 80-13-019 (Order 1540), § 388-73-408, filed 9/9/80; 78-10-006 (Order 1336), § 388-73-408, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-73-377	Windows. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-377, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-409	Off-grounds trips. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-409, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-409, filed 12/2/86.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-73-379	Sprinklers. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-379, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-410	Information to parents—Day care facilities. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-410, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-410, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-73-381	Accessibility of exits. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-381, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-412	Toddlers and preschool children. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-412, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-73-383	Single station smoke detectors. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-383, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-414	Attendance—Mini-day care centers. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-414, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-414, filed 12/2/86.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-73-385	Fire extinguishers. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-385, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-420	Orientation and training—Family day care home. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-420, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-387	Fire prevention. [Statutory Authority: Chapter 74.15 RCW. 95-23-033 (Order 3918), § 388-73-387, filed 11/8/95, effective 12/9/95.] Repealed by 01-18-037,		

- 388-73-422 Capacity—Family day care home. [Statutory Authority: RCW 74.15.030. 89-11-005 (Order 2796), § 388-73-422, filed 5/4/89; 78-10-006 (Order 1336), § 388-73-422, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-423 Staffing—Family day care. [Statutory Authority: RCW 74.15.030. 89-11-005 (Order 2796), § 388-73-423, filed 5/4/89.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-424 Family day care—Program and equipment. [Statutory Authority: RCW 74.15.030. 89-11-005 (Order 2796), § 388-73-424, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-424, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-424, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-426 Family day care—Fire safety. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-426, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-428 Family day care—Health inspection. [Statutory Authority: RCW 74.15.030. 89-11-005 (Order 2796), § 388-73-428, filed 5/4/89.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-430 Capacity—Limitations on ages and numbers—Mini-day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-430, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08-090 and 1997 c 409 § 209.
- 388-73-432 Staffing—Mini-day care program. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-432, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-73-434 Qualifications of licensee—Mini-day care. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-434, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-73-436 Qualifications of child care staff—Mini-day care. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-436, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-73-438 Program and equipment—Mini-day care. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-438, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-73-440 Play areas—Mini-day care. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-440, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-440, filed 9/8/78.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-73-450 Required personnel—Day care centers. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-450, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-450, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-452 Program—Day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-452, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-454 Toddlers and preschool children—Day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-454, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-458 Furnishings and equipment—Day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-458, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-460 Play areas—Day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-460, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
- 388-73-500 Day treatment center. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-500, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-502 Function of day treatment program. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-502, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-504 Personnel. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-504, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-504, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-504, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-506 Ratio of counselor and teaching staff to children. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-506, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-506, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-508 Program. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-508, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-510 Ill children. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-510, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-512 Play areas. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-512, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-512, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-600 Group care facilities. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-600, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-602 Function of group care facility. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-602, filed 3/26/92, effective 4/26/92; 84-06-030 (Order 2081), § 388-73-602, filed 2/29/84; 78-10-006 (Order 1336), § 388-73-602, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-604 Daily activity program. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-604, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-604, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-604, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-604, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-606 Required positions. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-606, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-606, filed 3/26/92, effective 4/26/92; 84-06-030 (Order 2081), § 388-73-606, filed 2/29/84. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-606, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-606, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
- 388-73-608 Nursing service. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-608, filed 9/8/78.] Repealed by 92-08-056, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 74.15.030.
- 388-73-610 Required rooms, areas, and equipment—Group care facilities. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-610, filed 3/26/92, effective 4/26/92; 84-06-030 (Order 2081), § 388-73-610, filed 2/29/84. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-610, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-610, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.

388-73-700	Maternity services. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-700, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-702	Types of maternity services. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-702, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-702, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-702, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-804 Hours of operation. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-804, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-804, filed 9/10/79.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-704	Daily activities program. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-704, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-704, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-805 Crisis residential center administrator requirements—Multidisciplinary teams. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-805, filed 4/24/96, effective 5/25/96.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-706	Eligibility for service—Required services. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-706, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-706, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-810 Group crisis residential centers. [Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-810, filed 9/10/79.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-708	Required personnel. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-708, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-708, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-708, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-815 Group crisis residential centers—Staffing. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-815, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 74.15.-030. 92-08-056, § 388-73-815, filed 3/26/92, effective 4/26/92.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-710	Services provided. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-710, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-710, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-820 Family crisis residential centers. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-820, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-820, filed 9/10/79.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-712	Health education. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-712, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-712, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-821 Behavior management—Secure crisis residential centers. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-821, filed 4/24/96, effective 5/25/96.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-714	Family life education. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-714, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-714, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-714, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-822 Secure crisis residential centers—Staff training. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-822, filed 4/24/96, effective 5/25/96.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-716	Leisure time activities. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-716, filed 9/8/78.] Repealed by 92-08-056, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 74.15.030.	388-73-823 Secure crisis residential centers—Program requirements. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-823, filed 4/24/96, effective 5/25/96.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-718	Child care. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-718, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-825 Secure crisis residential center—Physical facility. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-825, filed 4/24/96, effective 5/25/96.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-720	Medical service. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-720, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-720, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-900 Facilities for severely and multiply-handicapped children. [Statutory Authority: RCW 74.15.030. 84-06-030 (Order 2081), § 388-73-900, filed 2/29/84.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-722	Required rooms, areas, equipment. [Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-722, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-722, filed 9/8/78.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-901 Multidisciplinary care plan for severely and multiply-handicapped children. [Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-901, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-901, filed 3/26/92, effective 4/26/92.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-800	Crisis residential centers. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-800, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-800, filed 9/10/79.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-902 Services provided. [Statutory Authority: RCW 74.15.-030. 92-08-056, § 388-73-902, filed 3/26/92, effective 4/26/92; 84-06-030 (Order 2081), § 388-73-902, filed 2/29/84.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-802	Limitations on number of facilities. [Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-802, filed 9/10/79.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.	388-73-904 Therapy room. [Statutory Authority: RCW 74.15.030. 84-06-030 (Order 2081), § 388-73-904, filed 2/29/84.] Repealed by 01-18-037, filed 8/28/01, effective 9/28/01. Statutory Authority: RCW 74.15.030.
388-73-803	Crisis residential center—Admission. [Statutory Authority: Chapter 74.15 RCW and RCW 74.13.032. 96-10-032 (Order 3969), § 388-73-803, filed 4/24/96, effective 5/25/96.] Repealed by 01-18-037, filed	

Reviser's note: Later promulgation, see chapter 388-148 WAC.

Chapter 388-74
CHILD WELFARE SERVICES—COMPLAINTS

- 388-74-010 Child welfare services complaint resolution definitions. [Statutory Authority: RCW 74.13.045 and chapter 74.13 RCW. 93-12-053 (Order 3558), § 388-74-010, filed 5/26/93, effective 6/26/93.] Repealed by 01-06-041, filed 3/5/01, effective 4/5/01. Statutory Authority: RCW 74.13.045.
- 388-74-030 Complaint procedure. [Statutory Authority: RCW 74.13.045 and chapter 74.13 RCW. 93-12-053 (Order 3558), § 388-74-030, filed 5/26/93, effective 6/26/93.] Repealed by 01-06-041, filed 3/5/01, effective 4/5/01. Statutory Authority: RCW 74.13.045.

Chapter 388-75
MINIMUM REQUIREMENTS FOR
LICENSING CHILD CARE AGENCIES
AND MATERNITY SERVICES

- 388-75-003 Definitions. [Order 936, § 388-75-003, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-006 Nonlicensed facilities unlawful. [Order 936, § 388-75-006, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.
- 388-75-009 Action against agency. [Order 936, § 388-75-009, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-012 Exceptions to rules. [Order 936, § 388-75-012, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-015 Agencies to be licensed—Definitions—Categories. [Order 936, § 388-75-015, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-018 Exemptions—Facilities not subject to licensing. [Order 1010, § 388-75-018, filed 2/19/75; Order 985, § 388-75-018, filed 11/29/74; Order 936, § 388-75-018, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-021 Certification of exempt program or facility. [Order 936, § 388-75-021, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-024 Certification of drug treatment center. [Order 936, § 388-75-024, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-027 Application for license. [Order 936, § 388-75-027, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78.
- 388-75-030 License. Statutory Authority: RCW 74.15.030. s for homes under supervision of licensed agency. [Order 936, § 388-75-030, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-031 Licensure of staff members. [Order 1146, § 388-75-031, filed 8/26/76.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-033 Fire marshal's approval. [Order 936, § 388-75-033, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-036 Health approval. [Order 936, § 388-75-036, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-039 Local ordinances—Effect of. [Order 936, § 388-75-039, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-042 Character references. [Order 936, § 388-75-042, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-045 Duration and provisions of license. [Order 936, § 388-75-045, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
- 388-75-048 Renewal of license. [Order 936, § 388-75-048, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-051 Provisional license. [Order 936, § 388-75-051, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-054 Denial, revocation, suspension of license. [Order 936, § 388-75-054, filed 5/23/74.] Repealed by 78-10-006

- (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-057 Administrative hearing. [Order 936, § 388-75-057, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-060 Operation following suspension or revocation of license. [Order 936, § 388-75-060, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-063 Periodic review of licensing requirements. [Order 936, § 388-75-063, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-066 Review by advisory committee. [Order 936, § 388-75-066, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
- 388-75-069 Periodic visits and consultation. [Order 936, § 388-75-069, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
- 388-75-072 Reporting of injury, death, epidemic, or child abuse. [Order 936, § 388-75-072, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-075 Records and reports. [Order 936, § 388-75-075, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-078 Discrimination prohibited. [Order 985, § 388-75-078, filed 11/29/74; Order 936, § 388-75-078, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-081 Agency conducted by religious organization. [Order 936, § 388-75-081, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-084 Transportation. [Order 936, § 388-75-084, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-087 Care and administration of medications. [Order 936, § 388-75-087, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-090 Personnel policies. [Order 936, § 388-75-090, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-093 Special requirements regarding American Indians. [Order 985, § 388-75-093, filed 11/29/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-103 Child placing agency. [Order 936, § 388-75-103, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-106 Child placing agency—Governing or advisory board. [Order 936, § 388-75-106, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-109 Child placing agency—Out-of-state agencies. [Order 936, § 388-75-109, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-112 Child placing agency—Personnel. [Order 936, § 388-75-112, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
- 388-75-115 Child placing agency—Office space. [Order 936, § 388-75-115, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
- 388-75-118 Child placing agency—Records. [Order 936, § 388-75-118, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
- 388-75-121 Child placing agency—Medical care. [Order 936, § 388-75-121, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-124 Child placing agency—Legal consultation. [Order 936, § 388-75-124, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-127 Child placing agency—Foster care placements. [Order 936, § 388-75-127, filed 5/23/74.] Repealed by 78-10-

	006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
388-75-130	Child placing agency—Adoptive placements. [Order 936, § 388-75-130, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-253	Mini-day care center. [Order 936, § 388-75-253, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-153	Foster family home. [Order 936, § 388-75-153, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-256	Mini-day care center—Capacity—Limitations on ages and numbers. [Order 936, § 388-75-256, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-156	Foster family home—Capacity—Limitations on ages and numbers. [Order 936, § 388-75-156, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-259	Mini-day care center—Staffing. [Order 936, § 388-75-259, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
388-75-157	Foster family home—Limitation on licensing. [Order 1018, § 388-75-157, filed 4/23/75.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-262	Mini-day care center—Qualifications of licensee and staff. [Order 936, § 388-75-262, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-159	Foster family home—Characteristics of family. [Order 936, § 388-75-159, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-265	Mini-day care center—Program and equipment. [Order 936, § 388-75-265, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-162	Foster family home—Care of child and expectant mother. [Order 936, § 388-75-162, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-268	Mini-day care center—Nutrition. [Order 936, § 388-75-268, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
388-75-165	Foster family home—Register. [Order 936, § 388-75-165, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.	388-75-271	Mini-day care center—Discipline. [Order 936, § 388-75-271, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
388-75-168	Foster family home—First aid—Health care. [Order 936, § 388-75-168, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-274	Mini-day care center—Records. [Order 936, § 388-75-274, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
388-75-171	Foster family home—Responsibility of placing agency—Absence from home. [Order 936, § 388-75-171, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.	388-75-277	Mini-day care center—Health care. [Order 936, § 388-75-277, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-174	Foster family home—Physical aspects of home. [Order 936, § 388-75-174, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-280	Mini-day care center—Physical facilities. [Order 936, § 388-75-280, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-177	Foster family home—Fire safety. [Order 936, § 388-75-177, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.	388-75-283	Mini-day care center—Fire safety. [Order 936, § 388-75-283, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
388-75-203	Family day care home. [Order 936, § 388-75-203, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-303	Day care center. [Order 936, § 388-75-303, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-206	Family day care home—Capacity—Limitations on ages and numbers. [Order 936, § 388-75-206, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-306	Day care center—Required personnel. [Order 936, § 388-75-306, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-209	Family day care home—Characteristics of family. [Order 936, § 388-75-209, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-309	Day care center—Staff training. [Order 936, § 388-75-309, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.
388-75-212	Family day care home—Program and equipment. [Order 936, § 388-75-212, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-312	Day care center—Program. [Order 936, § 388-75-312, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-215	Family day care home—Nutrition. [Order 936, § 388-75-215, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.	388-75-315	Day care center—Maximum hours—Rest periods. [Order 936, § 388-75-315, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-218	Family day care home—Discipline. [Order 936, § 388-75-218, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.	388-75-318	Day care center—Discipline. [Order 936, § 388-75-318, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-221	Family day care home—Records. [Order 936, § 388-75-221, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.	388-75-321	Day care center—Infant care. [Order 936, § 388-75-321, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-224	Family day care home—Health care. [Order 936, § 388-75-224, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.	388-75-324	Day care center—Toddlers and preschool children. [Order 936, § 388-75-324, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-227	Family day care home—Physical aspects of home. [Order 936, § 388-75-227, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-327	Day care center—School-age children. [Order 936, § 388-75-327, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-230	Family day care home—Fire safety. [Order 936, § 388-75-230, filed 5/23/74.] Repealed by 78-10-006 (Order	388-75-330	Day care center—Handicapped children. [Order 936, § 388-75-330, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
		388-75-333	Day care center—Drop-in care. [Order 936, § 388-75-333, filed 5/23/74.] Repealed by 78-10-006 (Order

	1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.	388-75-403	Day treatment center. [Order 936, § 388-75-403, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-336	Day care center—Evening and nighttime care. [Order 936, § 388-75-336, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-406	Day treatment center—Function of day treatment program. [Order 936, § 388-75-406, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-339	Day care center—Furnishings and equipment. [Order 936, § 388-75-339, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-409	Day treatment center—Governor or advisory board. [Order 936, § 388-75-409, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-342	Day care center—Children's records. [Order 936, § 388-75-342, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.	388-75-412	Day treatment center—Personnel. [Order 936, § 388-75-412, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.
388-75-345	Day care center—Parent-center relationships. [Order 936, § 388-75-345, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-415	Day treatment center—Ratio of counselor and teaching staff to children. [Order 936, § 388-75-415, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-348	Day care center—Nutrition. [Order 936, § 388-75-348, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-418	Day treatment center—Personnel—General qualifications. [Order 936, § 388-75-418, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-351	Day care center—Tuberculosis tests for staff. [Order 936, § 388-75-351, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-421	Day treatment center—Tuberculosis tests for staff. [Order 936, § 388-75-421, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-354	Day care center—Medical policies. [Order 936, § 388-75-354, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.	388-75-424	Day treatment center—Program. [Order 936, § 388-75-424, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.
388-75-357	Day care center—First aid. [Order 936, § 388-75-357, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-428	Day treatment center—Social study—Case plan. [Order 936, § 388-75-428, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-360	Day care center—Health history—Physical exam. [Order 936, § 388-75-360, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-430	Day treatment center—Discipline. [Order 936, § 388-75-430, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.
388-75-363	Day care center—Immunizations. [Order 936, § 388-75-363, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.	388-75-433	Day treatment center—Education. [Order 936, § 388-75-433, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.
388-75-366	Day care center—Ill children—Illness and accident report. [Order 936, § 388-75-366, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-436	Day treatment center—Health. [Order 936, § 388-75-436, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.
388-75-369	Day care center—Site and communications—Outdoor play area. [Order 936, § 388-75-369, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-439	Day treatment center—Nutrition. [Order 936, § 388-75-439, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.
388-75-372	Day care center—Safety and maintenance. [Order 936, § 388-75-372, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-442	Day treatment center—Site and communications—Outdoor play area. [Order 936, § 388-75-442, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-375	Day care center—Required rooms, area, equipment. [Order 936, § 388-75-375, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-445	Day treatment center—Safety and maintenance. [Order 936, § 388-75-445, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-378	Day care center—Sewage and liquid wastes. [Order 936, § 388-75-378, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-448	Day treatment center—Required rooms, area, equipment. [Order 936, § 388-75-448, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-381	Day care center—Pest control. [Order 936, § 388-75-381, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.	388-75-451	Day treatment center—Sewage and liquid wastes. [Order 936, § 388-75-451, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-384	Day care center—Laundry. [Order 936, § 388-75-384, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-454	Day treatment center—Pest control. [Order 936, § 388-75-454, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-387	Day care center—Water supply and plumbing. [Order 936, § 388-75-387, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-457	Day treatment center—Laundry. [Order 936, § 388-75-457, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15-030.
388-75-390	Day care center—Floors, walls, ceilings, windows. [Order 936, § 388-75-390, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-460	Day treatment center—Water supply and plumbing. [Order 936, § 388-75-460, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-393	Day care center—Ventilation—Room temperature—Lighting. [Order 936, § 388-75-393, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-463	Day treatment center—Floors, walls, ceilings, windows. [Order 936, § 388-75-463, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-396	Day care center—Fire safety. [Order 936, § 388-75-396, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		

388-75-466	Day treatment center—Ventilation—Room temperature—Lighting. [Order 936, § 388-75-466, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-469	Day treatment center—Fire safety. [Order 936, § 388-75-469, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.		
388-75-503	Group home. [Order 936, § 388-75-503, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-506	Group home—Description. [Order 936, § 388-75-506, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-509	Group home—Function. [Order 936, § 388-75-509, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-512	Group home—Governing or advisory board. [Order 936, § 388-75-512, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-515	Group home—Personnel—General qualifications. [Order 936, § 388-75-515, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-518	Group home—Tuberculosis tests for staff. [Order 936, § 388-75-518, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-521	Group home—Required positions. [Order 936, § 388-75-521, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.		
388-75-524	Group home—Social service. [Order 936, § 388-75-524, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.		
388-75-527	Group home—Education. [Order 936, § 388-75-527, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-530	Group home—Economic experiences. [Order 936, § 388-75-530, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-533	Group home—Spiritual training. [Order 936, § 388-75-533, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.		
388-75-536	Group home—Community contacts. [Order 936, § 388-75-536, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.		
388-75-539	Group home—Discipline. [Order 936, § 388-75-539, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-542	Group home—Clothing. [Order 936, § 388-75-542, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-545	Group home—Required rooms, areas and equipment. [Order 936, § 388-75-545, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-548	Group home—Site and communication. [Order 936, § 388-75-548, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-551	Group home—Safety and maintenance. [Order 936, § 388-75-551, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-554	Group home—Sewage and liquid wastes. [Order 936, § 388-75-554, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-557	Group home—Pest control. [Order 936, § 388-75-557, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-560	Group home—Water supply and plumbing. [Order 936, § 388-75-560, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-563	Group home—Floors, walls, and ceilings. [Order 936, § 388-75-563, filed 5/23/74.] Repealed by 78-10-006		
		(Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	
388-75-566	Group home—Ventilation. [Order 936, § 388-75-566, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-569	Group home—Room temperature. [Order 936, § 388-75-569, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.		
388-75-572	Group home—Lighting. [Order 936, § 388-75-572, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-575	Group home—Food and food services. [Order 936, § 388-75-575, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-578	Group home—Health program—Medical service for children. [Order 936, § 388-75-578, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-581	Group home—Health records for children. [Order 936, § 388-75-581, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-584	Group home—Fire safety. [Order 936, § 388-75-584, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-603	Child care institution. [Order 936, § 388-75-603, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-606	Child care institution—Governing or advisory board. [Order 936, § 388-75-606, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-609	Child care institution—Personnel—General qualifications. [Order 936, § 388-75-609, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-612	Child care institution—Tuberculosis tests for staff. [Order 936, § 388-75-612, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-615	Child care institution—Personnel—Required positions. [Order 936, § 388-75-615, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-618	Child care institution—Staff training. [Order 936, § 388-75-618, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-621	Child care institution—Discipline. [Order 936, § 388-75-621, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.		
388-75-624	Child care institution—Social service. [Order 936, § 388-75-624, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-627	Child care institution—Education. [Order 936, § 388-75-627, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.		
388-75-630	Child care institution—Economic experiences. [Order 936, § 388-75-630, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-633	Child care institution—Clothing. [Order 936, § 388-75-633, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.-030.		
388-75-636	Child care institution—Community contacts. [Order 936, § 388-75-636, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-639	Child care institution—Spiritual training. [Order 936, § 388-75-639, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-642	Child care institution—Food and food services. [Order 936, § 388-75-642, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-645	Child care institution—Health service. [Order 936, § 388-75-645, filed 5/23/74.] Repealed by 78-10-006		

	(Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-730	Governing or advisory board—Health education. [Order 936, § 388-75-730, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-648	Child care institution—Health records. [Order 936, § 388-75-648, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-733	Governing or advisory board—Family life education. [Order 936, § 388-75-733, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-651	Child care institution—Nursing service. [Order 936, § 388-75-651, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-736	Governing or advisory board—Religious activities. [Order 936, § 388-75-736, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-654	Child care institution—Site and communication. [Order 936, § 388-75-654, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-739	Governing or advisory board—Work assignments. [Order 936, § 388-75-739, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-657	Child care institution—Safety and maintenance. [Order 936, § 388-75-657, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-742	Governing or advisory board—Leisure time activities. [Order 936, § 388-75-742, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-660	Child care institution—Required rooms, areas and equipment. [Order 936, § 388-75-660, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-745	Governing or advisory board—Academic and vocational instruction. [Order 936, § 388-75-745, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-663	Child care institution—Sewage and liquid wastes. [Order 936, § 388-75-663, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-748	Governing or advisory board—Child care. [Order 936, § 388-75-748, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-666	Child care institution—Pest control. [Order 936, § 388-75-666, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-751	Governing or advisory board—Economic experiences. [Order 936, § 388-75-751, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-669	Water supply and plumbing. [Order 936, § 388-75-669, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-754	Governing or advisory board—Medical service. [Order 936, § 388-75-754, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-672	Water supply and plumbing—Floors, walls, and ceilings. [Order 936, § 388-75-672, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-757	Governing or advisory board—Records—Recordkeeping. [Order 936, § 388-75-757, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-675	Water supply and plumbing—Ventilation. [Order 936, § 388-75-675, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-760	Governing or advisory board—Medical records. [Order 936, § 388-75-760, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-678	Water supply and plumbing—Room temperature and lighting. [Order 936, § 388-75-678, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-763	Governing or advisory board—Site and communication. [Order 936, § 388-75-763, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-681	Water supply and plumbing—Fire safety. [Order 936, § 388-75-681, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-766	Governing or advisory board—Safety and maintenance. [Order 936, § 388-75-766, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-703	Maternity services. [Order 936, § 388-75-703, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-769	Governing or advisory board—Water supply—Plumbing. [Order 936, § 388-75-769, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-706	Maternity services—Definition. [Order 936, § 388-75-706, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-772	Governing or advisory board—Floors, walls and ceilings. [Order 936, § 388-75-772, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-709	Maternity services—Eligibility for service—Required services. [Order 936, § 388-75-709, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-775	Governing or advisory board—Ventilation—Room temperature. [Order 936, § 388-75-775, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-712	Governing or advisory board. [Order 936, § 388-75-712, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-778	Governing or advisory board—Lighting. [Order 936, § 388-75-778, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-715	Governing or advisory board—Personnel—General qualifications. [Order 936, § 388-75-715, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-781	Governing or advisory board—Sewage and liquid wastes. [Order 936, § 388-75-781, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-718	Governing or advisory board—Staff training. [Order 936, § 388-75-718, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-784	Governing or advisory board—Pest control. [Order 936, § 388-75-784, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-721	Governing or advisory board—Tuberculosis tests for staff. [Order 936, § 388-75-721, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-787	Governing or advisory board—Required rooms, areas, equipment. [Order 936, § 388-75-787, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-724	Governing or advisory board—Required personnel. [Order 936, § 388-75-724, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-790	Governing or advisory board—Food and food service. [Order 936, § 388-75-790, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-727	Governing or advisory board—Guidance and counseling. [Order 936, § 388-75-727, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		

388-75-793	Governing or advisory board—Fire safety. [Order 936, § 388-75-793, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
Chapter 388-77			
FAMILY INDEPENDENCE PROGRAM			
388-77-005	General provisions. [Statutory Authority: 1990 1st ex.s. c 6. 90-12-059 (Order 3017), § 388-77-005, filed 5/31/90, effective 7/1/90. Statutory Authority: Chapter 74.21 RCW. 89-03-053 (Order 2757), § 388-77-005, filed 1/13/89; 88-18-024 (Order 2683), § 388-77-005, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-005, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.	388-77-270	Support. [Statutory Authority: Chapter 74.21 RCW. 88-18-024 (Order 2683), § 388-77-270, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-270, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.-904.
388-77-006	Freezing enrollments. [Statutory Authority: 1990 1st ex.s. c 6. 90-12-059 (Order 3017), § 388-77-006, filed 5/31/90, effective 7/1/90.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.	388-77-285	Assistance to minors. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-285, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
388-77-010	Definition. [Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-010, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-010, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.	388-77-320	Resources—Exempt. [Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-320, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-320, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
388-77-015	Applications and assessment. [Statutory Authority: Chapter 74.21 RCW. 88-18-024 (Order 2683), § 388-77-015, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-015, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.	388-77-500	Income—Determination of need. [Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-500, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-18-024 (Order 2683), § 388-77-500, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-500, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
388-77-045	Verification. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-045, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.	388-77-515	Income—Exempt. [Statutory Authority: RCW 74.21.-070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-515, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 90-12-042 (Order 2984), § 388-77-515, filed 5/31/90, effective 7/1/90; 88-12-093 (Order 2630), § 388-77-515, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
388-77-200	Family independence program (FIP)—Summary of Title IV-A eligibility conditions. [Statutory Authority: 1990 1st ex.s. c 6. 90-12-059 (Order 3017), § 388-77-200, filed 5/31/90, effective 7/1/90. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-200, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.	388-77-520	Income—Deductions. [Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-520, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-520, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
388-77-210	Assistance unit. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-210, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.	388-77-525	Income—Self-employment. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-525, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
388-77-230	Family independence program—Incapacity criteria. [Statutory Authority: RCW 74.50.010. 89-12-036 (Order 2805), § 388-77-230, filed 6/1/89. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-230, filed 6/1/88.] Repealed by 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: RCW 74.21.070.	388-77-530	Income—Nonrecurring lump sum payments. [Statutory Authority: Chapter 74.21 RCW. 88-18-024 (Order 2683), § 388-77-530, filed 8/30/88.] Repealed by 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: RCW 74.21.070.
388-77-240	FIP—Eligibility for qualifying a parent. [Statutory Authority: RCW 74.21.070. 91-19-024 (Order 3244), § 388-77-240, filed 9/10/91, effective 10/11/91. Statutory Authority: RCW 74.50.010. 89-12-036 (Order 2805), § 388-77-240, filed 6/1/89. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-240, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.	388-77-531	Non recurring lump-sum income. [Statutory Authority: RCW 74.21.070. 91-15-086 (Order 3207), § 388-77-531, filed 7/23/91, effective 8/23/91.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
388-77-255	FIP—Employment and training requirements. [Statutory Authority: Chapter 74.21 RCW. 89-23-084 (Order 2902), § 388-77-255, filed 11/17/89, effective 12/18/89; 88-12-093 (Order 2630), § 388-77-255, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.-904.	388-77-555	Earned income reporting. [Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-555, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-555, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
388-77-256	Employability reassessment. [Statutory Authority: 1990 1st ex.s. c 6. 90-12-059 (Order 3017), § 388-77-256, filed 5/31/90, effective 7/1/90.] Repealed by 92-04-		

- 388-77-600 Standards of assistance—Hold harmless. [Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-600, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-18-024 (Order 2683), § 388-77-600, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-600, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21-904.
- 388-77-605 Standards of assistance—Benchmark standard. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-605, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-610 Standards of assistance—Incentive standards. [Statutory Authority: RCW 74.21.070. 91-13-081 (Order 3192), § 388-77-610, filed 6/18/91, effective 7/19/91; 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-610, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 89-03-053 (Order 2757), § 388-77-610, filed 1/13/89; 88-18-024 (Order 2683), § 388-77-610, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-610, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-615 Standards of assistance—Payment amounts. [Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-615, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-615, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21-904.
- 388-77-735 Suspension of FIP cash assistance. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-735, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-737 FIP transitional benefits. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-737, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-810 Periodic review and redetermination of eligibility. [Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-810, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-820 Food assistance. [Statutory Authority: Chapter 74.21 RCW. 89-21-048 (Order 2879), § 388-77-820, filed 10/13/89, effective 11/13/89; 89-03-053 (Order 2757), § 388-77-820, filed 1/13/89; 88-18-025 (Order 2684), § 388-77-820, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-820, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77-900 Overpayments. [Statutory Authority: Chapter 74.21 RCW. 88-18-024 (Order 2683), § 388-77-900, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-900, filed 6/1/88.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77A-030 Standards of assistance—Family independence program (FIP) households entitled to employment incentive payments earned in May and June 1993. [Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-030, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77A-040 Transitional child care. [Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-040, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77A-041 Medical benefits. [Statutory Authority: RCW 74.04-057. 93-12-058 (Order 3561), § 388-77A-041, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77A-050 Fair hearing—Continuation of benefits. [Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-050, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77A-055 Pretermination redetermination. [Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-055, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.

Chapter 388-78

SUPPORT SERVICES FOR ASSESSMENT AND EMPLOYMENT AND TRAINING PROGRAMS IN THE FAMILY INDEPENDENCE PROGRAM

- 388-78-005 General provisions. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-005, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05-210, 74.08.090 and 1997 c 409 § 209.
- 388-78-010 Definitions. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-010, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-78-015 Supportive social services. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-015, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05-210, 74.08.090 and 1997 c 409 § 209.
- 388-78-020 Self-sufficiency plan. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-020, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05-210, 74.08.090 and 1997 c 409 § 209.
- 388-78-100 FIP employment and training requirements. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-100, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-78-120 Grievance procedure and administrative reviews and appeals. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-120, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-78-205 FIP child care. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-205, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-78-210 Standards for child care providers. [Statutory Authority: Chapter 74.21 RCW. 89-08-050 (Order 2781), § 388-78-210, filed 3/31/89; 88-12-088 (Order 2628), § 388-78-210, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-78-215 Payment standards for child care services. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-215, filed 6/1/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-78-220 Child day care copayments. [Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-220, filed 6/1/88.] Repealed by 98-01-125, filed

Chapter 388-77A

FAMILY INDEPENDENCE PROGRAM EXPIRATION

- 388-77A-010 Purpose. [Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-010, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.
- 388-77A-020 Benefit change limitations. [Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-020, filed 5/27/93, effective 7/1/93.] Repealed by 95-18-002 (Order 3881), filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 74.21.904.

12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.

Chapter 388-80
MEDICAL CARE—DEFINITIONS

- 388-80-002 Applicability. [Statutory Authority: RCW 74.08.090. 81-16-033 (Order 1685), § 388-80-002, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0105.
- 388-80-005 Definitions. [Statutory Authority: RCW 74.08.090. 92-16-043 (Order 3429), § 388-80-005, filed 7/31/92, effective 8/31/92; 83-17-006 (Order 1996), § 388-80-005, filed 8/5/83; 82-10-062 (Order 1801), § 388-80-005, filed 5/5/82; 82-06-003 (Order 1766), § 388-80-005, filed 2/18/82; 82-01-001 (Order 1725), § 388-80-005, filed 12/3/81; 81-16-033 (Order 1685), § 388-80-005, filed 7/29/81; 81-11-046 (Order 1655), § 388-80-005, filed 5/20/81; 80-13-020 (Order 1542), § 388-80-005, filed 9/9/80; 80-02-001 (Order 1470), § 388-80-005, filed 1/3/80; 78-06-081 (Order 1299), § 388-80-005, filed 6/1/78; Order 1196, § 388-80-005, filed 3/3/77; Order 1112, § 388-80-005, filed 4/15/76; Order 1061, § 388-80-005, filed 10/8/75; Order 922, § 388-80-005, filed 4/15/74; Order 761, § 388-80-005, filed 1/2/73; Order 735, § 388-80-005, filed 11/22/72; Order 676, § 388-80-005, filed 5/10/72; Order 615, § 388-80-005, filed 10/7/71; Order 564, § 388-80-005, filed 5/19/71; Order 577, § 388-80-005, filed 7/20/71; Order 471, § 388-80-005, filed 8/19/70; Order 381, § 388-80-005, filed 8/27/69; Order 298, § 388-80-005, filed 9/6/68; Order 264 (part), § 388-80-005, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-500-0005 (parts).

Chapter 388-81
MEDICAL CARE—ADMINISTRATION—GENERAL

- 388-81-005 Medical care program. [Statutory Authority: RCW 74.08.090. 81-16-033 (Order 1685), § 388-81-005, filed 7/29/81; 81-10-014 (Order 1646), § 388-81-005, filed 4/27/81; 80-13-020 (Order 1542), § 388-81-005, filed 9/9/80; Order 1233, § 388-81-005, filed 8/31/77; Order 833, § 388-81-005, filed 7/26/73; Order 264 (part), § 388-81-005, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0110 (parts).
- 388-81-010 Civil rights. [Statutory Authority: RCW 74.08.090. 79-01-002 (Order 1359), § 388-81-010, filed 12/8/78; Order 1233, § 388-81-010, filed 8/31/77; Order 264 (part), § 388-81-010, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-502-0205.
- 388-81-015 Institution of control. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-81-015, filed 9/9/80; Order 264 (part), § 388-81-015, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0130.
- 388-81-017 Requirements for advance directives. [Statutory Authority: RCW 74.08.090 and the Omnibus Reconciliation Act of 1990. 92-05-050 (Order 3318), § 388-81-017, filed 2/13/92, effective 3/15/92.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0125.
- 388-81-020 Vendor reports—Collection and analysis of statistical data. [Order 264 (part), § 388-81-020, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-502-0210.
- 388-81-025 Eligibility—General. [Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-81-025, filed 12/3/81; 81-16-033 (Order 1685), § 388-81-025, filed 7/29/81; 81-10-014 (Order 1646), § 388-81-025, filed 4/27/81; 80-13-020 (Order 1542), § 388-81-025, filed 9/9/80; Order 1112, § 388-81-025, filed 4/15/76; Order 472, § 388-81-025, filed 8/19/70; Order 299, § 388-81-025, filed 9/6/68; Order 264 (part), § 388-81-025, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW

- 74.08.090. Later promulgation, see WAC 388-501-0110 (part).
- 388-81-030 Case exception. [Statutory Authority: RCW 74.08.090. 91-07-011 (Order 3150), § 388-81-030, filed 3/11/91, effective 4/11/91; 82-17-072 (Order 1868), § 388-81-030, filed 8/18/82; 80-13-020 (Order 1542), § 388-81-030, filed 9/9/80; Order 1112, § 388-81-030, filed 4/15/76; Order 299, § 388-81-030, filed 9/6/68; Order 264 (part), § 388-81-030, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0160.
- 388-81-035 Confidential records. [Order 264 (part), § 388-81-035, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0150.
- 388-81-038 Medical services request. [Statutory Authority: RCW 74.08.090. 92-20-014 (Order 3461), § 388-81-038, filed 9/24/92, effective 10/25/92; 92-03-084 (Order 3309), § 388-81-038, filed 1/15/92, effective 2/15/92.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0165.
- 388-81-040 Fair hearing. [Statutory Authority: RCW 74.08.090. 81-10-014 (Order 1646), § 388-81-040, filed 4/27/81; 80-13-020 (Order 1542), § 388-81-040, filed 9/9/80; 78-10-077 (Order 1346), § 388-81-040, filed 9/27/78; Order 1112, § 388-81-040, filed 4/15/76; Order 952, § 388-81-040, filed 7/16/74; Order 578, § 388-81-040, filed 7/20/71; Order 299, § 388-81-040, filed 9/6/68; Order 264 (part), § 388-81-040, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-526-2610.
- 388-81-042 Fair hearing—Provider. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-81-042, filed 9/9/80.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-502-0230.
- 388-81-043 Administrative appeal—Rate—Contractor/provider. [Statutory Authority: RCW 74.08.090. 93-24-059 (Order 3675), § 388-81-043, filed 11/24/93, effective 12/25/93; 90-12-063 (Order 3021), § 388-81-043, filed 5/31/90, effective 7/1/90; 89-05-029 (Order 2758), § 388-81-043, filed 2/13/89; 84-02-053 (Order 2061), § 388-81-043, filed 1/4/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-502-0220.
- 388-81-044 Interest penalties—Providers. [Statutory Authority: RCW 74.08.090. 84-02-053 (Order 2061), § 388-81-044, filed 1/4/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-502-0250.
- 388-81-045 Procedure prior to fair hearing. [Order 264 (part), § 388-81-045, filed 11/24/67.] Repealed by Order 299, filed 9/6/68.
- 388-81-047 Recovery from estates. [Statutory Authority: RCW 74.08.090 and 1993 c 272. 93-16-045 (Order 3606), § 388-81-047, filed 7/28/93, effective 8/28/93. Statutory Authority: RCW 74.08.090 and 43.20B.140. 92-07-029 (Order 3338), § 388-81-047, filed 3/10/92, effective 4/10/92. Statutory Authority: RCW 74.08.090. 88-03-050 (Order 2585), § 388-81-047, filed 1/19/88.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-527-2710.
- 388-81-050 Restitution. [Statutory Authority: RCW 74.08.090. 92-07-028 (Order 3337), § 388-81-050, filed 3/10/92, effective 4/10/92; 81-10-014 (Order 1646), § 388-81-050, filed 4/27/81; 78-02-024 (Order 1265), § 388-81-050, filed 1/13/78; Order 299, § 388-81-050, filed 9/6/68; Order 264 (part), § 388-81-050, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-527-2720.
- 388-81-052 Receipt of resources without giving adequate consideration. [Statutory Authority: 1989 c 87. 89-18-032 (Order 2859), § 388-81-052, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090. 84-04-068 (Order 2073), § 388-81-052, filed 2/1/84; 82-23-

- 002 (Order 1897), § 388-81-052, filed 11/4/82; 82-10-017 (Order 1776), § 388-81-052, filed 4/28/82.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-528-2810.
- 388-81-055 Fraud. [Statutory Authority: RCW 74.08.090. 81-10-014 (Order 1646), § 388-81-055, filed 4/27/81; Order 299, § 388-81-055, filed 9/6/68; Order 264 (part), § 388-81-055, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0140.
- 388-81-060 Medicare cost sharing. [Statutory Authority: RCW 74.08.090 and House—Congressional Record Section 4501(b) of OBRA. 93-04-024 (Order 3502), § 388-81-060, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 90-18-006 (Order 3060), § 388-81-060, filed 8/23/90, effective 9/23/90; 89-05-029 (Order 2758), § 388-81-060, filed 2/13/89; 81-10-014 (Order 1646), § 388-81-060, filed 4/27/81; Order 911, § 388-81-060, filed 3/1/74; Order 833, § 388-81-060, filed 7/26/73; Order 299, § 388-81-060, filed 9/6/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-517-1710.
- 388-81-065 Medical care client copayment. [Statutory Authority: RCW 74.08.090 and SB 5304, § 231. 93-16-036 (Order 3596), § 388-81-065, filed 7/28/93, effective 9/1/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-81-070 Determination of maternity care distressed areas. [Statutory Authority: RCW 74.08.090. 91-23-080 (Order 3282), § 388-81-070, filed 11/19/91, effective 12/20/91; 89-22-033 (Order 2883), § 388-81-070, filed 10/27/89, effective 11/27/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0190.
- 388-81-100 Patient requiring regulation (PRR). [Statutory Authority: RCW 74.08.090. 93-11-047 (Order 3544), § 388-81-100, filed 5/12/93 effective 6/12/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0135.
- 388-81-175 Audit dispute resolution. [Statutory Authority: RCW 74.08.090. 93-24-059 (Order 3675), § 388-81-175, filed 11/24/93, effective 12/25/93.] Repealed by 00-23-014, filed 11/3/00, effective 12/4/00. Statutory Authority: RCW 74.08.090, 43.20B.675.
- 388-81-200 Appeal of adverse department action—Contractor/provider. [Statutory Authority: RCW 74.08.090. 93-24-059 (Order 3675), § 388-81-200, filed 11/24/93, effective 12/25/93.] Repealed by 00-22-016, filed 10/20/00, effective 11/20/00. Statutory Authority: RCW 74.08.090, 74.09.290.
- Chapter 388-82**
MEDICAL CARE—PROGRAM DESCRIBED—LIMITATIONS
- 388-82-005 Medical care—General description of programs. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-82-005, filed 9/9/80; 78-02-024 (Order 1265), § 388-82-005, filed 1/13/78; Order 952, § 388-82-005, filed 7/16/74; Order 264 (part), § 388-82-005, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-006 Medical assistance. [Statutory Authority: RCW 74.08.-090. 81-10-014 (Order 1646), § 388-82-006, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-500-0005 (parts).
- 388-82-008 Family independence program (FIP). [Statutory Authority: RCW 74.08.090. 88-17-062 (Order 2672), § 388-82-008, filed 8/17/88.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-82-010 Persons eligible for medical assistance. [Statutory Authority: RCW 74.08.090. 93-04-033 (Order 3508), § 388-82-010, filed 1/27/93, effective 2/27/93; 91-15-014 (Order 3203), § 388-82-010, filed 7/9/91, effective 8/9/91; 91-06-003 (Order 3140), § 388-82-010, filed 2/21/91, effective 3/24/91; 90-04-013 (Order 2932), § 388-82-010, filed 1/29/90, effective 3/1/90; 88-09-037 (Order 2620), § 388-82-010, filed 4/15/88; 86-11-025 (Order 2378), § 388-82-010, filed 5/14/86; 82-21-024 (Order 1891), § 388-82-010, filed 10/13/82; 82-06-003 (Order 1766), § 388-82-010, filed 2/18/82; 82-01-001 (Order 1725), § 388-82-010, filed 12/3/81; 81-16-033 (Order 1685), § 388-82-010, filed 7/29/81; 81-11-046 (Order 1655), § 388-82-010, filed 5/20/81; 80-13-020 (Order 1542), § 388-82-010, filed 9/9/80; 78-10-077 (Order 1346), § 388-82-010, filed 9/27/78; Order 1202, § 388-82-010, filed 4/1/77; Order 1137, § 388-82-010, filed 7/29/76; Order 1044, § 388-82-010, filed 8/14/75; Order 995, § 388-82-010, filed 12/31/74; Order 952, § 388-82-010, filed 7/16/74; Order 911, § 388-82-010, filed 3/1/74; Order 382, § 388-82-010, filed 8/27/69; Order 300, § 388-82-010, filed 9/6/68; Order 264 (part), § 388-82-010, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-503-1310 (parts).
- 388-82-015 "H" category (federal aid). [Statutory Authority: RCW 74.08.090. 78-02-024 (Order 1265), § 388-82-015, filed 1/13/78; Order 1097, § 388-82-015, filed 2/13/76; Order 995, § 388-82-015, filed 12/31/74; Order 911, § 388-82-015, filed 3/1/74; Order 765, § 388-82-015, filed 1/10/73; Order 518, § 388-82-015, filed 2/24/71; Order 382, § 388-82-015, filed 8/27/69; Order 300, § 388-82-015, filed 9/6/68; Order 264 (part), § 388-82-015, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-020 Medical care services. [Statutory Authority: RCW 74.08.090. 80-15-034 (Order 1554), § 388-82-020, filed 10/9/80; 79-06-034 (Order 1402), § 388-82-020, filed 5/16/79; 79-01-002 (Order 1359), § 388-82-020, filed 12/8/78; Order 1203, § 388-82-020, filed 4/1/77; Order 1196, § 388-82-020, filed 3/3/77; Order 995, § 388-82-020, filed 12/31/74; Order 911, § 388-82-020, filed 3/1/74; Order 765, § 388-82-020, filed 1/10/73; Order 677, § 388-82-020, filed 5/10/72; Order 547, § 388-82-020, filed 3/31/71, effective 5/1/71; Order 382, § 388-82-020, filed 8/27/69; Order 300, § 388-82-020, filed 9/6/68; Order 264 (part), § 388-82-020, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-025 Institutional status. [Order 1097, § 388-82-025, filed 2/13/76; Order 518, § 388-82-025, filed 2/24/71; Order 264 (part), § 388-82-025, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-030 State of Washington resident requiring care out-of-state. [Statutory Authority: RCW 74.08.090. 79-01-002 (Order 1359), § 388-82-030, filed 12/8/78; Order 1203, § 388-82-030, filed 4/1/77; Order 1166, § 388-82-030, filed 10/27/76; Order 1112, § 388-82-030, filed 4/15/76; Order 709, § 388-82-030, filed 9/14/72; Order 462, § 388-82-030, filed 6/23/70; Order 332, § 388-82-030, filed 2/3/69; Order 300, § 388-82-030, filed 9/6/68; Order 264 (part), § 388-82-030, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-035 Out-of-state resident requiring medical care in Washington state. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-82-035, filed 9/9/80; Order 1203, § 388-82-035, filed 4/1/77; Order 1158, § 388-82-035, filed 10/6/76; Order 995, § 388-82-035, filed 12/31/74; Order 879, § 388-82-035, filed 11/29/73; Order 404, § 388-82-035, filed 11/24/69; Order 382, § 388-82-035, filed 8/27/69; Order 300, § 388-82-035, filed 9/6/68; Order 264 (part), § 388-82-035, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-040 Medical care for Cuban refugees. [Order 995, § 388-82-040, filed 12/31/74; Order 834, § 388-82-040, filed 7/26/73; Order 300, § 388-82-040, filed 9/6/68.] Repealed by 78-02-024 (Order 1265), filed 1/13/78. Statutory Authority: RCW 74.08.090.
- 388-82-045 Medical care for United States citizen returned from foreign country. [Order 300, § 388-82-045, filed 9/6/68.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-115 Categorically needy medical assistance eligibility. [Statutory Authority: RCW 74.08.090, CFR 435.712 and 435.724. 93-06-037 (Order 3516), § 388-82-115, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090. 92-03-046 (Order 3307), § 388-82-115, filed 1/10/92, effective 2/10/92; 90-06-033 (Order 2945), §

- 388-82-115, filed 3/1/90, effective 4/1/90; 88-24-024 (Order 2734), § 388-82-115, filed 12/2/88; 88-17-063 (Order 2673), § 388-82-115, filed 8/17/88; 88-09-037 (Order 2620), § 388-82-115, filed 4/15/88; 87-01-097 (Order 2453), § 388-82-115, filed 12/22/86; 86-11-025 (Order 2378), § 388-82-115, filed 5/14/86; 85-16-046 (Order 2262), § 388-82-115, filed 7/31/85; 85-11-032 (Order 2231), § 388-82-115, filed 5/15/85; 85-05-015 (Order 2205), § 388-82-115, filed 2/13/85; 84-04-069 (Order 2074), § 388-82-115, filed 2/1/84; 83-17-005 (Order 1995), § 388-82-115, filed 8/5/83; 81-23-046 (Order 1721), § 388-82-115, filed 11/18/81; 81-10-014 (Order 1646), § 388-82-115, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-503-0310 (parts).
- 388-82-125 Recipients in medical institutions eligible under Title XIX. [Statutory Authority: RCW 74.08.090, 82-01-001 (Order 1725), § 388-82-125, filed 12/3/81; 81-10-014 (Order 1646), § 388-82-125, filed 4/27/81.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-95-300.
- 388-82-126 Medical care services (GAU). [Statutory Authority: RCW 74.08.090, 83-17-006 (Order 1996), § 388-82-126, filed 8/5/83; 81-16-033 (Order 1685), § 388-82-126, filed 7/29/81; 81-10-014 (Order 1646), § 388-82-126, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-503-0350.
- 388-82-130 Medical care provided in bordering cities. [Statutory Authority: RCW 74.08.090, 90-17-121 (Order 3055), § 388-82-130, filed 8/21/90, effective 9/21/90; 84-02-055 (Order 2063), § 388-82-130, filed 1/4/84; 81-16-033 (Order 1685), § 388-82-130, filed 7/29/81; 81-10-014 (Order 1646), § 388-82-130, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0175.
- 388-82-135 Out-of-state medical care. [Statutory Authority: RCW 74.08.090, 81-16-033 (Order 1685), § 388-82-135, filed 7/29/81; 81-10-014 (Order 1646), § 388-82-135, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0180 (parts).
- 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing. [Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28, 93-11-049 (Order 3548), § 388-82-140, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090 and 42 CFR 124.505(b), 92-11-057 (Order 3389), § 388-82-140, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090, 91-07-011 (Order 3150), § 388-82-140, filed 3/11/91, effective 4/11/91; 90-12-045 (Order 2987), § 388-82-140, filed 5/31/90, effective 7/1/90; 89-24-039 (Order 2910), § 388-82-140, filed 12/1/89, effective 1/1/90; 89-11-057 (Order 2798), § 388-82-140, filed 5/17/89; 89-05-029 (Order 2758), § 388-82-140, filed 2/13/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-517-1715 and 388-517-1720.
- 388-82-150 Special low-income Medicare beneficiaries (SLMB) eligible for Medicare cost sharing. [Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28, 93-11-049 (Order 3548), § 388-82-150, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090 and House—Congressional Record Section 4501(b) of OBRA, 93-04-024 (Order 3502), § 388-82-150, filed 1/27/93, effective 2/27/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-517-1730 and 388-517-1740.
- 388-82-160 Hospital premium insurance enrollment for the working disabled. [Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28, 93-11-049 (Order 3548), § 388-82-160, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090 and 42 CFR 124.505(b), 92-11-057 (Order 3389), § 388-82-160, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090, 91-11-086 (Order 3180), § 388-82-160, filed 5/21/91, effective 6/21/91; 90-18-006 (Order 3060), § 388-82-160, filed 8/23/90, effective 9/23/90.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-517-1750 and 388-517-1760.

Chapter 388-83

MEDICAL CARE—ELIGIBILITY

- 388-83-005 Medical assistance eligibility. [Statutory Authority: RCW 74.08.090, 81-16-033 (Order 1685), § 388-83-005, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-005, filed 4/27/81; Order 1203, § 388-83-005, filed 4/1/77; Order 922, § 388-83-005, filed 4/15/74; Order 483, § 388-83-005, filed 10/13/70; Order 264 (part), § 388-83-005, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-504-0440 (parts).
- 388-83-006 Medical care services. [Statutory Authority: RCW 74.08.090, 93-17-038 (Order 3620), § 388-83-006, filed 8/11/93, effective 9/11/93. Statutory Authority: 1987 c 406, 87-19-091 (Order 2539), § 388-83-006, filed 9/17/87. Statutory Authority: RCW 74.08.090, 83-17-006 (Order 1996), § 388-83-006, filed 8/5/83; 81-16-033 (Order 1685), § 388-83-006, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-006, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-503-0350, 388-504-0440.
- 388-83-010 Alternative sources for medical care. [Statutory Authority: RCW 74.08.090, 92-18-036 (Order 3444), § 388-83-010, filed 8/27/92, effective 9/27/92; 84-15-060 (Order 2126), § 388-83-010, filed 7/18/84; 81-10-014 (Order 1646), § 388-83-010, filed 4/27/81; 80-13-020 (Order 1542), § 388-83-010, filed 9/9/80; Order 1061 § 388-83-010, filed 10/8/75; Order 780, § 388-83-010, filed 3/16/73; Order 405, § 388-83-010, filed 11/24/69; Order 264 (part), § 388-83-010, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0170 and 388-538-001.
- 388-83-012 Assignment of rights. [Statutory Authority: RCW 74.08.090, 93-22-030 (Order 3658), § 388-83-012, filed 10/27/93, effective 11/27/93; 92-11-061 (Order 3385), § 388-83-012, filed 5/19/92, effective 6/19/92; 89-12-080 (Order 2809), § 388-83-012, filed 6/7/89; 84-23-027 (Order 2168), § 388-83-012, filed 11/14/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0540.
- 388-83-013 Cooperation in securing medical support. [Statutory Authority: RCW 74.08.090, 92-18-036 (Order 3444), § 388-83-013, filed 8/27/92, effective 9/27/92; 92-03-087 (Order 3312), § 388-83-013, filed 1/15/92, effective 2/15/92; 91-10-101 (Order 3175), § 388-83-013, filed 5/1/91, effective 6/1/91; 90-04-012 (Order 2937), § 388-83-013, filed 1/29/90, effective 3/1/90; 89-12-080 (Order 2809), § 388-83-013, filed 6/7/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0560.
- 388-83-014 Good cause not to cooperate in securing medical care support. [Statutory Authority: RCW 74.08.090, 92-18-036 (Order 3444), § 388-83-014, filed 8/27/92, effective 9/27/92; 89-12-080 (Order 2809), § 388-83-014, filed 6/7/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0570.
- 388-83-015 Citizenship and alien status. [Statutory Authority: RCW 74.08.090, 93-16-042 (Order 3603), § 388-83-015, filed 7/28/93, effective 8/28/93. Statutory Authority: RCW 74.08.090 and Section 301 - Family Unity of Immigration Act of 1990, P.L. 101-649, 93-08-111 (Order 3532), § 388-83-015, filed 4/7/93, effective 5/8/93. Statutory Authority: RCW 74.08.090, 89-11-057 (Order 2798), § 388-83-015, filed 5/17/89; 87-06-005 (Order 2472), § 388-83-015, filed 2/19/87; 81-10-014 (Order 1646), § 388-83-015, filed 4/27/81; Order 967, § 388-83-015, filed 8/29/74; Order 264 (part), § 388-83-015, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority:

- RCW 74.08.090. Later promulgation, see WAC 388-505-0520.
- 388-83-017 Social Security number. [Statutory Authority: RCW 74.08.090. 93-18-025 (Order 3627), § 388-83-017, filed 8/25/93, effective 9/25/93; 85-03-072 (Order 2194), § 388-83-017, filed 1/17/85; 81-10-014 (Order 1646), § 388-83-017, filed 4/27/81; Order 1056, § 388-83-017, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0530.
- 388-83-020 Age. [Statutory Authority: RCW 74.08.090. 93-18-025 (Order 3627), § 388-83-020, filed 8/25/93, effective 9/25/93; 81-16-033 (Order 1685), § 388-83-020, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-020, filed 4/27/81; Order 264 (part), § 388-83-020, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0505.
- 388-83-025 Residence. [Statutory Authority: RCW 74.08.090. 90-02-047 (Order 2926), § 388-83-025, filed 12/29/89, effective 2/1/90; 81-10-014 (Order 1646), § 388-83-025, filed 4/27/81; 80-02-001 (Order 1470), § 388-83-025, filed 1/3/80; Order 264 (part), § 388-83-025, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0510.
- 388-83-026 Availability of resources—General. [Statutory Authority: RCW 74.08.090. 93-06-038 (Order 3518), § 388-83-026, filed 2/24/93, effective 3/27/93; 90-23-068 (Order 3093), § 388-83-026, filed 11/20/90, effective 12/21/90.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0580.
- 388-83-027 Medical need. [Order 1196, § 388-83-027, filed 3/3/77; Order 1061, § 388-83-027, filed 10/8/75; Order 964, § 388-83-027, filed 8/19/74; Order 922, § 388-83-027, filed 4/15/74; Order 911, § 388-83-027, filed 3/1/74; Order 879, § 388-83-027, filed 11/29/73; Order 787, § 388-83-027, filed 4/12/73; Order 736, § 388-83-027, filed 11/22/72; Order 419, § 388-83-027, filed 12/31/69.] Repealed by 78-02-024 (Order 1265), filed 1/13/78. Statutory Authority: RCW 74.08.090.
- 388-83-028 Eligibility factors for special categories. [Statutory Authority: RCW 74.08.090. 85-16-046 (Order 2262), § 388-83-028, filed 7/31/85; 84-04-069 (Order 2074), § 388-83-028, filed 2/1/84; 83-17-005 (Order 1995), § 388-83-028, filed 8/5/83; 82-01-001 (Order 1725), § 388-83-028, filed 12/3/81; 81-10-014 (Order 1646), § 388-83-028, filed 4/27/81; 79-06-034 (Order 1402), § 388-83-028, filed 5/16/79; 78-02-024 (Order 1265), § 388-83-028, filed 1/13/78.] Repealed by 90-12-060 (Order 3018), filed 5/31/90, effective 7/1/90. Statutory Authority: RCW 74.08.090.
- 388-83-029 Medical extensions. [Statutory Authority: RCW 74.08.090. 93-13-131 (Order 3573), § 388-83-029, filed 6/23/93, effective 7/24/93; 93-01-034 (Order 3488), § 388-83-029, filed 12/9/92, effective 1/9/93; 90-12-060 (Order 3018), § 388-83-029, filed 5/31/90, effective 7/1/90.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-523-2305.
- 388-83-030 Computation of available income and resources. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-83-030, filed 9/9/80; 79-09-053 (Order 1427), § 388-83-030, filed 8/24/79; 78-10-077 (Order 1346), § 388-83-030, filed 9/27/78; Order 1203, § 388-83-030, filed 4/1/77; Order 1196, § 388-83-030, filed 3/3/77; Order 1158, § 388-83-030, filed 10/6/76; Order 1112, § 388-83-030, filed 4/15/76; Order 922, § 388-83-030, filed 4/15/74; Order 780, § 388-83-030, filed 3/16/73; Order 710, § 388-83-030, filed 9/14/72; Order 655, § 388-83-030, filed 2/9/72; Order 466, § 388-83-030, filed 6/23/70; Order 264 (part), § 388-83-030, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-031 Continuation of eligibility for pregnant women. [Statutory Authority: RCW 74.08.090. 93-17-035 (Order 3617), § 388-83-031, filed 8/11/93, effective 9/11/93; 86-21-002 (Order 2430), § 388-83-031, filed 10/2/86.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-508-0830 (parts).
- 388-83-03101 Postpregnancy family planning extension. [Statutory Authority: RCW 74.08.090. 93-16-035 (Order 3595), § 388-83-03101, filed 7/28/93, effective 9/1/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-508-0835.
- 388-83-032 Pregnant women. [Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28, 93-11-049 (Order 3548), § 388-83-032, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090 and 42 CFR 124.505(b). 92-11-057 (Order 3389), § 388-83-032, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 91-10-100 (Order 3174), § 388-83-032, filed 5/1/91, effective 6/1/91; 90-24-027 (Order 3105), § 388-83-032, filed 11/30/90, effective 12/31/90; 90-12-052 (Order 3010), § 388-83-032, filed 5/31/90, effective 7/1/90; 89-22-034 (Order 2884), § 388-83-032, filed 10/27/89, effective 11/27/89; 89-11-057 (Order 2798), § 388-83-032, filed 5/17/89; 88-23-084 (Order 2730), § 388-83-032, filed 11/18/88; 88-19-033 (Order 2695), § 388-83-032, filed 9/12/88; 88-11-063 (Order 2626), § 388-83-032, filed 5/17/88; 87-17-042 (Order 2521), § 388-83-032, filed 8/17/87.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-508-0805, 388-508-0810, 388-508-0820 and 388-508-0840.
- 388-83-033 Children—Eligible to nineteen years of age. [Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28, 93-11-049 (Order 3548), § 388-83-033, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090 and CFR 435.712 and 435.724. 93-06-037 (Order 3516), § 388-83-033, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090 and 42 CFR 124.505(b). 92-11-057 (Order 3389), § 388-83-033, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 92-03-083 (Order 3308), § 388-83-033, filed 1/15/92, effective 2/15/92; 91-11-085 (Order 3179), § 388-83-033, filed 5/21/91, effective 6/21/91; 90-24-027 (Order 3105), § 388-83-033, filed 11/30/90, effective 12/31/90; 90-12-043 (Order 2985), § 388-83-033, filed 5/31/90, effective 7/1/90; 89-22-034 (Order 2884), § 388-83-033, filed 10/27/89, effective 11/27/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-509-0905, 388-509-0910, 388-509-0920, 388-509-0940, 388-509-0960 and 388-509-0970.
- 388-83-035 Monthly maintenance standard—Applicant living in own home. [Statutory Authority: RCW 74.08.090. 80-12-012 (Order 1537), § 388-83-035, filed 8/25/80; 79-09-032 (Order 1424), § 388-83-035, filed 8/15/79; 78-10-059 (Order 1339), § 388-83-035, filed 9/22/78; Order 1246, § 388-83-035, filed 10/11/77; Order 1144, § 388-83-035, filed 8/26/76; Order 1061, § 388-83-035, filed 10/8/75; Order 1040, § 388-83-035, filed 8/7/75; Order 1015, § 388-83-035, filed 3/27/75; Order 995, § 388-83-035, filed 12/31/75; Order 952, § 388-83-035, filed 7/16/74; Order 922, § 388-83-035, filed 4/15/74; Order 911, § 388-83-035, filed 3/1/74; Order 879, § 388-83-035, filed 11/29/73; Order 787, § 388-83-035, filed 4/12/73; Order 655, § 388-83-035, filed 2/9/72; Order 555, § 388-83-035, filed 4/1/71; Order 466, § 388-83-035, filed 6/23/70; Order 383, § 388-83-035, filed 8/27/69; Order 264 (part), § 388-83-035, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-036 Monthly maintenance standard—Client not in own home. [Statutory Authority: RCW 74.08.090. 92-14-052 (Order 3410), § 388-83-036, filed 6/25/92, effective 7/26/92; 88-17-062 (Order 2672), § 388-83-036, filed 8/17/88; 84-17-072 (Order 2142), § 388-83-036, filed 8/15/84; 84-07-016 (Order 2085), § 388-83-036, filed 3/14/84; 81-16-033 (Order 1685), § 388-83-036, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1305 (parts).
- 388-83-040 Monthly personal needs allowance—Applicant in institution. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-83-040, filed 9/9/80; 80-02-

- 062 (Order 1478), § 388-83-040, filed 1/18/80; 79-01-002 (Order 1359), § 388-83-040, filed 12/8/78; Order 1061, § 388-83-040, filed 10/8/75; Order 922, § 388-83-040, filed 4/15/74; Order 383, § 388-83-040, filed 8/27/69; Order 264 (part), § 388-83-040, filed 11/24/67.] Repealed by 81-16-033 (Order 1685), filed 7/29/81. Statutory Authority: 74.08.090.
- 388-83-041 Income—Eligibility. [Statutory Authority: RCW 74.08.090 and OBRA 1993, 93-23-031 (Order 3665), § 388-83-041, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.08.090, 93-06-038 (Order 3518), § 388-83-041, filed 2/24/93, effective 3/27/93; 92-09-030 (Order 3366), § 388-83-041, filed 4/7/92, effective 5/8/92; 91-09-017 (Order 3132), § 388-83-041, filed 4/9/91, effective 5/10/91.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0590.
- 388-83-045 Allocation of available income and nonexempt resources. [Statutory Authority: RCW 74.08.090, 80-15-034 (Order 1554), § 388-83-045, filed 10/9/80; 80-02-061 (Order 1479), § 388-83-045, filed 1/18/80; 79-01-002 (Order 1359), § 388-83-045, filed 12/8/78; Order 1233, § 388-83-045, filed 8/31/77; Order 1196, § 388-83-045, filed 3/3/77; Order 1151, § 388-83-045, filed 9/8/76; Order 1061, § 388-83-045, filed 10/8/75; Order 994, § 388-83-045, filed 12/31/74; Order 922, § 388-83-045, filed 4/15/74; Order 911, § 388-83-045, filed 3/1/74; Order 879, § 388-83-045, filed 11/29/73; Order 835, § 388-83-045, filed 7/26/73; Order 787, § 388-83-045, filed 4/12/73; Order 678, § 388-83-045, filed 5/10/72; Order 628, § 388-83-045, filed 11/24/71; Order 579, § 388-83-045, filed 7/20/71; Order 548, § 388-83-045, filed 3/31/71, effective 5/1/71; Order 497, § 388-83-045, filed 11/25/70, effective 1/1/71; Order 419, § 388-83-045, filed 12/31/69; Order 405, § 388-83-045, filed 11/24/69; Order 301, § 388-83-045, filed 9/6/68; Order 264 (part), § 388-83-045, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-046 Relative financial responsibility for AFDC-related programs. [Statutory Authority: RCW 74.08.090 and Sneeve vs. Kizer, 9th Circuit Court decision, United States Court of Appeals D.C. #CV-89-1932-TEH, 93-19-037 (Order 3630), § 388-83-046, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090, 93-11-045 (Order 3546), § 388-83-046, filed 5/12/93, effective 6/12/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-506-0610.
- 388-83-050 Availability of resources. [Statutory Authority: RCW 74.08.090, 80-13-020 (Order 1542), § 388-83-050, filed 9/9/80; 79-09-053 (Order 1427), § 388-83-050, filed 8/24/79; Order 1202, § 388-83-050, filed 4/1/77; Order 1097, § 388-83-050, filed 2/13/76; Order 879, § 388-83-050, filed 11/29/73; Order 333, § 388-83-050, filed 2/3/69; Order 264 (part), § 388-83-050, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-055 Exempt resources. [Statutory Authority: RCW 74.08.-090, 80-13-020 (Order 1542), § 388-83-055, filed 9/9/80; Order 1233, § 388-83-055, filed 8/31/77; Order 1158, § 388-83-055, filed 10/6/76; Order 780, § 388-83-055, filed 3/16/73; Order 710, § 388-83-055, filed 9/14/72; Order 419, § 388-83-055, filed 12/31/69; Order 400, § 388-83-055, filed 11/5/69; Order 301, § 388-83-055, filed 9/6/68; Order 264 (part), § 388-83-055, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-060 Nonexempt resources. [Statutory Authority: RCW 74.08.090, 80-13-020 (Order 1542), § 388-83-060, filed 9/9/80; Order 400, § 388-83-060, filed 11/5/69; Order 264 (part), § 388-83-060, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-065 Transfer of resources within two years prior to application. [Statutory Authority: RCW 74.08.090, 79-06-034 (Order 1402), § 388-83-065, filed 5/16/79; Order 1233, § 388-83-065, filed 8/31/77; Order 930, § 388-83-065, filed 4/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-130 Eligibility—Special situations. [Statutory Authority: RCW 74.08.090 and Sneeve vs. Kizer, 9th Circuit Court
- decision, United States Court of Appeals D.C. #CV-89-1932-TEH, 93-19-037 and 93-19-083 (Orders 3630 and 3630A), § 388-83-130, filed 9/8/93 and 9/15/93, effective 10/9/93 and 10/16/93. Statutory Authority: RCW 74.08.090, CFR 435.712 and 435.724, 93-06-037 (Order 3516), § 388-83-130, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090, 91-10-100 (Order 3174), § 388-83-130, filed 5/1/91, effective 6/1/91; 90-12-060 (Order 3018), § 388-83-130, filed 5/31/90, effective 7/1/90; 88-17-062 (Order 2672), § 388-83-130, filed 8/17/88; 86-20-015 (Order 2424), § 388-83-130, filed 9/22/86; 84-02-055 (Order 2063), § 388-83-130, filed 1/4/84; 82-10-062 (Order 1801), § 388-83-130, filed 5/5/82; 81-23-046 (Order 1721), § 388-83-130, filed 11/18/81; 81-16-033 (Order 1685), § 388-83-130, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-130, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-507-0740.
- 388-83-135 Eligibility determination—Institutional. [Statutory Authority: RCW 74.08.090, 82-10-062 (Order 1801), § 388-83-135, filed 5/5/82; 82-01-001 (Order 1725), § 388-83-135, filed 12/3/81; 81-16-033 (Order 1685), § 388-83-135, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-135, filed 4/27/81.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-95-320.
- 388-83-140 Allocation of income—Institutionalized recipient. [Statutory Authority: RCW 74.08.090, 83-02-027 (Order 1930), § 388-83-140, filed 12/29/82; 82-10-062 (Order 1801), § 388-83-140, filed 5/5/82; 81-16-033 (Order 1685), § 388-83-140, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-140, filed 4/27/81.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-95-360.
- 388-83-200 Community options program entry system (COPES). [Statutory Authority: RCW 74.08.090, 93-11-044 (Order 3547), § 388-83-200, filed 5/12/93, effective 6/12/93; 92-24-039 (Order 3481), § 388-83-200, filed 11/25/92, effective 12/26/92; 91-16-059 (Order 3220), § 388-83-200, filed 8/1/91, effective 9/1/91; 90-12-050 (Order 3008), § 388-83-200, filed 5/31/90, effective 7/1/90; 85-13-063 (Order 2243), § 388-83-200, filed 6/18/85. Statutory Authority: RCW 74.08.044, 84-12-033 (Order 2103), § 388-83-200, filed 5/30/84. Statutory Authority: RCW 74.08.090, 83-18-030 (Order 2020), § 388-83-200, filed 8/31/83; 83-08-024 (Order 1954), § 388-83-200, filed 3/30/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-515-1505.
- 388-83-210 Community alternatives program (CAP) and outward bound residential alternatives (OBRA) program. [Statutory Authority: RCW 74.08.090, 93-11-044 (Order 3547), § 388-83-210, filed 5/12/93, effective 6/12/93; 92-24-039 (Order 3481), § 388-83-210, filed 11/25/92, effective 12/26/92; 90-12-050 (Order 3008), § 388-83-210, filed 5/31/90, effective 7/1/90; 85-13-063 (Order 2243), § 388-83-210, filed 6/18/85; 84-04-066 (Order 2071), § 388-83-210, filed 2/1/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-515-1510.
- 388-83-220 Coordinated community AIDS service alternatives (CASA) program. [Statutory Authority: RCW 74.08.-090, 93-11-044 (Order 3547), § 388-83-220, filed 5/12/93, effective 6/12/93; 92-24-039 (Order 3481), § 388-83-220, filed 11/25/92, effective 12/26/92; 90-17-118 (Order 3052), § 388-83-220, filed 8/21/90, effective 9/21/90.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-515-1530.

Chapter 388-84

MEDICAL CARE—APPLICATION

- 388-84-005 Right to apply. [Statutory Authority: RCW 74.08.090, 80-13-020 (Order 1542), § 388-84-005, filed 9/9/80; 79-06-034 (Order 1402), § 388-84-005, filed 5/16/79; Order 1233, § 388-84-005, filed 8/31/77; Order 995, § 388-84-005, filed 12/31/74; Order 879, § 388-84-005, filed 11/29/73; Order 793, § 388-84-005, filed 4/26/73;

- Order 764, § 388-84-005, filed 1/10/73; Order 629, § 388-84-005, filed 11/24/71; Order 473, § 388-84-005, filed 8/19/70; Order 302, § 388-84-005, filed 9/6/68; Order 264 (part), § 388-84-005, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-84-010 Disposition of application. [Order 1111, § 388-84-010, filed 4/15/76; Order 995, § 388-84-010, filed 12/31/74; Order 938, § 388-84-010, filed 5/23/74; Order 302, § 388-84-010, filed 9/6/68; Order 264 (part), § 388-84-010, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-84-015 Approval of application. [Statutory Authority: RCW 74.08.090. 81-06-003 (Order 1610), § 388-84-015, filed 2/19/81; Order 1203, § 388-84-015, filed 4/1/77; Order 938, § 388-84-015, filed 5/23/74; Order 879, § 388-84-015, filed 11/29/73; Order 711, § 388-84-015, filed 9/14/72; Order 695, § 388-84-015, filed 6/29/72; Order 591, § 388-84-015, filed 8/25/71; Order 435, § 388-84-015, filed 3/31/70; Order 302, § 388-84-015, filed 9/6/68; Order 264 (part), § 388-84-015, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-84-020 Denial of application. [Statutory Authority: RCW 74.08.090. 80-15-034 (Order 1554), § 388-84-020, filed 10/9/80; 79-01-002 (Order 1359), § 388-84-020, filed 12/8/78; Order 1203, § 388-84-020, filed 4/1/77; Order 788, § 388-84-020, filed 4/12/73; Order 737, § 388-84-020, filed 11/22/72; Order 695, § 388-84-020, filed 6/29/72; Order 629, § 388-84-020, filed 11/24/71; Order 580, § 388-84-020, filed 7/20/71; Order 419, § 388-84-020, filed 12/31/69; Order 264 (part), § 388-84-020, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-84-025 Withdrawal. [Order 695, § 388-84-025, filed 6/29/72; Order 264 (part), § 388-84-025, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-84-105 Medical application. [Statutory Authority: RCW 74.08.090. 93-21-001 (Order 3649), § 388-84-105, filed 10/6/93, effective 11/6/93. Statutory Authority: RCW 74.08.090 and CFR 435.712 and 435.724. 93-06-037 (Order 3516), § 388-84-105, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090. 91-23-083 (Order 3285), § 388-84-105, filed 11/19/91, effective 12/20/91; 91-05-011 (Order 3138), § 388-84-105, filed 2/7/91, effective 3/10/91; 88-17-062 (Order 2672), § 388-84-105, filed 8/17/88; 81-16-033 (Order 1685), § 388-84-105, filed 7/29/81; 81-10-014 (Order 1646), § 388-84-105, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-504-0405, 388-504-0410 and 388-504-0420.
- 388-84-110 Application—Disposition. [Statutory Authority: RCW 74.08.090. 93-21-001 (Order 3649), § 388-84-110, filed 10/6/93, effective 11/6/93; 89-24-035 (Order 2906), § 388-84-110, filed 12/1/89, effective 1/1/90; 86-17-022 (Order 2409), § 388-84-110, filed 8/12/86; 86-11-022 (Order 2375), § 388-84-110, filed 5/14/86; 86-01-002 (Order 2314), § 388-84-110, filed 12/5/85; 82-01-001 (Order 1725), § 388-84-110, filed 12/3/81; 81-10-014 (Order 1646), § 388-84-110, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-504-0470 (part), 388-504-0480, 388-504-0485 and 388-525-2505.
- 388-84-115 Effective date of eligibility. [Statutory Authority: RCW 74.08.090. 94-07-132 (Order 3715), § 388-84-115, filed 3/23/94, effective 4/23/94; 93-16-041 (Order 3602), § 388-84-115, filed 7/28/93, effective 8/28/93; 89-11-002 (Order 2791), § 388-84-115, filed 5/4/89; 82-01-001 (Order 1725), § 388-84-115, filed 12/3/81; 81-10-014 (Order 1646), § 388-84-115, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-521-2105, 388-521-2110, 388-521-2130, 388-521-2140 part, 388-521-2150, 388-521-2155 and 388-521-2160.
- 388-84-120 Effective date of eligibility for medical care services. [Statutory Authority: 1987 c 406. 87-19-091 (Order 2539), § 388-84-120, filed 9/17/87. Statutory Authority: RCW 74.08.090. 83-17-006 (Order 1996), § 388-84-120, filed 8/5/83; 82-17-072 (Order 1868), § 388-84-120, filed 8/18/82; 82-01-001 (Order 1725), § 388-84-120, filed 12/3/81; 81-16-033 (Order 1685), § 388-84-120, filed 7/29/81; 81-10-014 (Order 1646), § 388-84-120, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-521-2120 and 388-524-2420.

Chapter 388-85

MEDICAL CARE—CERTIFICATION

- 388-85-005 Certification document. [Order 952, § 388-85-005, filed 7/16/74; Order 264 (part), § 388-85-005, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-85-010 Authorization procedure. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-85-010, filed 9/9/80; Order 1196, § 388-85-010, filed 3/3/77; Order 952, § 388-85-010, filed 7/16/74; Order 789, § 388-85-010, filed 4/12/73; Order 419, § 388-85-010, filed 12/31/69; Order 384, § 388-85-010, filed 8/27/69; Order 264 (part), § 388-85-010, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-85-015 Period of certification. [Statutory Authority: RCW 74.08.090. 80-15-034 (Order 1554), § 388-85-015, filed 10/9/80; Order 1233, § 388-85-015, filed 8/31/77; Order 952, § 388-85-015, filed 7/16/74; Order 776, § 388-85-015, filed 3/1/73; Order 679, § 388-85-015, filed 5/10/72; Order 565, § 388-85-015, filed 5/19/71; Order 384, § 388-85-015, filed 8/27/69; Order 264 (part), § 388-85-015, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-85-020 Redetermination of eligibility. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-85-020, filed 9/9/80; 78-10-077 (Order 1346), § 388-85-020, filed 9/27/78; Order 952, § 388-85-020, filed 7/16/74; Order 776, § 388-85-020, filed 3/1/73; Order 712, § 388-85-020, filed 9/14/72; Order 565, § 388-85-020, filed 5/19/71; Order 334, § 388-85-020, filed 2/3/69; Order 264 (part), § 388-85-020, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-85-025 Notification—Initial certification, redetermination of eligibility and change of circumstances. [Order 712, § 388-85-025, filed 9/14/72.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-85-027 Effective date of change in eligibility. [Order 1137, § 388-85-027, filed 7/29/76.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-85-105 Certification of eligibility. [Statutory Authority: RCW 74.08.090. 92-24-040 (Order 3482), § 388-85-105, filed 11/25/92, effective 12/26/92; 90-12-044 (Order 2986), § 388-85-105, filed 5/31/90, effective 7/1/90; 88-17-062 (Order 2672), § 388-85-105, filed 8/17/88; 88-01-044 (Order 2569), § 388-85-105, filed 12/11/87; 86-20-016 (Order 2425), § 388-85-105, filed 9/22/86; 84-23-027 (Order 2168), § 388-85-105, filed 11/14/84; 83-02-027 (Order 1930), § 388-85-105, filed 12/29/82; 82-01-001 (Order 1725), § 388-85-105, filed 12/3/81; 81-16-033 (Order 1685), § 388-85-105, filed 7/29/81; 81-10-014 (Order 1646), § 388-85-105, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-504-0440 (part), 388-522-2205 (part), 388-522-2210, 388-522-2230 and 388-525-2570.
- 388-85-110 SSI/state supplement termination. [Statutory Authority: RCW 74.08.090. 84-02-055 (Order 2063), § 388-85-110, filed 1/4/84; 82-01-001 (Order 1725), § 388-85-110, filed 12/3/81; 81-16-033 (Order 1685), § 388-85-110, filed 7/29/81; 81-10-014 (Order 1646), § 388-85-110, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-522-2205 (part) and 388-524-2405.
- 388-85-115 Denied Title II and Title XVI applicants. [Statutory Authority: RCW 74.08.090. 91-16-024 (Order 3215), § 388-85-115, filed 7/26/91, effective 8/26/91; 86-07-004 (Order 2347), § 388-85-115, filed 3/6/86; 84-02-055 (Order 2063), § 388-85-115, filed 1/4/84; 82-01-001 (Order 1725), § 388-85-115, filed 12/3/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94.

- Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-511-1105 (part).
- 388-85-125 Continuing eligibility of grandfathered recipient of federal aid medical care only—Criteria. [Order 952, § 388-85-125, filed 7/16/74.] Repealed by Order 996, filed 12/31/74. See chapter 388-93 WAC.
- 388-85-130 Continuing eligibility of grandfathered recipient of federal aid medical care only—Blindness defined. [Order 952, § 388-85-130, filed 7/16/74.] Repealed by Order 996, filed 12/31/74. See chapter 388-93 WAC.
- 388-85-135 Continuing eligibility of grandfathered recipient of federal aid medical care only—Permanently and totally disabled defined. [Order 952, § 388-85-135, filed 7/16/74.] Repealed by Order 996, filed 12/31/74. See chapter 388-93 WAC.
- 388-85-140 Continuing eligibility of grandfathered recipient of federal aid medical care only—Refusal of disabled recipient to accept available and recommended medical treatment—Effect on eligibility. [Order 952, § 388-85-140, filed 7/16/74.] Repealed by Order 996, filed 12/31/74. See chapter 388-93 WAC.
- 388-85-145 Continuing eligibility of grandfathered recipient of federal aid medical care only—Annual review. [Order 952, § 388-85-145, filed 7/16/74.] Repealed by Order 996, filed 12/31/74. See chapter 388-93 WAC.
- 388-85-150 Continuing eligibility of grandfathered recipient of federal aid medical care only—Application following termination of eligibility. [Order 952, § 388-85-150, filed 7/16/74.] Repealed by Order 996, filed 12/31/74. See chapter 388-93 WAC.
- Chapter 388-86**
MEDICAL CARE—SERVICES PROVIDED
- 388-86-005 Limitations on services available to recipients of categorically needy medical assistance. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.-090. 98-18-079, § 388-86-005, filed 9/1/98, effective 9/1/98. Statutory Authority: RCW 74.08.090. 95-22-039 (Order 3913, #100246), § 388-86-005, filed 10/25/95, effective 10/28/95; 93-17-038 (Order 3620), § 388-86-005, filed 8/11/93, effective 9/11/93; 92-03-084 (Order 3309), § 388-86-005, filed 1/15/92, effective 2/15/92; 90-17-122 (Order 3056), § 388-86-005, filed 8/21/90, effective 9/21/90; 90-12-051 (Order 3009), § 388-86-005, filed 5/31/90, effective 7/1/90; 89-18-033 (Order 2860), § 388-86-005, filed 8/29/89, effective 9/29/89; 89-13-005 (Order 2811), § 388-86-005, filed 6/8/89; 88-06-083 (Order 2600), § 388-86-005, filed 3/2/88. Statutory Authority: 1987 1st ex.s. c 7. 88-02-034 (Order 2580), § 388-86-005, filed 12/31/87. Statutory Authority: RCW 74.08.090. 87-12-050 (Order 2495), § 388-86-005, filed 6/1/87; 84-02-052 (Order 2060), § 388-86-005, filed 1/4/84; 83-17-073 (Order 2011), § 388-86-005, filed 8/19/83; 83-01-056 (Order 1923), § 388-86-005, filed 12/15/82; 82-10-062 (Order 1801), § 388-86-005, filed 5/5/82; 82-01-001 (Order 1725), § 388-86-005, filed 12/3/81; 81-16-033 (Order 1685), § 388-86-005, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-005, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-005, filed 10/9/80; 78-06-081 (Order 1299), § 388-86-005, filed 6/1/78; 78-02-024 (Order 1265), § 388-86-005, filed 1/13/78; Order 994, § 388-86-005, filed 12/31/74; Order 970, § 388-86-005, filed 9/13/74; Order 911, § 388-86-005, filed 3/1/74; Order 858, § 388-86-005, filed 9/27/73; Order 781, § 388-86-005, filed 3/16/73; Order 738, § 388-86-005, filed 11/22/72; Order 680, § 388-86-005, filed 5/10/72; Order 630, § 388-86-005, filed 11/24/71; Order 581, § 388-86-005, filed 7/20/71; Order 549, § 388-86-005, filed 3/31/71, effective 5/1/71; Order 453, § 388-86-005, filed 5/20/70, effective 6/20/70; Order 419, § 388-86-005, filed 12/31/69; Order 264 (part), § 388-86-005, filed 11/24/67.] Decodified by 00-11-183, filed 5/24/00, effective 5/24/00. Recodified as WAC 388-556-0400.
- 388-86-008 Recipient overutilization. [Statutory Authority: RCW 74.08.090. 89-24-038 (Order 2909), § 388-86-008, filed 12/1/89, effective 1/1/90; 85-09-002 (Order 2220), § 388-86-008, filed 4/4/85; 82-17-069 (Order 1865), § 388-86-008, filed 8/18/82; 82-01-001 (Order 1725), § 388-86-008, filed 12/3/81; 80-13-020 (Order 1542), § 388-86-008, filed 9/9/80; 78-02-024 (Order 1265), § 388-86-008, filed 1/13/78.] Repealed by 93-11-047 (Order 3544), filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090.
- 388-86-009 Voluntary prepaid health plans. [Statutory Authority: RCW 74.08.090. 88-12-089 (Order 2627), § 388-86-009, filed 6/1/88; 87-06-001 (Order 2468), § 388-86-009, filed 2/19/87; 86-17-021 (Order 2401A), § 388-86-009, filed 8/12/86; 86-16-045 (Order 2401), § 388-86-009, filed 8/1/86; 86-03-046 (Order 2327), § 388-86-009, filed 1/15/86.] Repealed by 95-18-046 (Order 3886), filed 8/29/95, effective 9/1/95. Statutory Authority: RCW 74.08.090 and 1995 2nd sp.s. c 18.
- 388-86-00901 Kitsap Physicians Service—Sound Care Plan. [Statutory Authority: RCW 74.08.090. 91-08-012 (Order 3153), § 388-86-00901, filed 3/26/91, effective 4/26/91; 90-04-014 (Order 2936), § 388-86-00901, filed 1/29/90, effective 3/1/90; 87-22-093 (Order 2554), § 388-86-00901, filed 11/4/87; 87-06-004 (Order 2471), § 388-86-00901, filed 2/19/87; 86-21-120 (Order 2437), § 388-86-00901, filed 10/21/86.] Repealed by 92-13-029 (Order 3401), filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 74.08.090.
- 388-86-00902 Mandatory prepaid health care plans. [Statutory Authority: RCW 74.08.090. 93-17-039 (Order 3621), § 388-86-00902, filed 8/11/93, effective 9/11/93; 92-13-029 (Order 3401), § 388-86-00902, filed 6/9/92, effective 7/10/92.] Repealed by 95-18-046 (Order 3886), filed 8/29/95, effective 9/1/95. Statutory Authority: RCW 74.08.090 and 1995 2nd sp.s. c 18.
- 388-86-010 Anesthetization services. [Order 264 (part), § 388-86-010, filed 11/24/67.] Repealed by 80-13-020 and 80-15-034 (Order 1542 and 1554), filed 9/9/80 and 10/9/80. Statutory Authority: RCW 74.08.090.
- 388-86-011 Advanced registered nurse practitioners (ARNP) services. [Statutory Authority: RCW 74.08.090. 92-11-003 (Order 3384), § 388-86-011, filed 5/8/92, effective 6/8/92.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.-520. Later promulgation, see chapter 388-531 WAC.
- 388-86-012 Audiometric services. [Statutory Authority: RCW 74.08.090. 93-06-039 (Order 3515), § 388-86-012, filed 2/24/93, effective 3/27/93; 82-01-001 (Order 1725), § 388-86-012, filed 12/3/81; 81-06-003 (Order 1610), § 388-86-012, filed 2/19/81; 80-13-020 (Order 1542), § 388-86-012, filed 9/9/80; 78-02-024 (Order 1265), § 388-86-012, filed 1/13/78; Order 1202, § 388-86-012, filed 4/1/77.] Repealed by 00-11-142, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 74.08.090.
- 388-86-015 Blood. [Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-86-015, filed 12/3/81; Order 335, § 388-86-015, filed 2/3/69; Order 264 (part), § 388-86-015, filed 11/24/67.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-529-0200.
- 388-86-017 Case management services. [Statutory Authority: RCW 74.08.090. 87-22-094 (Order 2555), § 388-86-017, filed 11/4/87.] Decodified by 00-23-067, filed 11/15/00, effective 11/15/00. Recodified as RCW 388-501-0213.
- 388-86-018 Coordinated community aids service alternatives (CCASA) program services. [Statutory Authority: RCW 74.08.090. 90-21-124 (Order 3088), § 388-86-018, filed 10/23/90, effective 11/23/90.] Decodified by 00-11-183, filed 5/24/00, effective 5/24/00. Recodified as WAC 388-539-0500.
- 388-86-019 Chiropractic services. [Statutory Authority: RCW 74.08.090. 92-03-120 (Order 3320), § 388-86-019, filed 1/21/92, effective 2/21/92; 90-17-122 (Order 3056), § 388-86-019, filed 8/21/90, effective 9/21/90.] Repealed by 00-16-031, filed 7/24/00, effective 8/24/00. Statutory Authority: RCW 74.08.090, 74.09.035.
- 388-86-020 Dental services. [Statutory Authority: 1987 1st ex.s. c 7. 88-02-034 (Order 2580), § 388-86-020, filed 12/31/87. Statutory Authority: RCW 74.08.090. 86-02-031 (Order 2321), § 388-86-020, filed 12/27/85; 82-23-005 (Order 1900), § 388-86-020, filed 11/4/82; 81-10-015 (Order 1647), § 388-86-020, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-020, filed 10/9/80; 79-06-034 (Order 1402), § 388-86-020, filed 5/16/79; 78-02-024 (Order 1265), § 388-86-020, filed 1/13/78; Order 1162, § 388-86-020, filed 10/13/76; Order 1112, § 388-86-020, filed 4/15/76; Order 938, § 388-86-020, filed 5/23/74; Order 738, § 388-86-020, filed 11/22/72; Order 696, § 388-86-020, filed 6/29/72; Order 581, § 388-86-020, filed 7/20/71; Order 453, § 388-86-020, filed 5/20/70, effective 6/20/70; Order 385, § 388-86-

- 020, filed 8/27/69; Order 264 (part), § 388-86-020, filed 11/27/67.] Repealed by 96-01-006 (Order 3931), filed 12/6/95, effective 1/6/96. Statutory Authority: Initiative 607, 1995 c 18 2nd sp.s. and 74.08.090.
- 388-86-021 Dentures. [Statutory Authority: RCW 74.08.090. 93-11-048 (Order 3543), § 388-86-021, filed 5/12/93, effective 6/1/93; 90-12-046 (Order 2988), § 388-86-021, filed 5/31/90, effective 7/1/90; 88-15-010 (Order 2649), § 388-86-021, filed 7/8/88; 81-16-033 (Order 1685), § 388-86-021, filed 7/29/81.] Repealed by 96-01-006 (Order 3931), filed 12/6/95, effective 1/6/96. Statutory Authority: Initiative 607, 1995 c 18 2nd sp.s. and 74.08.090.
- 388-86-022 School medical services for special education students. [Statutory Authority: RCW 74.08.090. 95-21-051 (Order 3908), § 388-86-022, filed 10/11/95, effective 11/11/95; 93-21-002 (Order 3650), § 388-86-022, filed 10/6/93, effective 11/6/93; 92-22-052 (Order 3474), § 388-86-022, filed 10/28/92, effective 11/28/92; 90-17-119 and 90-18-033 (Orders 3053 and 3053A), § 388-86-022, filed 8/21/90 and 8/27/90, effective 9/21/90 and 9/1/90.] Repealed by 00-01-088, filed 12/14/99, effective 1/14/00. Statutory Authority: RCW 74.04.050 and 74.08.090.
- 388-86-023 Chiropractic services. [Statutory Authority: RCW 74.08.090. 80-15-034 (Order 1554), § 388-86-023, filed 10/9/80; 78-02-024 (Order 1265), § 388-86-023, filed 1/13/78; Order 1166, § 388-86-023, filed 10/27/76; Order 1112, § 388-86-023, filed 4/15/76; Order 891, § 388-86-023, filed 12/27/73; Order 696, § 388-86-023, filed 6/29/72; Order 581, § 388-86-023, filed 7/20/71; Order 453, § 388-86-023, filed 5/20/70, effective 6/20/70; Order 385, § 388-86-023, filed 8/27/69.] Repealed by 81-10-015 (Order 1647), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-86-02301 Chiropractic services. [Statutory Authority: RCW 74.08.090. 83-17-073 (Order 2011), § 388-86-02301, filed 8/19/83.] Repealed by 89-18-033 (Order 2860), filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090.
- 388-86-024 Enhanced benefits for pregnant women. [Statutory Authority: RCW 74.08.090. 93-17-038 (Order 3620), § 388-86-024, filed 8/11/93, effective 9/11/93; 90-23-069 (Order 3094), § 388-86-024, filed 11/20/90, effective 12/21/90; 89-22-035 (Order 2885), § 388-86-024, filed 10/27/89, effective 11/27/89.] Repealed by 00-14-068, filed 7/5/00, effective 8/5/00. Statutory Authority: RCW 74.08.090, 74.09.770, and 74.09.800.
- 388-86-025 Drugs and pharmaceutical supplies. [Order 264 (part), § 388-86-025, filed 11/24/67.] Repealed by Order 316, filed 10/31/68.
- 388-86-027 Healthy kids/EPST. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-86-027, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.08.090. 90-12-061 (Order 3019), § 388-86-027, filed 5/31/90, effective 7/1/90; 82-01-001 (Order 1725), § 388-86-027, filed 12/3/81; 81-10-015 (Order 1647), § 388-86-027, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-027, filed 10/9/80; 79-12-047 (Order 1457), § 388-86-027, filed 11/26/79; Order 1112, § 388-86-027, filed 4/15/76; Order 738, § 388-86-027, filed 11/22/72.] Decodified by 00-11-183, filed 5/24/00, effective 5/24/00. Recodified as WAC 388-534-0100.
- 388-86-030 Vision care. [Statutory Authority: RCW 74.08.090. 95-22-039 (Order 3913, #100246), § 388-86-030, filed 10/25/95, effective 10/28/95; 94-07-122 (Order 3711), § 388-86-030, filed 3/22/94, effective 4/22/94; 87-23-055 (Order 2559), § 388-86-030, filed 11/18/87; 86-02-031 (Order 2321), § 388-86-030, filed 12/27/85; 85-18-065 (Order 2279), § 388-86-030, filed 9/4/85; 82-23-005 (Order 1900), § 388-86-030, filed 11/4/82; 81-16-033 (Order 1685), § 388-86-030, filed 7/29/81; 80-13-020 (Order 1542), § 388-86-030, filed 9/9/80; 79-01-002 (Order 1359), § 388-86-030, filed 12/8/78; 78-06-087 (Order 1301), § 388-86-030, filed 6/2/78; Order 1233, § 388-86-030, filed 8/31/77; Order 1203, § 388-86-030, filed 4/1/77; Order 1112, § 388-86-030, filed 4/15/76; Order 994, § 388-86-030, filed 12/31/74; Order 738, § 388-86-030, filed 11/22/72; Order 385, § 388-86-030, filed 8/27/69; Order 264 (part), § 388-86-030, filed 11/24/67.] Repealed by 01-01-010, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.510 and 74.09.520.
- 388-86-032 Exceptions—Treatment for acute and emergent conditions. [Statutory Authority: RCW 74.08.090. 79-06-034 (Order 1402), § 388-86-032, filed 5/16/79; Order 1203, § 388-86-032, filed 4/1/77; Order 680, § 388-86-032, filed 5/10/72; Order 581, § 388-86-032, filed 7/20/71.] Repealed by 80-15-034 (Order 1554), filed 10/9/80. Statutory Authority: RCW 74.08.090.
- 388-86-035 Family planning. [Statutory Authority: RCW 74.08.-090. 93-16-035 (Order 3595), § 388-86-035, filed 7/28/93, effective 9/1/93; 81-16-033 (Order 1685), § 388-86-035, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-035, filed 4/27/81; Order 1203, § 388-86-035, filed 4/1/77; Order 781, § 388-86-035, filed 3/16/73; Order 264 (part), § 388-86-035, filed 11/24/67.] Repealed by 00-14-066, filed 7/5/00, effective 8/5/00. Statutory Authority: RCW 74.08.090, 74.09.520, 74.09.800.
- 388-86-040 Hearing aids. [Statutory Authority: RCW 74.08.090. 88-19-030 (Order 2692), § 388-86-040, filed 9/12/88; 86-10-022 (Order 2368), § 388-86-040, filed 5/1/86; 85-18-064 (Order 2278), § 388-86-040, filed 9/4/85; 84-02-055 (Order 2063), § 388-86-040, filed 1/4/84; 83-10-077 (Order 1958), § 388-86-040, filed 5/4/83; 82-01-001 (Order 1725), § 388-86-040, filed 12/3/81; 81-16-033 (Order 1685), § 388-86-040, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-040, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-040, filed 10/9/80; 78-02-024 (Order 1265), § 388-86-040, filed 1/13/78; Order 1202, § 388-86-040, filed 4/1/77; Order 1151, § 388-86-040, filed 9/8/76; Order 738, § 388-86-040, filed 11/22/72; Order 607, § 388-86-040, filed 9/22/71; Order 335, § 388-86-040, filed 2/3/69; Order 264 (part), § 388-86-040, filed 11/24/67.] Repealed by 94-07-022 (Order 3712), filed 3/8/94, effective 4/8/94. Statutory Authority: RCW 74.08.090.
- 388-86-04001 Hearing aids. [Statutory Authority: RCW 74.08.090. 94-07-022 (Order 3712), § 388-86-04001, filed 3/8/94, effective 4/8/94.] Repealed by 00-23-068, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 74.08.090.
- 388-86-045 Home health services. [Statutory Authority: RCW 74.08.090. 94-03-052 (Order 3686), § 388-86-045, filed 1/12/94, effective 2/12/94; 82-21-024 (Order 1891), § 388-86-045, filed 10/13/82; 80-13-020 (Order 1542), § 388-86-045, filed 9/9/80; 78-02-024 (Order 1265), § 388-86-045, filed 1/13/78; Order 1112, § 388-86-045, filed 4/15/76; Order 592, § 388-86-045, filed 8/25/71; Order 435, § 388-86-045, filed 3/31/70; Order 264 (part), § 388-86-045, filed 11/24/67.] Repealed by 99-16-069, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 74.08.090 and 74.09.530.
- 388-86-047 Hospice services. [Statutory Authority: RCW 74.08.-090. 93-16-040 (Order 3601), § 388-86-047, filed 7/28/93, effective 8/28/93; 92-13-030 (Order 3402), § 388-86-047, filed 6/9/92, effective 8/1/92. Statutory Authority: 1989 c 427. 89-18-034 (Order 2853), § 388-86-047, filed 8/29/89, effective 9/29/89.] Repealed by 99-09-007, filed 4/9/99, effective 5/10/99. Statutory Authority: RCW 74.09.520, 74.08.090, 42 C.F.R. 418.22 and 418.24.
- 388-86-050 Inpatient hospital care. [Statutory Authority: RCW 74.08.090. 90-01-053 (Order 2916), § 388-86-050, filed 12/15/89, effective 1/15/90; 88-15-010 (Order 2649), § 388-86-050, filed 7/8/88; 88-04-048 (Order 2594), § 388-86-050, filed 1/29/88; 86-14-099 (Order 2397), § 388-86-050, filed 7/2/86; 86-02-031 (Order 2321), § 388-86-050, filed 12/27/85; 85-13-061 (Order 2241), § 388-86-050, filed 6/18/85; 84-20-100 (Order 2157), § 388-86-050, filed 10/3/84; 83-17-073 (Order 2011), § 388-86-050, filed 8/19/83; 83-05-050 (Order 1949), § 388-86-050, filed 2/16/83; 81-16-033 (Order 1685), § 388-86-050, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-050, filed 4/27/81; 80-13-020 (Order 1542), § 388-86-050, filed 9/9/80; 79-10-095 (Order 1439), § 388-86-050, filed 9/25/79; 79-06-030 (Order 1395), § 388-86-050, filed 5/16/79; 79-01-002 (Order 1359), § 388-86-050, filed 12/8/78; 78-06-087 (Order 1301), § 388-86-050, filed 6/2/78; 78-02-024 (Order 1265), § 388-86-050, filed 1/13/78; Order 1233, § 388-86-050, filed 8/31/77; Order 1172, § 388-86-050, filed 11/24/76; Order 1061, § 388-86-050, filed 10/8/75; Order 952, § 388-86-050, filed 7/16/74; Order 911, § 388-86-050, filed 3/1/74; Order 858, § 388-86-050, filed 9/27/73; Order 844, § 388-86-050, filed 8/9/73; Order 836, §

- 388-86-050, filed 7/26/73; Order 762, § 388-86-050, filed 1/2/73; Order 713, § 388-86-050, filed 9/14/72; Order 680, § 388-86-050, filed 5/10/72; Order 615, § 388-86-050, filed 10/7/71; Order 566, § 388-86-050, filed 5/19/71; Order 549, § 388-86-050, filed 3/31/71, effective 5/1/71; Order 519, § 388-86-050, filed 2/24/71; Order 501, § 388-86-050, filed 12/9/70; Order 484, § 388-86-050, filed 10/13/70; Order 474, § 388-86-050, filed 8/19/70; Order 435, § 388-86-050, filed 3/31/70; Order 419, § 388-86-050, filed 12/31/69; Order 385, § 388-86-050, filed 8/27/69; Order 335, § 388-86-050, filed 2/3/69; Order 264 (part), § 388-86-050, filed 11/24/67.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.-210, 74.08.090 and 1997 c 409 § 209.
- 388-86-051 Selective contracting program. [Statutory Authority: RCW 74.08.090. 88-04-048 (Order 2594), § 388-86-051, filed 1/29/88.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-86-055 Laboratory services. [Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-86-055, filed 12/3/81; Order 264 (part), § 388-86-055, filed 11/24/67.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 388-86-059 Licensed midwife services. [Statutory Authority: RCW 74.08.090. 93-02-001 (Order 3490), § 388-86-059, filed 12/23/92, effective 1/23/93.] Repealed by 00-23-052, filed 11/13/00, effective 12/14/00. Statutory Authority: RCW 74.08.090, 74.09.760 through 74.09.800.
- 388-86-060 Medical care for prisoners. [Order 444, § 388-86-060, filed 4/15/70; Order 412, § 388-86-060, filed 12/23/69; Order 264 (part), § 388-86-060, filed 11/24/67.] Repealed by 86-09-007 (Order 2364), filed 4/4/86. Statutory Authority: RCW 74.08.090.
- 388-86-065 Medical-social services. [Order 264 (part), § 388-86-065, filed 11/24/67.] Repealed by 80-15-034 (Order 1554), filed 10/9/80. Statutory Authority: RCW 74.08.-090.
- 388-86-067 Mental health center services. [Statutory Authority: RCW 74.08.090. 81-16-033 (Order 1685), § 388-86-067, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-067, filed 4/27/81; 79-06-034 (Order 1402), § 388-86-067, filed 5/16/79; 78-10-077 (Order 1346), § 388-86-067, filed 9/27/78; Order 1196, § 388-86-067, filed 3/3/77; Order 1067, § 388-86-067, filed 11/17/75; Order 924, § 388-86-067, filed 4/15/74; Order 777, § 388-86-067, filed 3/1/73; Order 696, § 388-86-067, filed 6/29/72; Order 549, § 388-86-067, filed 3/31/71, effective 5/1/71; Order 501, § 388-86-067, filed 12/9/70.] Repealed by 00-05-039, filed 2/10/00, effective 3/12/00. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-86-070 Nursing services. [Order 1112, § 388-86-070, filed 4/15/76; Order 938, § 388-86-070, filed 5/23/74; Order 264 (part), § 388-86-070, filed 11/24/67.] Repealed by 78-02-024 (Order 1265), filed 1/13/78. Statutory Authority: RCW 74.08.090.
- 388-86-071 Private duty nursing services. [Statutory Authority: RCW 74.08.090. 93-18-002 (Order 3612), § 388-86-071, filed 8/18/93, effective 9/18/93; 91-23-079 (Order 3281), § 388-86-071, filed 11/19/91, effective 12/20/91; 87-06-002 (Order 2469), § 388-86-071, filed 2/19/87; 83-01-056 (Order 1923), § 388-86-071, filed 12/15/82.] Repealed by 01-05-040, filed 2/14/01, effective 3/17/01. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-86-073 Occupational therapy. [Statutory Authority: RCW 74.08.090. 95-22-039 (Order 3913, #100246), § 388-86-073, filed 10/25/95, effective 10/28/95; 94-07-030 (Order 3714), § 388-86-073, filed 3/9/94, effective 4/9/94; 94-01-065 (Order 3679), § 388-86-073, filed 12/8/93, effective 1/8/94; 90-17-119 and 90-18-033 (Orders 3053 and 3053A), § 388-86-073, filed 8/21/90 and 8/27/90, effective 9/21/90 and 9/1/90.] Repealed by 99-16-068, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-86-075 Outpatient and emergency care. [Statutory Authority: RCW 74.08.090. 95-22-039 (Order 3913, #100246), § 388-86-075, filed 10/25/95, effective 10/28/95; 88-15-010 (Order 2649), § 388-86-075, filed 7/8/88; 83-03-016 (Order 1937), § 388-86-075, filed 1/12/83; 81-16-033 (Order 1685), § 388-86-075, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-075, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-075, filed 10/9/80; 79-06-034 (Order 1402), § 388-86-075, filed 5/16/79; Order 1196, § 388-86-075, filed 3/3/77; Order 1112, § 388-86-075, filed 4/15/76; Order 696, § 388-86-075, filed 6/29/72; Order 566, § 388-86-075, filed 5/19/71; Order 264 (part), § 388-86-075, filed 11/24/67.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-86-080 Oxygen service. [Statutory Authority: RCW 74.08.-090. 92-07-026 (Order 3334), § 388-86-080, filed 3/10/92, effective 4/10/92; 86-02-031 (Order 2321), § 388-86-080, filed 12/27/85; 82-01-001 (Order 1725), § 388-86-080, filed 12/3/81; 81-06-003 (Order 1610), § 388-86-080, filed 2/19/81; Order 1196, § 388-86-080, filed 3/3/77; Order 1077, § 388-86-080, filed 12/24/75; Order 335, § 388-86-080, filed 2/3/69; Order 303, § 388-86-080, filed 9/6/68; Order 264 (part), § 388-86-080, filed 11/24/67.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-529-0200.
- 388-86-083 Patient care supplies. [Order 499, § 388-86-083, filed 12/2/70.] Repealed by Order 1112, filed 4/15/76.
- 388-86-085 Transportation (other than ambulance). [Statutory Authority: RCW 74.08.090. 91-23-082 (Order 3284), § 388-86-085, filed 11/19/91, effective 12/20/91; 90-16-053 (Order 3044), § 388-86-085, filed 7/27/90, effective 8/27/90; 89-23-081 (Order 2899), § 388-86-085, filed 11/17/89, effective 12/18/89; 88-20-042 (Order 2702), § 388-86-085, filed 9/30/88; 88-06-083 (Order 2600), § 388-86-085, filed 3/2/88; 86-02-031 (Order 2321), § 388-86-085, filed 12/27/85; 85-05-024 (Order 2207), § 388-86-085, filed 2/14/85; 84-20-098 (Order 2155), § 388-86-085, filed 10/3/84; 82-02-022 (Order 1743), § 388-86-085, filed 12/30/81; 81-16-033 (Order 1685), § 388-86-085, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-085, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-085, filed 10/9/80; 79-06-034 (Order 1402), § 388-86-085, filed 5/16/79; 79-01-002 (Order 1359), § 388-86-085, filed 12/8/78; Order 1230, § 388-86-085, filed 8/23/77; Order 1203, § 388-86-085, filed 4/1/77; Order 1154, § 388-86-085, filed 9/22/76; Order 1112, § 388-86-085, filed 4/15/76; Order 995, § 388-86-085, filed 12/31/74; Order 938, § 388-86-085, filed 5/23/74; Order 754, § 388-86-085, filed 12/14/72; Order 738, § 388-86-085, filed 11/22/72; Order 705, § 388-86-085, filed 8/11/72; Order 696, § 388-86-085, filed 6/29/72; Order 666, § 388-86-085, filed 3/23/72; Order 566, § 388-86-085, filed 5/19/71; Order 484, § 388-86-085, filed 10/13/70; Order 335, § 388-86-085, filed 2/3/69; Order 303, § 388-86-085, filed 9/6/68; Order 264 (part), § 388-86-085, filed 11/24/67.] Repealed by 01-06-029, filed 3/2/01, effective 4/2/01. Statutory Authority: RCW 74.08.090, 74.09.500, 74.04.050, 74.04.055, and 74.04.057.
- 388-86-086 Ambulance services. [Statutory Authority: RCW 74.08.090. 88-06-083 (Order 2600), § 388-86-086, filed 3/2/88.] Repealed by 01-03-084, filed 1/16/01, effective 2/16/01. Statutory Authority: RCW 74.08.090, 74.09.-500, 74.04.050, 74.04.055, and 74.04.057.
- 388-86-087 Personal care services. [Statutory Authority: 1989 1st ex.s. c 19. 89-18-031 (Order 2858), § 388-86-087, filed 8/29/89, effective 9/29/89.] Repealed by 00-17-057, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 74.08.090.
- 388-86-090 Physical therapy. [Statutory Authority: RCW 74.08.-090. 95-22-039 (Order 3913, #100246), § 388-86-090, filed 10/25/95, effective 10/28/95; 94-07-030 (Order 3714), § 388-86-090, filed 3/9/94, effective 4/9/94; 94-01-065 (Order 3679), § 388-86-090, filed 12/8/93, effective 1/8/94; 90-17-119 and 90-18-033 (Orders 3053 and 3053A), § 388-86-090, filed 8/21/90 and 8/27/90, effective 9/21/90 and 9/1/90; 89-05-029 (Order 2758), § 388-86-090, filed 2/13/89; 88-01-043 (Order 2568), § 388-86-090, filed 12/11/87; 86-02-031 (Order 2321), § 388-86-090, filed 12/27/85; 84-20-102 (Order 2159), § 388-86-090, filed 10/3/84; 81-16-033 (Order 1685), § 388-86-090, filed 7/29/81; 80-13-020 (Order 1542), § 388-86-090, filed 9/9/80; 78-02-024 (Order 1265), § 388-86-090, filed 1/13/78; Order 1202, § 388-86-090, filed 4/1/77; Order 1151, § 388-86-090, filed 9/8/76; Order 911, § 388-86-090, filed 3/1/74; Order 781, § 388-86-090, filed 3/16/73; Order 474, § 388-86-

- 090, filed 8/19/70; Order 385, § 388-86-090, filed 8/27/69; Order 303, § 388-86-090, filed 9/6/68; Order 264 (part), § 388-86-090, filed 11/24/67.] Repealed by 00-04-019, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-86-095 Physicians' services. [Statutory Authority: RCW 74.08.090, 92-20-008 (Order 3459), § 388-86-095, filed 9/23/92, effective 10/24/92; 88-15-010 (Order 2649), § 388-86-095, filed 7/8/88; 86-18-003 (Order 2413), § 388-86-095, filed 8/21/86; 86-02-031 (Order 2321), § 388-86-095, filed 12/27/85; 85-04-021 (Order 2197), § 388-86-095, filed 1/30/85; 84-02-052 (Order 2060), § 388-86-095, filed 1/4/84; 82-24-072 (Order 1920), § 388-86-095, filed 12/1/82; 81-16-033 (Order 1685), § 388-86-095, filed 7/29/81; 81-06-003 (Order 1610), § 388-86-095, filed 2/19/81; 80-15-034 (Order 1554), § 388-86-095, filed 10/9/80; 78-10-077 (Order 1346), § 388-86-095, filed 9/27/78; 78-02-024 (Order 1265), § 388-86-095, filed 1/13/78; Order 1230, § 388-86-095, filed 8/23/77; Order 1196, § 388-86-095, filed 3/3/77; Order 1061, § 388-86-095, filed 10/8/75; Order 1019, § 388-86-095, filed 4/30/75; Order 1014, § 388-86-095, filed 3/14/75; Order 938, § 388-86-095, filed 5/23/74; Order 879, § 388-86-095, filed 11/29/73; Order 680, § 388-86-095, filed 5/10/72; Order 501, § 388-86-095, filed 12/9/70; Order 484, § 388-86-095, filed 10/13/70; Order 474, § 388-86-095, filed 8/19/70; Order 419, § 388-86-095, filed 12/31/69; Order 385, § 388-86-095, filed 8/27/69; Order 335, § 388-86-095, filed 2/3/69; Order 303, § 388-86-095, filed 9/6/68; Order 264 (part), § 388-86-095, filed 11/24/67.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 388-86-096 Podiatry. [Statutory Authority: RCW 74.08.090, 80-13-020 (Order 1542), § 388-86-096, filed 9/9/80.] Repealed by 81-10-016 (Order 1648), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-86-09601 Podiatric services. [Statutory Authority: RCW 74.08.-090, 92-17-005 (Order 3435), § 388-86-09601, filed 8/6/92, effective 9/6/92; 92-03-120 (Order 3320), § 388-86-09601, filed 1/21/92, effective 2/21/92; 88-15-010 (Order 2649), § 388-86-09601, filed 7/8/88; 82-01-001 (Order 1725), § 388-86-09601, filed 12/3/81; 81-16-033 (Order 1685), § 388-86-09601, filed 7/29/81.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 388-86-097 Respiratory therapy services. [Statutory Authority: RCW 74.08.090, 86-02-031 (Order 2321), § 388-86-097, filed 12/27/85; Order 1077, § 388-86-097, filed 12/24/75.] Repealed by 99-13-049, filed 6/9/99, effective 7/10/99. Statutory Authority: RCW 74.08.090, 74.04.050, 74.09.520 and 74.09.530.
- 388-86-098 Speech therapy services. [Statutory Authority: RCW 74.08.090, 95-22-039 (Order 3913, #100246), § 388-86-098, filed 10/25/95, effective 10/28/95; 94-07-030 (Order 3714), § 388-86-098, filed 3/9/94, effective 4/9/94; 94-01-065 (Order 3679), § 388-86-098, filed 12/8/93, effective 1/8/94; 90-17-119 and 90-18-033 (Orders 3053 and 3053A), § 388-86-098, filed 8/21/90 and 8/27/90, effective 9/21/90 and 9/1/90; 88-15-010 (Order 2649), § 388-86-098, filed 7/8/88; 86-02-031 (Order 2321), § 388-86-098, filed 12/27/85; 82-10-062 (Order 1801), § 388-86-098, filed 5/5/82; 82-01-001 (Order 1725), § 388-86-098, filed 12/3/81; 81-16-033 (Order 1685), § 388-86-098, filed 7/29/81; 78-02-024 (Order 1265), § 388-86-098, filed 1/13/78; Order 1202, § 388-86-098, filed 4/1/77.] Repealed by 99-16-071, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-86-100 Durable medical equipment, prosthetic devices, and disposable/nonreusable medical supplies. [Statutory Authority: RCW 74.08.090, 89-08-052 (Order 2783), § 388-86-100, filed 3/31/89; 86-03-047 (Order 2329), § 388-86-100, filed 1/15/86; 82-17-072 (Order 1868), § 388-86-100, filed 8/18/82; 81-16-033 (Order 1685), § 388-86-100, filed 7/29/81; 81-06-003 (Order 1610), § 388-86-100, filed 2/19/81; 78-10-077 (Order 1346), § 388-86-100, filed 9/27/78; 78-02-024 (Order 1265), § 388-86-100, filed 1/13/78; Order 1233, § 388-86-100, filed 8/31/77; Order 1019, § 388-86-100, filed 4/30/75; Order 938, § 388-86-100, filed 5/23/74; Order 499, § 388-86-100, filed 12/2/70; Order 480, § 388-86-100, filed 9/22/70; Order 463, § 388-86-100, filed 6/23/70; Order 419, § 388-86-100, filed 12/31/69; Order 385, § 388-86-100, filed 8/27/69; Order 264 (part), § 388-86-100, filed 11/24/67.] Repealed by 01-06-028, filed 3/2/01, effective 4/2/01. Statutory Authority: RCW 74.08.090, 74.09.530.
- 388-86-105 Voluntary agency. [Statutory Authority: RCW 74.08.-090, 81-06-003 (Order 1610), § 388-86-105, filed 2/19/81; Order 1151, § 388-86-105, filed 9/8/76; Order 482, § 388-86-105, filed 9/29/70, effective 11/1/70; Order 463, § 388-86-105, filed 6/23/70; Order 264 (part), § 388-86-105, filed 11/24/67.] Repealed by 00-13-014, filed 6/9/00, effective 7/10/00. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-86-110 X-ray services. [Statutory Authority: RCW 74.08.090, 92-16-104 (Order 3432), § 388-86-110, filed 8/5/92, effective 9/5/92; 78-10-077 (Order 1346), § 388-86-110, filed 9/27/78; Order 264 (part), § 388-86-110, filed 11/24/67.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 388-86-112 Physical medicine and rehabilitation evaluation and treatment. [Statutory Authority: RCW 74.08.090, 85-17-037 (Order 2272), § 388-86-112, filed 8/15/85; 81-16-033 (Order 1685), § 388-86-112, filed 7/29/81; 78-02-024 (Order 1265), § 388-86-112, filed 1/13/78; Order 964, § 388-86-112, filed 8/19/74.] Repealed by 99-17-111, filed 8/18/99, effective 9/18/99. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-86-115 Medical care provided out-of-state. [Statutory Authority: RCW 74.08.090, 81-16-033 (Order 1685), § 388-86-115, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-115, filed 4/27/81; 79-06-034 (Order 1402), § 388-86-115, filed 5/16/79; 79-01-002 (Order 1359), § 388-86-115, filed 12/8/78; Order 799, § 388-86-115, filed 5/25/73; Order 781, § 388-86-115, filed 3/16/73; Order 303, § 388-86-115, filed 9/6/68; Order 264 (part), § 388-86-115, filed 11/24/67.] Repealed by 01-01-011, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090 and 74.09.035. Later promulgation see, WAC 388-501-0180.
- 388-86-120 Medical care services. [Statutory Authority: RCW 74.08.090 and 74.09.035, 93-16-038 (Order 3598), § 388-86-120, filed 7/28/93, effective 8/28/93. Statutory Authority: RCW 74.08.090, 92-22-054 (Order 3477), § 388-86-120, filed 10/28/92, effective 11/28/92. Statutory Authority: 1987 1st ex.s. c 7, 88-02-034 (Order 2580), § 388-86-120, filed 12/31/87. Statutory Authority: 1987 c 406, 87-19-091 (Order 2539), § 388-86-120, filed 9/17/87. Statutory Authority: RCW 74.08.090, 85-21-062 (Order 2295), § 388-86-120, filed 10/16/85; 84-07-015 (Order 2084), § 388-86-120, filed 3/14/84; 83-17-006 (Order 1996), § 388-86-120, filed 8/5/83; 82-18-062 (Order 1869), § 388-86-120, filed 9/1/82; 81-16-033 (Order 1685), § 388-86-120, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-120, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-120, filed 10/9/80; 79-06-034 (Order 1402), § 388-86-120, filed 5/16/79; 79-01-002 (Order 1359), § 388-86-120, filed 12/8/78; 78-02-024 (Order 1265), § 388-86-120, filed 1/13/78; Order 1233, § 388-86-120, filed 8/31/77; Order 1172, § 388-86-120, filed 11/24/76; Order 1014, § 388-86-120, filed 3/14/75; Order 994, § 388-86-120, filed 12/31/74; Order 967, § 388-86-120, filed 8/29/74; Order 938, § 388-86-120, filed 5/23/74; Order 924, § 388-86-120, filed 4/15/74; Order 911, § 388-86-120, filed 3/1/74; Order 879, § 388-86-120, filed 11/29/73; Order 680, § 388-86-120, filed 5/10/72; Order 581, § 388-86-120, filed 7/20/71; Order 549, § 388-86-120, filed 3/31/71, effective 5/1/71; Order 501, § 388-86-120, filed 12/9/70; Order 453, § 388-86-120, filed 5/20/70, effective 6/20/70; Order 335, § 388-86-120, filed 2/3/69; Order 303, § 388-86-120, filed 9/6/68; Order 264 (part), § 388-86-120, filed 11/24/67.] Repealed by 01-01-009, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090 and 74.09.035.
- 388-86-200 Limits on scope of medical program services. [Statutory Authority: RCW 74.08.090, 93-16-037 (Order 3599), § 388-86-200, filed 7/28/93, effective 8/28/93; 93-11-086 (Order 3536), § 388-86-200, filed 5/19/93, effective 6/19/93.] Decodified and amended by 00-23-052, filed 11/13/00, effective 12/14/00. Statutory Authority:

- RCW 74.08.090, 74.09.760 through 74.09.800. Recodified as WAC 388-501-0300.
- 388-86-300 Chemical dependency outpatient services. [Statutory Authority: RCW 74.08.090, 93-17-038 (Order 3620), § 388-86-300, filed 8/11/93, effective 9/11/93.] Repealed by 00-18-032, filed 8/29/00, effective 9/29/00. Statutory Authority: RCW 74.08.090, 74.09.035, and 74.50.055.
- Chapter 388-87**
MEDICAL CARE—PAYMENT
- 388-87-005 Payment—Eligible providers defined. [Statutory Authority: Initiative 607, 1995 c 18 2nd sp.s. and 74.08.090, 96-01-006 (Order 3931), § 388-87-005, filed 12/6/95, effective 1/6/96. Statutory Authority: RCW 74.08.090, 93-17-038 (Order 3620), § 388-87-005, filed 8/11/93, effective 9/11/93; 93-11-046 (Order 3545), § 388-87-005, filed 5/12/93, effective 6/12/93; 90-18-092 (Order 3064), § 388-87-005, filed 9/5/90, effective 10/6/90; 89-18-033 (Order 2860), § 388-87-005, filed 8/29/89, effective 9/29/89; 88-16-084 (Order 2665), § 388-87-005, filed 8/2/88; 87-12-056 (Order 2501), § 388-87-005, filed 6/1/87; 85-04-022 (Order 2198), § 388-87-005, filed 1/30/85; 83-17-073 (Order 2011), § 388-87-005, filed 8/19/83; 82-10-062 (Order 1801), § 388-87-005, filed 5/5/82; 82-01-001 (Order 1725), § 388-87-005, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-005, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-005, filed 4/27/81; 80-13-020 (Order 1542), § 388-87-005, filed 9/9/80; 78-10-077 (Order 1346), § 388-87-005, filed 9/27/78; Order 1233, § 388-87-005, filed 8/31/77; Order 1112, § 388-87-005, filed 4/15/76; Order 994, § 388-87-005, filed 12/31/74; Order 930, § 388-87-005, filed 4/25/74; Order 739, § 388-87-005, filed 11/22/72; Order 386, § 388-87-005, filed 8/27/69; Order 264 (part), § 388-87-005, filed 11/27/67.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
- 388-87-007 Medical provider agreement. [Statutory Authority: RCW 74.08.090, 91-20-053 (Order 3251), § 388-87-007, filed 9/24/91, effective 10/25/91; 88-16-084 (Order 2665), § 388-87-007, filed 8/2/88; 85-04-022 (Order 2198), § 388-87-007, filed 1/30/85; 83-17-095 (Order 2007), § 388-87-007, filed 8/23/83; 83-10-077 (Order 1958), § 388-87-007, filed 5/4/83; 80-13-020 (Order 1542), § 388-87-007, filed 9/9/80.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
- 388-87-008 Disclosure by providers—Information on ownership and control. [Statutory Authority: RCW 74.08.090, 83-10-077 (Order 1958), § 388-87-008, filed 5/4/83.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
- 388-87-010 Conditions of payment—General. [Statutory Authority: RCW 74.08.090, 93-22-030 (Order 3658), § 388-87-010, filed 10/27/93, effective 11/27/93; 93-01-036 (Order 3486), § 388-87-010, filed 12/9/92, effective 1/9/93; 91-17-062 (Order 3233), § 388-87-010, filed 8/20/91, effective 9/20/91; 91-07-011 (Order 3150), § 388-87-010, filed 3/11/91, effective 4/11/91; 89-22-036 (Order 2886), § 388-87-010, filed 10/27/89, effective 11/27/89; 88-06-083 (Order 2600), § 388-87-010, filed 3/2/88; 85-05-024 (Order 2207) § 388-87-010, filed 2/14/85; 83-17-006 (Order 1996), § 388-87-010, filed 8/5/83; 82-01-001 (Order 1725), § 388-87-010, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-010, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-010, filed 4/27/81; 80-13-020 (Order 1542), § 388-87-010, filed 9/9/80; 79-06-034 (Order 1402), § 388-87-010, filed 5/16/79; Order 1158, § 388-87-010, filed 10/6/76; Order 1015, § 388-87-010, filed 3/27/75; Order 938, § 388-87-010, filed 5/23/74; Order 911, § 388-87-010, filed 3/1/74; Order 879, § 388-87-010, filed 11/29/73; Order 844, § 388-87-010, filed 8/9/73; Order 794, § 388-87-010, filed 4/26/73; Order 782, § 388-87-010, filed 3/16/73; Order 778, § 388-87-010, filed 3/1/73; Order 766, § 388-87-010, filed 1/10/73; Order 739, § 388-87-010, filed 11/22/72; Order 697, § 388-87-010, filed 6/29/72; Order 636, § 388-87-010, filed 1/13/72; Order 582, § 388-87-010, filed 7/20/71; Order 485, § 388-87-010, filed 10/13/70; Order 406, § 388-87-010, filed 11/24/69; Order 336, § 388-87-010, filed 2/3/69; Order 304, § 388-87-010, filed 9/6/68; Order 264 (part), § 388-87-010, filed 11/24/67.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
- 388-87-011 Conditions of payment—Medicare deductible and coinsurance—When paid by department. [Statutory Authority: RCW 74.08.090, 90-12-047 (Order 2989), § 388-87-011, filed 5/31/90, effective 7/1/90; 89-11-004 (Order 2793), § 388-87-011, filed 5/4/89; 88-11-061 (Order 2624), § 388-87-011, filed 5/17/88; 83-13-071 (Order 1972), § 388-87-011, filed 6/16/83; 81-10-016 (Order 1648), § 388-87-011, filed 4/27/81; Order 1112, § 388-87-011, filed 4/15/76; Order 1015, § 388-87-011, filed 3/27/75.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
- 388-87-012 Conditions of payment—Consultant's and specialist's services and fees. [Statutory Authority: RCW 74.08.090, 86-02-031 (Order 2321), § 388-87-012, filed 12/27/85; 85-13-061 (Order 2241), § 388-87-012, filed 6/18/85; 81-16-032 (Order 1684), § 388-87-012, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-012, filed 4/27/81; 79-01-002 (Order 1359), § 388-87-012, filed 12/8/78; 81-10-016 (Order 1648), § 388-87-012, filed 4/27/81; 78-06-087 (Order 1301), § 388-87-012, filed 6/2/78; Order 1244, § 388-87-012, filed 10/10/77; Order 1098, § 388-87-012, filed 2/13/76; Order 1061, § 388-87-012, filed 10/8/75; Order 1015, § 388-87-012, filed 3/27/75.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
- 388-87-013 Conditions of payment—Hospital care. [Statutory Authority: RCW 74.08.090, 88-04-048 (Order 2594), § 388-87-013, filed 1/29/88; 83-03-016 (Order 1937), § 388-87-013, filed 1/12/83; 81-16-032 (Order 1684), § 388-87-013, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-013, filed 4/27/81; 80-13-020 (Order 1542), § 388-87-013, filed 9/9/80; 78-02-024 (Order 1265), § 388-87-013, filed 1/13/78; Order 1015, § 388-87-013, filed 3/27/75.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.-210, 74.08.090 and 1997 c 409 § 209.
- 388-87-015 Billing limitations. [Statutory Authority: 1991 c 103, 91-20-054 (Order 3252), § 388-87-015, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 74.08.090, 88-01-041 (Order 2566), § 388-87-015, filed 12/11/87; 81-16-032 (Order 1684), § 388-87-015, filed 7/29/81; 79-12-048 (Order 1458), § 388-87-015, filed 11/26/79; 78-02-024 (Order 1265), § 388-87-015, filed 1/13/78; Order 1151, § 388-87-015, filed 9/8/76; Order 1061, § 388-87-015, filed 10/8/75; Order 970, § 388-87-015, filed 9/13/74; Order 879, § 388-87-015, filed 11/29/73; Order 739, § 388-87-015, filed 11/22/72; Order 264 (part), § 388-87-015, filed 11/24/67.] Repealed by 00-14-067, filed 7/5/00, effective 8/5/00. Statutory Authority: RCW 74.08.090 and 42 C.F.R. 447.45.
- 388-87-019 Payment—Chiropractic services. [Statutory Authority: RCW 74.08.090, 90-17-122 (Order 3056), § 388-87-019, filed 8/21/90, effective 9/21/90.] Repealed by 00-16-031, filed 7/24/00, effective 8/24/00. Statutory Authority: RCW 74.08.090, 74.09.035.
- 388-87-020 Subrogation. [Statutory Authority: RCW 74.08.090 and 74.09.522, 97-04-005, § 388-87-020, filed 1/24/97, effective 2/24/97. Statutory Authority: SSB 5419(6) and RCW 74.08.090, 95-20-031 (Order 3900), § 388-87-020, filed 9/27/95, effective 10/28/95; Order 264 (part), § 388-87-020, filed 11/24/67.] Repealed by 00-01-088, filed 12/14/99, effective 1/14/00. Statutory Authority: RCW 74.04.050 and 74.08.090.
- 388-87-025 Services requiring approval. [Statutory Authority: RCW 74.08.090, 91-23-081 (Order 3283), § 388-87-025, filed 11/19/91, effective 12/20/91; 86-02-031 (Order 2321), § 388-87-025, filed 12/27/85; 82-01-001 (Order 1725), § 388-87-025, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-025, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-025, filed 4/27/81; 80-15-034 (Order 1554), § 388-87-025, filed 10/9/80; 79-06-034 (Order 1402), § 388-87-025, filed 5/16/79; 79-01-002 (Order 1359), § 388-87-025, filed 12/8/78; 78-06-087 (Order 1301), § 388-87-025, filed 6/2/78; 78-02-024 (Order 1265), § 388-87-025, filed 1/13/78; Order 1244, § 388-87-025, filed 10/10/77; Order 1202, § 388-87-025, filed 4/1/77; Order 1196, § 388-87-025, filed 3/3/77; Order 1151, § 388-87-025, filed 9/8/76; Order

- 1098, § 388-87-025, filed 2/13/76; Order 1077, § 388-87-025, filed 12/24/75; Order 1019, § 388-87-025, filed 4/30/75; Order 1015, § 388-87-025, filed 3/27/75; Order 964, § 388-87-025, filed 8/19/74; Order 938, § 388-87-025, filed 5/23/74; Order 911, § 388-87-025, filed 3/1/74; Order 837, § 388-87-025, filed 7/26/73; Order 714, § 388-87-025, filed 9/14/72; Order 681, § 388-87-025, filed 5/10/72; Order 582, § 388-87-025, filed 7/20/71; Order 500, § 388-87-025, filed 12/2/70; Order 485, § 388-87-025, filed 10/13/70; Order 435, § 388-87-025, filed 3/31/70; Order 419, § 388-87-025, filed 12/31/69; Order 386, filed 8/27/69; Order 336, § 388-87-025, filed 2/3/69; Order 304, § 388-87-025, filed 9/6/68; Order 264 (part), § 388-87-025, filed 11/24/67.] Repealed by 00-01-088, filed 12/14/99, effective 1/14/00. Statutory Authority: RCW 74.04.050 and 74.08.090.
- 388-87-027 Services requiring prior approval. [Statutory Authority: RCW 74.08.090. 92-16-104 (Order 3432), § 388-87-027, filed 8/5/92, effective 9/5/92; 90-01-053 (Order 2916), § 388-87-027, filed 12/15/89, effective 1/15/90; 88-06-083 (Order 2600), § 388-87-027, filed 3/2/88; 86-02-031 (Order 2321), § 388-87-027, filed 12/27/85; 83-01-056 (Order 1923), § 388-87-027, filed 12/15/82; 82-01-001 (Order 1725), § 388-87-027, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-027, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-027, filed 4/27/81; 80-13-020 (Order 1542), § 388-87-027, filed 9/9/80; 79-09-053 (Order 1427), § 388-87-027, filed 8/24/79; 78-06-087 (Order 1301), § 388-87-027, filed 6/2/78; 78-02-024 (Order 1265), § 388-87-027, filed 1/13/78; Order 1233, § 388-87-027, filed 4/25/74; Order 714, § 388-87-027, filed 10/6/76; Order 1098, § 388-87-027, filed 2/13/76; Order 1019, § 388-87-027, filed 4/30/75; Order 930, § 388-87-027, filed 4/25/74; Order 714, § 388-87-027, filed 9/14/72; Order 681, § 388-87-027, filed 5/10/72; Order 500, § 388-87-027, filed 12/2/70; Order 485, § 388-87-027, filed 10/13/70; Order 419, § 388-87-027, filed 12/31/69.] Repealed by 01-06-032, filed 3/2/01, effective 4/2/01. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-87-030 Responsibility of physician—Patient admitted to hospital. [Statutory Authority: RCW 74.08.090. 81-16-032 (Order 1684), § 388-87-030, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-030, filed 4/27/81; 80-13-020 (Order 1542), § 388-87-030, filed 9/9/80; Order 1233, § 388-87-030, filed 8/31/77; Order 911, § 388-87-030, filed 3/1/74; Order 879, § 388-87-030, filed 11/29/73; Order 837, § 388-87-030, filed 7/26/73; Order 386, § 388-87-030, filed 8/27/69; Order 336, § 388-87-030, filed 2/3/69; Order 304, § 388-87-030, filed 9/6/68; Order 264 (part), § 388-87-030, filed 11/24/67.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08-090 and 1997 c 409 § 209.
- 388-87-032 Advanced registered nurse practitioners services (ARNP)—Payment. [Statutory Authority: RCW 74.08.090. 92-11-003 (Order 3384), § 388-87-032, filed 5/8/92, effective 6/8/92.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-87-035 Payment—Transportation (other than ambulance). [Statutory Authority: RCW 74.08.090. 89-23-081 (Order 2899), § 388-87-035, filed 11/17/89, effective 12/18/89; 88-06-083 (Order 2600), § 388-87-035, filed 3/2/88; 85-05-024 (Order 2207) § 388-87-035, filed 2/14/85; 82-01-001 (Order 1725), § 388-87-035, filed 12/3/81; 80-13-020 (Order 1542), § 388-87-035, filed 9/9/80; Order 1244, § 388-87-035, filed 10/10/77; Order 755, § 388-87-035, filed 12/14/72; Order 706, § 388-87-035, filed 8/11/72; Order 336, § 388-87-035, filed 2/3/69; Order 304, § 388-87-035, filed 9/6/68; Order 264 (part), § 388-87-035, filed 11/24/67.] Repealed by 01-06-029, filed 3/2/01, effective 4/2/01. Statutory Authority: RCW 74.08.090, 74.09.500, 74.04.050, 74.04.055, and 74.04.057.
- 388-87-036 Payment—Ambulance services. [Statutory Authority: RCW 74.08.090. 88-06-083 (Order 2600), § 388-87-036, filed 3/2/88.] Repealed by 01-03-084, filed 1/16/01, effective 2/16/01. Statutory Authority: RCW 74.08.090, 74.09.500, 74.04.050, 74.04.055, and 74.04-057.
- 388-87-040 Payment—Anesthetization services. [Order 12093, § 388-87-040, filed 4/1/77; Order 264 (part), § 388-87-040, filed 11/24/87.] Repealed by 80-13-020 (Order 1542), filed 9/9/80. Statutory Authority: RCW 74.08.090.
- 388-87-045 Payment—Blood. [Statutory Authority: RCW 74.08-090. 82-01-001 (Order 1725), § 388-87-045, filed 12/3/81; Order 406, § 388-87-045, filed 11/24/69; Order 304, § 388-87-045, filed 9/6/68; Order 264 (part), § 388-87-045, filed 11/24/67.] Repealed by 00-13-013, filed 6/9/00, effective 7/10/00. Statutory Authority: RCW 74.08-090 [74.08.090], 74.09.520.
- 388-87-047 Payment—Chiropractic services. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-87-047, filed 9/9/80; Order 1203, § 388-87-047, filed 4/1/77; Order 1166, § 388-87-047, filed 10/27/76; Order 1112, § 388-87-047, filed 4/15/76; Order 386, § 388-87-047, filed 8/27/69.] Repealed by 81-10-016 (Order 1648), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-87-04701 Payment—Chiropractic services. [Statutory Authority: RCW 74.08.090. 83-17-073 (Order 2011), § 388-87-04701, filed 8/19/83.] Repealed by 89-18-033 (Order 2860), filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090.
- 388-87-048 Payment—Coordinated community aids service alternatives (CCSA) program. [Statutory Authority: RCW 74.08.090. 90-21-124 (Order 3088), § 388-87-048, filed 10/23/90, effective 11/23/90.] Decodedified by 00-11-183, filed 5/24/00, effective 5/24/00. Recodified as WAC 388-539-0550.
- 388-87-050 Payment—Dental services. [Statutory Authority: RCW 74.08.090. 79-06-034 (Order 1402), § 388-87-050, filed 5/16/79; Order 1203, § 388-87-050, filed 4/1/77; Order 454, § 388-87-050, filed 5/20/70; Order 419, § 388-87-050, filed 12/31/69; Order 386, § 388-87-050, filed 8/27/69; Order 264 (part), § 388-87-050, filed 11/24/67.] Repealed by 96-01-006 (Order 3931), filed 12/6/95, effective 1/6/96. Statutory Authority: Initiative 607, 1995 c 18 2nd sp.s. and 74.08.090.
- 388-87-055 Payment—Eyeglasses and examinations. [Order 386, § 388-87-055, filed 8/27/69; Order 264 (part), § 388-87-055, filed 11/24/67.] Repealed by Order 994, filed 12/31/74.
- 388-87-060 Payment—Extended care patient—Coinsurance. [Statutory Authority: RCW 74.08.090. 90-12-047 (Order 2989), § 388-87-060, filed 5/31/90, effective 7/1/90; 89-11-003 (Order 2792), § 388-87-060, filed 5/4/89; Order 1112, § 388-87-060, filed 4/15/76; Order 336, § 388-87-060, filed 2/3/69; Order 264 (part), § 388-87-060, filed 11/24/67.] Repealed by 01-06-033, filed 3/2/01, effective 4/2/01. Statutory Authority: RCW 74.04.050, 74.08.090, and 74.09.555.
- 388-87-062 Payment—Eyeglasses and examinations. [Statutory Authority: RCW 74.08.090. 87-23-055 (Order 2559), § 388-87-062, filed 11/18/87.] Repealed by 01-01-010, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.510 and 74.09.520.
- 388-87-065 Payment—Home health agency. [Statutory Authority: RCW 74.08.090. 82-21-024 (Order 1891), § 388-87-065, filed 10/13/82; 80-13-020 (Order 1542), § 388-87-065, filed 9/9/80; Order 1112, § 388-87-065, filed 4/15/76; Order 593, § 388-87-065, filed 8/25/71; Order 264 (part), § 388-87-065, filed 11/24/67.] Repealed by 99-16-069, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 74.08.090 and 74.09.530.
- 388-87-067 Payment—Hospice services. [Statutory Authority: 1989 c 427. 89-18-034 (Order 2853), § 388-87-067, filed 8/29/89, effective 9/29/89.] Repealed by 00-05-039, filed 2/10/00, effective 3/12/00. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-87-070 Payment—Hospital inpatient services. [Statutory Authority: RCW 74.08.090. 93-01-035 (Order 3487), § 388-87-070, filed 12/9/92, effective 1/9/93; 91-21-123 (Order 3268), § 388-87-070, filed 10/23/91, effective 11/23/91; 91-10-025 (Order 3161), § 388-87-070, filed 4/23/91, effective 5/24/91; 90-01-053 (Order 2916), § 388-87-070, filed 12/15/89, effective 1/15/90; 88-04-048 (Order 2594), § 388-87-070, filed 1/29/88. Statutory Authority: 1987 c 406. 87-19-091 (Order 2539), § 388-87-070, filed 9/17/87. Statutory Authority: RCW 74.08.090. 85-23-034 (Order 2307), § 388-87-070, filed 11/15/85; 85-17-033 (Order 2266), § 388-87-070, filed 8/15/85; 85-03-073 (Order 2195), § 388-87-070, filed 1/17/85; 84-21-078 (Order 2162), § 388-87-070, filed 10/18/84; 84-11-070 (Order 2099), § 388-87-070, filed

- 5/22/84; 83-17-096 (Order 2015), § 388-87-070, filed 8/23/83; 83-08-022 (Order 1951), § 388-87-070, filed 3/30/83; 83-03-016 (Order 1937), § 388-87-070, filed 1/12/83; 82-18-066 (Order 1873), § 388-87-070, filed 9/1/82; 82-01-001 (Order 1725), § 388-87-070, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-070, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-070, filed 4/27/81; 80-15-034 (Order 1554), § 388-87-070, filed 10/9/80; 79-01-002 (Order 1359), § 388-87-070, filed 12/8/78; 78-02-024 (Order 1265), § 388-87-070, filed 1/13/78; Order 1112, § 388-87-070, filed 4/15/76; Order 681, § 388-87-070, filed 5/10/72; Order 615, § 388-87-070, filed 10/7/71; Order 582, § 388-87-070, filed 7/20/71; Order 550, § 388-87-070, filed 3/31/71, effective 5/1/71; Order 386, § 388-87-070, filed 8/27/69; Order 336, § 388-87-070, filed 2/3/69; Order 304, § 388-87-070, filed 9/6/68; Order 264 (part), § 388-87-070, filed 11/24/67.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-87-072 Payment—Hospital outpatient services. [Statutory Authority: RCW 74.08.090. 95-04-033 (Order 3826), § 388-87-072, filed 1/24/95, effective 2/1/95; 91-21-123 (Order 3268), § 388-87-072, filed 10/23/91, effective 11/23/91; 91-10-025 (Order 3161), § 388-87-072, filed 4/23/91, effective 5/24/91; 85-17-033 (Order 2266), § 388-87-072, filed 8/15/85.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-87-075 Payment—Laboratory services. [Statutory Authority: RCW 74.08.090 and 42 CFR 493.1809 - Final Rules. 93-22-029 (Order 3657), § 388-87-075, filed 10/27/93, effective 11/27/93. Statutory Authority: RCW 74.08.-090. 82-01-001 (Order 1725), § 388-87-075, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-075, filed 7/29/81; 80-13-020 (Order 1542), § 388-87-075, filed 9/9/80; Order 995, § 388-87-075, filed 12/31/74; Order 485, § 388-87-075, filed 10/13/70; Order 406, § 388-87-075, filed 11/24/69; Order 264 (part), § 388-87-075, filed 11/24/67.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 388-87-077 Payment—Mental health center services. [Statutory Authority: RCW 74.08.090. 81-10-016 (Order 1648), § 388-87-077, filed 4/27/81; 79-06-034 (Order 1402), § 388-87-077, filed 5/16/79; Order 1067, § 388-87-077, filed 11/17/75; Order 924, § 388-87-077, filed 4/15/74; Order 778, § 388-87-077, filed 3/1/73; Order 582, § 388-87-077, filed 7/20/71; Order 502, § 388-87-077, filed 12/9/70.] Repealed by 00-05-039, filed 2/10/00, effective 3/12/00. Statutory Authority: RCW 74.08.-090, 74.09.520.
- 388-87-079 Payment—Licensed midwives. [Statutory Authority: RCW 74.08.090. 93-02-001 (Order 3490), § 388-87-079, filed 12/23/92, effective 1/23/93.] Repealed by 00-23-052, filed 11/13/00, effective 12/14/00. Statutory Authority: RCW 74.08.090, 74.09.760 through 74.09.-800.
- 388-87-080 Payment—Oxygen. [Statutory Authority: RCW 74.08.-090. 86-02-031 (Order 2321), § 388-87-080, filed 12/27/85; 82-01-001 (Order 1725), § 388-87-080, filed 12/3/81; 81-06-003 (Order 1610), § 388-87-080, filed 2/19/81; 78-02-024 (Order 1265), § 388-87-080, filed 1/13/78; Order 995, § 388-87-080, filed 12/31/74; Order 386, § 388-87-080, filed 8/27/69; Order 264 (part), § 388-87-080, filed 11/24/67.] Repealed by 99-13-049, filed 6/9/99, effective 7/10/99. Statutory Authority: RCW 74.08.090, 74.04.050, 74.09.520 and 74.09.530.
- 388-87-085 Payment—Pharmacy services. [Order 264 (part), § 388-87-085, filed 11/24/67.] Repealed by Order 316, filed 10/31/68.
- 388-87-090 Payment—Physical therapy and related services. [Statutory Authority: RCW 74.08.090. 84-20-102 (Order 2159), § 388-87-090, filed 10/3/84; 78-02-024 (Order 1265), § 388-87-090, filed 1/13/78; Order 782, § 388-87-090, filed 3/16/73; Order 264 (part), § 388-87-090, filed 11/24/67.] Repealed by 00-04-019, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-87-095 Payment—Physician service. [Statutory Authority: RCW 74.08.090. 92-20-008 (Order 3459), § 388-87-095, filed 9/23/92, effective 10/24/92; 84-07-017 (Order 2083), § 388-87-095, filed 3/14/84; 81-16-032 (Order 1684), § 388-87-095, filed 7/29/81; 80-13-020 (Order 1542), § 388-87-095, filed 9/9/80; 78-02-024 (Order 1265), § 388-87-095, filed 4/30/75; Order 778, § 388-87-095, filed 3/1/73; Order 485, § 388-87-095, filed 10/13/70; Order 464, § 388-87-095, filed 6/23/70; Order 454, § 388-87-095, filed 5/20/70; Order 406, § 388-87-095, filed 11/24/69; Order 386, § 388-87-095, filed 8/27/69; Order 304, § 388-87-095, filed 9/6/68; Order 264 (part), § 388-87-095, filed 11/24/67.] Repealed by 01-01-012, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see chapter 388-531 WAC.
- 388-87-100 Payment—Special duty nursing. [Order 1112, § 388-87-100, filed 4/15/76; Order 794, § 388-87-100, filed 4/26/73; Order 264 (part), § 388-87-100, filed 11/24/67.] Repealed by 78-10-077 (Order 1346), filed 9/27/78. Statutory Authority: RCW 74.08.090.
- 388-87-105 Payment—Medical care outside state of Washington. [Statutory Authority: RCW 74.08.090. 92-22-059 (Order 3479), § 388-87-105, filed 10/29/92, effective 12/1/92. Statutory Authority: 1991 c 103. 91-20-050 (Order 3248), § 388-87-105, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 74.08.090. 87-12-056 (Order 2501), § 388-87-105, filed 6/1/87; 82-01-001 (Order 1725), § 388-87-105, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-105, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-105, filed 4/27/81; 80-13-020 (Order 1542), § 388-87-105, filed 9/9/80; Order 1203, § 388-87-105, filed 4/1/77; Order 1112, § 388-87-105, filed 4/15/76; Order 1061, § 388-87-105, filed 10/8/75; Order 879, § 388-87-105, filed 11/29/73; Order 667, § 388-87-105, filed 3/23/72; Order 567, § 388-87-105, filed 5/19/71; Order 336, § 388-87-105, filed 2/3/69; Order 304, § 388-87-105, filed 11/24/67.] Repealed by 00-01-088, filed 12/14/99, effective 1/14/00. Statutory Authority: RCW 74.04.050 and 74.08.090.
- 388-87-110 Durable medical equipment—Prosthetic devices. [Statutory Authority: RCW 74.08.090. 86-03-047 (Order 2329), § 388-87-110, filed 1/15/86.] Repealed by 01-01-078, filed 12/13/00, effective 1/13/01. Statutory Authority: RCW 74.08.090, 74.09.530.
- 388-87-115 Payment—Organ transplantation. [Statutory Authority: RCW 74.08.090. 90-23-070 (Order 3095), § 388-87-115, filed 11/20/90, effective 12/21/90; 87-12-050 (Order 2495), § 388-87-115, filed 6/1/87.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-87-200 Payment for jail inmates medical care. [Statutory Authority: RCW 74.08.090. 93-17-036 (Order 3618), § 388-87-200, filed 8/11/93, effective 9/11/93.] Repealed by 00-15-050, filed 7/17/00, effective 8/17/00. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.530.
- 388-87-250 Third-party resources. [Statutory Authority: RCW 74.08.090. 93-22-030 (Order 3658), § 388-87-250, filed 10/27/93, effective 11/27/93.] Repealed by 00-01-088, filed 12/14/99, effective 1/14/00. Statutory Authority: RCW 74.04.050 and 74.08.090.
- 388-87-300 Payment—Copayment. [Statutory Authority: RCW 74.08.090. 93-24-060 (Order 3676), § 388-87-300, filed 11/24/93, effective 12/25/93.] Repealed by 94-11-057 (Order 3734), filed 5/11/94, effective 6/11/94. Statutory Authority: RCW 74.08.090.

Chapter 388-88

MEDICAL CARE—NURSING HOME CARE

- 388-88-001 Nursing home care. [Statutory Authority: RCW 18.51.-070 and 74.42.620. 92-08-074, § 388-88-001, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-001, filed 9/1/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-001, filed 6/1/78; Order 1257, § 388-88-001, filed 12/21/77.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.-070 and 74.42.620.
- 388-88-005 Nursing home care. [Order 342, § 388-88-005, filed 3/20/69; Order 264 (part), § 388-88-005, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-007 IMR facilities. [Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-007,

- 388-88-010 filed 6/1/78.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620. Name of nursing home. [Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-010, filed 9/1/82; Order 342, § 388-88-010, filed 3/20/69; Order 264 (part), § 388-88-010, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-015 Classification of nursing home. [Order 342, § 388-88-015, filed 3/20/69; Order 264 (part), § 388-88-015, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-020 Application for classification. [Order 342, § 388-88-020, filed 3/20/69; Order 264 (part), § 388-88-020, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-025 Change in authorized manager. [Order 342, § 388-88-025, filed 3/20/69; Order 264 (part), § 388-88-025, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-030 Change in business organization of home. [Order 342, § 388-88-030, filed 3/20/69; Order 264 (part), § 388-88-030, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-035 Classification of nursing home—Change of ownership. [Order 342, § 388-88-035, filed 3/20/69; Order 264 (part), § 388-88-035, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-040 Change in classification of nursing home—Application. [Order 342, § 388-88-040, filed 3/20/69; Order 264 (part), § 388-88-040, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-045 Closure of nursing home. [Order 1257, § 388-88-045, filed 12/21/77; Order 1168, § 388-88-045, filed 11/3/76; Order 342, § 388-88-045, filed 3/20/69; Order 264 (part), § 388-88-045, filed 11/24/67.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-050 Adequate nursing home care. [Statutory Authority: RCW 74.42.620. 88-04-041 (Order 2592), § 388-88-050, filed 1/28/88. Statutory Authority: RCW 74.42.-620 and 74.46.800. 85-17-070 (Order 2275), § 388-88-050, filed 8/21/85. Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-050, filed 9/1/82. Statutory Authority: RCW 74.08.090. 81-01-012 (Order 1571), § 388-88-050, filed 12/8/80; Order 1257, § 388-88-050, filed 12/21/77; Order 1168, § 388-88-050, filed 11/3/76; Order 342, § 388-88-050, filed 3/20/69; Order 264 (part), § 388-88-050, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-051 Additional services required for IMR residents. [Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-051, filed 6/1/78.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-055 Grant for clothing and incidentals—Record keeping—Patient's money. [Order 930, § 388-88-055, filed 4/25/74; Order 342, § 388-88-055, filed 3/20/69; Order 264 (part), § 388-88-055, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-060 Skilled nursing facility services in hospitals. [Order 1168, § 388-88-060, filed 11/3/76; Order 964, § 388-88-060, filed 8/19/74; Order 930, § 388-88-060, filed 4/25/74; Order 342, § 388-88-060, filed 3/20/69; Order 264 (part), § 388-88-060, filed 11/24/67.] Repealed by Order 1257, filed 12/21/77.
- 388-88-065 Continuity of patient care. [Order 342, § 388-88-065, filed 3/20/69; Order 264 (part), § 388-88-065, filed 11/24/67.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-070 Justification of rate payment. [Order 1168, § 388-88-070, filed 11/3/76; Order 342, § 388-88-070, filed 3/20/69; Order 264 (part), § 388-88-070, filed 11/24/67.] Repealed by Order 1262, filed 12/30/77.
- 388-88-075 Nursing facility contract—Noncompliance. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-075, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-075, filed 9/1/82; Order 1257, § 388-88-075, filed 12/21/77; Order 1168, § 388-88-075, filed 11/3/76; Order 342, § 388-88-075, filed 3/20/69; Order 264 (part), § 388-88-075, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-080 Utilization review. [Statutory Authority: RCW 18.51.-070 and 74.42.620. 92-08-074, § 388-88-080, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-11-017 (Order 2797), § 388-88-080, filed 5/10/89; 82-18-064 (Order 1871), § 388-88-080, filed 9/1/82; Order 1257, § 388-88-080, filed 12/21/77; Order 1168, § 388-88-080, filed 11/3/76; Order 342, § 388-88-080, filed 3/20/69; Order 264 (part), § 388-88-080, filed 11/24/67.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-081 Nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-081, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 83-01-016 (Order 1921), § 388-88-081, filed 12/6/82; 82-18-064 (Order 1871), § 388-88-081, filed 9/1/82; Order 1257, § 388-88-081, filed 12/21/77.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-082 Minimum licensed personnel requirements for nursing facilities. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-082, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.-620. 82-18-064 (Order 1871), § 388-88-082, filed 9/1/82; Order 1257, § 388-88-082, filed 12/21/77.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.-070 and 74.42.620.
- 388-88-083 Intermediate nursing care residents. [Statutory Authority: RCW 74.42.620. 83-01-016 (Order 1921), § 388-88-083, filed 12/6/82; 82-18-064 (Order 1871), § 388-88-083, filed 9/1/82; Order 1257, § 388-88-083, filed 12/21/77.] Repealed by 92-08-074, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-084 Minimum licensed personnel requirements for intermediate care facilities. [Order 1257, § 388-88-084, filed 12/21/77.] Repealed by 92-08-074, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-085 Payment standards—Rates—Procedures. [Order 1168, § 388-88-085, filed 11/3/76; Order 879, § 388-88-085, filed 11/29/73; Order 342, § 388-88-085, filed 3/20/69; Order 264 (part), § 388-88-085, filed 11/24/67.] Repealed by Order 1262, filed 12/30/77.
- 388-88-086 Minimum staffing requirements—IMR. [Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-086, filed 6/1/78.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-088 Classification of IMR clients. [Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-088, filed 6/1/78.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-090 Receipt of supplemental compensation for nursing home care. [Order 1168, § 388-88-090, filed 11/3/76; Order 631, § 388-88-090, filed 11/24/71; Order 342, § 388-88-090, filed 3/20/69; Order 264 (part), § 388-88-090, filed 11/24/67.] Repealed by Order 1262, filed 12/30/77.
- 388-88-095 Nursing facility placement. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-095, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-095, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-06-050 (Order 2768), § 388-88-095, filed 2/28/89; Order 1257, § 388-88-095, filed 12/21/77; Order 1168, § 388-88-095, filed 11/3/76; Order 631, § 388-88-095, filed 11/24/71; Order 342, § 388-88-095, filed 3/20/69; Order 264 (part), § 388-88-095, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-096 Preadmission screening and annual resident review (PASARR). [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-096, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037

- (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-097 Preadmission screening. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-097, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-097, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-06-050 (Order 2768), § 388-88-097, filed 2/28/89.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-098 Identification screening for current residents. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-098, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-098, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-11-017 (Order 2797), § 388-88-098, filed 5/10/89.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-099 Specialized service assessments for current residents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-099, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-11-017 (Order 2797), § 388-88-099, filed 5/10/89.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-100 Transfer or relocation. [Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-100, filed 9/1/82; Order 1257, § 388-88-100, filed 12/21/77; Order 1197, § 388-88-100, filed 3/17/77; Order 631, § 388-88-100, filed 11/24/71; Order 342, § 388-88-100, filed 3/20/69; Order 264 (part), § 388-88-100, filed 11/24/67.] Repealed by 92-08-074, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-101 Residents' rights. [Statutory Authority: RCW 74.42.620. 89-11-017 (Order 2797), § 388-88-101, filed 5/10/89; 88-04-041 (Order 2592), § 388-88-101, filed 1/28/88; 83-21-081 (Order 2039), § 388-88-101, filed 10/19/83; 82-18-064 (Order 1871), § 388-88-101, filed 9/1/82; Order 1257, § 388-88-101, filed 12/21/77; Order 1197, § 388-88-101, filed 3/17/77.] Repealed by 92-08-074, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-102 Discharge planning and resident relocation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-102, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-102, filed 9/1/82; Order 1257, § 388-88-102, filed 12/21/77; Order 1197, § 388-88-102, filed 3/17/77.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-105 Patient transfer from state hospital or school for retarded to nursing home. [Order 631, § 388-88-105, filed 11/24/71; Order 342, § 388-88-105, filed 3/20/69; Order 264 (part), § 388-88-105, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-110 Nursing home placement of public assistance recipient referred from Alaska. [Order 342, § 388-88-110, filed 3/20/69; Order 264 (part), § 388-88-110, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-115 Discharge or leave of nursing home resident. [Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-115, filed 9/1/82; Order 1237, § 388-88-115, filed 8/31/77; Order 1168, § 388-88-115, filed 11/3/76; Order 879, § 388-88-115, filed 11/29/73; Order 631, § 388-88-115, filed 11/24/71; Order 342, § 388-88-115, filed 3/20/69; Order 264 (part), § 388-88-115, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-117 Social leave for IMR clients. [Statutory Authority: RCW 74.08.044. 79-01-084 (Order 1365), § 388-88-117, filed 1/3/79.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-119 Provider report of a disturbance. [Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-119, filed 9/1/82.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-120 Extended care facility—Payment for co-insurance. [Order 631, § 388-88-120, filed 11/24/71; Order 342, § 388-88-120, filed 3/20/69; Order 264 (part), § 388-88-120, filed 11/24/67.] Repealed by Order 1257, filed 12/21/77.
- 388-88-125 Resident assessment instrument. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-125, filed 3/30/92, effective 4/30/92.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-130 Completion of resident assessment instrument. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-130, filed 3/30/92, effective 4/30/92.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-135 Use of independent assessors. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-135, filed 3/30/92, effective 4/30/92.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-145 Notice of relocation determination and appeal rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-145, filed 3/30/92, effective 4/30/92.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-150 PASARR determination and appeal rights. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-150, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-155 Utilization review. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-155, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-170 Discharge planning and coordination. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-170, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-180 Transfer and discharge rights, procedures, and appeals. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-180, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-190 Relocation due to decertification, license revocation, closure. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-190, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.

Chapter 388-89

MEDICAL CARE—AGED PERSON IN MENTAL INSTITUTION

- 388-89-005 Definitions. [Order 938, § 388-89-005, filed 5/23/74; Order 331, § 388-89-005, filed 1/8/69; Order 264 (part), § 388-89-005, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-010 Initial eligibility. [Order 938, § 388-89-010, filed 5/23/74; Order 435, § 388-89-010, filed 3/31/70; Order 331, § 388-89-010, filed 1/8/69; Order 264 (part), § 388-

- 89-010, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-015 Applicant not receiving grant prior to admission. [Order 331, § 388-89-015, filed 1/8/69; Order 264 (part), § 388-89-015, filed 11/24/67.] Repealed by Order 952, filed 7/16/74.
- 388-89-020 Person receiving grant prior to admission. [Order 331, § 388-89-020, filed 1/8/69; Order 264 (part), § 388-89-020, filed 11/24/67.] Repealed by Order 952, filed 7/16/74.
- 388-89-025 Application process. [Order 938, § 388-89-025, filed 5/23/74; Order 331, § 388-89-025, filed 1/8/69; Order 264 (part), § 388-89-025, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-030 Certification of eligibility. [Order 938, § 388-89-030, filed 5/23/74; Order 331, § 388-89-030, filed 1/8/69; Order 264 (part), § 388-89-030, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-035 Certification of eligibility—Effective date of authorization. [Order 938, § 388-89-035, filed 5/23/74; Order 331, § 388-89-035, filed 1/8/69; Order 264 (part), § 388-89-035, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-040 Certification of eligibility—Duration of certification. [Order 938, § 388-89-040, filed 5/23/74; Order 331, § 388-89-040, filed 1/8/69; Order 264 (part), § 388-89-040, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-045 Medical consultant approval for hospitalization or medical care—When required. [Order 938, § 388-89-045, filed 5/23/74; Order 331, § 388-89-045, filed 1/8/69; Order 264 (part), § 388-89-045, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-050 Time-limited visit. [Order 938, § 388-89-050, filed 5/23/74; Order 331, § 388-89-050, filed 1/8/69; Order 264 (part), § 388-89-050, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-055 Department responsibilities for patient/recipient entering psychiatric facility. [Order 938, § 388-89-055, filed 5/23/74; Order 331, § 388-89-055, filed 1/8/69; Order 264 (part), § 388-89-055, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-060 Services to patient/recipient in psychiatric facility. [Order 938, § 388-89-060, filed 5/23/74; Order 331, § 388-89-060, filed 1/8/69; Order 264 (part), § 388-89-060, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-065 Coordination of services for patient/recipient. [Order 938, § 388-89-065, filed 5/23/74; Order 331, § 388-89-065, filed 1/8/69; Order 264 (part), § 388-89-065, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-070 Department responsibilities—Patient/recipient scheduled for release. [Order 938, § 388-89-070, filed 5/23/74; Order 331, § 388-89-070, filed 1/8/69; Order 264 (part), § 388-89-070, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-075 Local office responsibility for social services—Recipient accepted for sixty caseload. [Order 938, § 388-89-075, filed 5/23/74; Order 331, § 388-89-075, filed 1/8/69; Order 264 (part), § 388-89-075, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-080 Payment for care. [Order 938, § 388-89-080, filed 5/23/74; Order 331, § 388-89-080, filed 1/8/69; Order 264 (part), § 388-89-080, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-085 Caseload administration. [Order 264 (part), § 388-89-085, filed 11/24/67.] Repealed by Order 331, filed 1/8/69.
- Chapter 388-90**
SKILLED NURSING HOME CARE IN STATE SCHOOLS FOR RETARDED PERSONS
- 388-90-005 Skilled nursing facility care in state school for retarded persons. [Order 1097, § 388-90-005, filed 2/13/76; Order 918, § 388-90-005, filed 3/14/74; Order 826, § 388-90-005, filed 7/26/73; Order 668, § 388-90-005, filed 3/23/72; Order 556, § 388-90-005, filed 4/1/71; Order 486, § 388-90-005, filed 10/13/70.] Repealed by 78-10-077 (Order 1346), filed 9/27/78. Statutory Authority: RCW 74.08.090.
- 388-90-010 Skilled nursing facility care in state school for retarded persons—Minimum requirements for licensure or approval of institution. [Order 930, § 388-90-010, filed 4/25/74; Order 486, § 388-90-010, filed 10/13/70.] Repealed by 00-07-045, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 74.08.090.
- Chapter 388-91**
MEDICAL CARE—DRUGS
- 388-91-005 Drugs. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-005, filed 11/19/91, effective 12/20/91.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.-090.
- 388-91-007 Drugs—Drug discount agreement. [Statutory Authority: RCW 74.08.090. 94-01-094 (Order 3685), § 388-91-007, filed 12/14/93, effective 1/14/94.] Repealed by 95-17-032 (Order 3879), filed 8/9/95, effective 9/9/95. Statutory Authority: RCW 74.08.090 and 1995 2nd sp.s. c 18 § 209(6).
- 388-91-010 Drugs—Not requiring prior authorization. [Statutory Authority: RCW 74.08.090 and 1995 2nd sp.s. c 18 § 209(6). 95-17-032 (Order 3879), § 388-91-010, filed 8/9/95, effective 9/9/95. Statutory Authority: RCW 74.08.090. 94-01-094 (Order 3685), § 388-91-010, filed 12/14/93, effective 1/14/94; 91-23-084 (Order 3286), § 388-91-010, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-010, filed 12/18/85; 84-09-017 (Order 2090), § 388-91-010, filed 4/10/84; 81-16-032 (Order 1684), § 388-91-010, filed 7/29/81; 81-10-016 (Order 1648), § 388-91-010, filed 4/27/81; 80-15-034 (Order 1554), § 388-91-010, filed 10/9/80; 80-02-024 (Order 1473), § 388-91-010, filed 1/9/80; 79-06-034 (Order 1402), § 388-91-010, filed 5/16/79; 78-10-077 (Order 1346), § 388-91-010, filed 9/27/78; Order 682, § 388-91-010, filed 5/10/72; Order 632, § 388-91-010, filed 11/24/71; Order 583, § 388-91-010, filed 7/20/71; Order 461, § 388-91-010, filed 6/17/70, effective 8/1/70; Order 387, § 388-91-010, filed 8/27/69; Order 316, § 388-91-010, filed 10/31/68.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- 388-91-013 Drugs—Physician's identification required on prescriptions. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-013, filed 11/19/91, effective 12/20/91; 85-11-034 (Order 2233), § 388-91-013, filed 5/15/85; 79-06-034 (Order 1402), § 388-91-013, filed 5/16/79; Order 1112, § 388-91-013, filed 4/15/76; Order 884, § 388-91-013, filed 12/17/73; Order 682, § 388-91-013, filed 5/10/72; Order 461, § 388-91-013, filed 6/17/70, effective 8/1/70.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- 388-91-015 Drugs—Payment. [Statutory Authority: RCW 74.08.-090. 91-23-084 (Order 3286), § 388-91-015, filed 11/19/91, effective 12/20/91.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- 388-91-016 Drugs—Nonpayment. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-016, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-016, filed 12/18/85; 85-11-034 (Order 2233), § 388-91-016, filed 5/15/85; 84-20-101 (Order 2158), § 388-91-016, filed 10/3/84; 81-10-016 (Order 1648), § 388-91-016, filed 4/27/81; 79-06-034 (Order 1402), § 388-91-016, filed 5/16/79; Order 1170, § 388-91-016, filed 11/24/76; Order 1154, § 388-91-016, filed 9/22/76; Order 884, § 388-91-016, filed 12/17/73; Order 682, § 388-91-016, filed 5/10/72; Order 487, § 388-91-016, filed 10/13/70; Order 461, § 388-91-016, filed 6/17/70, effective 8/1/70.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.-090.
- 388-91-020 Drugs—Requiring authorization. [Statutory Authority: RCW 74.08.090 and 1995 2nd sp.s. c 18 § 209(6). 95-17-032 (Order 3879), § 388-91-020, filed 8/9/95, effective 9/9/95. Statutory Authority: RCW 74.08.090. 94-01-094 (Order 3685), § 388-91-020, filed 12/14/93, effective 1/14/94; 91-23-084 (Order 3286), § 388-91-020, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-020, filed 12/18/85; 85-11-034 (Order 2233), § 388-91-020, filed 5/15/85; 79-06-034 (Order 1402), § 388-91-020, filed 5/16/79; Order 1170, § 388-91-020, filed 11/24/76; Order 884, § 388-91-020,

- filed 12/17/73; Order 461, § 388-91-020, filed 6/17/70, effective 8/1/70; Order 316, § 388-91-020, filed 10/31/68.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- 388-91-030 Drugs—Prescription claim. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-030, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-030, filed 12/18/85; 85-11-034 (Order 2233), § 388-91-030, filed 5/15/85; 79-06-034 (Order 1402), § 388-91-030, filed 5/16/79; Order 884, § 388-91-030, filed 12/17/73; Order 461, § 388-91-030, filed 6/17/70, effective 8/1/70; Order 316, § 388-91-030, filed 10/31/68.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- 388-91-035 Drugs—Pharmacist's agreement. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-035, filed 11/19/91, effective 12/20/91; 85-11-034 (Order 2233), § 388-91-035, filed 5/15/85; 81-10-016 (Order 1648), § 388-91-035, filed 4/27/81; 80-13-020 (Order 1542), § 388-91-035, filed 9/9/80; 79-06-034 (Order 1402), § 388-91-035, filed 5/16/79; Order 1170, § 388-91-035, filed 11/24/76; Order 884, § 388-91-035, filed 12/17/73; Order 461, § 388-91-035, filed 6/17/70, effective 8/1/70.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.-090.
- 388-91-040 Drugs—Pricing standards. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-040, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-040, filed 12/18/85; 82-01-001 (Order 1725), § 388-91-040, filed 12/3/81; 79-06-034 (Order 1402), § 388-91-040, filed 5/16/79; Order 1154, § 388-91-040, filed 9/22/76; Order 970, § 388-91-040, filed 9/13/74; Order 884, § 388-91-040, filed 12/17/73; Order 461, § 388-91-040, filed 6/17/70, effective 8/1/70; Order 316, § 388-91-040, filed 10/31/68.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- 388-91-050 Out-of-state prescriptions. [Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-050, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-050, filed 12/18/85; 81-16-032 (Order 1684), § 388-91-050, filed 7/29/81; Order 475, § 388-91-050, filed 9/8/70; Order 316, § 388-91-050, filed 10/31/68.] Repealed by 96-21-031, filed 10/9/96, effective 11/9/96. Statutory Authority: RCW 74.08.090.
- Chapter 388-92**
MEDICAL CARE FOR PERSONS RECEIVING
BENEFITS UNDER TITLE XVI OF SOCIAL
SECURITY ACT—ELIGIBILITY—INCOME AND
RESOURCE STANDARDS FOR APPLICANTS IN
OWN HOME
- 388-92-005 Definitions. [Statutory Authority: RCW 74.08.090. 84-02-051 (Order 2059), § 388-92-005, filed 1/4/84; 82-10-062 (Order 1801), § 388-92-005, filed 5/5/82; 81-10-014 (Order 1646), § 388-92-005, filed 4/27/81; 79-06-034 (Order 1402), § 388-92-005, filed 5/16/79; Order 996, § 388-92-005, filed 12/31/74; Order 930, § 388-92-005, filed 4/25/74; Order 898, § 388-92-005, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-500-0005 (part).
- 388-92-010 Description of program. [Order 996, § 388-92-010, filed 12/31/74; Order 898, § 388-92-010, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-015 Eligibility determination—SSI. [Statutory Authority: RCW 74.08.090. 90-06-036 (Order 2948), § 388-92-015, filed 3/1/90, effective 4/1/90; 86-03-045 (Order 2326), § 388-92-015, filed 1/15/86; 85-07-049 (Order 2218), § 388-92-015, filed 3/20/85; 84-04-068 (Order 2073), § 388-92-015, filed 2/1/84; 83-02-026 (Order 1929), § 388-92-015, filed 12/29/82; 82-21-024 (Order 1891), § 388-92-015, filed 10/13/82; 81-10-014 (Order 1646), § 388-92-015, filed 4/27/81; 80-02-050 (Order 1476), § 388-92-015, filed 1/16/80; 78-02-024 (Order 1265), § 388-92-015, filed 1/13/78; Order 1196, § 388-92-015, filed 3/3/77; Order 967, § 388-92-015, filed 8/29/74; Order 898, § 388-92-015, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-92-020 Later promulgation, see parts of WAC 388-501-0180 and 388-511-1105.
- 388-92-020 Application for medical care. [Statutory Authority: RCW 74.08.090. 80-02-050 (Order 1476), § 388-92-020, filed 1/16/80; Order 1111, § 388-92-020, filed 4/15/76; Order 898, § 388-92-020, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-025 Relative financial responsibility for SSI-related clients. [Statutory Authority: RCW 74.08.090. 93-11-045 (Order 3546), § 388-92-025, filed 5/12/93, effective 6/12/93; 92-14-051 (Order 3411), § 388-92-025, filed 6/25/92, effective 7/26/92; 89-24-036 (Order 2907), § 388-92-025, filed 12/1/89, effective 1/1/90; 84-17-012 (Order 2132), § 388-92-025, filed 8/3/84; 84-02-056 (Order 2064), § 388-92-025, filed 1/4/84; 82-10-062 (Order 1801), § 388-92-025, filed 5/5/82; 82-01-001 (Order 1725), § 388-92-025, filed 12/3/81; 81-16-032 (Order 1684), § 388-92-025, filed 7/29/81; 81-10-014 (Order 1646), § 388-92-025, filed 4/27/81; 80-13-020 (Order 1542), § 388-92-025, filed 9/9/80; 79-09-053 (Order 1427), § 388-92-025, filed 8/24/79; 79-06-034 (Order 1402), § 388-92-025, filed 5/16/79; 78-10-077 (Order 1346), § 388-92-025, filed 9/27/78; Order 1227, § 388-92-025, filed 8/8/77; Order 1158, § 388-92-025, filed 10/6/76; Order 1112, § 388-92-025, filed 4/15/76; Order 1067, § 388-92-025, filed 11/17/75; Order 1061, § 388-92-025, filed 10/8/75; Order 996, § 388-92-025, filed 12/31/74; Order 967, § 388-92-025, filed 8/29/74; Order 960, § 388-92-025, filed 8/13/74; Order 898, § 388-92-025, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-506-0620.
- 388-92-027 SSI-related income deeming. [Statutory Authority: RCW 74.08.090. 93-11-045 (Order 3546), § 388-92-027, filed 5/12/93, effective 6/12/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-506-0630.
- 388-92-030 Monthly standard. [Statutory Authority: RCW 74.08.-090. 84-02-055 (Order 2063), § 388-92-030, filed 1/4/84; 83-12-059 (Order 1964), § 388-92-030, filed 6/1/83; 82-01-001 (Order 1725), § 388-92-030, filed 12/3/81; 81-16-032 (Order 1684), § 388-92-030, filed 7/29/81; 81-10-014 (Order 1646), § 388-92-030, filed 4/27/81; 80-12-012 (Order 1537), § 388-92-030, filed 8/25/80; 79-09-032 (Order 1424), § 388-92-030, filed 8/15/79; 78-10-059 (Order 1339), § 388-92-030, filed 9/22/78; Order 1246, § 388-92-030, filed 10/11/77; Order 1144, § 388-92-030, filed 8/26/76; Order 1040, § 388-92-030, filed 8/7/75; Order 996, § 388-92-030, filed 12/31/74; Order 952, § 388-92-030, filed 7/16/74; Order 930, § 388-92-030, filed 4/25/74; Order 898, § 388-92-030, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-511-1115.
- 388-92-034 Availability of income. [Statutory Authority: RCW 74.08.090 and 42 CFR Ch. IV, 435.603. 92-11-060 (Order 3386), § 388-92-034, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 90-24-089 (Order 3108), § 388-92-034, filed 12/5/90, effective 1/5/91.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-511-1130 and 388-511-1140 part.
- 388-92-035 Monthly personal needs allowance—Person in institution. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-92-035, filed 9/9/80; 80-02-062 (Order 1478), § 388-92-035, filed 1/18/80; 78-10-077 (Order 1346), § 388-92-035, filed 9/27/78; Order 898, § 388-92-035, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-036 SSI-related income exemptions. [Statutory Authority: RCW 74.08.090. 94-02-005 (Order 3689), § 388-92-036, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 74.08.090, POMS 830.660, 830.710, 830.-715, 830.730, 830.740 and Federal Register change to CFR 20 Part 416. 93-08-112 (Order 3533), § 388-92-036, filed 4/7/93, effective 5/8/93. Statutory Authority: RCW 74.08.090. 89-24-036 (Order 2907), § 388-92-036, filed 12/1/89, effective 1/1/90.] Repealed by 94-10-

- 065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-511-1140 (parts).
- 388-92-040 Availability of resources. [Statutory Authority: RCW 74.08.090. 91-01-121 (Order 3119), § 388-92-040, filed 12/19/90, effective 1/19/91; 81-16-032 (Order 1684), § 388-92-040, filed 7/29/81; 81-10-014 (Order 1646), § 388-92-040, filed 4/27/81; Order 1233, § 388-92-040, filed 8/31/77; Order 930, § 388-92-040, filed 4/25/74; Order 898, § 388-92-040, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-511-1150.
- 388-92-041 Trusts. [Statutory Authority: RCW 74.08.090. 94-07-131 (Order 3717), § 388-92-041, filed 3/23/94, effective 4/23/94. Statutory Authority: RCW 74.08.090 and OBRA 1993. 93-23-031 (Order 3665), § 388-92-041, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.08.090. 92-22-053 (Order 3476), § 388-92-041, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.08.090 and chapter 74.09 RCW. 87-10-022 (Order 2486), § 388-92-041, filed 5/1/87.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0595.
- 388-92-043 Transfer of resources without adequate consideration. [Statutory Authority: 1989 c 87. 89-18-032 (Order 2859), § 388-92-043, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090. 84-04-068 (Order 2073), § 388-92-043, filed 2/1/84; 82-23-002 (Order 1897), § 388-92-043, filed 11/4/82; 82-10-017 (Order 1776), § 388-92-043, filed 4/28/82.] Repealed by 93-23-032 (Order 3664), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.08.090 and OBRA 1993.
- 388-92-045 Exempt resources. [Statutory Authority: RCW 74.08.-090. 94-02-007 (Order 3687), § 388-92-045, filed 12/22/93, effective 1/22/94; 93-06-038 (Order 3518), § 388-92-045, filed 2/24/93, effective 3/27/93; 92-08-037, § 388-92-045, filed 3/24/92, effective 4/24/92; 91-09-017 (Order 3132), § 388-92-045, filed 4/9/91, effective 5/10/91; 89-24-036 (Order 2907), § 388-92-045, filed 12/1/89, effective 1/1/90; 88-06-087 (Order 2604), § 388-92-045, filed 3/2/88; 85-05-014 (Order 2204), § 388-92-045, filed 2/13/85; 84-17-069 (Order 2139), § 388-92-045, filed 8/15/84; 84-02-055 (Order 2063), § 388-92-045, filed 1/4/84; 83-10-077 (Order 1958), § 388-92-045, filed 5/4/83; 82-24-069 (Order 1916), § 388-92-045, filed 12/1/82; 82-10-062 (Order 1801), § 388-92-045, filed 5/5/82; 82-01-001 (Order 1725), § 388-92-045, filed 12/3/81; 81-10-014 (Order 1646), § 388-92-045, filed 4/27/81; 79-10-095 (Order 1439), § 388-92-045, filed 9/25/79; Order 1015, § 388-92-045, filed 3/27/75; Order 898, § 388-92-045, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-511-1160.
- 388-92-050 Limitation of resources. [Statutory Authority: RCW 74.08.090. 85-03-072 (Order 2194), § 388-92-050, filed 1/17/85; 81-10-014 (Order 1646), § 388-92-050, filed 4/27/81; Order 898, § 388-92-050, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-511-1110.
- 388-92-055 Allocation of income and resources. [Statutory Authority: RCW 74.08.090. 80-02-061 (Order 1479), § 388-92-055, filed 1/18/80; Order 1227, § 388-92-055, filed 8/8/77; Order 996, § 388-92-055, filed 12/31/74; Order 960, § 388-92-055, filed 8/31/74; Order 898, § 388-92-055, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-060 Authorization. [Statutory Authority: RCW 74.08.090. 78-10-077 (Order 1346), § 388-92-060, filed 9/27/78; Order 1111, § 388-92-060, filed 4/15/76; Order 898, § 388-92-060, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-065 Termination of SSI beneficiary. [Order 898, § 388-92-065, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.-090.
- 388-92-070 Person converted into Title XVI. [Statutory Authority: RCW 74.08.090. 78-02-024 (Order 1265), § 388-92-070, filed 1/13/78; Order 1196, § 388-92-070, filed 3/3/77; Order 996, § 388-92-070, filed 12/31/74; Order 960, § 388-92-070, filed 8/13/74; Order 898, § 388-92-070, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.-090.

Chapter 388-93

MEDICAL CARE FOR GRANDFATHERED RECIPIENTS

- 388-93-005 Definitions. [Order 996, § 388-93-005, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-500-0005 (parts).
- 388-93-010 Description of program. [Order 996, § 388-93-010, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1210.
- 388-93-015 Eligibility—General. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-93-015, filed 5/4/83; Order 996, § 388-93-015, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1215.
- 388-93-020 Eligibility—Blindness defined. [Order 996, § 388-93-020, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1220.
- 388-93-025 Eligibility—Permanently and totally disabled defined. [Order 996, § 388-93-025, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1225.
- 388-93-030 Refusal of disabled recipient to accept available and recommended medical treatment—Effect on eligibility. [Order 996, § 388-93-030, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1230.
- 388-93-035 Refusal of disabled recipient to accept available and recommended medical treatment—Review for disability or blindness. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-93-035, filed 5/4/83; Order 996, § 388-93-035, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1235.
- 388-93-040 Computation of available income. [Statutory Authority: RCW 74.08.090. 78-02-024 (Order 1265), § 388-93-040, filed 1/13/78; Order 1067, § 388-93-040, filed 11/17/75; Order 996, § 388-93-040, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1240.
- 388-93-045 Monthly maintenance standard—Individual living in own home. [Order 996, § 388-93-045, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1245.
- 388-93-050 Monthly maintenance standard—Individual in institution. [Order 996, § 388-93-050, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1250.
- 388-93-055 Allocation of available income and nonexempt resources. [Order 1061, § 388-93-055, filed 10/8/75; Order 996, § 388-93-055, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1255.
- 388-93-060 Exempt resources. [Statutory Authority: RCW 74.08.-090. 83-10-077 (Order 1958), § 388-93-060, filed 5/4/83; Order 996, § 388-93-060, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1260.
- 388-93-065 Nonexempt resources. [Order 996, § 388-93-065, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1265.
- 388-93-070 Transfer of resources within two years prior to application. [Statutory Authority: RCW 74.08.090. 79-06-034

	(Order 1402), § 388-93-070, filed 5/16/79; Order 996, § 388-93-070, filed 12/31/74.] Repealed by 89-18-032 (Order 2859), filed 8/29/89, effective 9/29/89. Statutory Authority: 1989 c 87.	388-95-060	Services to patient/recipient in psychiatric facility. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-060, filed 8/22/78; Order 1044, § 388-95-060, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
388-93-075	Continuing certification. [Order 996, § 388-93-075, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1275.	388-95-065	Coordination of services for patient/recipient. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-065, filed 8/22/78; Order 1044, § 388-95-065, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
388-93-080	Application following termination of eligibility. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-93-080, filed 5/4/83; Order 996, § 388-93-080, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-512-1280.	388-95-070	Department responsibilities—Patient/recipient scheduled for release. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-070, filed 8/22/78; Order 1044, § 388-95-070, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
Chapter 388-94		388-95-075	ESSO responsibility for social services. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-075, filed 8/22/78; Order 1044, § 388-95-075, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
MEDICAL CARE COST SHARING—MONTHLY PREMIUM IMPOSED—PAYMENT BY CERTAIN RECIPIENTS—FEDERAL AID MEDICAL CARE ONLY—ASSESSMENT OF COST SHARING PREMIUM		388-95-080	Payment for care. [Order 1044, § 388-95-080, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
388-94-005	Definitions. [Order 940, § 388-94-005, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.	388-95-210	Eligibility for person under age 21. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-210, filed 8/22/78; Order 1044, § 388-95-210, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
388-94-010	Description of program. [Order 940, § 388-94-010, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.	388-95-215	Scope of care. [Order 1044, § 388-95-215, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
388-94-015	Persons obligated to pay premium. [Order 940, § 388-94-015, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.	388-95-225	Notification process. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-225, filed 8/22/78; Order 1044, § 388-95-225, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
388-94-020	Cost-sharing premium—Standard for computing. [Order 940, § 388-94-020, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.	388-95-235	Effective date of Title XIX coverage. [Order 1044, § 388-95-235, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
388-94-025	Cost-sharing premium—Payment—Notice of amount due. [Order 940, § 388-94-025, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.	388-95-250	Therapeutic visit. [Order 1044, § 388-95-250, filed 8/14/75.] Repealed by 78-09-052 (Order 1328), filed 8/22/78. Statutory Authority: RCW 74.08.090.
388-94-030	Local office responsibility. [Order 940, § 388-94-030, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.	388-95-255	Department responsibility—Admission. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-255, filed 8/22/78; Order 1044, § 388-95-255, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
388-94-035	Penalty for nonpayment of premium. [Order 940, § 388-94-035, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.	388-95-260	Services in facility. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-260, filed 8/22/78; Order 1044, § 388-95-260, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
Chapter 388-95		388-95-265	Coordination of services. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-265, filed 8/22/78; Order 1044, § 388-95-265, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
INSTITUTIONAL—MEDICAL ASSISTANCE—ELIGIBILITY		388-95-270	Department responsibilities—Release. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-270, filed 8/22/78; Order 1044, § 388-95-270, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
388-95-005	Definitions. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-005, filed 8/22/78; Order 1233, § 388-95-005, filed 8/31/77; Order 1044, § 388-95-005, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.	388-95-275	Supportive social service by ESSO. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-275, filed 8/22/78; Order 1044, § 388-95-275, filed 8/14/75.] Repealed by 82-01-042 (Order 1734), filed 12/16/81. Statutory Authority: RCW 74.08.090.
388-95-010	Eligibility for aged person. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-010, filed 8/22/78; Order 1044, § 388-95-010, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.	388-95-280	Conditions for payment. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-280, filed 8/22/78; Order 1044, § 388-95-280, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
388-95-025	Notification and application process. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-025, filed 8/22/78; Order 1044, § 388-95-025, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.	388-95-300	Recipients in medical institutions eligible under Title XIX. [Statutory Authority: RCW 74.08.090. 83-12-059 (Order 1964), § 388-95-300, filed 6/1/83. Formerly WAC 388-82-125.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1320.
388-95-030	Certification of eligibility. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-030, filed 8/22/78; Order 1044, § 388-95-030, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.	388-95-310	Fraternal, religious, or benevolent nursing facility. [Statutory Authority: RCW 74.08.090. 93-19-134
388-95-035	Effective date of authorization. [Order 1044, § 388-95-035, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.		
388-95-040	Duration of certification. [Order 1044, § 388-95-040, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.		
388-95-045	Medical consultant approval for hospitalization or medical care—When required. [Order 1044, § 388-95-045, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.		
388-95-050	Time-limited visit. [Order 1044, § 388-95-050, filed 8/14/75.] Repealed by 78-09-052 (Order 1328), filed 8/22/78. Statutory Authority: RCW 74.08.090.		
388-95-055	Department responsibilities for patient/recipient entering psychiatric facility. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-055, filed 8/22/78; Order 1044, § 388-95-055, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.		

- (Order 3641), § 388-95-310, filed 9/22/93, effective 10/23/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1396.
- 388-95-320 Eligibility determination—Institutional. [Statutory Authority: RCW 74.08.090. 92-20-015 (Order 3462), § 388-95-320, filed 9/24/92, effective 10/25/92; 91-09-019 (Order 3134), § 388-95-320, filed 4/9/91, effective 5/10/91; 90-12-062 (Order 3020), § 388-95-320, filed 5/31/90, effective 7/1/90; 86-08-005 (Order 2351), § 388-95-320, filed 3/20/86; 83-12-059 (Order 1964), § 388-95-320, filed 6/1/83. Formerly WAC 388-83-135.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1315.
- 388-95-335 Availability of income. [Statutory Authority: RCW 74.08.090. 93-01-037 (Order 3485), § 388-95-335, filed 12/9/92, effective 1/9/93; 90-24-089 (Order 3108), § 388-95-335, filed 12/5/90, effective 1/5/91; 89-23-080 (Order 2898), § 388-95-335, filed 11/17/89, effective 12/18/89. Statutory Authority: 1989 [1st ex.s.] c 5352 [19]. 89-18-056 (Order 2864), § 388-95-335, filed 9/1/89, effective 10/2/89. Statutory Authority: RCW 74.08.090. 86-18-005 (Order 2411), § 388-95-335, filed 8/21/86; 85-09-024 (Order 2224), § 388-95-335, filed 4/10/85.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1330.
- 388-95-337 Availability of resources. [Statutory Authority: RCW 74.08.090. 94-07-130 (Order 3716), § 388-95-337, filed 3/23/94, effective 4/23/94. Statutory Authority: RCW 74.08.090 and State Agency Letter 93-03. 93-07-029 (Order 3523), § 388-95-337, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 74.08.090. 92-03-088 (Order 3313), § 388-95-337, filed 1/15/92, effective 2/15/92; 91-07-011 (Order 3150), § 388-95-337, filed 3/11/91, effective 4/11/91; 90-12-049 (Order 3007), § 388-95-337, filed 5/31/90, effective 7/1/90; 89-23-080 (Order 2898), § 388-95-337, filed 11/17/89, effective 12/18/89. Statutory Authority: 1989 [1st ex.s.] c 5352 [19]. 89-18-056 (Order 2864), § 388-95-337, filed 9/1/89, effective 10/2/89. Statutory Authority: RCW 74.08.090. 88-01-042 (Order 2567), § 388-95-337, filed 12/11/87.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1350.
- 388-95-340 Computation of available income and resources. [Statutory Authority: RCW 74.08.090 and Social Security Act Section 1924(c) and 42 USC 1396r-5 Sec. 1924(c). 93-19-136 (Order 3642), § 388-95-340, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090. 93-06-041 (Order 3517), § 388-95-340, filed 2/24/93, effective 3/27/93; 86-18-005 (Order 2411), § 388-95-340, filed 8/21/86; 84-17-012 (Order 2132), § 388-95-340, filed 8/3/84; 84-02-056 (Order 2064), § 388-95-340, filed 1/4/84; 83-12-059 (Order 1964), § 388-95-340, filed 6/1/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1330, 388-513-1340, 388-513-1345 and 388-513-1350 part.
- 388-95-360 Allocation of income and resources—Institutionalized client. [Statutory Authority: RCW 74.08.090. 94-02-006 (Order 3688), § 388-95-360, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28. 93-11-049 (Order 3548), § 388-95-360, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090. 93-06-041 (Order 3517), § 388-95-360, filed 2/24/93, effective 3/27/93; 92-08-082 and 92-10-046 (Order 3356A), § 388-95-360, filed 3/31/92 and 5/5/92, effective 5/5/92 and 6/5/92; 91-17-061 (Order 3232), § 388-95-360, filed 8/20/91, effective 9/20/91; 91-07-011 (Order 3150), § 388-95-360, filed 3/11/91, effective 4/11/91; 90-12-049 (Order 3007), § 388-95-360, filed 5/31/90, effective 7/1/90; 89-23-080 (Order 2898), § 388-95-360, filed 11/17/89, effective 12/18/89. Statutory Authority: 1989 [1st ex.s. c 5352 [19]. 89-18-056 (Order 2864), § 388-95-360, filed 9/1/89, effective 10/2/89. Statutory Authority: RCW 74.08.090. 88-23-022 (Order 2721), § 388-95-360, filed 11/7/88; 83-17-093 (Order 2005), § 388-95-360, filed 8/23/83; 83-12-059 (Order 1964), § 388-95-360, filed 6/1/83. Formerly WAC 388-83-140.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1380.
- 388-95-380 Excluded resources. [Statutory Authority: RCW 74.08.090. 91-09-017 (Order 3132), § 388-95-380, filed 4/9/91, effective 5/10/91; 88-06-087 (Order 2604), § 388-95-380, filed 3/2/88; 85-05-014 (Order 2204), § 388-95-380, filed 2/13/85; 84-17-069 (Order 2139), § 388-95-380, filed 8/15/84; 84-02-055 (Order 2063), § 388-95-380, filed 1/4/84; 83-12-059 (Order 1964), § 388-95-380, filed 6/1/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1360.
- 388-95-390 Limitation of resources. [Statutory Authority: RCW 74.08.090. 85-03-072 (Order 2194), § 388-95-390, filed 1/17/85; 83-12-059 (Order 1964), § 388-95-390, filed 6/1/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1310.
- 388-95-395 Transfer of assets. [Statutory Authority: RCW 74.08.090 and OBRA 1993. 93-23-032 (Order 3664), § 388-95-395, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.08.090. 91-15-085 (Order 3206), § 388-95-395, filed 7/23/91, effective 8/23/91; 89-12-037 (Order 2806), § 388-95-395, filed 6/1/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1365.
- 388-95-400 Medically needy—Eligibility determination—Institutional. [Statutory Authority: RCW 74.08.090. 92-20-015 (Order 3462), § 388-95-400, filed 9/24/92, effective 10/25/92; 90-06-037 (Order 2949), § 388-95-400, filed 3/1/90, effective 4/1/90; 88-17-062 (Order 2672), § 388-95-400, filed 8/17/88; 83-12-059 (Order 1964), § 388-95-400, filed 6/1/83. Formerly WAC 388-99-045.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1395.

Chapter 388-98

NURSING HOME LICENSURE PROGRAM ADMINISTRATION

- 388-98-001 Definitions. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-001, filed 12/15/89, effective 1/15/90. Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-001, filed 10/9/87. Statutory Authority: RCW 18.51.070. 83-24-030 (Order 2052), § 388-98-001, filed 12/1/83. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-001, filed 6/25/80.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-005.
- 388-98-003 Remedies. [Statutory Authority: 1989 c 372. 90-06-031 (Order 2943), § 388-98-003, filed 3/1/90, effective 4/1/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-630.
- 388-98-005 Receivership. [Statutory Authority: Chapter 18.51 RCW. 88-06-086 (Order 2603), § 388-98-005, filed 3/2/88.] Repealed by 90-01-052 (Order 2917), filed 12/15/89, effective 1/15/90. Statutory Authority: 1989 c 372 § 8.
- 388-98-010 List of qualified receivers. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-010, filed 12/15/89, effective 1/15/90. Statutory Authority: Chapter 18.51 RCW. 88-06-086 (Order 2603), § 388-98-010, filed 3/2/88.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-680 and 388-97-685.
- 388-98-015 Duties and powers of receiver. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-015, filed 12/15/89, effective 1/15/90. Statutory Authority: Chapter 18.51 RCW. 88-06-086 (Order 2603), § 388-98-015, filed 3/2/88.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-690.

388-98-020	Termination of receivership. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-020, filed 12/15/89, effective 1/15/90. Statutory Authority: Chapter 18.51 RCW. 88-06-086 (Order 2603), § 388-98-020, filed 3/2/88.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51-070, 74.42.620. Later promulgation, see WAC 388-97-675 and 388-97-695.	388-99-005	Limited casualty program—Medically needy. [Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-99-005, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-005, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see parts of WAC 388-501-0110 and 388-501-0320.
388-98-300	Temporary management. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-300, filed 12/15/89, effective 1/15/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-670.	388-99-010	Persons eligible for medically needy assistance. [Statutory Authority: RCW 74.08.090 and CFR 435.712 and 435.724. 93-06-037 (Order 3516), § 388-99-010, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090. 90-24-027 (Order 3105), § 388-99-010, filed 11/30/90, effective 1/1/91; 90-04-033 (Order 2938), § 388-99-010, filed 1/31/90, effective 3/3/90; 88-23-023 (Order 2722), § 388-99-010, filed 11/7/88; 88-09-037 (Order 2620), § 388-99-010, filed 4/15/88; 86-11-025 (Order 2378), § 388-99-010, filed 5/14/86; 86-08-005 (Order 2351), § 388-99-010, filed 3/20/86; 85-17-036 (Order 2269), § 388-99-010, filed 8/15/85; 85-07-049 (Order 2218), § 388-99-010, filed 3/20/85; 85-03-070 (Order 2191), § 388-99-010, filed 1/17/85; 82-01-001 (Order 1725), § 388-99-010, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-010, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-503-0320 (parts).
388-98-320	Temporary managers—Application. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-320, filed 12/15/89, effective 1/15/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-680 and 388-97-685.	388-99-011	Continuation of eligibility for pregnant women. [Statutory Authority: RCW 74.08.090. 93-17-035 (Order 3617), § 388-99-011, filed 8/11/93, effective 9/11/93; 88-23-023 (Order 2722), § 388-99-011, filed 11/7/88; 86-21-002 (Order 2430), § 388-99-011, filed 10/2/86.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-508-0830 (parts).
388-98-330	Duties and powers of temporary manager. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-330, filed 12/15/89, effective 1/15/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-690.	388-99-015	Eligibility—General. [Statutory Authority: RCW 74.08.090. 81-16-032 (Order 1684), § 388-99-015, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-505-0501.
388-98-340	Termination of temporary management. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-340, filed 12/15/89, effective 1/15/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-695.	388-99-020	Eligibility determination—Medically needy in own home. [Statutory Authority: RCW 74.08.090 and Sneeve vs. Kizer, 9th Circuit Court decision, United States Court of Appeals D.C. #CV-89-1932-TEH. 93-19-037 (Order 3630), § 388-99-020, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090 and 1902(r) of the Social Security Act. 93-07-028 (Order 3522), § 388-99-020, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 74.08.090. 92-20-118 (Order 3467), § 388-99-020, filed 10/7/92, effective 11/7/92; 91-07-011 (Order 3150), § 388-99-020, filed 3/11/91, effective 4/11/91; 90-06-034 (Order 2946), § 388-99-020, filed 3/1/90, effective 4/1/90; 89-05-029 (Order 2758), § 388-99-020, filed 2/13/89; 88-23-081 (Order 2727), § 388-99-020, filed 11/18/88. Statutory Authority: 1987 1st ex.s. c. 7. 88-05-056 (Order 2599), § 388-99-020, filed 2/17/88. Statutory Authority: RCW 74.08.090. 87-17-043 (Order 2522), § 388-99-020, filed 8/17/87; 87-06-006 (Order 2473), § 388-99-020, filed 2/19/87; 86-07-003 (Order 2346), § 388-99-020, filed 3/6/86; 85-16-047 (Order 2263), § 388-99-020, filed 7/31/85; 85-05-016 (Order 2206), § 388-99-020, filed 2/13/85; 84-17-013 (Order 2133), § 388-99-020, filed 8/3/84; 84-05-039 (Order 2075), § 388-99-020, filed 2/17/84; 83-17-094 (Order 2006), § 388-99-020, filed 8/23/83; 83-01-058 (Order 1925), § 388-99-020, filed 12/15/82; 82-17-072 (Order 1868), § 388-99-020, filed 8/18/82; 82-10-062 (Order 1801), § 388-99-020, filed 5/5/82; 82-01-001 (Order 1725), § 388-99-020, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-020, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-506-0610 part, 388-506-0630, 388-507-0710, 388-519-1910 and 388-519-1930 part.
388-98-700	Stop placement—Informal review. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-700, filed 12/15/89, effective 1/15/90. Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-700, filed 10/9/87. Statutory Authority: RCW 18.51.070. 83-24-030 (Order 2052), § 388-98-700, filed 12/1/83.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-620 and 388-97-650.	388-99-030	Allocation of excess income—Spendedown. [Statutory Authority: RCW 74.08.090. 93-19-137 (Order 3640), § 388-99-030, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090 and Omnibus Budget Reconciliation Act 4118(h). 92-07-027 (Order 3335), § 388-99-030, filed 3/10/92, effective 4/10/92. Statutory Authority: RCW 74.08.090. 90-04-034 (Order 2929), §
388-98-750	Notice and hearing rights. [Statutory Authority: 1989 c 372 § 8. 90-01-052 (Order 2917), § 388-98-750, filed 12/15/89, effective 1/15/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-625.		
388-98-800	Applicability of civil fines. [Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-800, filed 10/9/87. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-800, filed 6/25/80.] Repealed by 90-01-052 (Order 2917), filed 12/15/89, effective 1/15/90. Statutory Authority: 1989 c 372 § 8.		
388-98-810	Civil penalty fund. [Statutory Authority: RCW 18.51-070. 90-12-048 (Order 2990), § 388-98-810, filed 5/31/90, effective 7/1/90.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-665.		
388-98-830	Notification of response time. [Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-830, filed 10/9/87. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-830, filed 6/25/80.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-605.		
388-98-850	Imposition and payment of fines. [Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-850, filed 10/9/87. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-850, filed 6/25/80.] Repealed by 90-01-052 (Order 2917), filed 12/15/89, effective 1/15/90. Statutory Authority: 1989 c 372 § 8.		
388-98-870	Separate violations. [Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-870, filed 10/9/87. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-870, filed 6/25/80.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620. Later promulgation, see WAC 388-97-645.		
388-98-890	Reporting. [Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-890, filed 6/25/80.] Repealed by 02-14-063, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 18.51.070, 74.42.620.		

Chapter 388-100

LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT

- 388-99-030, filed 1/31/90, effective 3/3/90; 89-11-057 (Order 2798), § 388-99-030, filed 5/17/89; 88-24-025 (Order 2735), § 388-99-030, filed 12/2/88; 86-17-022 (Order 2409), § 388-99-030, filed 8/12/86; 85-05-016 (Order 2206), § 388-99-030, filed 2/13/85; 84-07-017 (Order 2083), § 388-99-030, filed 3/14/84; 82-01-001 (Order 1725), § 388-99-030, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-030, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-519-1930 (parts).
- 388-99-035 Resource standards. [Statutory Authority: RCW 74.08.-090 and OBRA 1993. 93-23-032 (Order 3664), § 388-99-035, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.08.090. 92-22-049 (Order 3472), § 388-99-035, filed 10/28/92, effective 11/28/92; 85-03-072 (Order 2194), § 388-99-035, filed 1/17/85; 83-13-071 (Order 1972), § 388-99-035, filed 6/16/83; 82-10-062 (Order 1801) and 82-11-034 (Order 1809), § 388-99-035, filed 5/5/82 and 5/11/82; 82-10-017 (Order 1776), § 388-99-035, filed 4/28/82; 81-16-032 (Order 1684), § 388-99-035, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-507-0720 (parts).
- 388-99-036 Monthly maintenance standard—Client not in own home. [Statutory Authority: RCW 74.08.090. 92-20-007 (Order 3458), § 388-99-036, filed 9/23/92, effective 10/24/92.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-513-1305 part.
- 388-99-040 Availability of resources. [Statutory Authority: RCW 74.08.090. 91-09-017 (Order 3132), § 388-99-040, filed 4/9/91, effective 5/10/91; 88-23-081 (Order 2727), § 388-99-040, filed 11/18/88; 84-02-054 (Order 2062), § 388-99-040, filed 1/4/84; 81-16-032 (Order 1684), § 388-99-040, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-507-0720 part and 388-507-0730.
- 388-99-045 Medically needy—Eligibility determination—Institutional. [Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-99-045, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-045, filed 7/29/81.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-95-400.
- 388-99-050 Limited casualty program—Medically needy—Application process. [Statutory Authority: RCW 74.08.090. 86-17-022 (Order 2409), § 388-99-050, filed 8/12/86; 81-16-032 (Order 1684), § 388-99-050, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see chapter 388-504 (part), WAC 388-504-0485 and 388-521-2130.
- 388-99-055 Base period. [Statutory Authority: RCW 74.08.090. 93-19-135 (Order 3643), § 388-99-055, filed 9/22/93, effective 10/23/93; 93-07-125 (Order 3528), § 388-99-055, filed 3/24/93, effective 4/24/93; 85-05-016 (Order 2206), § 388-99-055, filed 2/13/85; 83-01-058 (Order 1925), § 388-99-055, filed 12/15/82; 82-14-050 (Order 1841), § 388-99-055, filed 6/30/82; 82-01-001 (Order 1725), § 388-99-055, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-055, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-519-1905.
- 388-99-060 Scope of care for medically needy. [Statutory Authority: RCW 74.08.090. 93-16-040 (Order 3601), § 388-99-060, filed 7/28/93, effective 8/28/93; 93-01-044 (Order 3489), § 388-99-060, filed 12/10/92, effective 1/10/93; 92-17-005 (Order 3435), § 388-99-060, filed 8/6/92, effective 9/6/92. Statutory Authority: 1987 1st ex.s. c 7. 88-02-034 (Order 2580), § 388-99-060, filed 12/31/87. Statutory Authority: RCW 74.08.090. 87-22-092 (Order 2553), § 388-99-060, filed 11/4/87; 85-17-035 (Order 2268), § 388-99-060, filed 8/15/85; 83-03-016 (Order 1937), § 388-99-060, filed 1/12/83; 81-16-032 (Order 1684), § 388-99-060, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-529-2920.
- 388-100-001 Effective dates. [Statutory Authority: RCW 74.08.090. 85-17-034 (Order 2267), § 388-100-001, filed 8/15/85.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-100-005 Limited casualty program—Medically indigent. [Statutory Authority: RCW 74.08.090. 91-17-062 (Order 3233), § 388-100-005, filed 8/20/91, effective 9/20/91; 89-22-037 (Order 2887), § 388-100-005, filed 10/27/89, effective 11/27/89; 87-12-054 (Order 2499), § 388-100-005, filed 6/1/87; 86-09-007 (Order 2364), § 388-100-005, filed 4/4/86; 84-02-054 (Order 2062), § 388-100-005, filed 1/4/84; 83-13-071 (Order 1972), § 388-100-005, filed 6/16/83; 82-01-001 (Order 1725), § 388-100-005, filed 12/3/81; 81-16-032 (Order 1684), § 388-100-005, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-501-0110 part and 388-503-0370.
- 388-100-010 Limited casualty program—Medically indigent—Eligibility determination. [Statutory Authority: RCW 74.08.090. 91-17-062 (Order 3233), § 388-100-010, filed 8/20/91, effective 9/20/91; 90-24-027 (Order 3105), § 388-100-010, filed 11/30/90, effective 1/1/91; 90-12-053 (Order 3011), § 388-100-010, filed 5/31/90, effective 7/1/90; 86-11-025 (Order 2378), § 388-100-010, filed 5/14/86; 84-02-054 (Order 2062), § 388-100-010, filed 1/4/84; 82-17-072 (Order 1868), § 388-100-010, filed 8/18/82; 82-01-001 (Order 1725), § 388-100-010, filed 12/3/81; 81-16-032 (Order 1684), § 388-100-010, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-518-1805, 388-518-1810 part, 388-518-1820 and 388-518-1830.
- 388-100-015 Allocation of excess income and nonexempted resource. [Statutory Authority: RCW 74.08.090. 91-17-062 (Order 3233), § 388-100-015, filed 8/20/91, effective 9/20/91; 82-01-001 (Order 1725), § 388-100-015, filed 12/3/81; 81-16-032 (Order 1684), § 388-100-015, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-518-1840.
- 388-100-020 Limited casualty program—Medically indigent—Application process. [Statutory Authority: RCW 74.08.090. 91-17-062 (Order 3233), § 388-100-020, filed 8/20/91, effective 9/20/91; 81-16-032 (Order 1684), § 388-100-020, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see chapter 388-504, and 388-521-2140 part.
- 388-100-025 Certification. [Statutory Authority: RCW 74.08.090. 91-17-062 (Order 3233), § 388-100-025, filed 8/20/91, effective 9/20/91; 85-17-034 (Order 2267), § 388-100-025, filed 8/15/85; 83-13-071 (Order 1972), § 388-100-025, filed 6/16/83; 82-17-072 (Order 1868), § 388-100-025, filed 8/18/82; 82-10-062 (Order 1801), § 388-100-025, filed 5/5/82; 81-16-032 (Order 1684), § 388-100-025, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-504-0440 part, 388-521-2140 part and 388-525-2505.
- 388-100-030 Emergency medical expense requirement. [Statutory Authority: RCW 74.08.090. 91-17-062 (Order 3233), § 388-100-030, filed 8/20/91, effective 9/20/91; 83-17-071 (Order 2009), § 388-100-030, filed 8/19/83; 82-20-039 (Order 1880), § 388-100-030, filed 10/1/82; 82-13-079 (Order 1828), § 388-100-030, filed 6/21/82; 81-16-032 (Order 1684), § 388-100-030, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-518-1810 (parts).
- 388-100-035 Scope of care for medically indigent. [Statutory Authority: RCW 74.08.090. 92-17-005 (Order 3435), § 388-100-035, filed 8/6/92, effective 9/6/92; 91-17-062 (Order 3233), § 388-100-035, filed 8/20/91, effective 9/20/91; 86-02-031 (Order 2321), § 388-100-035, filed 12/27/85; 85-17-035 (Order 2268), § 388-100-035, filed 8/15/85; 84-02-054 (Order 2062), § 388-100-035, filed 1/4/84; 83-17-071 (Order 2009), § 388-100-035, filed 8/19/83; 82-17-072 (Order 1868), § 388-100-035, filed

	8/18/82; 82-04-071 (Order 1754), § 388-100-035, filed 2/3/82; 81-16-032 (Order 1684), § 388-100-035, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-529-2950.				
	Chapter 388-104 PERSONNEL				
388-104-100	Dismissal for cause. [Regulation 388-104-04 (Exhibit C), filed 10/31/63; Regulation 388-104-04, filed 11/15/62.] Repealed by Order 626, filed 11/11/71.	388-150-085			filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0080.
	Chapter 388-150 MINIMUM LICENSING REQUIREMENTS FOR CHILD DAY CARE CENTERS				
388-150-005	Authority. [Statutory Authority: RCW 74.12.340, 94-13-201 (Order 3745), § 388-150-005, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.-030, 91-07-013 (Order 3151), § 388-150-005, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-005, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0001.	388-150-090			Initial license. [Statutory Authority: RCW 74.15.030, 96-20-095, § 388-150-085, filed 10/1/96, effective 11/1/96.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0090.
388-150-010	Definitions. [Statutory Authority: Chapter 74.15 RCW, RCW 74.08.090, 02-16-062, § 388-150-010, filed 8/2/02, effective 10/1/02. Statutory Authority: RCW 74.15.030, 98-24-052, § 388-150-010, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.15.-020 and 74.15.030, 93-18-001 (Order 3623), § 388-150-010, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-010, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0010.	388-150-092			When can my license application be denied and when can my license be suspended or revoked? [Statutory Authority: Chapter 74.120 RCW, RCW 74.12.340, and 74.15.030, 02-14-085, § 388-150-090, filed 6/28/02, effective 7/29/02. Statutory Authority: RCW 74.15.-030, 96-10-043 (Order 3974), § 388-150-090, filed 4/26/96, effective 5/27/96. Statutory Authority: RCW 74.12.340, 94-13-201 (Order 3745), § 388-150-090, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-090, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0100.
388-150-020	Scope of licensing. [Statutory Authority: RCW 74.12.340, 94-13-201 (Order 3745), § 388-150-020, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.020 and 74.15.030, 93-18-001 (Order 3623), § 388-150-020, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030, 91-15-084 and 91-21-070 (Orders 3205 and 3205A), § 388-150-020, filed 7/23/91 and 10/17/91, effective 8/23/91 and 11/17/91; 90-23-078 (Order 3103), § 388-150-020, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0020.	388-150-093			Civil penalties. [Statutory Authority: RCW 74.15.030, 96-20-095, § 388-150-092, filed 10/1/96, effective 11/1/96.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0110.
388-150-040	Local ordinances and codes. [Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-040, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0040.	388-150-094			Civil penalties—Amount of penalty. [Statutory Authority: RCW 74.15.030, 96-20-095, § 388-150-093, filed 10/1/96, effective 11/1/96.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0120.
388-150-050	Waivers. [Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-050, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0050.	388-150-095			Civil penalties—Posting of notice of penalty. [Statutory Authority: RCW 74.15.030, 96-20-095, § 388-150-094, filed 10/1/96, effective 11/1/96.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0110.
388-150-060	Dual licensure. [Statutory Authority: RCW 74.15.020 and 74.15.030, 93-18-001 (Order 3623), § 388-150-060, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-060, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0055.	388-150-096			Civil penalties—Unlicensed programs. [Statutory Authority: RCW 74.15.030, 96-20-095, § 388-150-095, filed 10/1/96, effective 11/1/96.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0130.
388-150-070	Application and reapplication for licensing—Investigation. [Statutory Authority: RCW 43.20B.110, 01-02-032, § 388-150-070, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.020 and 74.15.030, 93-18-001 (Order 3623), § 388-150-070, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-070, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0060; 388-295-0070.	388-150-097			Civil penalties—Separate violations. [Statutory Authority: RCW 74.15.030, 96-20-095, § 388-150-096, filed 10/1/96, effective 11/1/96.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0110.
388-150-080	Licensed capacity. [Statutory Authority: RCW 74.15.-030, 90-23-078 (Order 3103), § 388-150-080, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110,	388-150-098			Civil penalties—Penalty for nonpayment. [Statutory Authority: RCW 74.15.030, 96-20-095, § 388-150-097, filed 10/1/96, effective 11/1/96.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0110.
		388-150-100			Probationary license. [Statutory Authority: RCW 74.15.030, 96-20-095, § 388-150-098, filed 10/1/96, effective 11/1/96.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0140.
		388-150-110			Activity program. [Statutory Authority: RCW 74.15.-030, 91-07-013 (Order 3151), § 388-150-100, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-100, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-2110.
		388-150-120			Learning and play materials. [Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-110, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-2020.
					Staff-child interactions. [Statutory Authority: RCW 74.15.030, 90-23-078 (Order 3103), § 388-150-120, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-2030.

388-150-130	Behavior management and discipline. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-130, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-2040.	388-150-220	Health supervision and infectious disease prevention. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-220, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.-030. 90-23-078 (Order 3103), § 388-150-220, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-7010; 388-295-7020; 388-295-3030.
388-150-140	Rest periods. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-140, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-2050.	388-150-230	Medication management. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-230, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see chapter 388-295 WAC.
388-150-150	Evening and nighttime care. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-150, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-150, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-2060.	388-150-240	Nutrition. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-240, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-240, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-3140; 388-295-3150; 388-295-3160.
388-150-160	Off-site trips. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-160, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-160, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-2070.	388-150-250	Kitchen and food service. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-250, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-250, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see chapter 388-295 WAC.
388-150-165	Transportation. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-165, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-165, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-2070.	388-150-260	Drinking and eating equipment. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-260, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-3230.
388-150-170	Parent communication. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-170, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-170, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-2080.	388-150-270	Care of young children. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-270, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-270, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see chapter 388-295 WAC.
388-150-180	Staff pattern and qualifications. [Statutory Authority: RCW 74.15.030. 98-24-052, § 388-150-180, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-180, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 91-07-013 (Order 3151), § 388-150-180, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-180, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see chapter 388-295 WAC.	388-150-280	General safety, maintenance, and site. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-280, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 91-07-013 (Order 3151), § 388-150-280, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-280, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see chapter 388-295 WAC.
388-150-190	Group size and staff-child ratios. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-190, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-190, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-2090.	388-150-290	Water safety. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-290, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-5070.
388-150-200	Staff development and training. [Statutory Authority: RCW 74.15.030. 98-24-052, § 388-150-200, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-200, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-200, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see chapter 388-295 WAC.	388-150-295	Water supply, sewage, and liquid wastes. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-295, filed 8/18/93, effective 9/18/93.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-5070; 388-295-5080.
388-150-210	Health care plan. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-210, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 91-07-013 (Order 3151), § 388-150-210, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-210, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see chapter 388-295 WAC.	388-150-310	First-aid supplies. [Statutory Authority: RCW 74.15.-030. 90-23-078 (Order 3103), § 388-150-310, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-5010.
388-150-210	Health care plan. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-210, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 91-07-013 (Order 3151), § 388-150-210, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-210, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-5090; 388-295-5100.	388-150-320	Outdoor play area. [Statutory Authority: RCW 74.15.-030. 90-23-078 (Order 3103), § 388-150-320, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-5090; 388-295-5100.

- 388-150-330 Indoor play area. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-330, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-330, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0080.
- 388-150-340 Toilets, handwashing sinks, and bathing facilities. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-340, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-340, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-5100; 388-295-3400.
- 388-150-350 Laundry. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-350, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-5110.
- 388-150-360 Nap and sleep equipment. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-360, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-4100; 388-295-5120.
- 388-150-370 Storage. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-370, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-5060; 388-295-5140.
- 388-150-380 Program atmosphere. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-380, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-5150 (part).
- 388-150-390 Discrimination prohibited. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-390, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 91-07-013 (Order 3151), § 388-150-390, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-390, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-6010.
- 388-150-400 Religious activities. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-400, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-6020.
- 388-150-410 Special requirements regarding American Indian children. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-410, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-6030.
- 388-150-420 Child abuse, neglect, and exploitation. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-420, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-6040.
- 388-150-430 Prohibited substances. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-430, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-6050.
- 388-150-440 Limitations to persons on premises. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-440, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-6060.
- 388-150-450 Child records and information. [Statutory Authority: RCW 74.15.030. 91-07-013 (Order 3151), § 388-150-450, filed 3/12/91, effective 4/12/91; 90-23-078 (Order 3103), § 388-150-450, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-7010.
- 388-150-460 Program records. [Statutory Authority: RCW 74.12.340. 94-13-201 (Order 3745), § 388-150-460, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-460, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-460, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see chapter 388-295 WAC.
- 388-150-470 Personnel policies and records. [Statutory Authority: RCW 74.15.030. 98-24-052, § 388-150-470, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-470, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-470, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-7010; 388-295-7050.
- 388-150-480 Reporting of death, injury, illness, epidemic, or child abuse. [Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-480, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-7160; 388-295-7060.
- 388-150-490 Reporting of circumstantial changes. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-490, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-490, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-7070.
- 388-150-500 Posting requirements. [Statutory Authority: RCW 74.15.020 and 74.15.030. 93-18-001 (Order 3623), § 388-150-500, filed 8/18/93, effective 9/18/93. Statutory Authority: RCW 74.15.030. 90-23-078 (Order 3103), § 388-150-500, filed 11/20/90, effective 12/21/90.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-7080.
- 388-150-990 Purpose and authority. [00-23-088, recodified as § 388-150-990, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-001, filed 6/4/82.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0001.
- 388-150-991 Waiver of fees. [00-23-088, recodified as § 388-150-991, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-002, filed 6/4/82.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0050.
- 388-150-992 Fee payment and refunds. [00-23-088, recodified as § 388-150-992, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-010, filed 6/4/82.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0090.
- 388-150-993 Denial, revocation, suspension, and reinstatement. [00-23-088, recodified as § 388-150-993, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.] Repealed by 03-14-110, filed 6/30/03, effective 8/1/03. Statutory Authority: Chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-295-0100.

Chapter 388-151
SCHOOL-AGE CHILD CARE CENTER MINIMUM LICENSING
REQUIREMENTS

388-151-010	What definitions are important for the school-age child care center program? [Statutory Authority: Chapter 74.15 RCW, RCW 74.08.090, 02-16-062, § 388-151-010, filed 8/2/02, effective 10/1/02. Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-010, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030, 98-24-052, § 388-151-010, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-010, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-010.	388-151-093	What is the amount of the civil penalty the department may impose? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-093, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030, 96-20-095, § 388-151-093, filed 10/1/96, effective 11/1/96.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-093.
388-151-020	Who needs to be licensed? [Statutory Authority: Chapter 74.15 RCW and RCW 34.05.395, 02-13-073, § 388-151-020, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-020, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-020, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-020.	388-151-094	Must I post the department's notice of civil penalty? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-094, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030, 96-20-095, § 388-151-094, filed 10/1/96, effective 11/1/96.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-094.
388-151-040	What local ordinances and codes apply? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-040, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-040, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-040.	388-151-095	May the department assess civil penalties on unlicensed programs? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-095, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030, 96-20-095, § 388-151-095, filed 10/1/96, effective 11/1/96.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-095.
388-151-045	What is the basis for the department's issuance or denial of a license? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-045, filed 12/22/00, effective 1/22/01.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-045.	388-151-096	May the department impose civil penalties for separate violations? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-096, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030, 96-20-095, § 388-151-096, filed 10/1/96, effective 11/1/96.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-096.
388-151-050	Waivers. [Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-050, filed 12/30/92, effective 1/30/93.] Repealed by 01-02-031, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.020.	388-151-097	What if I do not pay the civil penalty? [Statutory Authority: Chapter 74.15 RCW and RCW 34.05.395, 02-13-073, § 388-151-097, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-097, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030, 96-20-095, § 388-151-097, filed 10/1/96, effective 11/1/96.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-097.
388-151-070	How do I apply or reapply for a license? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-070, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-070, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-070.	388-151-098	Under what circumstances may the department issue a probationary license? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-098, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030, 96-20-095, § 388-151-098, filed 10/1/96, effective 11/1/96.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-098.
388-151-075	How do I get a waiver of the licensing requirements contained in this chapter? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-075, filed 12/22/00, effective 1/22/01.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-075.	388-151-100	What must I include in the center's activity program? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-100, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-100, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-100.
388-151-080	How does the department determine my licensed capacity? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-080, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-080, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-080.	388-151-110	What learning and play materials must I provide? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-110, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-110, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-110.
388-151-085	How do I get an initial license? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-085, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030, 96-20-095, § 388-151-085, filed 10/1/96, effective 11/1/96.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-085.	388-151-120	How must my child care center staff interact with the children? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-120, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-120, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-120.
388-151-090	When can my license application be denied and when can my license be suspended or revoked? [Statutory Authority: Chapter 74.120 RCW, RCW 74.12.340, and 74.15.030, 02-14-085, § 388-151-090, filed 6/28/02, effective 7/29/02. Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-090, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030, 96-10-043 (Order 3974), § 388-151-090, filed 4/26/96, effective 5/27/96. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-090, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-090.	388-151-130	How must I discipline the children and manage the children's behavior? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-130, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-130, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-130.
388-151-092	Under what conditions does the department impose civil penalties against me? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-092, filed 12/22/00,	388-151-150	What does the department require for evening and nighttime care? [Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-150, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-150, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed

	7/13/06, effective 7/13/06. Recodified as § 170-151-150.	388-151-250	What requirements must I meet for kitchen and food service? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-250, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-250, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-250.
388-151-160	What does the department require for off-site trips? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-160, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-160, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-160.	388-151-260	What requirements must I meet for drinking and eating equipment? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-260, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-260, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-260.
388-151-165	What does the department require for transportation? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-165, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-165, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-165.	388-151-280	What general safety, maintenance, and site requirements must I meet? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-280, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-280, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-280.
388-151-170	What does the department require for parent communication? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-170, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-170, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-170.	388-151-290	What must I do to ensure water safety in my facility? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-290, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-290, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-290.
388-151-180	What staff patterns and qualifications does the department require? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-180, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 98-24-052, § 388-151-180, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-180, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-180.	388-151-310	What first-aid supplies must I have available in my child care center? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-310, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-310, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-310.
388-151-190	What group size and staff-child ratios must I maintain? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-190, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 98-24-052, § 388-151-190, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-190, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-190.	388-151-320	What requirements must I meet for an outdoor play area? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-320, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-320, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-320.
388-151-200	What requirements must I meet for center staff development and training? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-200, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 98-24-052, § 388-151-200, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-200, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-200.	388-151-330	What requirements must I meet for indoor space? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-330, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-330, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-330.
388-151-210	What must my required health care plan contain? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-210, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-210, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-210.	388-151-340	What are the department's requirements for toilets and hand-washing sinks? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-340, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-340, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-340.
388-151-220	What steps must I take to address health supervision and infectious disease prevention? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-220, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-220, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-220.	388-151-380	What kind of program atmosphere must I provide? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-380, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-380, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-380.
388-151-230	What requirements must I meet for medication management? [Statutory Authority: Chapter 74.15 RCW and RCW 34.05.395. 02-13-073, § 388-151-230, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-230, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-230, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-230.	388-151-390	What requirements must I meet regarding nondiscrimination? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-390, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-390, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-390.
388-151-240	What nutrition requirements must I meet? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-240, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-240, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-240.	388-151-410	What special requirements regarding American Indian children must I meet? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-410, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-410, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-410.
		388-151-420	What are my responsibilities regarding child abuse, neglect, and exploitation? [Statutory Authority: RCW

- 74.15.020. 01-02-031, § 388-151-420, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-420, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-420.
- 388-151-430 What requirements does the department have regarding prohibited substances and tobacco products? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-430, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-430, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-430.
- 388-151-440 What are the department's limitations regarding persons on premises? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-440, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-440, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-440.
- 388-151-450 What child records and information must I maintain? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-450, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-450, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-450.
- 388-151-460 What program records must I maintain? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-460, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-460, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-460.
- 388-151-470 What personnel policies and records must I develop and maintain? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-470, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 98-24-052, § 388-151-470, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-470, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-470.
- 388-151-480 What requirements must I meet for reporting of death, injury, illness, epidemic, or child abuse? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-480, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-480, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-480.
- 388-151-490 Under what circumstances must I report circumstantial changes to the department? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-490, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-490, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-490.
- 388-151-500 What informational items must I post in my center? [Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-500, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-500, filed 12/30/92, effective 1/30/93.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-500.
- 388-151-991 Waiver of fees. [00-23-088, recodified as § 388-151-991, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-002, filed 6/4/82.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-991.
- 388-151-992 Fee payment and refunds. [00-23-088, recodified as § 388-151-992, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-010, filed 6/4/82.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-151-992.
- 388-151-993 Denial, revocation, suspension, and reinstatement. [00-23-089, recodified as § 388-151-993, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06, effective 7/13/06. Recodified as § 170-151-993.
- Chapter 388-155**
MINIMUM LICENSING REQUIREMENTS FOR FAMILY CHILD DAY CARE HOMES
- 388-155-005 Authority. [Statutory Authority: RCW 74.12.340. 94-13-201 (Order 3745), § 388-155-005, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.-030. 91-04-048 (Order 3136), § 388-155-005, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0010.
- 388-155-010 Definitions. [Statutory Authority: Chapter 74.15 RCW, RCW 74.08.090. 02-16-062, § 388-155-010, filed 8/2/02, effective 10/1/02. Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-010, filed 2/28/00, effective 3/30/00; 98-24-052, § 388-155-010, filed 11/25/98, effective 12/26/98; 91-04-048 (Order 3136), § 388-155-010, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0020.
- 388-155-020 Scope of licensing. [Statutory Authority: RCW 74.15.-030. 00-06-040, § 388-155-020, filed 2/28/00, effective 3/30/00; 96-20-095, § 388-155-020, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.12.-340. 94-13-201 (Order 3745), § 388-155-020, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.030. 91-15-084 (Order 3205), § 388-155-020, filed 7/23/91, effective 8/23/91; 91-04-048 (Order 3136), § 388-155-020, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0110.
- 388-155-040 Local ordinances and codes. [Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-040, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-040, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0125.
- 388-155-050 Waivers. [Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-050, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-050, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.-090, 74.15.030, chapters 74.12 and 74.15 RCW.
- 388-155-060 Dual licensure. [Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-060, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-060, filed 4/26/96, effective 5/27/96. Statutory Authority: RCW 74.15.030. 91-04-048 (Order 3136), § 388-155-060, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-280.
- 388-155-070 How do I apply for a license and what is required? [Statutory Authority: RCW 74.12.340, 74.15.030, and 26 U.S.C. 6109. 03-09-074, § 388-155-070, filed 4/15/03, effective 5/16/03. Statutory Authority: RCW 74.15.-030. 00-06-040, § 388-155-070, filed 2/28/00, effective 3/30/00. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-070, filed 4/26/96, effective 5/27/96. Statutory Authority: RCW 74.15.030. 91-04-048 (Order 3136), § 388-155-070, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0130, 388-296-0150, 388-296-0160, 388-296-0170 and 388-296-0180.
- 388-155-080 Issuance of license. [Statutory Authority: RCW 74.15.-030. 01-17-084, § 388-155-080, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-080, filed 2/1/91, effective 3/4/91.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0315.

388-155-083	Fees. [Statutory Authority: RCW 43.20B.110. 01-02-032, § 388-155-083, filed 12/22/00, effective 1/22/01.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW.	388-155-100	RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0440. Activities and routines. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-100, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-100, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0290 and 388-296-1370.
388-155-085	Initial license. [Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-085, filed 8/16/01, effective 9/16/01; 96-20-095, § 388-155-085, filed 10/1/96, effective 11/1/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0340 and 388-296-0350.	388-155-110	Learning and play materials. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-110, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-110, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-1370.
388-155-090	When can my license application be denied and when can my license be suspended or revoked? [Statutory Authority: RCW 74.12.340, 74.15.030, and 26 U.S.C. 6109. 03-09-074, § 388-155-090, filed 4/15/03, effective 5/16/03. Statutory Authority: RCW 74.15.030. 02-24-022, § 388-155-090, filed 11/26/02, effective 12/27/02. Statutory Authority: Chapter 74.120 RCW, RCW 74.12.340, and 74.15.030. 02-14-085, § 388-155-090, filed 6/28/02, effective 7/29/02. Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-090, filed 8/16/01, effective 9/16/01; 96-10-043 (Order 3974), § 388-155-090, filed 4/26/96, effective 5/27/96. Statutory Authority: RCW 74.12.340. 94-13-201 (Order 3745), § 388-155-090, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.030. 91-04-048 (Order 3136), § 388-155-090, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0450.	388-155-120	Provider-child interactions. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-120, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-120, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-1390.
388-155-092	Civil penalties. [Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-092, filed 8/16/01, effective 9/16/01; 96-20-095, § 388-155-092, filed 10/1/96, effective 11/1/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0380 and 388-296-0470.	388-155-130	Behavior management and discipline. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-130, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-130, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-1280, 388-296-1290, 388-296-1300 and 388-296-1320.
388-155-093	Civil penalties—Amount of penalty. [Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-093, filed 8/16/01, effective 9/16/01; 96-20-095, § 388-155-093, filed 10/1/96, effective 11/1/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0360 and 388-296-0420.	388-155-140	Rest periods. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-140, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-140, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-1080.
388-155-094	Civil penalty—Posting of notice of penalty. [Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-094, filed 8/16/01, effective 9/16/01; 96-20-095, § 388-155-094, filed 10/1/96, effective 11/1/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0400.	388-155-150	Evening and nighttime care. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-150, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-150, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0290 and 388-296-1070.
388-155-094	Civil penalty—Posting of notice of penalty. [Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-094, filed 8/16/01, effective 9/16/01; 96-20-095, § 388-155-094, filed 10/1/96, effective 11/1/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0400.	388-155-160	Off-site trips. [Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-160, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-160, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW.
388-155-095	Civil penalties—Unlicensed programs. [Statutory Authority: RCW 74.15.030. 02-24-022, § 388-155-095, filed 11/26/02, effective 12/27/02; 01-17-084, § 388-155-095, filed 8/16/01, effective 9/16/01; 96-20-095, § 388-155-095, filed 10/1/96, effective 11/1/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0430.	388-155-165	Transportation. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-165, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-165, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-1250.
388-155-096	Civil penalties—Separate violations. [Statutory Authority: RCW 74.15.030. 96-20-095, § 388-155-096, filed 10/1/96, effective 11/1/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW.	388-155-170	Parent communication. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-170, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-170, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0500 and 388-296-0840.
388-155-097	Civil penalties—Penalty for nonpayment. [Statutory Authority: RCW 74.15.030. 96-20-095, § 388-155-097, filed 10/1/96, effective 11/1/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0410.	388-155-180	Staffing—Qualifications. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-180, filed 2/28/00, effective 3/30/00; 98-24-052, § 388-155-180, filed 11/25/98, effective 12/26/98; 91-04-048 (Order 3136), § 388-155-180, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0140, 388-296-1410, 388-296-1420 and 388-296-1430.
388-155-098	Probationary license. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-098, filed 2/28/00, effective 3/30/00; 96-20-095, § 388-155-098, filed 10/1/96, effective 11/1/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority:	388-155-190	Capacity. [Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-190, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-190, filed 2/1/91,

- effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0320 and 388-296-1350.
- 388-155-200 Development and training. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-200, filed 2/28/00, effective 3/30/00; 98-24-052, § 388-155-200, filed 11/25/98, effective 12/26/98; 91-04-048 (Order 3136), § 388-155-200, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0230, 388-296-0240 and 388-296-1440.
- 388-155-210 Health care plan. [Statutory Authority: RCW 74.15.-030. 91-04-048 (Order 3136), § 388-155-210, filed 2/1/91, effective 3/4/91.] Repealed by 00-06-040, filed 2/28/00, effective 3/30/00. Statutory Authority: RCW 74.15.030.
- 388-155-220 Health supervision and infectious disease prevention. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-220, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-220, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.-030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0700, 388-296-0710, 388-296-0850 and 388-296-0860.
- 388-155-230 Medication management. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-230, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-230, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0810, 388-296-0870, 388-296-0880 and 388-296-0890.
- 388-155-240 Nutrition. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-240, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-240, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.-090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0900, 388-296-0910, 388-296-0920, 388-296-0930 and 388-296-0940.
- 388-155-250 Kitchen and food service. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-250, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-250, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0990, 388-296-1000 and 388-296-1010.
- 388-155-260 Drinking and eating equipment. [Statutory Authority: RCW 74.15.030. 91-04-048 (Order 3136), § 388-155-260, filed 2/1/91, effective 3/4/91.] Repealed by 00-06-040, filed 2/28/00, effective 3/30/00. Statutory Authority: RCW 74.15.030. Later promulgation, see WAC 388-296-1140.
- 388-155-270 Care of young children. [Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-270, filed 8/16/01, effective 9/16/01; 00-06-040, § 388-155-270, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-270, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0700, 388-296-0960, 388-296-1050, 388-296-1060, 388-296-1090 and 388-296-1210.
- 388-155-280 General safety, maintenance, and site. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-280, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-280, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0720, 388-296-0760, 388-296-0770, 388-296-0800, 388-296-0820 and 388-296-1110.
- 388-155-290 Water supply, sewage, and liquid wastes. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-290, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-290, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chap-
- ters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-1140 and 388-296-1150.
- 388-155-295 Water safety. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-295, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-295, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0750.
- 388-155-310 First-aid supplies. [Statutory Authority: RCW 74.15.-030. 00-06-040, § 388-155-310, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-310, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0830.
- 388-155-320 Outdoor play area. [Statutory Authority: Chapter 74.15 RCW and RCW 34.05.395. 02-13-073, § 388-155-320, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-320, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-320, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-1220 and 388-296-1240.
- 388-155-330 Indoor play area. [Statutory Authority: RCW 74.15.-030. 01-17-084, § 388-155-330, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-330, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0970, 388-296-1020 and 388-296-1210.
- 388-155-340 Toilets, handwashing sinks, and bathing facilities. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-340, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-340, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.-030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-1100, 388-296-1180, 388-296-1190 and 388-296-1200.
- 388-155-350 Laundry. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-350, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-350, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.-090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-1160 and 388-296-1170.
- 388-155-360 Nap and sleep equipment. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-360, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-360, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-1040.
- 388-155-370 Storage. [Statutory Authority: RCW 74.15.030. 01-17-084, § 388-155-370, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-370, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.-090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0970.
- 388-155-380 Home atmosphere. [Statutory Authority: RCW 74.15.-030. 01-17-084, § 388-155-380, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-380, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0980, 388-296-1120 and 388-296-1130.
- 388-155-390 Discrimination prohibited. [Statutory Authority: RCW 74.15.030. 00-06-040, § 388-155-390, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-390, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW.
- 388-155-400 Religious activities. [Statutory Authority: RCW 74.15.-030. 00-06-040, § 388-155-400, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-400, filed

	2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW.		74.15 RCW. Later promulgation, see WAC 388-296-0540 and 388-296-1110.
388-155-410	Additional requirements regarding American Indian children. [Statutory Authority: RCW 74.15.030, 00-06-040, § 388-155-410, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-410, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-1380.	388-155-600	Occupancy restrictions. [Statutory Authority: RCW 74.15.030, 00-06-040, § 388-155-600, filed 2/28/00, effective 3/30/00. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-600, filed 4/26/96, effective 5/27/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0560 and 388-296-0720.
388-155-420	Child abuse, neglect, and exploitation. [Statutory Authority: RCW 74.15.030, 01-17-084, § 388-155-420, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-420, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-1260.	388-155-605	Hazardous areas. [Statutory Authority: RCW 74.15.-030, 01-17-084, § 388-155-605, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-605, filed 4/26/96, effective 5/27/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0570.
388-155-430	Prohibited substances. [Statutory Authority: RCW 74.15.030, 00-06-040, § 388-155-430, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-430, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0780 and 388-296-0790.	388-155-610	Single station smoke detectors. [Statutory Authority: RCW 74.15.030, 01-17-084, § 388-155-610, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-610, filed 4/26/96, effective 5/27/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0580.
388-155-440	Limitations to persons on premises. [Statutory Authority: RCW 74.15.030, 00-06-040, § 388-155-440, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-440, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW.	388-155-620	Alternate means of sounding a fire alarm. [Statutory Authority: RCW 74.15.030, 01-17-084, § 388-155-620, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-620, filed 4/26/96, effective 5/27/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0590.
388-155-450	Child records and information. [Statutory Authority: RCW 74.15.030, 00-06-040, § 388-155-450, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-450, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0510.	388-155-630	Fire extinguisher. [Statutory Authority: RCW 74.15.-030, 01-17-084, § 388-155-630, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-630, filed 4/26/96, effective 5/27/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0600.
388-155-460	Home records. [Statutory Authority: RCW 74.15.030, 00-06-040, § 388-155-460, filed 2/28/00, effective 3/30/00. Statutory Authority: RCW 74.12.340, 94-13-201 (Order 3745), § 388-155-460, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.15.030, 91-04-048 (Order 3136), § 388-155-460, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.-090, 74.15.030, chapters 74.12 and 74.15 RCW.	388-155-640	Fire prevention. [Statutory Authority: RCW 74.15.030, 01-17-084, § 388-155-640, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-640, filed 4/26/96, effective 5/27/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0610.
388-155-470	Personnel records. [Statutory Authority: RCW 74.15.-030, 00-06-040, § 388-155-470, filed 2/28/00, effective 3/30/00; 98-24-052, § 388-155-470, filed 11/25/98, effective 12/26/98; 91-04-048 (Order 3136), § 388-155-470, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0230, 388-296-0240 and 388-296-1450.	388-155-650	Sprinkler system maintenance. [Statutory Authority: RCW 74.15.030, 01-17-084, § 388-155-650, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-650, filed 4/26/96, effective 5/27/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0620.
388-155-480	Reporting of death, injury, illness, epidemic, or child abuse. [Statutory Authority: RCW 74.15.030, 01-17-084, § 388-155-480, filed 8/16/01, effective 9/16/01; 91-04-048 (Order 3136), § 388-155-480, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.-090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0450 and 388-296-1340.	388-155-660	Fire evacuation plan. [Statutory Authority: RCW 74.15.030, 01-17-084, § 388-155-660, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-660, filed 4/26/96, effective 5/27/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0630.
388-155-490	Reporting of circumstantial changes. [Statutory Authority: RCW 74.15.030, 00-06-040, § 388-155-490, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-490, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0550.	388-155-670	Fire evacuation drill. [Statutory Authority: RCW 74.15.030, 02-24-022, § 388-155-670, filed 11/26/02, effective 12/27/02; 01-17-084, § 388-155-670, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-670, filed 4/26/96, effective 5/27/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0640.
388-155-500	Posting requirements. [Statutory Authority: RCW 74.15.030, 00-06-040, § 388-155-500, filed 2/28/00, effective 3/30/00; 91-04-048 (Order 3136), § 388-155-500, filed 2/1/91, effective 3/4/91.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and		

- 388-155-680 Staff training. [Statutory Authority: RCW 74.15.030, 01-17-084, § 388-155-680, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 96-10-042 (Order 9373), § 388-155-680, filed 4/26/96, effective 5/27/96.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. Later promulgation, see WAC 388-296-0650.
- 388-155-991 Waiver of fees. [00-23-088, recodified as § 388-155-991, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-002, filed 6/4/82.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW.
- 388-155-992 Fee payment and refunds. [00-23-088, recodified as § 388-155-992, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-010, filed 6/4/82.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW.
- 388-155-993 Denial, revocation, suspension, and reinstatement. [00-23-088, recodified as § 388-155-993, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.] Repealed by 04-18-082, filed 8/31/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW.
- Chapter 388-165**
CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM—
SOCIAL SERVICES (CEAP-SS)
- Reviser's note:** Chapter 388-165 WAC was reactivated and renamed "Children's administration child care subsidy programs" by WSR 99-15-076, filed 7/20/99.
- Chapter 388-201**
SUCCESS THROUGH EMPLOYMENT PROGRAM (STEP)
- 388-201-100 General provisions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act Section 1115. 95-24-014 (Order 3925), § 388-201-100, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).
- 388-201-200 Definitions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-200, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-200, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).
- 388-201-300 Participation. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-300, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-300, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).
- 388-201-400 Hundred-hour treatment group—Elimination of the one-hundred-hour rule. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-400, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-400, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).
- 388-201-410 Length-of-stay treatment group—Assessment of past AFDC receipt. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-410, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-410, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).
- 388-201-420 Length-of-stay treatment group—Initial length-of-stay grant reductions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-420, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-420, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).
- 388-201-430 Length-of-stay treatment group—Additional length-of-stay grant reductions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-430, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-430, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).
- 388-201-440 Length-of-stay treatment group—Redetermination of length-of-stay grant reductions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-440, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-440, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).
- 388-201-450 Length-of-stay treatment group—Families exempt from length-of-stay grant reductions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-450, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-450, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).
- 388-201-460 Length-of-stay treatment group—Length-of-stay earned income adjustments. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-460, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-460, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).
- 388-201-470 Length-of-stay treatment group—Advance notice of impending length-of-stay grant reductions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-470, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-470, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).
- 388-201-480 Length-of-stay treatment group—Reducing the impact of cumulative length-of-stay grant reductions. [Statutory Authority: RCW 74.12.036, 74.12.420, 74.12.425, 74.12.901 and Social Security Act, Section 1115. 96-07-021 (Order 3955), § 388-201-480, filed 3/13/96, effective 4/13/96; 95-24-014 (Order 3925), § 388-201-480, filed 11/22/95, effective 1/1/96.] Repealed by 97-20-056, filed 9/24/97, effective 10/25/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997).
- Chapter 388-210**
APPLICATIONS FOR ASSISTANCE
- 388-210-1000 Who may apply. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-210-1000, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-030 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-210-1010	Application form. [Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-210-1010, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-010, 388-38-030 and 388-38-040.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	6/3/94. Formerly parts of WAC 388-33-085, 388-33-115 and 388-33-120.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-210-1020	Completion of application form. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1020, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-040, 388-38-045 and 388-38-050.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-210-1400 Notification of application disposition. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1400, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-030 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-210-1050	Interview. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1050, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-030, 388-38-040 and 388-38-200.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-210-1410 Approval notice. [Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-210-1410, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-125 and 388-38-150.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-210-1100	Applicant to provide information. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1100, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-045 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-210-1420 Denial or withdrawal notice. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1420, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-172.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-210-1200	Time limit on disposition of application. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1200, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-010, 388-38-110 and 388-38-120.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.	Chapter 388-212 VERIFICATION OF ELIGIBILITY
388-210-1220	Good cause for disposition delay. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1220, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-212-1000 Eligibility determined on a factual and objective basis. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-212-1000, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-030 and 388-38-200.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.
388-210-1230	Good cause for disposition delay—Department responsibility for an AFDC application. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1230, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-110 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-212-1050 Verification of eligibility. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-212-1050, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-200 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-210-1250	Evaluation of available information. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1250, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-045 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-212-1100 Client responsibility to provide verification. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-212-1100, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-200 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-210-1300	Disposition action. [Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-210-1300, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-120 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.	388-212-1140 Verification of age by affidavit. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-212-1140, filed 5/3/94, effective 6/3/94. Formerly WAC 388-26-040.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-210-1310	Basis of withdrawal. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1310, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-120 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-212-1150 Obtaining verification from collateral sources. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-212-1150, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-200 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-210-1320	Basis of denial. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1320, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-120 and 388-38-200.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-212-1200 Determination of eligibility using available verification. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-212-1200, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-200 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-210-1330	Limitations on denial. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1330, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-120 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-212-1250 Verification of eligibility after initial eligibility determination. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-212-1250, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-200 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-210-1340	Reconsideration of denied applications. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1340, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-120 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	Chapter 388-215 AID TO FAMILIES WITH DEPENDENT CHILDREN— CATEGORICAL ELIGIBILITY
388-210-1350	Effective date of eligibility for approved applications. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-210-1350, filed 5/3/94, effective	388-215-1000 Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090. 97-20-128, § 388-215-1000, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.090 and Public Law 104-193, § 103 (a)(1) (1996). 97-07-024, § 388-215-1000, filed 3/12/97, effective 4/12/97. Statutory Authority: RCW 74.04.015, 74.04.055, 74.04.057 and 45 CFR 233.10 (a)(1)(ii)(B). 95-14-048 (Order 3860), § 388-215-1000, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), §

- 388-215-1000, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-055, 388-24-125 and 388-26-050.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.
- 388-215-1010 Five year lifetime time limits. [Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, section 103 (a)(1), EHB 3901, sections 103 and 105 (1997). 97-20-056, § 388-215-1010, filed 9/24/97, effective 10/25/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1025 Age requirement. [Statutory Authority: RCW 74.08.-090, 94-10-065 (Order 3732), § 388-215-1025, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-040 and 388-26-025.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1050 Living in the home of a relative of specified degree—Determination. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1050, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-125 (parts)] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1060 Living in the home of a relative of specified degree—Child's parent defined. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1060, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-055 and 388-24-125.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1070 Living in the home of a relative of specified degree—Presumption of paternity. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1070, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-125 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1080 Living in the home of a relative of specified degree—Nonparental relative defined. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1080, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-125 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1100 Living in the home of a relative of specified degree—Temporary absence of child or caretaker relative. [Statutory Authority: RCW 74.08.090 and ESSB 6244, Section 206, 94-23-132 (Order 3811), § 388-215-1100, filed 11/23/94, effective 1/1/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1100, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-040 and 388-24-125.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1110 Living in the home of a relative of specified degree—Temporary absence—Attendance in school or training. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1110, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-125 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1115 Living in the home of a relative of specified degree—Temporary absence—Denial of assistance to a caretaker relative who fails to report a child's absence. [Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, Section 103 (a)(1) (1996). 97-08-032 and 97-10-041, § 388-215-1115, filed 3/27/97 and 4/30/97, effective 8/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1120 Living in the home of a relative of specified degree—Application for AFDC when child is in foster care or another relative's home. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1120, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-125 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1130 Living in the home of a relative of specified degree—Notification to parent of AFDC authorization. [Statutory Authority: RCW 74.08.090 and 1995 c 401, 95-19-002 (Order 3889), § 388-215-1130, filed 9/6/95, effective 10/7/95.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1140 Living in the home of a relative of specified degree—Request for address disclosure by child's parent. [Statutory Authority: RCW 74.08.090 and 1995 c 401, 95-19-002 (Order 3889), § 388-215-1140, filed 9/6/95, effective 10/7/95.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1150 Living in the home of a relative of specified degree—Requirements for submitting a request for disclosure of a child's address. [Statutory Authority: RCW 74.08.090 and 1995 c 401, 95-19-002 (Order 3889), § 388-215-1150, filed 9/6/95, effective 10/7/95.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1160 Living in the home of a relative of specified degree—Notifying the caretaker relative of a request for disclosure of a child's address. [Statutory Authority: RCW 74.08.090 and 1995 c 401, 95-19-002 (Order 3889), § 388-215-1160, filed 9/6/95, effective 10/7/95.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1170 Living in the home of a relative of specified degree—Responding to a request for disclosure of a child's address. [Statutory Authority: RCW 74.08.090 and 1995 c 401, 95-19-002 (Order 3889), § 388-215-1170, filed 9/6/95, effective 10/7/95.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1200 Citizenship and alienage. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1200, filed 5/3/94, effective 6/3/94. Formerly WAC 388-26-120 (part).] Repealed by 97-20-125, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090 and 74.04.0052.
- 388-215-1225 Washington residence—Establishing. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1225, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-26-055, 388-26-070 and 388-26-080.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.
- 388-215-1230 Washington residence—Maintaining. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1230, filed 5/3/94, effective 6/3/94. Formerly WAC 388-26-060 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1245 Washington residence—Authorizing return of Washington resident. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1245, filed 5/3/94, effective 6/3/94. Formerly WAC 388-26-105.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1300 Deprivation—Death. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1300, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-055 and 388-24-060.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1320 Deprivation—Absence—Requirement. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1320, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-055 and 388-24-070.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1325 Deprivation—Absence—Maintenance, physical care and guidance defined. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1325, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-070 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1330 Deprivation—Absence—Exceptions. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-215-1330, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-070 (part).] Repealed by 98-16-044, filed

	7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.		1390, filed 4/26/96, effective 5/27/96. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1390, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-215-1335	Deprivation—Absence—Parent serving jail sentence at home. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1335, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-070 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-215-1400	Support enforcement—Assignment of support rights—Cooperation with division of child support. [Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, Section 103 (a)(1) (1996). 97-08-033 and 97-10-042, § 388-215-1400, filed 3/27/97 and 4/30/97, effective 8/1/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1400, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-108 and 388-24-109.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-215-1340	Deprivation—Incapacity—Requirement. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1340, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-065 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.		
388-215-1345	Deprivation—Incapacity—Definition of incapacity. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1345, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-065 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-215-1410	Good cause not to cooperate with support enforcement—Good cause claims. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1410, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-215-1350	Deprivation—Incapacity—Medical evidence. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1350, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-065 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-215-1420	Good cause not to cooperate with support enforcement—Department responsibilities. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1420, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-215-1355	Deprivation—Incapacity—Review process. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1355, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-065 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-215-1430	Good cause not to cooperate with support enforcement—Client responsibilities. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1430, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-215-1360	Deprivation—Incapacity—Medical treatment. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1360, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-065 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-215-1440	Good cause not to cooperate with support enforcement—Good cause circumstances. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1440, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-215-1365	Deprivation—Unemployment—Requirement. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1365, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-074 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-215-1450	Good cause not to cooperate with support enforcement—Evidence of good cause. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1450, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-215-1370	Deprivation—Unemployment—Qualifying parent. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1370, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-074 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-215-1460	Good cause not to cooperate with support enforcement—Inconclusive evidence of good cause. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1460, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-215-1375	Deprivation—Unemployment—Defined. [Statutory Authority: RCW 74.12.036 and 74.08.090. 97-14-082, § 388-215-1375, filed 7/1/97, effective 8/1/97; 96-23-021, § 388-215-1375, filed 11/12/96, effective 12/13/96. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1375, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-074 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-215-1470	Good cause not to cooperate with support enforcement—No evidence of good cause. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1470, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-215-1380	Deprivation—Unemployment—Exception to thirty-day rule. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1380, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-074 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-215-1480	Good cause not to cooperate with support enforcement—Investigating good cause claims. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1480, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-215-1385	Deprivation—Unemployment—Work quarters. [Statutory Authority: RCW 74.04.050 and 74.04.055. 97-01-043, § 388-215-1385, filed 12/11/96, effective 1/11/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1385, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-074 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-215-1490	Good cause not to cooperate with support enforcement—Coordination with support enforcement. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1490, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-111 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-215-1390	Deprivation—Redetermination of eligibility when deprivation ceases. [Statutory Authority: RCW 74.08.090 and 74.12.036. 96-23-021, § 388-215-1390, filed 11/12/96, effective 12/13/96. Statutory Authority: RCW 74.12.036. 96-10-045 (Order 3971), § 388-215-	388-215-1500	Enumeration. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1500, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-052.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory

- Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1510 Cooperation with quality control. [Statutory Authority: RCW 74.04.015, 74.04.055, 74.04.057 and 45 CFR 233.10 (a)(1)(ii)(B). 95-14-048 (Order 3860), § 388-215-1510, filed 6/28/95, effective 7/29/95.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1520 Employment or training. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1520, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-090.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.
- 388-215-1540 Strikers—Requirement. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1540, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-042.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.
- 388-215-1550 Temporary assistance to needy families (TANF)—Denial of assistance to fugitive felons and probation and parole violators. [Statutory Authority: RCW 74.04.050, 74.04.055 and P.L. 104-193, Section 103 (a)(1) (1996). 97-06-077, § 388-215-1550, filed 2/28/97, effective 3/31/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1560 Mandatory monthly reporting—Requirement. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1560, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1570 Denial of assistance to persons convicted of drug-related felonies. [Statutory Authority: RCW 74.08.090 and 74.08.025(4) amended in EHB 3901, section 101 (1997). 97-18-074, § 388-215-1570, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, Section 115 (1996). 97-08-034 and 97-10-040, § 388-215-1570, filed 3/27/97 and 4/30/97, effective 8/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1600 Assistance units. [Statutory Authority: RCW 74.04.050 and Section 406(a) and 407(a) of the Social Security Act - Definitions. 96-06-045 (Order 3950), § 388-215-1600, filed 3/5/96, effective 4/5/96. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1600, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-050 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1610 Assistance units—Optional members. [Statutory Authority: RCW 74.04.050 and Section 406(a) and 407(a) of the Social Security Act - Definitions. 96-06-045 (Order 3950), § 388-215-1610, filed 3/5/96, effective 4/5/96. Statutory Authority: RCW 74.08.090. 94-23-040 (Order 3806), § 388-215-1610, filed 11/9/94, effective 12/10/94; 94-10-065 (Order 3732), § 388-215-1610, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-050 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1620 Assistance unit—Excluded persons. [Statutory Authority: RCW 74.08.090 and 74.12.255. 97-20-128, § 388-215-1620, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090. 94-22-031 (Order 3799), § 388-215-1620, filed 10/26/94, effective 11/26/94; 94-10-065 (Order 3732), § 388-215-1620, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-24-050 and 388-26-145.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1630 Assistance units—Consolidation. [Statutory Authority: RCW 74.04.050, 74.05.055 and 74.08.090. 97-20-124, § 388-215-1630, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1650 Assistance to a minor. [Statutory Authority: RCW 74.08.090 and 74.12.255. 97-20-128, § 388-215-1650, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050, 74.04.055 and P.L. 104-193, Section 103 (a)(1) (1996). 97-06-076, § 388-215-1650, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-215-1650, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-550.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.
- 388-215-1660 Unmarried pregnant or parenting teens under age eighteen—Required living arrangement. [Statutory Authority: RCW 74.08.090 and 74.12.255. 97-20-128, § 388-215-1660, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, Section 103 (a)(1) (1996). 97-09-029, § 388-215-1660, filed 4/10/97, effective 5/11/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-215-1670 Unmarried pregnant or parenting teens under age eighteen—Required school attendance. [Statutory Authority: RCW 74.08.090. 97-20-124, § 388-215-1670, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

Chapter 388-216**RESOURCE ELIGIBILITY**

- 388-216-2000 Resources—Eligibility. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2000, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-005, 388-28-400, 388-28-410, 388-28-415, 388-28-435, 388-28-438 and 388-28-450.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2050 Resources—Ownership. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2050, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-400 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2075 Resources—Clarifying ownership or value. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2075, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-385 and 388-28-400.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2100 Resources—Community and separate property—Effect on ownership of a resource. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2100, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-360 and 388-28-365.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2150 Resources—Jointly owned resources. [Statutory Authority: RCW 74.08.090, P.L. 103-286 and Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-14-049 (Order 3862), § 388-216-2150, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2150, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-380 and 388-28-438.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2200 Resources—Availability. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2200, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-400 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2250 Resources—Making resources available. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2250, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-400 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2300 Resources—Trusts as unavailable resources. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2300, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-440 and 388-28-650.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.08.090, 74.04.055, 74.04.057, and 74.08.090.

- Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2350 Resources—Availability of alien sponsor's resources. [Statutory Authority: RCW 74.04.050 and 74.08.090. 95-19-006 (Order 3891), § 388-216-2350, filed 9/6/95, effective 10/7/95. Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-216-2350, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057, and 74.08.090.
- 388-216-2450 Resources—Exempt or disregarded income which is also exempt as a resource. [Statutory Authority: RCW 74.08.090, 74.04.005, Public Law 104-193, section 103 (A)(1), EHB 3901 (1997 c 58 §§ 308 and 309). 97-19-008, § 388-216-2450, filed 9/4/97, effective 10/5/97. Statutory Authority: RCW 74.08.090, P.L. 103-286 and Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-14-049 (Order 3862), § 388-216-2450, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2450, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2500 Resources—Exempt as a resource with no ceiling value. [Statutory Authority: RCW 74.08.090, 74.04.005, Public Law 104-193, section 103 (A)(1), EHB 3901 (1997 c 58 §§ 308 and 309). 97-19-008, § 388-216-2500, filed 9/4/97, effective 10/5/97. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.005 (10)(b) and P.L. 104-193, Sec. 103 (a)(1) (1996), 97-06-075, § 388-216-2500, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2500, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-420, 388-28-435 and 388-28-439.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057, and 74.08.090.
- 388-216-2550 Resources—Home. [Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-216-2550, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057, and 74.08.090.
- 388-216-2560 Resources—Temporary absence from home. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2560, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2570 Resources—Absence from home over ninety days. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2570, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2580 Resources—Medical absence from home. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2580, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2590 Resources—Absence from home due to natural disaster. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2590, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-420 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2600 Resources—Excess real property. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2600, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-425.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2650 Resources—Exempt within a ceiling value. [Statutory Authority: RCW 74.08.090, 74.04.005, Public Law 104-193, section 103 (A)(1), EHB 3901 (1997 c 58 §§ 308 and 309). 97-19-008, § 388-216-2650, filed 9/4/97, effective 10/5/97. Statutory Authority: RCW 74.08.-090, P.L. 103-286 and Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-14-049 (Order 3862), § 388-216-2650, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2650, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-435 and 388-28-438.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.08.-090, 74.04.005, Public Law 104-193, section 103 (A)(1), EHB 3901 (1997 c 58 §§ 308 and 309). 97-19-008, § 388-216-2800, filed 9/4/97, effective 10/5/97. Statutory Authority: RCW 74.08.090, P.L. 103-286 and Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-14-049 (Order 3862), § 388-216-2800, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2800, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-400, 388-28-438 and 388-28-450.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2800 Resources—Value. [Statutory Authority: RCW 74.08.-090, 74.04.005, Public Law 104-193, section 103 (A)(1), EHB 3901 (1997 c 58 §§ 308 and 309). 97-19-008, § 388-216-2800, filed 9/4/97, effective 10/5/97. Statutory Authority: RCW 74.08.090, P.L. 103-286 and Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-14-049 (Order 3862), § 388-216-2800, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2800, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-400, 388-28-438 and 388-28-450.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2850 Resources—Accumulation and depletion of allowable cash resource reserves. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-216-2850, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-440 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-2900 Resources—Newly acquired resources. [Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.005 (1)(b) and P.L. 104-193, Sec. 103 (a)(1) (1996). 97-06-078, § 388-216-2900, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-216-2900, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-435 and 388-28-482.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- 388-216-3000 Individual development account. [Statutory Authority: RCW 74.08.090 and 1997 c 58 § 307. 97-20-124, § 388-216-3000, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Chapter 388-217 TRANSFER OF PROPERTY

- 388-217-3000 Transfer of property—Definitions. [Statutory Authority: RCW 74.08.335. 94-04-043 (Order 3696), § 388-217-3000, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3050 Transfer of property—Assessing property transfers. [Statutory Authority: RCW 74.04.050 and 74.98.335. 95-24-015 (Order 3924), § 388-217-3050, filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 74.08.335. 94-04-043 (Order 3696), § 388-217-3050, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3100 Transfer of property—Adequate consideration. [Statutory Authority: RCW 74.08.335. 94-04-043 (Order 3696), § 388-217-3100, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3150 Transfer of property—Establishing intent to qualify for public assistance. [Statutory Authority: RCW 74.12.-350. 94-16-046 (Order 3763), § 388-217-3150, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 74.08.335. 94-04-043 (Order 3696), § 388-217-3150, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3200 Transfer of property—Effect on need. [Statutory Authority: RCW 74.04.050 and 74.98.335. 95-24-015 (Order 3924), § 388-217-3200, filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 74.08.335. 94-04-043 (Order 3696), § 388-217-3200, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

- 388-217-3250 Transfer of property—Period of ineligibility. [Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3250, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3300 Transfer of property—Adjustment in period of ineligibility. [Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3300, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-217-3350 Transfer of property—Exempt resource transfers by recipients. [Statutory Authority: RCW 74.08.335, 94-04-043 (Order 3696), § 388-217-3350, filed 1/27/94, effective 2/27/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-218**
AID TO FAMILIES WITH DEPENDENT CHILDREN—INCOME POLICIES
- 388-218-1010 Financial need—Rules and procedures. [Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-218-1010, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1010, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-005 and 388-28-481.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1050 Definitions. [Statutory Authority: RCW 74.08.090 and Section 402 (A)(38) of the Social Security Act, 95-14-047 (Order 3861), § 388-218-1050, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090 and Public Law 103-82, 45 CFR 233.20 (a)(6)(iii) and (vi) and 233.20 (a)(11), 95-04-048 (Order 3829), § 388-218-1050, filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-218-1050, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1050, filed 5/3/94, effective 6/3/94. Formerly parts of 388-28-390, 388-28-400, 388-28-475, 388-28-480, 388-28-482, 388-28-483, 388-28-484, 388-28-515, 388-28-535, 388-28-570, 388-28-575 and 388-28-600.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1100 Income—Ownership and use of income and income potentials. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1100, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-475 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1110 Income availability—Reduction of need. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1110, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-400 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1120 Entitlements. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1120, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-390 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1130 Community income. [Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-218-1130, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1130, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-360 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1140 Separate income. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1140, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-365 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1200 Exempt income types. [Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act, 95-11-124 (Order 3857), § 388-218-1200, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-218-1200, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1200, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-575 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1210 Exempt and disregarded income—Educational assistance. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005), 97-18-073, § 388-218-1210, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-218-1210, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1210, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-575 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1220 Disregarded income—Native American benefits. [Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-218-1220, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1220, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-575 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1230 Disregarded income types. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005), 97-18-073, § 388-218-1230, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, 94-16-044 (Order 3759), § 388-218-1230, filed 7/27/94, effective 9/1/94; 94-10-065 (Order 3732), § 388-218-1230, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-480, 388-28-532 and 388-28-575.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1300 Self-employment income. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005), 97-18-073, § 388-218-1300, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1300, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-520 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1310 Adult family home income. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1310, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-532 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1320 Board, room rental, board and room income. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1320, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-530.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1330 Lease or rental of property. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1330, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1340 Self-produced or supplied items. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1340, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-600 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1350 Deductible self-employment expenses. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005), 97-18-073, § 388-218-1350, filed 9/2/97, effective 10/3/97. Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act, 95-11-124 (Order 3857), § 388-218-1350, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-218-1350, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-520 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-218-1360	Nondeductible self-employment expenses. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1360, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-520 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-218-1480	Circumstances where earned income disregards are not allowed. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1480, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part).] Repealed by 97-18-073, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.050).
388-218-1390	Community jobs program—Treatment of income. [Statutory Authority: RCW 74.08.090, 74.04.050 and 74.08A.320. 98-10-041, § 388-218-1390, filed 4/28/98, effective 5/29/98.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-218-1500	Unearned income types. [Statutory Authority: RCW 74.08.090 and Public Law 103-82, 45 CFR 233.20 (a)(6)(iii) and (vi) and 233.20 (a)(11). 95-04-048 (Order 3829), § 388-218-1500, filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1500, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-532 and 388-28-600.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.
388-218-1400	Earned income of a child. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1410, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-218-1410, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-535 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.	388-218-1510	Time-loss compensation—Lien. [Statutory Authority: RCW 74.04.050 and 43.20B.720. 96-03-040 (Order 3940), § 388-218-1510, filed 1/10/96, effective 2/10/96. Statutory Authority: RCW 74.08.090 and Section 402 (A)(38) of the Social Security Act. 95-14-047 (Order 3861), § 388-218-1510, filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1510, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-392(part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1410	Earned income disregards—General. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1420, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part).] Repealed by 97-18-073, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005).	388-218-1515	Time-loss compensation—Unmarried parents. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1515, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-392(part).] Repealed by 95-14-047 (Order 3861), filed 6/28/95, effective 7/29/95. Statutory Authority: RCW 74.08.090 and section 402 (A)(38) of the Social Security Act.
388-218-1420	Earned income disregards—Deduction sequence. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1430, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1430, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-218-1520	Income from employment or training programs. [Statutory Authority: RCW 74.08.090 and Public Law 103-82, 45 CFR 233.20 (a)(6)(iii) and (vi) and 233.20 (a)(11). 95-04-048 (Order 3829), § 388-218-1520, filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1520, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-515 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1430	Earned income disregard. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1440, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-218-1440, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.	388-218-1530	Determining net income—Other income. [Statutory Authority: RCW 74.08.090. 74.04.050, 74.04.055, 74.04.005 (1)(b) and P.L. 104-193, Sec. 103 (a)(1) (1996). 97-06-078, § 388-218-1530, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-218-1530, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-438, 388-28-474, 388-28-555 and 388-28-580.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1440	Thirty dollars and one-third disregard. [Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-11-124 (Order 3857), § 388-218-1450, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1450, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part).] Repealed by 97-18-073, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005).	388-218-1540	Assistance from other agencies and organizations. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1540, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-578 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1450	Thirty-dollar disregard. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1460, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part).] Repealed by 97-18-073, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005).	388-218-1600	Allocation of income—General. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1600, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-218-1460	Dependent care disregard. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005). 97-18-073, § 388-218-1470, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.-	388-218-1605	Allocation of income—Multiple assistance units. [Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-11-124 (Order 3857), § 388-218-1605, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1605, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-500 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

- 388-218-1610 Allocation of parental income and support. [Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-11-124 (Order 3857), § 388-218-1610, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1610, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-485.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1620 Allocation of stepparent income and support. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1620, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-350.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1630 Allocation of assistance unit income for support of legal dependents. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005), 97-18-073, § 388-218-1630, filed 9/2/97, effective 10/3/97. Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-11-124 (Order 3857), § 388-218-1630, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1630, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-500 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1640 Allocation of nonassistance unit income for support of legal dependents. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1640, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-560 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1650 Allocation of support for stepchildren. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1650, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-535 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1660 Allocation of support for child by nonresponsible adult. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1660, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-355.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1670 Allocation of parental income to a minor parent. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1670, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-560 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1680 Allocation of income to pregnant women. [Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-11-124 (Order 3857), § 388-218-1680, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1680, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1690 Allocation of the income of an ineligible child. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1690, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-535 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1695 Deeming of income—Alien sponsorship. [Statutory Authority: RCW 74.04.050 and 74.08.090. 95-19-005 (Order 3890), § 388-218-1695, filed 9/6/95, effective 10/7/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1695, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-590 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1700 Prospective eligibility. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1700, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-483 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.08.090 and 1997 c 58.
- 388-218-1710 Income tests. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005), 97-18-073, § 388-218-1710, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1710, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-480 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1720 One hundred eighty-five percent of need test. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005), 97-18-073, § 388-218-1720, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1720, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-480 and 388-28-484.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1730 One hundred percent of need test. [Statutory Authority: P.L. 103-286, RCW 74.08.090 and The Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. 95-11-124 (Order 3857), § 388-218-1730, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1730, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-480 (part).] Repealed by 97-18-073, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005).
- 388-218-1735 The maximum amount a TANF family can earn. [Statutory Authority: RCW 74.08.090. 97-20-124, § 388-218-1735, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1740 Payment standard test. [Statutory Authority: RCW 74.08.090, Public Law 104-193 section 103 (a)(1), EHB 3901, section 308 and 309(11) (1997) (amends RCW 74.04.005), 97-18-073, § 388-218-1740, filed 9/2/97, effective 10/3/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1740, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-480 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1800 Treatment of newly acquired nonexempt income. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1800, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-484 (part).] Repealed by 98-06-056, filed 2/27/98, effective 3/30/98. Statutory Authority: RCW 74.08.090 and 1997 c 58.
- 388-218-1810 Treatment of recurring income. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1810, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-484 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1820 Treatment of nonrecurring income—Lump sum payments. [Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.005 (11)(b) and P.L. 104-193, Sec. 103 (a)(1) (1996), 97-06-078, § 388-218-1820, filed 2/28/97, effective 3/31/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1820, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-480 and 388-28-484] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1830 Treatment of income—Suspension of a grant. [Statutory Authority: RCW 74.04.050 and 45 CFR 233.34 (c) and (d), 96-01-008 (Order 3934), § 388-218-1830, filed 12/6/95, effective 1/6/96. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1830, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-483 and 388-28-484] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

- 388-218-1900 Prospective budgeting. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1900, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-483 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1910 Retrospective budgeting. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1910, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-483 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1920 Determining grant amount—General. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1920, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-482 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1930 Determining grant amount—Applicants. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1930, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-480 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-218-1940 Determining grant amount—Recipients. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-218-1940, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-480 (part).] Repealed by 98-06-056, filed 2/27/98, effective 3/30/98. Statutory Authority: RCW 74.08.090 and 1997 c 58.
- Chapter 388-219**
GENERAL ASSISTANCE—INCOME POLICIES
- 388-219-0100 General assistance for pregnant women. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-0100, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-0200 General assistance for children. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-0200, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-1000 General assistance-unemployable. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-1000, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-1100 GAU exempt income. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-1100, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-480 and 388-28-575.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-1500 GAU earned income disregards. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-1500, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-570 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-1600 GAU work expense disregards. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-1600, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-515 and 388-28-570.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-1700 GAU training expense disregard. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-1700, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-515 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-2000 Deeming of income of an alien's sponsor. [Statutory Authority: 1994 1st sp.s. c 6. 94-13-050 (Order 3741), § 388-219-2000, filed 6/8/94, effective 7/9/94. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-2000, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-590 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-2500 Exemption of nonrecurring income—Lump sum payments. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-2500, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-440, 388-28-474, 388-28-475 and 388-28-575.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-2600 GAU treatment of nonrecurring income. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-2600, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-480 and 388-28-484.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-3000 GAU allocation of income. [Statutory Authority: RCW 74.08.090. 96-10-031 (Order 3970), § 388-219-3000, filed 4/24/96, effective 5/25/96; 94-10-065 (Order 3732), § 388-219-3000, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-28-500, 388-28-560 and 388-28-575.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-219-3500 GAU income test. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-219-3500, filed 5/3/94, effective 6/3/94. Formerly WAC 388-28-480 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-220**
STATE FAMILY ASSISTANCE
- 388-220-0001 Purpose of program. [Statutory Authority: RCW 74.08.090 and 1997 c 57. 97-20-124, § 388-220-0001, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-220-0030 State family assistance eligibility. [Statutory Authority: RCW 74.08.090 and 1997 c 57. 97-20-124, § 388-220-0030, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-220-0050 Special residency requirement for aliens. [Statutory Authority: RCW 74.08.090 and 74.08A.100. 98-08-036, § 388-220-0050, filed 3/24/98, effective 4/24/98.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-222**
DIVERSION ASSISTANCE
- 388-222-001 Definitions. [Statutory Authority: RCW 74.04.050 and 74.08.090. 97-20-124, § 388-222-001, filed 10/1/97, effective 11/1/97.] Repealed by 01-03-066, filed 1/12/01, effective 3/1/01. Statutory Authority: RCW 74.08.090, 74.04.050.
- 388-222-010 Diversion cash assistance (DCA). [Statutory Authority: RCW 74.04.050 and 74.08.090. 97-20-124, § 388-222-010, filed 10/1/97, effective 11/1/97.] Repealed by 01-03-066, filed 1/12/01, effective 3/1/01. Statutory Authority: RCW 74.08.090, 74.04.050.
- 388-222-020 Diversion cash assistance payments. [Statutory Authority: RCW 74.04.050 and 74.08.090. 97-20-124, § 388-222-020, filed 10/1/97, effective 11/1/97.] Repealed by 01-03-066, filed 1/12/01, effective 3/1/01. Statutory Authority: RCW 74.08.090, 74.04.050.
- Chapter 388-225**
CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM—CEAP
- 388-225-0010 Purpose of program. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0010, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0020 General provisions. [Statutory Authority: RCW 74.08.090. 95-11-046 (Order 3851), § 388-225-0020, filed 5/10/95, effective 6/10/95; 94-06-026 (Order 3707), § 388-225-0020, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-225-0050 Assistance units. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0050, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044,

388-225-0060	filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. Eligibility conditions—Emergent needs. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0060, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-230-0030	Definitions. [Statutory Authority: RCW 74.08.090. 93-16-059 (Order 3556), § 388-230-0030, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
388-225-0070	Eligibility conditions—Residency and alien status. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0070, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-230-0040	Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090. 93-16-059 (Order 3556), § 388-230-0040, filed 7/29/93, effective 8/29/93.] Repealed by 97-20-125, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090 and 74.04.0052.
388-225-0080	Eligibility conditions—Living with a relative of specified degree. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0080, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-230-0050	Assistance units. [Statutory Authority: RCW 74.08.-090. 93-16-059 (Order 3556), § 388-230-0050, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
388-225-0090	Eligibility conditions—Job refusal. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0090, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-230-0060	Eligibility conditions—Program criteria. [Statutory Authority: RCW 74.08.090 and 74.04.0052. 97-20-128, § 388-230-0060, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090. 93-16-059 (Order 3556), § 388-230-0060, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
388-225-0100	Eligibility conditions—Other possible resources. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0100, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-230-0080	Persons in institutions. [Statutory Authority: RCW 74.08.090. 93-16-059 (Order 3556), § 388-230-0080, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
388-225-0120	Eligibility conditions—Income and resource eligibility. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0120, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-230-0090	Eligibility conditions—Financial criteria. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-230-0090, filed 7/27/94, effective 9/1/94; 93-16-059 (Order 3556), § 388-230-0090, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
388-225-0150	Exempt income and resources. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0150, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-230-0110	Need and payment standards. [Statutory Authority: RCW 74.08.090. 93-16-059 (Order 3556), § 388-230-0110, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
388-225-0160	Income deductions. [Statutory Authority: RCW 74.08.-090. 94-06-026 (Order 3707), § 388-225-0160, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-230-0120	Protective payees. [Statutory Authority: RCW 74.08.-090. 93-16-059 (Order 3556), § 388-230-0120, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
388-225-0170	Determining income and resources. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0170, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-230-0140	Ineligibility based on benefits from other programs. [Statutory Authority: RCW 74.08.090. 93-16-059 (Order 3556), § 388-230-0140, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
388-225-0180	Financial need and CEAP grant amount. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0180, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.		
388-225-0190	Payment limitations. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0190, filed 2/23/94, effective 3/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.		
388-225-0300	Crisis intervention social services for families and children. [Statutory Authority: RCW 74.08.090. 94-06-026 (Order 3707), § 388-225-0300, filed 2/23/94, effective 3/26/94.] Repealed by 95-11-046 (Order 3851), filed 5/10/95, effective 6/10/95. Statutory Authority: RCW 74.08.090.		
	Chapter 388-230		
	GENERAL ASSISTANCE FOR PREGNANT WOMEN		
388-230-0010	Purpose of program. [Statutory Authority: RCW 74.08.090 and 74.04.0052. 97-20-128, § 388-230-0010, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090. 93-16-059 (Order 3556), § 388-230-0010, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.	388-233-0010	Purpose of program. [Statutory Authority: RCW 74.08.090. 95-24-013 (Order 3926), § 388-233-0010, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0010, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
		388-233-0020	Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090. 95-24-013 (Order 3926), § 388-233-0020, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0020, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
		388-233-0030	Assistance units. [Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0030, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
		388-233-0040	Eligibility conditions—Program criteria. [Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0040, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-233-0050	Eligibility conditions—Assignment of rights to support. [Statutory Authority: RCW 74.08.090. 95-24-013 (Order 3926), § 388-233-0050, filed 11/22/95, effective 1/1/96. Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0050, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-235-0070	Residence—Temporary absences. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-235-0070, filed 7/27/94, effective 9/1/94; 93-16-058 (Order 3559), § 388-235-0070, filed 7/29/93, effective 8/29/93. Formerly WAC 388-26-060 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-233-0060	Eligibility conditions—Support enforcement cooperation. [Statutory Authority: RCW 74.08.090. 95-24-013 (Order 3926), § 388-233-0060, filed 11/22/95, effective 1/1/96; 94-16-044 (Order 3759), § 388-233-0060, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0060, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-235-0080	Residence—Applicant living in another state. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-0080, filed 7/29/93, effective 8/29/93. Formerly WAC 388-26-065.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-233-0070	Eligibility conditions—Financial criteria. [Statutory Authority: RCW 74.08.090. 95-24-013 (Order 3926), § 388-233-0070, filed 11/22/95, effective 1/1/96; 4-16-044 (Order 3759), § 388-233-0070, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0070, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-235-0090	Residence—Applicant receiving assistance from another state. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-0090, filed 7/29/93, effective 8/29/93. Formerly WAC 388-26-070 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-233-0080	Need and payment standards. [Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0080, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-235-0100	Citizenship and alien status. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-0100, filed 7/29/93, effective 8/29/93. Formerly WAC 388-26-120 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-233-0090	Grant payee. [Statutory Authority: RCW 74.08.090. 95-24-013 (Order 3926), § 388-233-0090, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0090, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-235-0110	Social Security number. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-0110, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-233-0100	Redetermination of eligibility. [Statutory Authority: RCW 74.08.090 and 74.12.330. 93-17-029 (Order 3610), § 388-233-0100, filed 8/11/93, effective 9/11/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-235-1500	Persons in institutions. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-1500, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
	Chapter 388-235		
	GENERAL ASSISTANCE UNEMPLOYABLE		
388-235-0010	Purpose of program. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-0010, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-235-2000	Resources. [Statutory Authority: RCW 74.08.090 and 1997 c 58 § 307. 97-20-128, § 388-235-2000, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-235-2000, filed 7/27/94, effective 9/1/94; 93-16-058 (Order 3559), § 388-235-2000, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-235-0020	Definitions. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-0020, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-235-3000	Income. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-235-3000, filed 7/27/94, effective 9/1/94; 93-16-058 (Order 3559), § 388-235-3000, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-235-0030	Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-0030, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-235-4000	GAU payment and need standards. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-4000, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-235-0040	Assistance unit. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-0040, filed 7/29/93, effective 8/29/93.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-235-5000	Incapacity determination—Process. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5000, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-0050	Age requirements. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-0050, filed 7/29/93, effective 8/29/93. Formerly WAC 388-26-025 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-235-5050	Waiver of medical documentation and progressive evaluation process (PEP). [Statutory Authority: RCW 74.08.090. 96-16-022, § 388-235-5050, filed 7/30/96, effective 8/30/96; 93-16-058 (Order 3559), § 388-235-5050, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-0060	Residence—Establishing. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-0060, filed 7/29/93, effective 8/29/93. Formerly parts of WAC 388-26-050 and 388-26-055.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-235-5060	Determination of capacity to engage in gainful employment. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5060, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
		388-235-5070	Sources of medical evidence. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5070, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
		388-235-5080	Medical evidence requirements. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5080, filed 7/29/93, effective 8/29/93.] Repealed by 00-

388-235-5090	16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. Assigning severity ratings. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5090, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-7300	ADATSA referral requirements. [Statutory Authority: RCW 74.04.057. 94-13-202 (Order 3743), § 388-235-7300, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-7300, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-5100	PEP step I—Review of medical documentation. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5100, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-7400	Protective payments. [Statutory Authority: RCW 74.04.057. 94-13-202 (Order 3743), § 388-235-7400, filed 6/22/94, effective 7/23/94.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-5200	PEP step II—Severity of mental impairments. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5200, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-7500	Good cause for refusing medical treatment or other agency referrals. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-235-7500, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-7500, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-5300	PEP step III—Severity of physical impairments. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5300, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-7600	Sanction for refusing medical treatment or other agency referrals. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-7600, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-5400	Progressive evaluation process—Step IV—Multiple impairments. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5400, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-8000	Redetermination of financial eligibility. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-8000, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-5500	Progressive evaluation process—Step V—Functional mental capacity. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5500, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-8100	Redetermination of incapacity. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-8100, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-5600	Progressive evaluation process—Step V—Functional physical capacity. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5600, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-8130	Determining a recipient is no longer incapacitated—Termination proviso. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-8130, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-5700	Evaluating vocational factors for progressive evaluation process—Steps VI and VII. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5700, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-8140	Redetermination of eligibility based on mental retardation. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-8140, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-5800	Progressive evaluation process—Step VI—Evaluate capacity to perform past work. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5800, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-8150	Redetermination for a recipient appearing to meet federal disability criteria for SSI. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-8150, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-5900	Progressive evaluation process—Step VII—Evaluating capacity to perform other work. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-5900, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-8200	Reinstating eligibility after termination due to lack of medical evidence. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-8200, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-6000	Duration of assistance based on incapacity. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-6000, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-9000	How benefits from other programs affect your eligibility for general assistance—unemployable. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510. 00-05-007, § 388-235-9000, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.08.990 and Bordner vs. Rahm #84-2-00435-2. 95-03-048 (Order 3824), § 388-235-9000, filed 1/11/95, effective 2/11/95. Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-9000, filed 7/29/93, effective 8/29/93. Formerly WAC 388-26-145 (part).] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-7000	Purpose of referrals. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-7000, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-9100	GAU pending SSI eligibility. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-9100, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-7100	Treatment and referral requirements. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-7100, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.	388-235-9200	Assignment and recovery of interim assistance. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-9200, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
388-235-7200	Other agency referral requirements. [Statutory Authority: RCW 74.08.090. 93-16-058 (Order 3559), § 388-235-7200, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.		

- 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08.090.
- 388-235-9300 GAU to an SSI recipient whose SSI check is lost, stolen, or missent. [Statutory Authority: RCW 74.08.090, 93-16-058 (Order 3559), § 388-235-9300, filed 7/29/93, effective 8/29/93.] Repealed by 00-16-113, filed 8/2/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- Chapter 388-240
ALCOHOL/DRUG PROGRAMS**
- 388-240-0010 Introduction. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-0010, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-0020 Definitions. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-0020, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-1100 Detoxification services. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-1100, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-1200 Detoxification eligibility. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-1200, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2100 ADATSA purposes and programs. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2100, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2300 ADATSA categorical eligibility. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2300, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2400 ADATSA treatment—Eligibility requirements. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2400, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2450 ADATSA treatment—Incapacity requirements. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2450, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2500 ADATSA shelter—Eligibility requirements. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2500, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2550 ADATSA shelter—Incapacity requirements. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2550, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2570 ADATSA shelter—Eligibility determination and review. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2570, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-2600 ADATSA SSI referral requirements. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-2600, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-3100 ADATSA assessment center—Role. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-3100, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-4100 ADATSA treatment limitations. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-4100, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-4200 ADATSA treatment terminations and reinstatements. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-4200, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-4400 ADATSA treatment priority groups. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-4400, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-4600 ADATSA treatment living allowance. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-4600, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-5100 ADATSA shelter services. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-5100, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- 388-240-6100 ADATSA protective payees. [Statutory Authority: RCW 74.08.090, 93-19-039 (Order 3632), § 388-240-6100, filed 9/8/93, effective 10/9/93.] Repealed by 00-16-077, filed 7/28/00, effective 9/1/00. Statutory Authority: RCW 74.08.090, 74.50.80 [74.50.080].
- Chapter 388-245
MAINTENANCE OF GRANT PROGRAMS**
- 388-245-1000 Definitions. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1000, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-135, 388-33-235, 388-33-240 and 388-33-376.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1150 Periodic and special review of eligibility. [Statutory Authority: RCW 74.04.050, 74.08.090 and Public Law 104-193 (1996), 98-04-015, § 388-245-1150, filed 1/26/98, effective 2/26/98. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1150, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-260, 388-38-280 and 388-38-285.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1160 Eligibility review forms. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1160, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-280 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1170 Department action on review of eligibility. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090, 97-02-047, § 388-245-1170, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1170, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-290.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1210 Program changes. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1210, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-120 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1300 Change of grant amount. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090, 97-02-047, § 388-245-1300, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1300, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-335.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-245-1310 Effective date of change in grant amount. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-245-1310, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-140.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

388-245-1315	Effective date of grant amount—Monthly deduction of overpayment. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1315, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-190.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.		74.08.090. 97-02-047, § 388-245-1715, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1715, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-265 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-245-1320	Address changes to another local office area. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1320, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-230, 388-33-235, 388-33-240 and 388-33-376.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-245-1720	Recipient provides information or takes action during advance notice period. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-245-1720, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1720, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-265 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-245-1350	Redirection of warrant. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-245-1350, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1350, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-270.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-245-1730	Assistance during the advance notice period. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1730, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-382 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-245-1400	Suspension of grant. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1400, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-355 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-245-1740	Grant continuation pending fair hearing. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1740, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-377.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-245-1410	Reinstatement or termination of a suspended grant. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1410, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-120 and 388-33-355.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.	388-245-2010	Monthly reporting—General. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-2010, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-245-1500	Termination of grant. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1500, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-365 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-245-2020	Monthly reporting—Definitions. [Statutory Authority: RCW 74.04.050 and 74.08.090. 96-07-025 (Order 3952), § 388-245-2020, filed 3/13/96, effective 5/1/96. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-2020, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-044 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-245-1510	Effective date of ineligibility for terminated grants. [Statutory Authority: RCW 74.04.050, 74.08.090 and Public Law 104-193 (1996). 98-04-016, § 388-245-1510, filed 1/26/98, effective 2/26/98. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1510, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-135 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-245-2030	Monthly reporting—Requirements. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-2030, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-044 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-245-1520	Reinstatement of grant terminated in error. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1520, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-375 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-245-2040	Monthly reporting—Time frames. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-2040, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-044 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-245-1600	Effective date adjusted by fair hearing or court decision. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1600, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-165.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-245-2050	Monthly reporting—Adverse actions. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-2050, filed 5/3/94, effective 6/3/94. Formerly WAC 388-24-044 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-245-1610	Effective date of law or rule change. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1610, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-170.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-250-1010	Definitions. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1010, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-245-1700	Written notice—Adverse actions for recipients. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1700, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-376 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-250-1050	Standards of assistance. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1050, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-245-1710	Dispensation of advance notice. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-245-1710, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-385.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.	388-250-1100	Standards of assistance—Assistance units. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1100, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
388-245-1715	Recipient to provide information or take action to maintain continued eligibility for financial assistance. [Statutory Authority: RCW 74.04.050, 43.20A.550 and	388-250-1150	Standards of assistance—Basic requirements. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1150, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory

**Chapter 388-250
GRANT STANDARDS**

- Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1200 Standards of assistance—Basic requirements—Need and payment standards. [Statutory Authority: RCW 74.04.050 and 45 CFR 233.20 (a)(2). 95-07-123 (Order 3843), § 388-250-1200, filed 3/22/95, effective 4/22/95. Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1200, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.
- 388-250-1225 TANF payment standards for recent arrivals to Washington state. [Statutory Authority: RCW 74.04.050, 74.04.057 and 74.08.090. 97-20-124, § 388-250-1225, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1250 Standards of assistance—Need standards. [Statutory Authority: RCW 74.04.050, 74.08.090 and 74.04.200. 98-08-037, § 388-250-1250, filed 3/24/98, effective 4/24/98. Statutory Authority: RCW 74.04.050. 97-01-001, § 388-250-1250, filed 12/5/96, effective 1/5/97. Statutory Authority: RCW 74.08.025, 74.08.090, 80.36.420 (3)(a)(b) and 45 CFR 233.20 (a)(l)(i). 95-21-049 (Order 3910), § 388-250-1250, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04.-050 and 45 CFR 233.20 (a)(1) and (2). 94-20-039 (Order 3784), § 388-250-1250, filed 9/28/94, effective 10/29/94. Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1250, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1300 Standards of assistance—One hundred eighty-five percent of need standards. [Statutory Authority: RCW 74.04.050. 97-01-001, § 388-250-1300, filed 12/5/96, effective 1/5/97. Statutory Authority: RCW 74.08.025, 74.08.090, 80.36.420 (3)(a)(b) and 45 CFR 233.20 (a)(l)(i). 95-21-049 (Order 3910), § 388-250-1300, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.04.050 and 45 CFR 233.20 (a)(1) and (2). 94-21-043 (Order 3797), § 388-250-1300, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.08.-090. 94-09-001 (Order 3729), § 388-250-1300, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1310 Maximum earned income levels. [Statutory Authority: RCW 74.08.090. 97-20-124, § 388-250-1310, filed 10/1/97, effective 11/1/97.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1350 Standards of assistance—Payment standards for general assistance-unemployable, and Alcoholism and Drug Additional Treatment and Support Act programs. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1350, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1400 Standards of assistance—Payment standards for aid to families with dependent children, refugee assistance, and general assistance for pregnant women programs. [Statutory Authority: RCW 74.04.050 and 45 CFR 233.20 (a)(2). 96-04-002 (Order 3941), § 388-250-1400, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1400, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1450 Standards of assistance—Grant maximum. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1450, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1500 Standards of assistance—Consolidated emergency assistance (CEAP). [Statutory Authority: RCW 74.08.-090. 94-09-001 (Order 3729), § 388-250-1500, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1550 Standards of assistance—Persons in medical institutions. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1550, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090.
- 388-250-1600 Standards of assistance—Persons in congregate care facilities (CCF), adult residential rehabilitation centers/-adult residential treatment facilities (ARRC/ARTF), and division of developmental disabilities (DDD) group home facilities. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1600, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1650 Standards of assistance—Adult family home care. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1650, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1700 Standards of assistance—Federal, state supplemental and combined benefit levels for clients eligible for supplemental security income. [Statutory Authority: RCW 74.04.600, 74.04.620 and Federal Register, Vol. 62, No. 210 (10/30/97). 98-06-057, § 388-250-1700, filed 2/27/98, effective 3/30/98. Statutory Authority: RCW 74.08.090, 74.04.630 and Social Security Act COLA Increases (Federal Register 61 pages 55346-51) 1997. 97-14-011, § 388-250-1700, filed 6/19/97, effective 8/1/97. Statutory Authority: RCW 74.08.090 and Legislative decision in the 1995 Budget Bill. 96-10-044 (Order 3972), § 388-250-1700, filed 4/26/96, effective 5/27/96; 95-20-028 (Order 3903), § 388-250-1700, filed 9/27/95, effective 10/28/95. Statutory Authority: RCW 74.04.050 and 45 CFR 233.20 (a)(2)(vi). 95-03-046 (Order 3822), § 388-250-1700, filed 1/11/95, effective 2/11/95. Statutory Authority: 1994 sp.s. c. 6. 94-15-003 (Order 3750), § 388-250-1700, filed 7/7/94, effective 8/7/94. Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-250-1700, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-250-1750 Standards of assistance—Additional requirements. [Statutory Authority: RCW 74.08.025, 74.08.090, 80.36.420 (3)(a)(b) and 45 CFR 233.20 (a)(l)(i). 95-21-049 (Order 3910), § 388-250-1750, filed 10/11/95, effective 11/11/95. Statutory Authority: RCW 74.08.-090. 94-09-001 (Order 3729), § 388-250-1750, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

Chapter 388-255 SPECIAL PAYMENTS

- 388-255-1020 Additional requirements—General provisions. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-255-1020, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1050 Additional requirements—Restaurant meals. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-255-1050, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1100 Additional requirements—Home-delivered meals (meals on wheels). [Statutory Authority: RCW 74.08.-090. 94-09-001 (Order 3729), § 388-255-1100, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1150 Additional requirements—Food for guide dog or service animal. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-255-1150, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1200 Additional requirement—Telephone. [Statutory Authority: RCW 74.08.090. 96-01-017 (Order 3935), § 388-255-1200, filed 12/8/95, effective 1/8/96; 94-09-001 (Order 3729), § 388-255-1200, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00,

- effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1250 Additional requirements—Laundry. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-255-1250, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1300 Additional requirements—Winterizing homes AFDC. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-255-1300, filed 4/6/94, effective 5/7/94.] Repealed by 00-15-053, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.
- 388-255-1350 Additional requirements for emergent situations. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-255-1350, filed 4/6/94, effective 5/7/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-255-1400 One-time grant—Authorization—Disbursement. [Statutory Authority: RCW 74.08.090. 94-09-001 (Order 3729), § 388-255-1400, filed 4/6/94, effective 5/7/94. Formerly WAC 388-33-595.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Reviser's note:** Later promulgation, see chapter 388-473 WAC.
- Chapter 388-265**
PAYMENT OF GRANTS
- 388-265-1010 Grant payment—General provisions. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1010, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-015, 388-33-020, 388-33-025, 388-33-050, 388-33-051 and 388-33-055.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-1050 Grant authorization. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1050, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-080, 388-33-085 and 388-33-095.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-1100 Grant payee. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1100, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-400 and 388-33-455.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-1150 Protective payee—General information. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1150, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1150, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-440 and 388-33-455.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1155 Protective payee selection. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1155, filed 11/25/98, effective 12/26/98.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1200 Emergency and temporary protective payees (TANF/SFA). [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1200, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1200, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-420 (part).] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1250 Protective payee or vendor payment due to mismanagement of money. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1250, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-265-1250, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1250, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-420, 388-33-430, 388-33-440 and 388-33-455.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1275 Assigning TANF/SFA or GA pregnant or parenting minors to protective payee. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1275, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.08.090 and 74.04.057. 97-20-128, § 388-265-1275, filed 10/1/97, effective 11/1/97. Statutory Authority: Chapter 74.12 RCW and E2 SHB 2798. 94-20-040 (Order 3785), § 388-265-1275, filed 9/28/94, effective 10/29/94.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1300 Assigning TANF/SFA clients sanctioned for noncooperation or nonparticipation with WorkFirst activities to protective payees. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1300, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1300, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-450 (part).] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1350 Protective payment—AFDC clients sanctioned for failure or refusal to cooperate with the office of support enforcement. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1350, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-453 (part).] Repealed by 97-08-033 and 97-10-042, filed 3/27/97 and 4/30/97, effective 8/1/97. Statutory Authority: RCW 74.04.050, 74.04.055 and Public Law 104-193, Section 103 (a)(1) (1996).
- 388-265-1375 Transfer from protective payees to guardianship. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1375, filed 11/25/98, effective 12/26/98.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1400 Vendor payee. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1400, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-440 and 388-33-460.] Repealed by 98-24-051, filed 11/25/98, effective 12/26/98. Statutory Authority: RCW 74.08.090.
- 388-265-1450 Protective payee responsibility and fees. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1450, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1450, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-455 (part).] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1500 Protective payee plans. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1500, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1500, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-442, 388-33-448 and 388-33-458.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1550 Client notification of protective payee or vendor payee. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-265-1550, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-444, 388-33-446 and 388-33-457.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-1600 Ending protective payee status and changing payees. [Statutory Authority: RCW 74.08.090. 98-24-051, § 388-265-1600, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1600, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-446 and 388-33-457.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1650 Your fair hearing rights regarding protective payment. [Statutory Authority: RCW 74.08.090, 74.08.280. 00-

- 19-078, § 388-265-1650, filed 9/19/00, effective 10/20/00. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-265-1650, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-459.] Repealed by 02-14-083, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08-090, 74.04.050. Later promulgation, see chapter 388-460 WAC.
- 388-265-1700 Confidential information—Protective payee or vendor payee. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-265-1700, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-449.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-1750 Protective payee fees. [Statutory Authority: RCW 74.08.090 and 74.08.280, 97-13-091, § 388-265-1750, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 74.08.090, 1994 c 299 § 33, RCW 74.08.280 and 74.50.060(2), 95-11-119 (Order 3858), § 388-265-1750, filed 5/24/95, effective 6/24/95. Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-265-1750, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-455 (part).] Repealed by 00-19-078, filed 9/19/00, effective 10/20/00. Statutory Authority: RCW 74.08.090, 74.08.280.
- 388-265-1800 Warrant endorsement. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-265-1800, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-525.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04-055, 74.04.057 and 74.08.090.
- 388-265-1850 Warrant delivery. [Statutory Authority: RCW 74.08-090, 94-10-065 (Order 3732), § 388-265-1850, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-33-535, 388-33-545 and 388-33-550.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-1900 Warrant cancellation. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-265-1900, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-585.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04-055, 74.04.057 and 74.08.090.
- 388-265-1950 Loss, theft, or destruction of a client's warrant. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-265-1950, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-576.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-265-2000 Loss, theft, or destruction of a vendor warrant. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-265-2000, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-579.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-270**
INCORRECT PAYMENTS
- 388-270-1005 Incorrect payments—General. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1005, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1010 Overpayment amount. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1010, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1025 Overpayment—Support payments not treated as a grant overpayment. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1025, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1075 Overpayment—Liability. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1075, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1100 Verification of overpayment. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1100, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1110 Rights and responsibilities. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1110, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1125 Determination of intent. [Statutory Authority: RCW 74.08.090, 96-17-032, § 388-270-1125, filed 8/15/96, effective 9/15/96; 94-05-045 (Order 3704), § 388-270-1125, filed 2/9/94, effective 3/12/94. Formerly WAC 388-38-255 (part).] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1150 Notification of overpayment. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1150, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1200 Invalid overpayment. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1200, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1250 Repayment of grant overpayment from a current recipient. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1250, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1300 Repayment of grant overpayment occurring prior to April 3, 1982, and resulting from department error. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1300, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1400 Recovery of overpayments by mandatory grant deduction. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1400, filed 2/9/94, effective 3/12/94. Formerly WAC 388-33-045.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1500 Repayment from estate. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1500, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1550 Underpayments. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1550, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-270-1600 Time limits, write-offs, and compromises. [Statutory Authority: RCW 74.08.090, 94-05-045 (Order 3704), § 388-270-1600, filed 2/9/94, effective 3/12/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-275**
SUPPLEMENTAL SECURITY INCOME
- 388-275-0010 Purpose. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650, 94-04-033 (Order 3695), § 388-275-0010, filed 1/26/94, effective 2/26/94.] Repealed by 00-18-038, filed 8/30/00, effective 10/1/00. Statutory Authority: RCW 74.04.620, 74.08.090.
- 388-275-0020 Definitions. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650, 94-04-033 (Order 3695), § 388-275-0020, filed 1/26/94, effective 2/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-275-0030 Administrative responsibility. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650, 94-04-033 (Order 3695), § 388-275-0030, filed 1/26/94, effective 2/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.

- 388-275-0040 Effect on other programs. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0040, filed 1/26/94, effective 2/26/94.] Repealed by 00-18-038, filed 8/30/00, effective 10/1/00. Statutory Authority: RCW 74.04.620, 74.08.090.
- 388-275-0050 Waiver of state supplement. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0050, filed 1/26/94, effective 2/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-275-0060 Payments. [Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-275-0060, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0060, filed 1/26/94, effective 2/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-275-0070 Termination of state supplement. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0070, filed 1/26/94, effective 2/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-275-0080 Overpayment and underpayment. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0080, filed 1/26/94, effective 2/26/94.] Repealed by 00-18-038, filed 8/30/00, effective 10/1/00. Statutory Authority: RCW 74.04.620, 74.08.090.
- 388-275-0090 Representative payee. [Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650. 94-04-033 (Order 3695), § 388-275-0090, filed 1/26/94, effective 2/26/94.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-290**
WORKING CONNECTIONS CHILD CARE
- 388-290-0001 What is the purpose of the working connections child care program? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0001, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0001, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0001.
- 388-290-0005 Who is considered a consumer for the WCCC program? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0005, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0005, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0005.
- 388-290-0010 What makes me eligible for WCCC benefits? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0010, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-14-067, § 388-290-0010, filed 6/27/02, effective 8/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0010, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0010.
- 388-290-0012 When do I need to verify information? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0012, filed 3/29/04 and 4/7/04, effective 5/28/04.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0012.
- 388-290-0015 How does the WCCC program determine my family size for eligibility? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0015, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0015, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0015, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0015.
- 388-290-0020 Are there special circumstances that might affect my WCCC eligibility? [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.260, chapter 74.08A RCW. 06-10-035, § 388-290-0020, filed 4/27/06, effective 6/1/06. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0020, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0020, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0020, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0020, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0020.
- 388-290-0025 What rights do I have when I apply for or receive WCCC benefits? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0025, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0025, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0025.
- 388-290-0030 What must I do when I apply for or receive WCCC benefits? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0030, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0030, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0030, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0030.
- 388-290-0031 What changes do I need to report when I apply for or receive WCCC? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0031, filed 3/29/04 and 4/7/04, effective 5/28/04.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0031.
- 388-290-0032 What are the consequences if I do not report changes within the specified time frames? [Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0032, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0032, filed 3/29/04 and 4/7/04, effective 5/28/04.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0032.
- 388-290-0035 What responsibilities does the WCCC program staff have? [Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0035, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0035, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0035, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0035, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0035.
- 388-290-0040 If I receive a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC benefits? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0040, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0040, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99

	(Child Care Development Fund Rules). 02-01-135, § 388-290-0040, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0040.		filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0075.
388-290-0045	If I don't get a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC benefits? [Statutory Authority: RCW 74.12.340, 06-12-094, § 388-290-0045, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0045, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0045, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0045, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0045.	388-290-0080	When does the WCCC program determine and review my eligibility and copayments? [Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0080, filed 12/19/01, effective 1/19/02.] Repealed by 04-08-021 and 04-08-134, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.12.-340, 74.13.085, and 2003 1st sp.s. c 25.
388-290-0050	If I am self-employed, can I get WCCC benefits? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.-085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0050, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.-085. 02-12-069, § 388-290-0050, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0050, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0050.	388-290-0082	When I am approved, how long is my eligibility period? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0082, filed 3/29/04 and 4/7/04, effective 5/28/04.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0082.
388-290-0055	If I am not working or in an approved activity right now, can I get WCCC benefits? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0055, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0055, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0055, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0055.	388-290-0085	When might my WCCC copayment change? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0085, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-14-067, § 388-290-0085, filed 6/27/02, effective 8/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0085, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0085.
388-290-0060	What income does the WCCC program count when determining eligibility and copayments? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0060, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0060, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0060.	388-290-0090	When do I pay the minimum copayment? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0090, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0090, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0090.
388-290-0065	How does the WCCC program define and use my income? [Statutory Authority: RCW 74.04.050, 74.12.-340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0065, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0065, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0065.	388-290-0095	If I receive temporary assistance for needy families (TANF) and I am determined eligible for WCCC, when do my benefits begin? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0095, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0095, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0095, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0095.
388-290-0070	What income types and deductions does the WCCC program disregard when figuring my income eligibility and for WCCC benefits? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0070, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0070, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0070.	388-290-0100	What is the purpose of the working connections child care program? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-010, filed 6/28/99, effective 7/1/99. Statutory Authority: RCW 74.04.050. 98-21-005, § 388-290-010, filed 10/9/98, effective 11/9/98. Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605. 98-08-021, § 388-290-010, filed 3/19/98, effective 4/19/98. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404. 97-20-130, § 388-290-010, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-010, filed 11/8/95, effective 12/9/95.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-0075	What steps does the WCCC program take to determine my family's WCCC eligibility and copayment amount? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0075, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.-050, 74.13.085. 02-14-067, § 388-290-0075, filed 6/27/02, effective 8/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0075,	388-290-0100	If I do not receive temporary assistance for needy families (TANF) and I am determined eligible for WCCC, when do my benefits begin? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0100, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0100, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0100.
		388-290-0105	How do I reapply for WCCC when my eligibility period is ending? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0105, filed 3/29/04 and

- 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085, 02-12-069, § 388-290-0105, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0105, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0105.
- 388-290-0107 When do I receive a denial letter? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0107, filed 3/29/04 and 4/7/04, effective 5/28/04.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0107.
- 388-290-0108 What happens if I meet eligibility requirements after I receive a denial letter? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0108, filed 3/29/04 and 4/7/04, effective 5/28/04.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0108.
- 388-290-0110 What circumstances might affect my eligibility for WCCC benefits and when might I be eligible again? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0110, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0110, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0110.
- 388-290-0115 When does the WCCC program provide me with advance and adequate notice of payment changes? [Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0115, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0115.
- 388-290-0120 When doesn't advance and adequate notice of payment changes apply to me? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0120, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085, 02-12-069, § 388-290-0120, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0120, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0120.
- 388-290-0125 What child care providers can I choose under the WCCC program? [Statutory Authority: RCW 74.04.-050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0125, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085, 02-12-069, § 388-290-0125, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0125, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0125.
- 388-290-0130 What in-home/relative providers can I choose under the WCCC program? [Statutory Authority: RCW 74.04.-050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0130, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0130, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085, 02-12-069, § 388-290-0130, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0130, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0130.
- 388-290-0135 When I choose an in-home/relative provider, what information must I give the department? [Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0135, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0135, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085, 02-12-069, § 388-290-0135, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0135, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0135.
- 388-290-0138 What responsibilities does my eligible in-home/relative provider have? [Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0138, filed 10/31/05, effective 12/1/05.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0138.
- 388-290-0140 When is my in-home/relative provider not eligible for WCCC payment? [Statutory Authority: RCW 74.04.-050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0140, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0140, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0140, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0140.
- 388-290-0143 Who must have a background check for the WCCC program and how often is the check done? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0143, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085, 02-14-066, § 388-290-0143, filed 6/27/02, effective 7/1/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0143.
- 388-290-0145 Why is a background check required and will I be notified of the results? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0145, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085, 02-14-066, § 388-290-0145, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0145, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0145.
- 388-290-015 What basic steps does the department take to decide if I'm eligible for WCCC? [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule). 00-17-005, § 388-290-015, filed 8/2/00, effective 9/2/00; 99-14-023, § 388-290-015, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
- 388-290-0150 What information does the background check contain and where does it come from? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0150, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085, 02-14-066, § 388-290-0150, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0150, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0150.
- 388-290-0155 What happens after the WCCC program receives the background information? [Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0155, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0155, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085, 02-14-066, § 388-290-0155, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0155, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0155.

- 388-290-0160 What convictions would cause the WCCC program to permanently disqualify my in-home/relative provider? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0160, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.-050, 74.13.085. 02-14-066, § 388-290-0160, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0160, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0160.
- 388-290-0165 Is there other background information or convictions that will disqualify my in-home/relative provider? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.-085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0165, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-14-066, § 388-290-0165, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0165, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0165.
- 388-290-0167 What happens if my in-home/relative provider, who provides care in their home, is disqualified based solely on the disqualifying background of an individual living with that provider? [Statutory Authority: RCW 74.04.-050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0167, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-14-066, § 388-290-0167, filed 6/27/02, effective 7/1/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0167.
- 388-290-0180 When are the WCCC program subsidy rates in this chapter effective? [Statutory Authority: RCW 74.04.-050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). 05-20-051, § 388-290-0180, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.-340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0180, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0180, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0180.
- 388-290-0185 How does the WCCC program set rates when my child is five years old? [Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0185, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0185.
- 388-290-0190 What does the WCCC program pay for and when can the program pay more? [Statutory Authority: RCW 74.12.340. 06-12-094, § 388-290-0190, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). 05-20-051, § 388-290-0190, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0190, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.-050, 74.13.085. 02-12-069, § 388-290-0190, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0190, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0190.
- 388-290-020 Subsidized child care—Definitions. [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605. 98-08-021, § 388-290-020, filed 3/19/98, effective 4/19/98. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404. 97-20-130, § 388-290-020, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-020, filed 11/8/95, effective 12/9/95.] Repealed by 99-14-023, filed 6/28/99, effective 7/1/99. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99.
- 388-290-0200 What daily rates does DSHS pay for child care in a licensed or certified child care center or DSHS contracted seasonal day camps? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). 05-20-051, § 388-290-0200, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.-050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0200, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0200, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0200, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0200.
- 388-290-0205 What daily rates does DSHS pay for child care in a licensed or certified family home child care? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). 05-20-051, § 388-290-0205, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0205, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0205, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0205, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0205.
- 388-290-0210 When can the WCCC program authorize the nonstandard hour child care bonus? [Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0210, filed 12/19/01, effective 1/19/02.] Repealed by 04-08-021 and 04-08-134, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.12.-340, 74.13.085, and 2003 1st sp.s. c 25.
- 388-290-0220 How does DSHS determine that my child qualifies for a special needs daily rate? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0220, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0220, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0220.
- 388-290-0225 What is the additional subsidy daily rate for children with special needs in a licensed or certified child care center or DSHS contracted seasonal day camp? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0225, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.-085. 02-12-069, § 388-290-0225, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0225, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0225.
- 388-290-0230 What is the additional subsidy daily rate for children with special needs in a licensed or certified family home child care? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0230, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0230, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0230, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0230.
- 388-290-0235 What is the DSHS in-home/relative child care daily rate for children with special needs? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0235, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99

- (Child Care Development Fund Rules). 02-01-135, § 388-290-0235, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0235.
- 388-290-0240 What is the DSHS child care subsidy rate for in-home/relative child care and how is it paid? [Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0240, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0240, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0240, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0240.
- 388-290-0245 When can the WCCC program authorize payment of fees for registration? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0245, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0245, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0245, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0245.
- 388-290-0247 When can the WCCC program authorize payment for field trip fees? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0247, filed 3/29/04 and 4/7/04, effective 5/28/04.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0247.
- 388-290-025 Subsidy units and copayments. [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605. 98-08-021, § 388-290-025, filed 3/19/98, effective 4/19/98. Statutory Authority: RCW 74.04.050 and 1997 c 58 § 401-404. 97-20-130, § 388-290-025, filed 10/1/97, effective 11/1/97.] Repealed by 99-14-023, filed 6/28/99, effective 7/1/99. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99.
- 388-290-0250 When can WCCC pay a bonus for enrolling an infant? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0250, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0250, filed 12/19/01, effective 1/19/02.] Repealed by 05-20-051, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3).
- 388-290-0255 When can the WCCC program establish a protective payee to pay my in-home/relative provider? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0255, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-14-083, § 388-290-0255, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0255, filed 12/19/01, effective 1/19/02.] Repealed by 05-22-078, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085.
- 388-290-0260 Who has a right to ask for a hearing and how do they ask for one? [Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0260, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0260, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0260, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0260.
- 388-290-0265 When can I get WCCC benefits pending the outcome of a hearing? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0265, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0270, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0270, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0270, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0270.
- 388-290-0270 What is a WCCC overpayment and what can be included? [Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0270, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. 02-12-069, § 388-290-0270, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). 02-01-135, § 388-290-0270, filed 12/19/01, effective 1/19/02.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0270.
- 388-290-0271 When might I get an overpayment? [Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0271, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0271, filed 3/29/04 and 4/7/04, effective 5/28/04.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0271.
- 388-290-0273 When would my licensed or certified provider or DSHS contracted seasonal day camp get an overpayment? [Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0273, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0273, filed 3/29/04 and 4/7/04, effective 5/28/04.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0273.
- 388-290-0274 When would my in-home/relative provider get an overpayment? [Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0274, filed 10/31/05, effective 12/1/05.] Decodified by 08-08-047, filed 3/27/08, effective 3/27/08. Recodified as WAC 170-290-0274.
- 388-290-030 Responsibilities for the department, the consumer, and the provider under the subsidized child care program. [Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404. 97-20-130, § 388-290-030, filed 10/1/97, effective 11/1/97.] Repealed by 99-14-023, filed 6/28/99, effective 7/1/99. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99.
- 388-290-035 Providers eligible for payment under the subsidized child care program. [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605. 98-08-021, § 388-290-035, filed 3/19/98, effective 4/19/98. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404. 97-20-130, § 388-290-035, filed 10/1/97, effective 11/1/97.] Repealed by 99-14-023, filed 6/28/99, effective 7/1/99. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99.
- 388-290-040 Assurances and responsibilities under JOBS, income assistance, and transitional child care. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-040, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.
- 388-290-050 Eligible children and consumers under the subsidized child care program. [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605. 98-08-021, § 388-290-050, filed 3/19/98, effective 4/19/98. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404. 97-20-130, § 388-290-050, filed 10/1/97, effective 11/1/97.] Repealed by 99-14-023, filed 6/28/99, effective 7/1/99. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99.
- 388-290-055 Payment for subsidized child care. [Statutory Authority: RCW 74.04.050. 98-21-005, § 388-290-055, filed 10/9/98, effective 11/9/98. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404. 97-20-130, § 388-290-055, filed 10/1/97, effective 11/1/97.] Repealed by

	99-14-023, filed 6/28/99, effective 7/1/99. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99.		12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-060	Adequate notice requirements and effective dates. [Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404. 97-20-130, § 388-290-060, filed 10/1/97, effective 11/1/97.] Repealed by 99-14-023, filed 6/28/99, effective 7/1/99. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99.	388-290-130	Income assistance and transitional child care programs—Effect on eligibility and payments. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-130, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.
388-290-070	Self-employment and subsidized child care. [Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404. 97-20-130, § 388-290-070, filed 10/1/97, effective 11/1/97.] Repealed by 99-14-023, filed 6/28/99, effective 7/1/99. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99.	388-290-135	JOBS, income assistance, and transitional child care—Hearings. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 96-09-058 (Order 3965), § 388-290-135, filed 4/12/96, effective 5/13/96; 95-23-028 (Order 3916), § 388-290-135, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.
388-290-075	Who is a consumer in WCCC? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-075, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-140	Income assistance child care program—Conversion. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-140, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.
388-290-080	Subsidized child care—Fair hearings. [Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404. 97-20-130, § 388-290-080, filed 10/1/97, effective 11/1/97.] Repealed by 99-14-023, filed 6/28/99, effective 7/1/99. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99.	388-290-150	What activities can the department pay WCCC for if I don't get a TANF grant? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-150, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-090	Subsidized child care—Income eligibility, copayments rates, and when to calculate copayments. [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605. 98-08-021, § 388-290-090, filed 3/19/98, effective 4/19/98. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404. 97-20-130, § 388-290-090, filed 10/1/97, effective 11/1/97.] Repealed by 99-14-023, filed 6/28/99, effective 7/1/99. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99.	388-290-155	Transitional child care—Purpose and initial eligibility. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-155, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.
388-290-105	Subsidized child care—Overpayments. [Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404. 97-20-130, § 388-290-105, filed 10/1/97, effective 11/1/97.] Repealed by 99-14-023, filed 6/28/99, effective 7/1/99. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99.	388-290-160	Transitional child care—Co-payment. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-160, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.
388-290-110	JOBS, income assistance, and transitional child care programs. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-110, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.	388-290-170	Transitional child care—Ongoing eligibility. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-170, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.
388-290-115	JOBS, income assistance, and transitional child care programs—Eligible children and recipients. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-115, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.	388-290-180	Child care overpayments. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-180, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.
388-290-120	JOBS, income assistance, and transitional child care program—Payment. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-120, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.	388-290-200	Can the department pay WCCC if I'm self-employed? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-200, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-123	JOBS, income assistance, and transitional child care programs—Effective dates. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-123, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.	388-290-210	Other supportive services. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-210, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.
388-290-125	What activities can the department pay WCCC for if I get a temporary aid for needy families (TANF) grant? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-125, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed	388-290-250	Transitional supportive services. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-250, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.
		388-290-260	Supportive services overpayments. [Statutory Authority: RCW 74.04.050 and 45 CFR 255.4(F). 95-23-028 (Order 3916), § 388-290-260, filed 11/8/95, effective 12/9/95.] Repealed by 97-20-130, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.04.050 and 1997 c 58 §§ 401-404.

388-290-270	Can the department authorize WCCC if I'm not working or in an approved activity right now? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-270, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-525	How does the department figure my expected average monthly income? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-525, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-280	Can the department pay WCCC for activity fees or bonuses? [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule). 00-17-005, § 388-290-280, filed 8/2/00, effective 9/2/00; 99-14-023, § 388-290-280, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-550	How does the department figure my adjusted earned income? [Statutory Authority: RCW 74.04.050, 74.13.-0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-550, filed 6/28/99, effective 7/1/99.] Repealed by 00-17-005, filed 8/2/00, effective 9/2/00. Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule).
388-290-300	Which children and consumers can and cannot get WCCC? [Statutory Authority: RCW 74.04.050, 74.13.-0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-300, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-600	How does the department figure my countable income, and what is countable income used for? [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule). 00-17-005, § 388-290-600, filed 8/2/00, effective 9/2/00; 99-14-023, § 388-290-600, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-350	If I'm in an approved activity, what are the steps the department takes to figure my WCCC copayment? [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule). 00-17-005, § 388-290-350, filed 8/2/00, effective 9/2/00; 99-14-023, § 388-290-350, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-650	How does the department figure my copayment, once my countable income is known? [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule). 00-17-005, § 388-290-650, filed 8/2/00, effective 9/2/00; 99-14-023, § 388-290-650, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-375	How is the income that my family receives used in WCCC? [Statutory Authority: RCW 74.04.050, 74.13.-0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-375, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-700	Does the department set the minimum copayment if I'm a minor parent? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-700, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-400	What makes up a family in the WCCC program? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-400, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-750	Are there other times when the department sets the minimum copayment? [Statutory Authority: RCW 74.04.-050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-750, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-450	What income does the department count in WCCC? [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule). 00-17-005, § 388-290-450, filed 8/2/00, effective 9/2/00; 99-14-023, § 388-290-450, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-800	When does the department calculate copayments? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-800, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-475	What income does the department exempt in WCCC? [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule). 00-17-005, § 388-290-475, filed 8/2/00, effective 9/2/00; 99-14-023, § 388-290-475, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-850	What child care providers can the department pay under the WCCC program? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-850, filed 8/1/00, effective 8/2/00. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-850, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-500	What are the different kinds of income in WCCC the department uses to get my expected average monthly income? [Statutory Authority: RCW 74.04.050, 74.13.-0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-500, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-854	When will the department not pay toward the cost of in-home/relative child care? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-854, filed 8/1/00, effective 8/2/00.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
		388-290-858	Why do we review your in-home/relative provider's criminal background information? [Statutory Authority:

	RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-858, filed 8/1/00, effective 8/2/00.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).		
388-290-862	When is a criminal background check required? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-862, filed 8/1/00, effective 8/2/00.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-910	What responsibilities do I have under the WCCC program? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-910, filed 8/1/00, effective 8/2/00. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-910, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-866	Where does the department get the criminal background information on the in-home/relative provider? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-866, filed 8/1/00, effective 8/2/00.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-915	When do WCCC payments start? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-915, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-870	What does the department do with the criminal background information on the in-home/relative provider? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-870, filed 8/1/00, effective 8/2/00.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-920	When does the department provide me with advance and adequate notice of WCCC payment changes? [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule). 00-17-005, § 388-290-920, filed 8/2/00, effective 9/2/00; 99-14-023, § 388-290-920, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-874	Will I be notified of the results of the criminal background information on my in-home/relative provider? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-874, filed 8/1/00, effective 8/2/00.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-925	When don't advance and adequate notice rules apply? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-925, filed 8/1/00, effective 8/2/00. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-925, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-878	Can I still use my chosen in-home/relative provider to care for my child(ren) if the provider has been convicted of a disqualifying crime? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-878, filed 8/1/00, effective 8/2/00.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-930	Under what circumstances does my eligibility for WCCC end? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-930, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-882	What convictions permanently disqualify my in-home/relative provider from being authorized by WCCC? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-882, filed 8/1/00, effective 8/2/00.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-935	When might I be eligible for WCCC again? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-935, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-886	Are there some crimes that require a set amount of time to pass before my in-home/relative provider may be authorized for WCCC? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-886, filed 8/1/00, effective 8/2/00.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-940	Do I have the right to request a hearing? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-940, filed 8/1/00, effective 8/2/00. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-940, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-888	When can I ask the department to review the decision to deny authorization of my in-home/relative provider? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-888, filed 8/1/00, effective 8/2/00.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-945	Can I receive WCCC pending the outcome of a hearing? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-945, filed 8/1/00, effective 8/2/00. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-945, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).
388-290-900	When can the department establish a protective payee to pay my in-home/relative provider? [Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-900, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).	388-290-950	When does the department collect overpayments? [Statutory Authority: RCW 74.04.050, 74.13.0903, and Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund
388-290-905	What responsibilities does the department have under the WCCC program? [Statutory Authority: RCW 43.43.830, 43.43.832, and 74.15.020. 00-16-100, § 388-290-905, filed 8/1/00, effective 8/2/00. Statutory Authority: RCW 74.04.050, 74.13.0903, Public Law 104-193, Sections 407 and 605 and 45 C.F.R. Parts 98 and 99. 99-14-023, § 388-290-905, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).		

rule). 00-17-005, § 388-290-950, filed 8/2/00, effective 9/2/00; 99-14-023, § 388-290-950, filed 6/28/99, effective 7/1/99.] Repealed by 02-01-135, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules).

Chapter 388-292

SEASONAL CHILD CARE PROGRAM

388-292-0001	Introduction. [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0001, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0001.	388-292-0060	7/13/06, effective 7/13/06. Recodified as § 170-15-0055.
388-292-0003	What is the purpose of the seasonal child care program? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0003, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0003.	388-292-0065	What responsibilities do I have when I apply for or receive SCC program subsidies? [Statutory Authority: RCW 74.12.-340 and chapter 74.15 RCW. 03-14-109, § 388-292-0060, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0060.
388-292-0005	Am I eligible for the SCC program? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0005, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0005.	388-292-0070	Who are the SCC program staff and what responsibilities do they have? [Statutory Authority: RCW 74.12.-340 and chapter 74.15 RCW. 03-14-109, § 388-292-0070, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0070.
388-292-0010	How is my family size defined for SCC program eligibility purposes? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0010, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0010.	388-292-0075	Do I have the right to ask for a hearing regarding SCC program subsidy payments, and how do I request one? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0075, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0075.
388-292-0015	Are there special circumstances when I might be eligible for the SCC program? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0015, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0015.	388-292-0080	Can I use SCC programs subsidies while waiting for the outcome of a hearing, and when might it need to be repaid? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0080, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0080.
388-292-0020	What activities must I be involved in to be eligible for the SCC program? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0020, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0020.	388-292-0085	What child care providers can I choose under the SCC program? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0085, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0085.
388-292-0025	What additional criteria does my family need to meet to be eligible for SCC program subsidies? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0025, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0025.	388-292-0090	When are the DSHS child care subsidy rates, used by the SCC program in this chapter, effective? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0090, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0090.
388-292-0030	When might my on-going eligibility for SCC subsidies stop, and when might I be eligible again? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0030, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0030.	388-292-0095	What DSHS child care subsidy rate does the SCC program use when my child is five years old? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0095, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0095.
388-292-0035	What income is counted when determining eligibility and copayment for the SCC program? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0035, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0035.	388-292-0100	What services can be authorized for the SCC program, and at what rates? [Statutory Authority: RCW 74.12.-340 and chapter 74.15 RCW. 03-14-109, § 388-292-0100, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0100.
388-292-0040	How is my family's average monthly income calculated for the SCC program? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0040, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0040.	388-292-0102	When can my child care provider charge me more than the amount authorized by the SCC program? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0102, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0102.
388-292-0045	What is not counted, or is deducted, when figuring income eligibility for the SCC program? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0045, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0045.	388-292-0105	When can additional SCC program subsidy payments be authorized? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0105, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0105.
388-292-0050	How is my family's income eligibility and copayment amount determined for the SCC program? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0050, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0050.	388-292-0110	What additional SCC program subsidy payments can be authorized? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0110, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0110.
388-292-0055	When might my SCC program copayment change? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0055, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0055.	388-292-0115	If I am determined eligible for the SCC program, when does my child care subsidy begin? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0115, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0115.
		388-292-0120	Can I be authorized for the SCC program before I start a job? [Statutory Authority: RCW 74.12.340 and chapter

	74.15 RCW. 03-14-109, § 388-292-0120, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0120.	388-295-0040	Do I have to follow any other regulations or have any other inspections? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-0040, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0040.
388-292-0125	I am preauthorized for the SCC program, when do my SCC program child care subsidies begin? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0125, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0125.	388-295-0050	Can I get a waiver (exception) to the minimum licensing requirements or to licensing fees? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-0050, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0050.
388-292-0130	If I am reauthorized for the SCC program, when do my SCC program subsidies begin? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0130, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0130.	388-295-0055	Can I get a dual license? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-0055, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0055.
388-292-0135	When are my eligibility and copayment information for the SCC program looked at? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0135, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0135.	388-295-0060	What are the requirements for applying for a license to operate a child care center? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-0060, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-0060, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0060.
388-292-0140	How are my SCC program subsidies reauthorized and when may they continue? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0140, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0140.	388-295-0070	What personal characteristics do my volunteers, all staff and I need to provide care to children? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-0070, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-0070, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0070.
388-292-0145	When might I receive advance and adequate notice of change in my SCC program subsidies? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0145, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0145.	388-295-0080	How is my licensed capacity determined? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-0080, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0080.
388-292-0150	When won't I receive advance and adequate notice of changes in my SCC program subsidies? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0150, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0150.	388-295-0090	When does the department issue initial and full licenses, and when are licensing fees due? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-0090, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-0090, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0090.
388-292-0155	What is an overpayment and when might I receive one? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0155, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0155.	388-295-0100	When can my license application be denied and when can my license be suspended or revoked? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-0100, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-0100, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0100.
388-292-0160	When might a child care provider receive an overpayment? [Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. 03-14-109, § 388-292-0160, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-15-0160.	388-295-0110	When can I be fined for not following the minimum licensing requirements? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-0110, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-0110, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0110.
Chapter 388-295			
MINIMUM LICENSING REQUIREMENTS FOR CHILD CARE CENTERS			
(Formerly chapter 388-150 WAC)			
388-295-0001	What gives the authority to the department of social and health services (DSHS) to license child care and charge licensing fees? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-0001, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0001.	388-295-0120	How much can I be fined? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-0120, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0120.
388-295-0010	What definitions under this chapter apply to licensed child care providers? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-0010, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0010.	388-295-0130	When can I be fined for operating an unlicensed program? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-0130, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0130.
388-295-0020	Who needs to become licensed? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-0020, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-0020, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0020.	388-295-0140	When can the department issue a probationary license to a child care center operator? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-0140, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0140.
388-295-0030	What must I do to be eligible to receive state child care subsidies? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-0030, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0030.	388-295-0150	Where can I locate my child care center or facility? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-0150, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-0150.
		388-295-1010	Who can be the director of a child care center? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-1010, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-1010.

388-295-1020	What if the director does not meet the minimum qualifications? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-1020, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-1020.	388-295-2040	What behavior management and guidance practices must I have in place? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-2040, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2040.
388-295-1030	Who can be a lead teacher in a child care center? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-1030, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-1030.	388-295-2050	Must we provide rest periods? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-2050, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2050.
388-295-1040	Who can be an assistant or aide in a child care center? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-1040, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-1040.	388-295-2060	What are the requirements for evening and nighttime care? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-2060, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2060.
388-295-1050	Who can be a volunteer in a child care center? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-1050, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-1050.	388-295-2070	What do I need to transport the children on off-site trips? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-2070, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2070.
388-295-1060	What initial and ongoing state training and registry system (STARS) training is required for child care center staff? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-1060, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-1060.	388-295-2080	What must I communicate to parents? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-2080, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2080.
388-295-1070	What continuing state training and registry system (STARS) training is required for child care center staff? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-1070, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-1070, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-1070.	388-295-2090	What are the required staff to child ratios and maximum group sizes for my center? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-2090, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-2090, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2090.
388-295-1080	What topics must my new staff orientation include? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-1080, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-1080.	388-295-2100	What are the exceptions to group sizes and staff to child ratios? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-2100, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-2100, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2100.
388-295-1090	What kind of meetings or on-going training must I provide my staff? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-1090, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-1090.	388-295-2110	Are children allowed in the kitchen when they are doing supervised activities? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-2110, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2110.
388-295-1100	What are the requirements regarding first aid and cardiopulmonary resuscitation (CPR) training? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-1100, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-1100.	388-295-2120	Are there special program requirements for infants and toddlers? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-2120, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2120.
388-295-1110	Who must have Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS) and bloodborne pathogen training? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-1110, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-1110, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-1110.	388-295-2130	Do I need an outdoor play area? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-2130, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2130.
388-295-1120	What are the Tuberculosis (TB) testing requirements for the staff? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-1120, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-1120.	388-295-3010	What kind of health policies and procedures must I have? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-3010, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-3010, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3010.
388-295-2010	What types of play materials, equipment and activities must I provide for the children? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-2010, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-2010, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2010.	388-295-3020	How often must staff wash their hands? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3020, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3020.
388-295-2020	How long can a child be at the center? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-2020, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2020.	388-295-3030	When is a child or staff member too ill to be at child care? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3030, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3030.
388-295-2030	How should staff interact with children? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-2030, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-2030.	388-295-3040	How often must children wash their hands? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3040, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3040.
		388-295-3050	Am I required to give medications to the children in my care? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3050, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3050.

388-295-3060	Who can provide consent for me to give medication to the children in my care? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3060, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3060.	388-295-3220	What type of kitchen material and equipment is required? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3220, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3220.
388-295-3070	How must I store medications? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3070, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3070.	388-295-3230	What type of eating and drinking equipment must I provide? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3230, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3230.
388-295-3080	Can I use bulk medications (use one container for all the children such as with diaper ointments)? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3080, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3080.	388-295-4010	At what age can we accept infants into care? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-4010, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-4010, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4010.
388-295-3090	How do I handle left over medication? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3090, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3090.	388-295-4020	How do we meet the nutritional needs of the infants in our care? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-4020, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4020.
388-295-3100	When can children take their own medication? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3100, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3100.	388-295-4030	What is a safe way to prepare bottles? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-4030, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4030.
388-295-3110	Do I need special equipment to give medication? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3110, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3110.	388-295-4040	What is a safe way to store infant formula and food? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-4040, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4040.
388-295-3120	What documentation is required when giving children medication? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3120, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3120.	388-295-4050	What is a safe way to store breast milk? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-4050, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4050.
388-295-3130	Can anyone else give medication to children in my care? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3130, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3130.	388-295-4060	What is a correct way to clean bottles and nipples? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-4060, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4060.
388-295-3140	What kind of milk can I serve? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3140, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3140.	388-295-4070	Are there specific rules for feeding infants and toddlers? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-4070, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4070.
388-295-3150	How many meals and snacks must I serve? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3150, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3150.	388-295-4080	When should I begin toilet training a child? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-4080, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4080.
388-295-3160	What kind of food and menus must I have? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3160, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3160.	388-295-4090	Can we use potty-chairs for toilet training? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-4090, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4090.
388-295-3170	What are the food service standards I am required to meet? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3170, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3170.	388-295-4100	What sleep equipment do I need for infants? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-4100, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-4100, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4100.
388-295-3180	What are approved food sources? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3180, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3180.	388-295-4110	What additional sleeping arrangements must I make to reduce the risk of Sudden Infant Death Syndrome (SIDS)? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-4110, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4110.
388-295-3190	How can we be sure that the food we serve is safe? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3190, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3190.	388-295-4120	What must I do to be sure that diaper changing is safe and does not spread infections? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-4120, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4120.
388-295-3200	How do we safely store food? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3200, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3200.	388-295-4130	Do I need a nurse consultant? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-4130, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4130.
388-295-3210	How do we safely thaw foods? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3210, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-3210.	388-295-4140	When are children required to have a change of clothing on-site? [Statutory Authority: Chapters 74.12 and 74.15

	RCW. 03-14-110, § 388-295-4140, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-4140.		Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5160.
388-295-5010	What first-aid supplies are required in my center? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5010, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5010.	388-295-5170	Can we have animals at the center? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5170, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5170.
388-295-5020	How do I maintain a safe environment? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5020, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5020.	388-295-6010	What are the regulations regarding discrimination? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-6010, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-6010.
388-295-5030	What do I need to include in my disaster plan? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-5030, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-5030, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5030.	388-295-6020	What are the regulations regarding religious activities? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-6020, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-6020.
388-295-5040	How do I maintain a clean and sanitized environment? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5040, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5040.	388-295-6030	What are the special requirements regarding American Indian children? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-6030, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-6030.
388-295-5050	How can I make sure water activities are as safe and sanitary as possible? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5050, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5050.	388-295-6040	What are the requirements regarding child abuse and neglect? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-6040, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-6040.
388-295-5060	How must I store maintenance and janitorial supplies? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5060, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5060.	388-295-6050	What substances are prohibited in the child care center or on the premises? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-6050, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-6050.
388-295-5070	How do I make sure my water is safe? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5070, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5070.	388-295-6060	Who is allowed to have unsupervised access to children in care? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-6060, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-6060.
388-295-5080	How do I safely get rid of sewage and liquid wastes? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5080, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5080.	388-295-7010	What information must be kept in the child's individual file? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-7010, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-7010, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-7010.
388-295-5090	What are the fence requirements? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5090, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5090.	388-295-7020	Am I required to track immunizations? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-7020, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-7020.
388-295-5100	What are the requirements for toilets, handwashing sinks and bathing facilities? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5100, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5100.	388-295-7030	What type of attendance records do I have to keep? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-7030, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-7030.
388-295-5110	What are the requirements if I do laundry on the premises or off-site? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5110, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5110.	388-295-7040	Am I required to keep licensing information available on-site for parents to review? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-7040, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-7040, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-7040.
388-295-5120	What kind of sleep and nap equipment do I need for children not in cribs, bassinets, infant beds or playpens? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5120, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5120.	388-295-7050	What personnel records and policies must I have? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-7050, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-7050, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-7050.
388-295-5140	Are there any requirements for storage space provided for children? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5140, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5140.	388-295-7060	What injuries and illnesses or child abuse and neglect must I report? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-7060, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-7060.
388-295-5150	Are there temperature requirements for my facility? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-5150, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-5150, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-5150.	388-295-7070	What circumstantial changes must I report to my licensor? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-7070, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-7070.
388-295-5160	What do I need to know about pesticides? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-5160, filed 6/30/03, effective 8/1/03.]	388-295-7080	What am I required to post in the center? [Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110,

§ 388-295-7080, filed 6/30/03, effective 8/1/03.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-295-7080.

Chapter 388-296

CHILD CARE BUSINESS REGULATIONS FOR FAMILY HOME CHILD CARE

- 388-296-0010 What is the purpose of this chapter? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0010, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0010.
- 388-296-0020 What definitions do I need to know to understand this chapter? [Statutory Authority: RCW 74.08.090, 74.15.-030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0020, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0020.
- 388-296-0110 Who needs to become licensed? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0110, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0110.
- 388-296-0120 When does the department establish an overpayment for payment I receive through the child care subsidy program? [Statutory Authority: RCW 74.08.090, 74.15.-030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0120, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0120.
- 388-296-0125 Must I comply with local ordinances and codes? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0125, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0125.
- 388-296-0130 How old do I have to be to apply for a license? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0130, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0130.
- 388-296-0140 What personal characteristics does an individual need to provide care to children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0140, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0140.
- 388-296-0150 What personal information may I be required to provide to be licensed? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0150, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0150.
- 388-296-0160 How do I apply for a license? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0160, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0160.
- 388-296-0170 Am I required to pay a fee when applying for a family home child care license? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0170, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0170.
- 388-296-0180 Am I required to have a criminal history background check? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0180, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0180.
- 388-296-0190 What happens after we receive the background information? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0190, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0190.
- 388-296-0195 When will I be disqualified from providing licensed child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0195, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0195.
- 388-296-0200 Will my license be denied or revoked if I have been disqualified from providing licensed child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0200, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0200.
- 388-296-0205 When will my family members, staff, volunteer, and other people who live at the same address as me be disqualified from having access to children in a family home child care? [Statutory Authority: RCW 74.08.-090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0205, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0205.
- 388-296-0210 What are my responsibilities if I am notified that a family member, staff person, volunteer, or anyone else living at the same address as me has been disqualified? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0210, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0210.
- 388-296-0215 Will my license be denied, suspended, or revoked if a family member, or someone else living at the same address as me has been disqualified from having unsupervised access to children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0215, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0215.
- 388-296-0220 Must I keep the results of the background checks on family members, staff and volunteers? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0220, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0220.
- 388-296-0230 What CPR (cardiopulmonary resuscitation) and first-aid training is required? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0230, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0230.
- 388-296-0240 What HIV/AIDS training and bloodborne pathogen information is needed? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0240, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0240.
- 388-296-0250 How long do I have to complete the licensing application process? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0250, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0250.
- 388-296-0260 Do I need to renew my license? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0260, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0260.
- 388-296-0270 Am I required to submit an application if I move to a new address while my license is current? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0270, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0270.
- 388-296-0280 May a family home child care have more than one type of license to provide care to children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0280, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0280.
- 388-296-0290 What hours may a family home child care be open? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0290, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0290.
- 388-296-0300 What does the department look for when inspecting my home for licensed child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15

	RCW. 04-18-082, § 388-296-0300, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0300.		chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0450, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0450.
388-296-0320	How many children may I care for? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0320, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0320.	388-296-0460	Are there any other reasons that could potentially cause me to lose my license? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0460, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0460.
388-296-0330	Is there more than one category of license? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0330, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0330.	388-296-0470	How will the department notify me if my license is denied, suspended, or revoked? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0470, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0470.
388-296-0340	When will the department issue an initial license to me? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0340, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0340.	388-296-0480	What may I do if I disagree with the department's decision to deny, suspend, revoke, or modify my license? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0480, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0480.
388-296-0350	When will the department issue a full license to me? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0350, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0350.	388-296-0490	What written procedures am I required to establish for my child care business? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0490, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0490.
388-296-0360	What happens if I fail to follow the rules? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0360, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0360.	388-296-0500	What written information am I required to give to parents? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0500, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0500.
388-296-0370	How does the department notify me if I am in violation of the licensing rules and what am I required to do? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0370, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0370.	388-296-0510	What forms am I required to have before a child can attend my child care program? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0510, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0510.
388-296-0380	How does the department determine the amount of time I have to make corrections? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0380, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0380.	388-296-0520	How long must I keep child records and what am I required to document while operating my business? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0520, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0520.
388-296-0390	What does the department base a fine on? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0390, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0390.	388-296-0530	Am I required to keep child and family records confidential? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0530, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0530.
388-296-0400	Am I required to inform the public if the department has assessed a civil penalty to me? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0400, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0400.	388-296-0540	What items am I required to post and where do I post them? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0540, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0540.
388-296-0410	What happens if I fail to pay the fine? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0410, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0410.	388-296-0550	What change of circumstance must I report to my licensor? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0550, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0550.
388-296-0420	Does the department assess a civil penalty if I provide unlicensed child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0420, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0420.	388-296-0560	What are the occupancy restrictions for a family home child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0560, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0560.
388-296-0430	What will happen if the department believes I am providing unlicensed child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0430, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0430.	388-296-0570	What are the requirements for hazardous areas of my home? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0570, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0570.
388-296-0440	When would the department issue a probationary license? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0440, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0440.	388-296-0580	What are the requirements for smoke detectors in my home? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0580, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0580.
388-296-0450	When will my license be denied, suspended or revoked? [Statutory Authority: RCW 74.08.090, 74.15.030,		

388-296-0590	Am I required to have other ways to sound a fire alarm? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0590, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0590.	388-296-0770	What are the requirements regarding pets and animals at a family home child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0770, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0770.
388-296-0600	Are there requirements for fire extinguishers? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0600, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0600.	388-296-0780	Are alcoholic beverages allowed during operating hours? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0780, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0780.
388-296-0610	What must I do to prevent fire in my home? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0610, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0610.	388-296-0790	Is smoking permitted around children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0790, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0790.
388-296-0620	What are the requirements for maintaining my sprinkler system? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0620, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0620.	388-296-0800	May I have weapons at my home? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0800, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0800.
388-296-0630	Must I have a fire evacuation plan? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0630, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0630.	388-296-0810	Are there requirements for the storage of medications? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0810, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0810.
388-296-0640	Must I have fire evacuation drills? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0640, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0640.	388-296-0820	Are there requirements for storing dangerous chemicals or other substances? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0820, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0820.
388-296-0650	Are there any requirements for staff training related to fire safety? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0650, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0650.	388-296-0830	Are first-aid supplies required? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0830, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0830.
388-296-0700	How often must staff wash their hands? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0700, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0700.	388-296-0840	What are the requirements for health care policies and procedures for a family home child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0840, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0840.
388-296-0710	How often must children wash their hands? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0710, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0710.	388-296-0850	Must all children in my care have current immunizations? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0850, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0850.
388-296-0720	What are the physical structure and equipment safety requirements for a family home child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0720, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0720.	388-296-0860	What must I do to prevent the spread of infections and communicable diseases? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0860, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0860.
388-296-0730	What are the requirements for the location of a family home child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0730, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0730.	388-296-0870	How do I manage medications for children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0870, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0870.
388-296-0740	What are the requirements for emergency aid vehicle access to my home? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0740, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0740.	388-296-0880	What are the requirements for labeling and dispensing of medications to children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0880, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0880.
388-296-0750	What steps must I take to ensure children's safety around outdoor bodies of water? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0750, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0750.	388-296-0890	When may children take their own medicine? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0890, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0890.
388-296-0760	What measures must I take for pest control? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0760, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0760.	388-296-0900	Are there general nutrition requirements? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0900, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0900.

388-296-0910	How often must I feed children in my care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0910, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0910.	388-296-1050	What are the requirements for the use of cribs? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1050, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1050.
388-296-0920	What are the requirements for meals and snacks served to children in my care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0920, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0920.	388-296-1060	What sleeping arrangements must I make to reduce the risk of sudden infant death syndrome (SIDS)? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1060, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1060.
388-296-0930	How do I handle a child's special diet? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0930, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0930.	388-296-1070	What are the requirements for beds? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1070, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1070.
388-296-0940	Are there special requirements for serving milk? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0940, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0940.	388-296-1080	What is the requirement for napping and resting? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1080, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1080.
388-296-0950	What home canned foods may I use? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0950, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0950.	388-296-1090	What are the requirements for diapers and diaper changing areas? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1090, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1090.
388-296-0960	What requirements must I meet for feeding infants? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0960, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0960.	388-296-1100	What are the requirements for bathing children in care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1100, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1100.
388-296-0970	Are there requirements for the rooms that I use to provide child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0970, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0970.	388-296-1110	Do I need a telephone? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1110, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1110.
388-296-0980	What does the room temperature need to be? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0980, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0980.	388-296-1120	What are the lighting requirements? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1120, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1120.
388-296-0990	What are the kitchen requirements? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0990, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-0990.	388-296-1130	What are the requirements for ventilation? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1130, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1130.
388-296-1000	How do I wash, rinse and sanitize dishes and eating utensils? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1000, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1000.	388-296-1140	What are the requirements for drinking water? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1140, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1140.
388-296-1010	May I use the kitchen for activities for children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1010, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1010.	388-296-1150	What are the requirements for sewage and liquid wastes? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1150, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1150.
388-296-1020	May I use a room for more than one purpose? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1020, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1020.	388-296-1160	What are the requirements for laundry facilities? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1160, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1160.
388-296-1030	What are the general requirements for bedrooms? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1030, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1030.	388-296-1170	What are the requirements for washing laundry used in child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1170, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1170.
388-296-1040	What are the requirements for mats and cots used for napping? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1040, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1040.	388-296-1180	What are the requirements for handwashing sinks? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1180, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1180.

388-296-1190	What are the requirements for toilets and toileting? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1190, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1190.	388-296-1350	What are the capacity and the ratio of child care staff to children based on? [Statutory Authority: RCW 74.08.-090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1350, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1350.
388-296-1200	Must a family home child care have toilet training equipment for children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1200, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1200.	388-296-1360	What am I required to do to supervise children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1360, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1360.
388-296-1210	What are the requirements for indoor play areas? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1210, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1210.	388-296-1370	What types of play materials, equipment and activities must I provide for the children in my care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1370, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1370.
388-296-1220	What are the requirements for an outdoor play area? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1220, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1220.	388-296-1380	Are there additional requirements regarding American Indian children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1380, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1380.
388-296-1230	What are the size requirements for an outdoor play area? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1230, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1230.	388-296-1390	How am I required to interact with the children in my care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1390, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1390.
388-296-1240	What are the requirements for outdoor play equipment? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1240, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1240.	388-296-1400	What are the responsibilities of the family home provider? [Statutory Authority: RCW 74.08.090, 74.15.-030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1400, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1400.
388-296-1250	What are the requirements I must follow when I transport children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1250, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1250.	388-296-1410	What are the required staffing qualifications for child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1410, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1410.
388-296-1260	What are the requirements for protecting a child under my care from abuse or neglect? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1260, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1260.	388-296-1420	Must I be present while children are at my family home child care? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1420, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1420.
388-296-1280	What requirements must I follow when guiding and disciplining children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1280, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1280.	388-296-1430	Are child care assistants and volunteers allowed to provide care to a group of children without supervision? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1430, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1430.
388-296-1290	What types of disciplinary practices must not be used? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1290, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1290.	388-296-1440	Am I required to offer training to my staff? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1440, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1440.
388-296-1300	Is the use of physical restraint allowed? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1300, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1300.	388-296-1450	What personnel records must I have? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1450, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1450.
388-296-1320	What types of restraint are not acceptable for children? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1320, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1320.		
388-296-1330	What must I do following an incident that involved using physical restraint? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1330, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1330.		
388-296-1340	What incidents involving children must I report? [Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-1340, filed 8/31/04, effective 10/1/04.] Decodified by 06-15-075, filed 7/13/06, effective 7/13/06. Recodified as § 170-296-1340.		

Chapter 388-300**JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM**

(Formerly chapter 388-47 WAC)

388-300-0100	Job opportunities and basic skills training (JOBS) program—Authority and purpose. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-0100, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
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	10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.		filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-2300	Job readiness activities. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-2300, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-3300	Conciliation. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3300, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-2400	Job search program. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-2400, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-3400	Sanctions for refusal or failure to participate. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3400, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-2500	Jobs skills training. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-2500, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-3500	Complaints and grievances. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3500, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-2600	Post-secondary education. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-2600, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-3600	Fair hearings. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3600, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-2700	Work experience program (WEX). [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-2700, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-3700	Displacement of regular employees. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3700, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-2800	On-the-job training (OJT). [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-2800, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-3800	Employment protection. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3800, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-2900	Work supplementation program (WSP). [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-2900, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	388-300-3900	Tribal JOBS. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3900, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
388-300-3000	Self-initiated training or education. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3000, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.		
388-300-3100	Job development and placement services. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3100, filed 9/18/95, effective 10/19/95.] Repealed by 97-20-126, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 74.08.090, 74.04.050, EHB 3901 1997 part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.		
388-300-3200	Good cause for refusal or failure to participate. [Statutory Authority: Chapter 74.25A RCW and RCW 74.08.090, 95-19-075 (Order 3897), § 388-300-3200,		

**Chapter 388-320
PUBLIC RECORDS DISCLOSURE—ADMINISTRATIVE
PROCEDURES**

388-320-010	Purpose. [Statutory Authority: RCW 42.17.240, 34.05.-220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-010, filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.250 through 42.17.340, 81-06-001 (Order 1609), § 388-320-010, filed 2/19/81; Order 899, § 388-320-010, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
388-320-020	Definitions. [Statutory Authority: RCW 34.05.220 and 42.17.250, 90-17-002 (Order 3048), § 388-320-020, filed 8/2/90, effective 9/2/90. Statutory Authority: RCW 42.17.250 through 42.17.340, 81-06-001 (Order 1609), § 388-320-020, filed 2/19/81; Order 899, § 388-320-020, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory

	Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.	388-320-110	Public records officer. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-110, filed 2/19/81; Order 899, § 388-320-110, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
388-320-030	Establishment of department. [Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-030, filed 11/27/91, effective 12/28/91; Order 899, § 388-320-030, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.	388-320-115	Disclosure coordinator. [Statutory Authority: RCW 74.08.090 and 42.17.260. 94-16-047 (Order 3765), § 388-320-115, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-115, filed 2/19/81; Order 899, § 388-320-115, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
388-320-035	Programs operated by department. [Order 899, § 388-320-035, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.	388-320-120	Office hours. [Order 899, § 388-320-120, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17-340.
388-320-040	Operations and procedure—Organization. [Order 899, § 388-320-040, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.	388-320-130	Request for disclosure of a public record. [Statutory Authority: RCW 74.08.090 and 42.17.260. 94-16-047 (Order 3765), § 388-320-130, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 42.17.240, 34.05.-220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-130, filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-130, filed 2/19/81; Order 899, § 388-320-130, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
388-320-045	Operations and procedure—Office of secretary. [Order 899, § 388-320-045, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.	388-320-132	Preserving requested records. [Statutory Authority: RCW 74.08.090. 92-20-005 (Order 3456), § 388-320-132, filed 9/23/92, effective 10/24/92.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
388-320-050	Operations and procedure—Program divisions. [Order 899, § 388-320-050, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.	388-320-133	Approval or denial of request. [Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-133, filed 11/27/91, effective 12/28/91.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
388-320-055	Operations and procedure—Program division responsibilities. [Order 899, § 388-320-055, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17-340.	388-320-135	Disclosure to client's representative. [Statutory Authority: RCW 74.08.090 and 42.17.260. 94-16-047 (Order 3765), § 388-320-135, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 42.17.250 through 42.17-340. 81-06-001 (Order 1609), § 388-320-135, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
388-320-060	Operations and procedure—Program division operation. [Order 899, § 388-320-060, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.		
388-320-070	Operations and procedure—Administrative divisions. [Order 899, § 388-320-070, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.		
388-320-080	Operations and procedure—Other organizational units. [Order 899, § 388-320-080, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.	388-320-140	Fees—Inspection and copying. [Statutory Authority: RCW 74.08.090 and 42.17.300. 96-18-092, § 388-320-140, filed 9/4/96, effective 10/5/96. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-140, filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-140, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
388-320-090	Operations and procedure—Rules adoption and publication. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-090, filed 2/19/81; Order 899, § 388-320-090, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17-240, 34.05.220 and chapters 17.250 and 17.260 RCW.	388-320-150	Exemptions. [Order 899, § 388-320-150, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-320-092	Statements of policy. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-092, filed 2/19/81; Order 899, § 388-320-092, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.	388-320-155	Denial of request. [Order 899, § 388-320-155, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-320-093	Statements of policy—Practice manuals. [Order 899, § 388-320-093, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.	388-320-160	Review of denial. [Order 899, § 388-320-160, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
388-320-094	Statements of policy—State plans. [Order 899, § 388-320-094, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.	388-320-170	Protection of public records. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-170, filed 2/19/81; Order 899, § 388-320-170, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
388-320-095	Statements of policy—Other. [Order 899, § 388-320-095, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.	388-320-180	Records index. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-180, filed 2/19/81; Order 899, § 388-320-180, filed 1/25/74.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.
388-320-100	Public records available. [Statutory Authority: RCW 74.08.090. 92-20-005 (Order 3456), § 388-320-100, filed 9/23/92, effective 10/24/92. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-100, filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-100, filed 2/19/81; Order 899, § 388-320-100, filed 1/25/74.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.		

388-320-184	Interpretive and policy statements. [Statutory Authority: RCW 34.05.220 and 42.17.250. 90-17-002 (Order 3048), § 388-320-184, filed 8/2/90, effective 9/2/90.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.	(Order 2999), § 388-320-350, filed 2/5/90, effective 3/1/90.] Repealed by 99-06-044, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 74.08.090, 34.05.-220, 34.05.240 and 34.05.250.
388-320-185	Final adjudicative order index. [Statutory Authority: RCW 34.05.220 (1)(a). 90-13-054 (Order 3024), § 388-320-185, filed 6/15/90, effective 7/1/90.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.	388-320-360 Declaratory orders—Procedural rights of persons in relation to petition. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-360, filed 2/5/90, effective 3/1/90.] Repealed by 99-06-044, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 74.08.090, 34.05.220, 34.05.240 and 34.05.250.
388-320-190	Communications and submissions relating to public records. [Order 899, § 388-320-190, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.-340.	388-320-370 Declaratory orders—Disposition of petition. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-370, filed 2/5/90, effective 3/1/90.] Repealed by 99-06-044, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 74.08.090, 34.05.220, 34.05.240 and 34.05.250.
388-320-200	Adoption of form. [Order 899, § 388-320-200, filed 1/25/74.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.	388-320-375 How do I file petitions for declaratory orders? [Statutory Authority: RCW 74.08.090, 34.05.220, 34.05.240 and 34.05.250. 99-06-044, § 388-320-375, filed 2/26/99, effective 3/29/99.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
388-320-205	Disclosure procedure. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-205, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.	388-320-400 Petition for rule making—Form, content, and filing. [Statutory Authority: RCW 34.05.220, 42.17.340 and chapters 17.250 and 17.260 RCW. 93-24-057 (Order 3673), § 388-320-400, filed 11/24/93, effective 12/25/93. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-400, filed 2/5/90, effective 3/1/90.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-320-210	Remedy for review of denial of disclosure. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-210, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.	388-320-410 Petition for rule making—Consideration and disposition. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-410, filed 2/5/90, effective 3/1/90.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-320-220	Exemptions to public records disclosure. [Statutory Authority: RCW 74.08.090 and 42.17.260. 94-16-047 (Order 3765), § 388-320-220, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 74.08.090. 92-20-005 (Order 3456), § 388-320-220, filed 9/23/92, effective 10/24/92. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-220, filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 34.04.020. 83-03-021 (Order 1938), § 388-320-220, filed 1/13/83. Statutory Authority: RCW 42.17.250 through 42.17.-340. 81-06-001 (Order 1609), § 388-320-220, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.	388-320-450 Interpretive and policy statements roster and index. [Statutory Authority: RCW 34.05.220, 42.17.340 and chapters 17.250 and 17.260 RCW. 93-24-057 (Order 3673), § 388-320-450, filed 11/24/93, effective 12/25/93. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-450, filed 11/27/91, effective 12/28/91.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
388-320-225	Qualifications on nondisclosure. [Statutory Authority: RCW 74.08.090, 74.04.050, 70.04.055 and Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193, § 103). 97-07-008, § 388-320-225, filed 3/10/97, effective 4/10/97. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-225, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.	388-320-460 Final adjudicative and declaratory order index. [Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-460, filed 11/27/91, effective 12/28/91.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.
388-320-230	Visitation rights of parents. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-230, filed 2/19/81.] Repealed by 91-24-047 (Order 3300), filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 42.17.240, 34.05.220 and chapters 17.250 and 17.260 RCW.	388-320-470 Subscription to adjudicative orders involving nursing homes. [Statutory Authority: RCW 42.17.240, 34.05.-220 and chapters 17.250 and 17.260 RCW. 91-24-047 (Order 3300), § 388-320-470, filed 11/27/91, effective 12/28/91.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.-210, 74.08.090 and 1997 c 409 § 209.
388-320-235	Disclosure for program purposes. [Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-235, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.	388-320-500 Updating mailing lists. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-500, filed 2/5/90, effective 3/1/90.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-320-240	Disclosure for other than program purposes. [Statutory Authority: RCW 74.08.090 and 42.17.260. 94-16-047 (Order 3765), § 388-320-240, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 42.17.250 through 42.17.340. 81-06-001 (Order 1609), § 388-320-240, filed 2/19/81.] Repealed by 99-15-065, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 42.17.250 and 34.05.220.	Reviser's note: Later promulgation, see chapter 388-01 WAC.
388-320-340	Delegation of authority by secretary. [Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-320-340, filed 2/5/90, effective 3/1/90.] Repealed by 98-11-034, filed 5/14/98, effective 6/14/98. Statutory Authority: RCW 34.05.220 and 74.08.090.	Chapter 388-330 BACKGROUND INQUIRIES
388-320-350	Declaratory orders—Forms, content, and filing. [Statutory Authority: RCW 34.05.220, 42.17.340 and chapters 17.250 and 17.260 RCW. 93-24-057 (Order 3673), § 388-320-350, filed 11/24/93, effective 12/25/93. Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076	388-330-010 Purpose and authority. [Statutory Authority: RCW 74.15.030. 96-10-043 (Order 3974), § 388-330-010, filed 4/26/96, effective 5/27/96; 93-15-040 (Order 3534), § 388-330-010, filed 7/13/93, effective 8/13/93; 89-07-096 (Order 2777), § 388-330-010, filed 3/22/89.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.
		388-330-020 Scope. [Statutory Authority: RCW 74.15.030. 93-15-040 (Order 3534), § 388-330-020, filed 7/13/93, effective 8/13/93; 89-07-096 (Order 2777), § 388-330-020, filed 3/22/89.] Repealed by 01-18-025, filed 8/27/01,

- effective 10/1/01. Statutory Authority: RCW 74.15-030.
- 388-330-030 Application of inquiry findings. [Statutory Authority: RCW 74.15.030, 93-15-040 (Order 3534), § 388-330-030, filed 7/13/93, effective 8/13/93. Statutory Authority: RCW 74.15.030, chapters 74.15 and 43.43 RCW. 92-08-038, § 388-330-030, filed 3/24/92, effective 4/24/92. Statutory Authority: RCW 74.15.030, 89-07-096 (Order 2777), § 388-330-030, filed 3/22/89.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.
- 388-330-035 Appeal of disqualification. [Statutory Authority: RCW 74.15.030, 97-13-002, § 388-330-035, filed 6/4/97, effective 7/5/97; 96-10-043 (Order 3974), § 388-330-035, filed 4/26/96, effective 5/27/96.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.
- 388-330-040 Inquiry form to be submitted—Time requirements. [Statutory Authority: RCW 74.15.030, 89-07-096 (Order 2777), § 388-330-040, filed 3/22/89.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.
- 388-330-050 Release of information. [Statutory Authority: RCW 74.15.030, 93-15-040 (Order 3534), § 388-330-050, filed 7/13/93, effective 8/13/93; 89-07-096 (Order 2777), § 388-330-050, filed 3/22/89.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.
- 388-330-060 Sanctions for noncompliance. [Statutory Authority: RCW 74.15.030, 89-07-096 (Order 2777), § 388-330-060, filed 3/22/89.] Repealed by 01-18-025, filed 8/27/01, effective 10/1/01. Statutory Authority: RCW 74.15.030.

Reviser's note: Later promulgation, see chapter 388-06 WAC.

Chapter 388-430 DEPRIVATION

- 388-430-0001 Establishing deprivation. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-430-0001, filed 7/31/98, effective 9/1/98.] Repealed by 00-05-007, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.
- 388-430-0005 Deprivation due to absence. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-430-0005, filed 7/31/98, effective 9/1/98.] Repealed by 00-05-007, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.
- 388-430-0010 Definition of maintenance, physical care and guidance. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-430-0010, filed 7/31/98, effective 9/1/98.] Repealed by 00-05-007, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.
- 388-430-0015 Deprivation due to incapacity. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-430-0015, filed 7/31/98, effective 9/1/98.] Repealed by 00-05-007, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.
- 388-430-0020 Deprivation due to unemployment. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-430-0020, filed 7/31/98, effective 9/1/98.] Repealed by 00-05-007, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.
- 388-430-0025 Work quarters. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-430-0025, filed 7/31/98, effective 9/1/98.] Repealed by 00-05-007, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.
- 388-456-0005 Processing a late report. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-456-0005, filed 7/31/98, effective 9/1/98.] Repealed by 00-02-043, filed 12/30/99, effective 1/30/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
- 388-456-0010 Recent work history. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-456-0010, filed 7/31/98, effective 9/1/98.] Repealed by 00-02-043, filed 12/30/99, effective 1/30/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
- 388-456-0015 Exceptions to monthly reporting. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-456-0015, filed 7/31/98, effective 9/1/98.] Repealed by 00-02-043, filed 12/30/99, effective 1/30/00. Statutory Authority: RCW 74.08.090 and 74.04.510.

Chapter 388-504 FILING A MEDICAL APPLICATION

- 388-504-0405 Filing a medical application. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0405, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-105, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0005 and 388-406-0010.
- 388-504-0410 Authorized representative. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0410, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-105, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0005.
- 388-504-0420 Interview process. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0420, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-105, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-472-0005.
- 388-504-0430 Client's rights. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0430, filed 5/3/94, effective 6/3/94. Formerly WAC 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-472-0005.
- 388-504-0440 Client's responsibilities. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0440, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-83-005, 388-83-006, 388-85-105, 388-99-050, 388-100-020 and 388-100-025.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-472-0005.
- 388-504-0450 Department's responsibilities. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0450, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-83-005, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-472-0005.
- 388-504-0460 Verification. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0460, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-490-0005.
- 388-504-0470 Application disposition. [Statutory Authority: RCW 74.08.090, 95-22-040 (Order 3912, #100241), § 388-504-0470, filed 10/25/95, effective 11/25/95; 94-10-065 (Order 3732), § 388-504-0470, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-110, 388-84-110, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0035.

Chapter 388-456 MONTHLY REPORTING

- 388-456-0001 Monthly reporting. [Statutory Authority: RCW 74.04-050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-456-0001, filed 7/31/98, effective 9/1/98.] Repealed by 99-23-083, filed 11/16/99, effective 1/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510.

- 388-504-0480 Delayed and pended application. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0480, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-110, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0040 and 388-406-0045.
- 388-504-0485 Approval of previously denied application. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-504-0485, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-110, 388-99-050 and 388-100-020.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0060 and 388-406-0065.

Chapter 388-507**AFDC-RELATED MEDICAL ELIGIBILITY**

- 388-507-0710 TANF-related medical program income standards. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, 74.09.575 and Section 1924 (42 USC 1396r-5), 98-11-033, § 388-507-0710, filed 5/14/98, effective 6/14/98. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090 and 74.09.575. 97-09-112, § 388-507-0710, filed 4/23/97, effective 5/24/97. Statutory Authority: RCW 74.08.090 and Title XIX State Agency Letter 95-44, 96-09-033 (Order 3963), § 388-507-0710, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.08.090 and Title XIX State Agency Letter 94-49, notice of increase in SSI level. 95-05-022 (Order 3832), § 388-507-0710, filed 2/8/95, effective 3/11/95. Statutory Authority: RCW 74.08.-090, 94-10-065 (Order 3732), § 388-507-0710, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0065, 388-478-0020 and 388-478-0070.
- 388-507-0720 Resource standards. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-507-0720, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-99-035 and 388-99-040.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0070.
- 388-507-0730 Resource availability. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-507-0730, filed 5/3/94, effective 6/3/94. Formerly WAC 388-99-040 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-470-0015 and 388-408-0055.
- 388-507-0740 Special situations. [Statutory Authority: RCW 74.04.-050, 74.04.057, 74.08.090, 74.09.530, 74.04.005, 74.08.331, 74.08A.010, [74.08A.]100, [74.08A.]210, [74.08A.]230, 74.09.510, 74.12.255, Public Law 104-193 (1997) and the Balanced Budget Act [of] 1997. 98-15-066, § 388-507-0740, filed 7/13/98, effective 7/30/98. Statutory Authority: RCW 74.08.090, 96-07-023 (Order 3954), § 388-507-0740, filed 3/13/96, effective 4/13/96; 94-10-065 (Order 3732), § 388-507-0740, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-505-0220.

Chapter 388-508**PREGNANT WOMEN MEDICAL ELIGIBILITY**

- 388-508-0805 Pregnant woman—Income standards. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530 and Social Security Act, Federal Register, March 10, 1997, pgs. 10856 - 10859, 42 U.S.C. 1396 (a)(1)(m), 97-16-008, § 388-508-0805, filed 7/24/97, effective 7/24/97. Statutory Authority: RCW 74.08.-090, 96-15-029, § 388-508-0805, filed 7/10/96, effective 7/10/96; 95-11-045 (Order 3848), § 388-508-0805, filed 5/10/95, effective 6/10/95; 94-10-065 (Order 3732), § 388-508-0805, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-032 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0075.

- 388-508-0810 Pregnant woman—Resource standards. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-508-0810, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-032 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0075.
- 388-508-0820 Pregnant woman—Eligibility. [Statutory Authority: RCW 74.08.090, 95-16-058 (Order 3874), § 388-508-0820, filed 7/26/95, effective 8/26/95; 94-10-065 (Order 3732), § 388-508-0820, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-032 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-462-0015 and 388-478-0065.
- 388-508-0830 Pregnant woman—Postpregnancy continuation of eligibility. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-508-0830, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-83-031 and 388-99-011.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-462-0015.
- 388-508-0835 Postpregnancy family planning extension. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-508-0835, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-03101.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-462-0015.
- 388-508-0840 Pregnant woman—Change of circumstances. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-508-0840, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-032 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-418-0025.

Chapter 388-509**CHILDREN'S MEDICAL ELIGIBILITY**

- 388-509-0905 Medicaid for infants and newborns. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-509-0905, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-033 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-505-0210.
- 388-509-0910 Medicaid for children—Eligible to nineteen years of age. [Statutory Authority: RCW 74.08.090, 94-17-036 (Order 3769), § 388-509-0910, filed 8/10/94, effective 9/10/94; 94-10-065 (Order 3732), § 388-509-0910, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-033 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-505-0210 and 388-478-0075.
- 388-509-0920 Children's health program. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530 and Social Security Act, Federal Register, March 10, 1997, pgs. 10856 - 10859, 42 U.S.C. 1396 (a)(1)(m), 97-16-008, § 388-509-0920, filed 7/24/97, effective 7/24/97. Statutory Authority: RCW 74.08.090, 96-15-029, § 388-509-0920, filed 7/10/96, effective 7/10/96; 95-11-056 (Order 3848A), § 388-509-0920, filed 5/11/95, effective 6/11/95; 94-17-036 (Order 3769), § 388-509-0920, filed 8/10/94, effective 9/10/94; 94-10-065 (Order 3732), § 388-509-0920, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-033 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-505-0210, 388-478-0075 and 388-418-0025.
- 388-509-0940 Children's resource standards. [Statutory Authority: RCW 74.08.090, 94-10-065 (Order 3732), § 388-509-0940, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-033 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0075.
- 388-509-0960 Children's income standards. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530 and Social Security Act, Federal Register, March 10, 1997, pgs. 10856 - 10859, 42 U.S.C. 1396 (a)(1)(m), 97-16-

- 008, § 388-509-0960, filed 7/24/97, effective 7/24/97. Statutory Authority: RCW 74.08.090. 96-15-029, § 388-509-0960, filed 7/10/96, effective 7/10/96; 95-11-056 (Order 3848A), § 388-509-0960, filed 5/11/95, effective 6/11/95. Statutory Authority: RCW 74.08.090 and Letter from HCFA approving State Plan Transmittal 94-21. 95-05-023 (Order 3833), § 388-509-0960, filed 2/8/95, effective 3/11/95. Statutory Authority: RCW 74.08.090. 94-17-036 (Order 3769), § 388-509-0960, filed 8/10/94, effective 9/10/94; 94-10-065 (Order 3732), § 388-509-0960, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-033 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0075 and 388-418-0025.
- 388-509-0970 Closing dates. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-509-0970, filed 5/3/94, effective 6/3/94. Formerly WAC 388-83-033 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0025 and 388-416-0015.
- Chapter 388-510**
ALIEN MEDICAL ELIGIBILITY
- 388-510-1005 Definitions—Aliens. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, 74.04.005, 74.08.331, 74.08A.010, [74.08A.]100, [74.08A.]210, [74.08A.]230, 74.09.510, 74.12.255, Public Law 104-193 (1997) and the Balanced Budget Act [of] 1997. 98-15-066, § 388-510-1005, filed 7/13/98, effective 7/30/98.] Repealed by 03-23-086, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 74.08.090 and 34.05.353 (2)(d).
- 388-510-1020 Alien—Eligibility. [Statutory Authority: RCW 74.04.-050, 74.04.057, 74.08.090, 74.09.530, and RCW 74.04.-005, 74.08.331, 74.08A.010, [74.08A.]100, [74.08A.]210, [74.08A.]230, 74.09.510, 74.12.255, Public Law 104-193 (1997) and the Balanced Budget Act [of] 1997. 98-15-066, § 388-510-1020, filed 7/13/98, effective 7/30/98. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-510-1020, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-424-0005.
- 388-510-1030 Alien—Deeming. [Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-510-1030, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-470-0060(6).
- Chapter 388-511**
SSI-RELATED MEDICAL ELIGIBILITY
- 388-511-1105 SSI-related eligibility requirements. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.-090. 98-18-079, § 388-511-1105, filed 9/1/98, effective 9/1/98. Statutory Authority: RCW 74.08.090 and 74.04.050. 97-03-036, § 388-511-1105, filed 1/9/97, effective 2/9/97. Statutory Authority: RCW 74.08.090, P.L. 100-383, AFDC Transmittal Memo, POMS 830.100, 830.115, 830.725 and 1130.605. 95-08-070 (Order 3845), § 388-511-1105, filed 4/5/95, effective 5/6/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-511-1105, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-85-115 and 388-92-015.] Repealed by 08-11-047, filed 5/15/08, effective 6/15/08. Statutory Authority: RCW 34.05.353 (2)(d), 74.08.090, and chapters 74.09, 74.04 RCW.
- 388-511-1110 SSI-related resource standards. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-511-1110, filed 5/3/94, effective 6/3/94. Formerly WAC 388-92-050.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. Later promulgation, see WAC 388-478-0050 and 388-478-0080.
- 388-511-1115 SSI-related income standards. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-511-1115, filed 5/3/94, effective 6/3/94. Formerly WAC 388-92-030.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. Later promulgation, see WAC 388-478-0070 and 388-478-0055.
- 388-511-1130 SSI-related income availability. [Statutory Authority: RCW 74.04.050, 74.08.090. 00-22-029, § 388-511-1130, filed 10/23/00, effective 12/1/00. Statutory Authority: RCW 74.08.090, 74.05.040 and 20 CFR 416.1110-1112, 1123 and 1160.97-10-022, § 388-511-1130, filed 4/28/97, effective 5/29/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-511-1130, filed 5/3/94, effective 6/3/94. Formerly WAC 388-92-034 (part).] Repealed by 04-09-004, filed 4/7/04, effective 6/1/04. Statutory Authority: RCW 74.04.050, 74.08.090. Later promulgation, see chapter 388-475 WAC.
- 388-511-1140 SSI-related income exemptions. [Statutory Authority: RCW 74.08.090, 74.05.040 and 20 CFR 416.1110-1112, 1123 and 1160.97-10-022, § 388-511-1140, filed 4/28/97, effective 5/29/97. Statutory Authority: RCW 74.08.090 and State Plan Amendment Sup. 8a to Article 2.6-A page 6. 96-05-010 (Order 3943, #100295), § 388-511-1140, filed 2/9/96, effective 3/11/96. Statutory Authority: RCW 74.08.090, P.L. 100-383, AFDC Transmittal Memo, POMS 830.100, 830.115, 830.725 and 1130.605. 95-08-070 (Order 3845), § 388-511-1140, filed 4/5/95, effective 5/6/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-511-1140, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-92-034 and 388-92-036.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. Later promulgation, see WAC 388-450-0020 and 388-450-0040.
- 388-511-1150 SSI-related resource availability. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-511-1150, filed 5/3/94, effective 6/3/94. Formerly WAC 388-92-040.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. Later promulgation, see chapter 388-470 WAC.
- 388-511-1160 SSI-related resource exemptions. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 42 CFR 435.601 and Section 4735 of the Federal Balanced Budget Act of 1997 (Public Law 105-33 (H.R. 2015)). 98-04-031, § 388-511-1160, filed 1/29/98, effective 3/1/98. Statutory Authority: RCW 74.08.090 and 74.04.050. 97-03-034, § 388-511-1160, filed 1/9/97, effective 2/9/97. Statutory Authority: RCW 74.08.090, P.L. 100-383, AFDC Transmittal Memo, POMS 830.100, 830.115, 830.725 and 1130.605. 95-08-070 (Order 3845), § 388-511-1160, filed 4/5/95, effective 5/6/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-511-1160, filed 5/3/94, effective 6/3/94. Formerly WAC 388-92-045.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. Later promulgation, see WAC 388-470-0040.
- 388-511-1170 SSI—State data exchange. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-511-1170, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- Chapter 388-518**
LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT (LCP-MI)
- 388-518-1805 LCP-MI eligibility. [Statutory Authority: RCW 74.08.-090 and Budget Note 17. 96-16-092, § 388-518-1805, filed 8/7/96, effective 8/29/96. Statutory Authority: RCW 74.08.090. 95-22-039 (Order 3913, #100246), § 388-518-1805, filed 10/25/95, effective 10/28/95; 95-04-049 (Order 3828), § 388-518-1805, filed 1/25/95, effective 2/25/95; 94-10-065 (Order 3732), § 388-518-1805, filed 5/3/94, effective 6/3/94. Formerly WAC 388-100-010 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-438-0100, chapters 388-468, 388-424 and 388-476 WAC.
- 388-518-1810 LCP-MI emergency medical expense requirement (EMER). [Statutory Authority: RCW 74.08.090 and Budget Note 17. 96-16-092, § 388-518-1810, filed 8/7/96, effective 8/29/96. Statutory Authority: RCW 74.08.090. 95-22-039 (Order 3913, #100246), § 388-

- 518-1810, filed 10/25/95, effective 10/28/95; 94-10-065 (Order 3732), § 388-518-1810, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-100-010 and 388-100-030.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-438-0100.
- 388-518-1820 LCP-MI resource availability. [Statutory Authority: RCW 74.08.090. 96-07-023 (Order 3954), § 388-518-1820, filed 3/13/96, effective 4/13/96; 94-10-065 (Order 3732), § 388-518-1820, filed 5/3/94, effective 6/3/94. Formerly WAC 388-100-010 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0070 and 388-488-0005.
- 388-518-1830 LCP-MI income availability. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-518-1830, filed 5/3/94, effective 6/3/94. Formerly WAC 388-100-010 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0070 and 388-519-0110.
- 388-518-1840 LCP-MI spenddown. [Statutory Authority: RCW 74.08.090. 95-22-039 (Order 3913, #100246), § 388-518-1840, filed 10/25/95, effective 10/28/95; 94-10-065 (Order 3732), § 388-518-1840, filed 5/3/94, effective 6/3/94. Formerly WAC 388-100-015.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-519-0100, 388-478-0070 and 388-519-0110.
- 388-518-1850 LCP-MI standard. [Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-518-1850, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-478-0070 and 388-438-0100(7).
- Chapter 388-521**
MEDICAL EFFECTIVE DATES
- 388-521-2105 Effective eligibility date for Medicaid. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-521-2105, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0020 and 388-416-0015.
- 388-521-2106 Eligibility for children's health program. [Statutory Authority: RCW 74.08.090 and 74.09.415. 96-18-091, § 388-521-2106, filed 9/4/96, effective 10/5/96.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0025.
- 388-521-2110 Effective date for SSI medical. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-521-2110, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0010.
- 388-521-2120 Effective date for medical care services. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-521-2120, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-120.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0010.
- 388-521-2130 Effective date for the medically needy program. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-521-2130, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-115 and 388-99-050.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0020.
- 388-521-2140 Effective date for the medically indigent program. [Statutory Authority: RCW 74.08.090. 95-22-039 (Order 3913, #100246), § 388-521-2140, filed 10/25/95, effective 10/28/95; 94-10-065 (Order 3732), § 388-521-2140, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-115, 388-100-020 and 388-100-025.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0030.
- 388-521-2150 Effective date for the qualified medicare beneficiary (QMB) program. [Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-521-2150, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0035(1).
- 388-521-2155 Effective date for the qualified disabled working individual (QDWI) program. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-521-2155, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0035(2).
- 388-521-2160 Effective date and certification period for the special low-income medicare beneficiary (SLMB) program. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530 and H.R. 2015, Sec. 4732, The Balanced Budget Act of 1997. 98-11-073, § 388-521-2160, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-521-2160, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-115 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0035(3).
- 388-521-2170 Effective date—Reapplication. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-521-2170, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.
- Chapter 388-522**
MEDICAL ELIGIBILITY CHANGES
- 388-522-2205 Redetermination of medical assistance. [Statutory Authority: RCW 74.08.090, 74.09.530, 42 CFR 435 and 42 U.S.C. 1302. 97-15-084, § 388-522-2205, filed 7/17/97, effective 7/24/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-522-2205, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-85-105 and 388-85-110.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-418-0025 and 388-418-0030.
- 388-522-2210 Effect of grant termination. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-522-2210, filed 5/3/94, effective 6/3/94. Formerly WAC 388-85-105 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-418-0025, 388-416-0010, 388-416-0025, 388-505-0220, 388-523-0100, 388-416-0015 and 388-462-0015.
- 388-522-2230 Eligibility reviews. [Statutory Authority: RCW 74.08.-090 and Budget Note 17. 96-16-092, § 388-522-2230, filed 8/7/96, effective 8/29/96. Statutory Authority: RCW 74.08.090. 95-15-039 (Order 3870), § 388-522-2230, filed 7/12/95, effective 8/12/95; 94-10-065 (Order 3732), § 388-522-2230, filed 5/3/94, effective 6/3/94. Formerly WAC 388-85-105 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-434-0005, 388-416-0015, 388-519-0100(2) and 388-519-0110(1).
- Chapter 388-524**
MEDICAL TERMINATIONS
- 388-524-2405 SSI/state supplement termination. [Statutory Authority: RCW 74.08.090, 74.09.530, 42 CFR 435 and 42 U.S.C. 1302. 97-15-084, § 388-524-2405, filed 7/17/97, effective 7/24/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-524-2405, filed 5/3/94, effective 6/3/94. Formerly WAC 388-85-110 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055,

- 74.04.057, and 74.08.090. Later promulgation, see WAC 388-474-0015.
- 388-524-2420 Medical care services termination. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-524-2420, filed 5/3/94, effective 6/3/94. Formerly WAC 388-84-120.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-416-0010(4).
- Chapter 388-525**
MEDICAL NOTICES
- 388-525-2505 Notification of medical approval. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-525-2505, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-84-110 and 388-100-025.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-406-0050.
- 388-525-2520 Notification of medical termination. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-525-2520, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-458-0010.
- 388-525-2570 Notification of medical changes. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-525-2570, filed 5/3/94, effective 6/3/94. Formerly WAC 388-85-105 (part).] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. Later promulgation, see WAC 388-418-0030.
- Chapter 388-528**
RECEIPT OF RESOURCES WITHOUT GIVING ADEQUATE CONSIDERATION
- 388-528-2810 Receipt of resources—Penalties. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-528-2810, filed 5/3/94, effective 6/3/94. Formerly WAC 388-81-052.] Repealed by 97-03-037, filed 1/9/97, effective 2/9/97. Statutory Authority: RCW 74.08.090 and 43.20B.710.
- Chapter 388-529**
SCOPE OF MEDICAL SERVICES
- 388-529-0100 Scope of covered medical services by program. [Statutory Authority: RCW 74.08.090. 01-02-076, § 388-529-0100, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-529-0100, filed 7/31/98, effective 9/1/98. Formerly WAC 388-503-0350, 388-529-2910, 388-529-2920 and 388-529-2930.] Repealed by 06-24-036, filed 11/30/06, effective 1/1/07. Statutory Authority: RCW 74.04.050, 74.08.090, 74.09.530, and 74.09.700.
- 388-529-0200 Medical services available to eligible clients. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-529-0200, filed 7/31/98, effective 9/1/98. Formerly WAC 388-086-0015 and 388-086-0080.] Repealed by 06-24-036, filed 11/30/06, effective 1/1/07. Statutory Authority: RCW 74.04.050, 74.08.090, 74.09.530, and 74.09.700.
- 388-529-2910 Scope of care—Categorically needy. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-529-2910, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. Later promulgation, see WAC 388-529-0100.
- 388-529-2920 Scope of care—Medically needy. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-529-2920, filed 5/3/94, effective 6/3/94. Formerly WAC 388-99-060.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. Later promulgation, see WAC 388-529-0100.
- 388-529-2930 Scope of care—GAU/ADATSA—Medical care services. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-529-2930, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050,
- 74.04.055, 74.04.057 and 74.08.090. Later promulgation, see WAC 388-529-0100.
- 388-529-2940 Scope of care—Children's health. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-529-2940, filed 5/3/94, effective 6/3/94.] Repealed by 00-05-039, filed 2/10/00, effective 3/12/00. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-529-2950 Scope of care—Medically indigent. [Statutory Authority: RCW 74.08.090. 95-22-039 (Order 3913, #100246), § 388-529-2950, filed 10/25/95, effective 10/28/95; 94-10-065 (Order 3732), § 388-529-2950, filed 5/3/94, effective 6/3/94. Formerly WAC 388-100-035.] Repealed by 00-05-039, filed 2/10/00, effective 3/12/00. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-529-2960 Scope of care—Qualified medicare beneficiary (QMB), special low-income medicare beneficiary and qualified disabled working individual (QDWI). [Statutory Authority: RCW 74.04.050, 74.08.090 and 74.09.510. 98-04-004, § 388-529-2960, filed 1/22/98, effective 2/22/98. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-529-2960, filed 5/3/94, effective 6/3/94.] Repealed by 98-16-050, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. Later promulgation, see WAC 388-517-0100.
- Chapter 388-555**
INTERPRETER SERVICES
- 388-555-1000 Definitions. [Statutory Authority: RCW 74.04.050, 74.08.090, 74.04.025, 45 CFR Sec. 80.1 and 80.03; 45 CFR Sec. 605.52; 28 CFR, part 35. 98-15-054, § 388-555-1000, filed 7/10/98, effective 7/10/98.] Repealed by 05-20-049, filed 9/30/05, effective 10/31/05. Statutory Authority: RCW 74.08.090, 39.29.040, 43.19.190.
- 388-555-1050 Covered services. [Statutory Authority: RCW 74.04.-050, 74.08.090, 74.04.025, 45 CFR Sec. 80.1 and 80.03; 45 CFR Sec. 605.52; 28 CFR, part 35. 98-15-054, § 388-555-1050, filed 7/10/98, effective 7/10/98.] Repealed by 05-20-049, filed 9/30/05, effective 10/31/05. Statutory Authority: RCW 74.08.090, 39.29.040, 43.19.190.
- 388-555-1100 Noncovered services. [Statutory Authority: RCW 74.04.050, 74.08.090, 74.04.025, 45 CFR Sec. 80.1 and 80.03; 45 CFR Sec. 605.52; 28 CFR, part 35. 98-15-054, § 388-555-1100, filed 7/10/98, effective 7/10/98.] Repealed by 05-20-049, filed 9/30/05, effective 10/31/05. Statutory Authority: RCW 74.08.090, 39.29.040, 43.19.190.
- 388-555-1150 Eligible providers. [Statutory Authority: RCW 74.08.-090. 01-02-075, § 388-555-1150, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 74.04.050, 74.08.090, 74.04.025, 45 CFR Sec. 80.1 and 80.03; 45 CFR Sec. 605.52; 28 CFR, part 35. 98-15-054, § 388-555-1150, filed 7/10/98, effective 7/10/98.] Repealed by 05-20-049, filed 9/30/05, effective 10/31/05. Statutory Authority: RCW 74.08.090, 39.29.040, 43.19.190.
- 388-555-1200 Provider requirements. [Statutory Authority: RCW 74.08.090. 01-02-075, § 388-555-1200, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 74.04.-050, 74.08.090, 74.04.025, 45 CFR Sec. 80.1 and 80.03; 45 CFR Sec. 605.52; 28 CFR, part 35. 98-15-054, § 388-555-1200, filed 7/10/98, effective 7/10/98.] Repealed by 05-20-049, filed 9/30/05, effective 10/31/05. Statutory Authority: RCW 74.08.090, 39.29.040, 43.19.190.
- 388-555-1250 Coordination of services. [Statutory Authority: RCW 74.04.050, 74.08.090, 74.04.025, 45 CFR Sec. 80.1 and 80.03; 45 CFR Sec. 605.52; 28 CFR, part 35. 98-15-054, § 388-555-1250, filed 7/10/98, effective 7/10/98.] Repealed by 05-20-049, filed 9/30/05, effective 10/31/05. Statutory Authority: RCW 74.08.090, 39.29.-040, 43.19.190.
- 388-555-1300 Payment. [Statutory Authority: RCW 74.04.050, 74.08.090, 74.04.025, 45 CFR Sec. 80.1 and 80.03; 45 CFR Sec. 605.52; 28 CFR, part 35. 98-15-054, § 388-555-1300, filed 7/10/98, effective 7/10/98.] Repealed by 05-20-049, filed 9/30/05, effective 10/31/05. Statutory Authority: RCW 74.08.090, 39.29.040, 43.19.190.
- 388-555-1350 Payment methodology. [Statutory Authority: RCW 74.04.050, 74.08.090, 74.04.025, 45 CFR Sec. 80.1 and 80.03; 45 CFR Sec. 605.52; 28 CFR, part 35. 98-15-054, § 388-555-1350, filed 7/10/98, effective 7/10/98.] Repealed by 05-20-049, filed 9/30/05, effective

	10/31/05. Statutory Authority: RCW 74.08.090, 39.29.040, 43.19.190.		
388-555-1400	Recordkeeping and audits. [Statutory Authority: RCW 74.04.050, 74.08.090, 74.04.025, 45 CFR Sec. 80.1 and 80.03; 45 CFR Sec. 605.52; 28 CFR, part 35. 98-15-054, § 388-555-1400, filed 7/10/98, effective 7/10/98.] Repealed by 05-20-049, filed 9/30/05, effective 10/31/05. Statutory Authority: RCW 74.08.090, 39.29.040, 43.19.190.	388-815-030	Certification of employer to L&I. [99-20-023, recodified as § 388-815-030, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-030, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
388-555-1450	Services at federally qualified health clinics. [Statutory Authority: RCW 74.04.050, 74.08.090, 74.04.025, 45 CFR Sec. 80.1 and 80.03; 45 CFR Sec. 605.52; 28 CFR, part 35. 98-15-054, § 388-555-1450, filed 7/10/98, effective 7/10/98.] Repealed by 05-20-049, filed 9/30/05, effective 10/31/05. Statutory Authority: RCW 74.08.090, 39.29.040, 43.19.190.	388-815-100	Employer certification procedures. [99-20-023, recodified as § 388-815-100, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-100, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
	Chapter 388-557		
	DISEASE MANAGEMENT PROGRAM		
388-557-5000	Disease management program—General. [Statutory Authority: RCW 74.08.090 and 2001 2nd sp.s. c 7 § 209(6), part II. 03-13-054, § 388-557-5000, filed 6/12/03, effective 7/13/03.] Repealed by 06-22-006, filed 10/19/06, effective 11/19/06. Statutory Authority: RCW 74.08.090, 74.09.500, and 74.09.530.	388-815-120	Program oversight. [99-20-023, recodified as § 388-815-120, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-120, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
388-557-5050	Disease management program—Definitions. [Statutory Authority: RCW 74.08.090 and 2001 2nd sp.s. c 7 § 209(6), part II. 03-13-054, § 388-557-5050, filed 6/12/03, effective 7/13/03.] Repealed by 06-22-006, filed 10/19/06, effective 11/19/06. Statutory Authority: RCW 74.08.090, 74.09.500, and 74.09.530.	388-815-130	Denial of certification. [99-20-023, recodified as § 388-815-130, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-130, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
388-557-5100	Disease management program—Client eligibility and assignment. [Statutory Authority: RCW 74.08.090 and 2001 2nd sp.s. c 7 § 209(6), part II. 03-13-054, § 388-557-5100, filed 6/12/03, effective 7/13/03.] Repealed by 06-22-006, filed 10/19/06, effective 11/19/06. Statutory Authority: RCW 74.08.090, 74.09.500, and 74.09.530.	388-815-140	Decertification. [99-20-023, recodified as § 388-815-140, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-140, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
388-557-5150	Requirements for becoming an MAA-contracted disease management organization (DMO). [Statutory Authority: RCW 74.08.090 and 2001 2nd sp.s. c 7 § 209(6), part II. 03-13-054, § 388-557-5150, filed 6/12/03, effective 7/13/03.] Repealed by 06-22-006, filed 10/19/06, effective 11/19/06. Statutory Authority: RCW 74.08.090, 74.09.500, and 74.09.530.	388-815-160	Hearings, appeals. [99-20-023, recodified as § 388-815-160, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-160, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
388-557-5200	MAA-contracted disease management organization (DMO)—Confidentiality and data sharing. [Statutory Authority: RCW 74.08.090 and 2001 2nd sp.s. c 7 § 209(6), part II. 03-13-054, § 388-557-5200, filed 6/12/03, effective 7/13/03.] Repealed by 06-22-006, filed 10/19/06, effective 11/19/06. Statutory Authority: RCW 74.08.090, 74.09.500, and 74.09.530.	388-815-200	Program requirements—Policy statement. [99-20-023, recodified as § 388-815-200, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-200, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
388-557-5250	Disease management program—Scope of services. [Statutory Authority: RCW 74.08.090 and 2001 2nd sp.s. c 7 § 209(6), part II. 03-13-054, § 388-557-5250, filed 6/12/03, effective 7/13/03.] Repealed by 06-22-006, filed 10/19/06, effective 11/19/06. Statutory Authority: RCW 74.08.090, 74.09.500, and 74.09.530.	388-815-205	Program requirements—Notifications. [99-20-023, recodified as § 388-815-205, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-205, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
388-557-5300	Disease management program services—Billing limits. [Statutory Authority: RCW 74.08.090 and 2001 2nd sp.s. c 7 § 209(6), part II. 03-13-054, § 388-557-5300, filed 6/12/03, effective 7/13/03.] Repealed by 06-22-006, filed 10/19/06, effective 11/19/06. Statutory Authority: RCW 74.08.090, 74.09.500, and 74.09.530.	388-815-210	Program requirements—Substance abuse testing. [99-20-023, recodified as § 388-815-210, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 49.82.-130. 98-20-045, § 440-26-210, filed 9/30/98, effective 10/31/98. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-210, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
	Chapter 388-815		
	DRUG-FREE WORKPLACE PROGRAMS		
388-815-005	Purpose. [99-20-023, recodified as § 388-815-005, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-005, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-815-215	Program requirements—How employers get certified through a clean card program. [99-20-023, recodified as § 388-815-215, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 49.82.130. 98-20-045, § 440-26-215, filed 9/30/98, effective 10/31/98.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
388-815-010	Definitions. [99-20-023, recodified as § 388-815-010, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 49.82.130. 98-20-045, § 440-26-010, filed 9/30/98, effective 10/31/98. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-010, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-815-220	Program requirements—Employee assistance program. [99-20-023, recodified as § 388-815-220, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-220, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.
388-815-020	Eligible employers. [99-20-023, recodified as § 388-815-020, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-020, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-	388-815-230	Supervisor training. [99-20-023, recodified as § 388-815-230, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-230, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.

388-815-240	Employee education. [99-20-023, recodified as § 388-815-240, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-240, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.		effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-025, filed 2/9/83.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.
388-815-250	Confidentiality. [99-20-023, recodified as § 388-815-250, filed 9/28/99, effective 9/28/99. Statutory Authority: 1996 c 127 § 13. 96-16-015, § 440-26-250, filed 7/25/96, effective 8/25/96.] Repealed by 01-13-026, filed 6/12/01, effective 7/13/01. Statutory Authority: Chapter 70.96A RCW.	388-820-040	Who certifies residential services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-040, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-040, filed 10/26/01, effective 1/1/02; 99-19-104, recodified as § 388-820-040, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.-080, 91-17-005 (Order 3230), § 275-26-050, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-050, filed 2/9/83.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1190.
Chapter 388-820			
COMMUNITY RESIDENTIAL SERVICES AND SUPPORT			
(Formerly chapter 275-26 WAC)			
388-820-005	Purpose. [99-19-104, recodified as § 388-820-005, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-005, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-005, filed 2/9/83.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.	388-820-045	Administration. [99-19-104, recodified as § 388-820-045, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-055, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-055, filed 2/9/83.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.
388-820-010	What is the purpose of this chapter? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-010, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-010, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapters 18.88A and 71A.12 RCW. 96-10-076 (Order 3978), § 275-26-010, filed 5/1/96, effective 6/1/96. Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-010, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-010, filed 2/9/83.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1010.	388-820-050	Where are residential services provided? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-050, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-050, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-050, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.-080, 91-17-005 (Order 3230), § 275-26-060, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-060, filed 2/9/83.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1200.
388-820-015	Exemptions. [99-19-104, recodified as § 388-820-015, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-019, filed 8/9/91, effective 9/9/91.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.	388-820-055	Staffing. [99-19-104, recodified as § 388-820-055, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080, 93-04-029 (Order 3504), § 275-26-065, filed 1/27/93, effective 2/27/93; 91-17-005 (Order 3230), § 275-26-065, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-065, filed 2/9/83.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.
388-820-020	What definitions apply to this chapter? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-020, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-020, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-020, filed 10/26/01, effective 1/1/02; 99-19-104, recodified as § 388-820-020, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-020, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 86-08-003 (Order 2349), § 275-26-020, filed 3/20/86; 83-05-017 (Order 1945), § 275-26-020, filed 2/9/83.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1020.	388-820-056	Where are crisis diversion services provided? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-056, filed 1/29/04, effective 2/29/04.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-1205.
388-820-025	Review and evaluation. [99-19-104, recodified as § 388-820-025, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-021, filed 8/9/91, effective 9/9/91.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.	388-820-060	Who may receive residential services? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-060, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-060, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-060, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.-080, 91-17-005 (Order 3230), § 275-26-070, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-070, filed 2/9/83.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1210.
388-820-030	What are residential services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-030, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-030, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-030, filed 10/26/01, effective 1/1/02; 99-19-104, recodified as § 388-820-030, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-022, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 34.05.220 (1)(a) and 71.12.030 [71A.12.030]. 90-04-074 (Order 2997), § 275-26-022, filed 2/5/90, effective 3/1/90. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-022, filed 2/9/83.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1180.	388-820-065	Individual service plan. [99-19-104, recodified as § 388-820-065, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-071, filed 8/9/91, effective 9/9/91.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.
388-820-035	Eligibility for residential services and support. [99-19-104, recodified as § 388-820-035, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-025, filed 8/9/91,	388-820-070	What physical and safety requirements exist for residential services? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-070, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-070, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-070, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-072, filed 8/9/91, effective 9/9/91.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1220.
		388-820-075	Health services. [99-19-104, recodified as § 388-820-075, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-073, filed 8/9/91, effective 9/9/91.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.
		388-820-076	How must service providers assist clients in regulating water temperature? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, §

	388-820-076, filed 1/29/04, effective 2/29/04.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1230.		077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1420.
388-820-080	What are supported living services? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-080, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-080, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapters 18.88A and 71A.12 RCW. 96-10-076 (Order 3978), § 275-26-074, filed 5/1/96, effective 6/1/96.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1240.	388-820-125	Change of ownership. [99-19-104, recodified as § 388-820-125, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-110, filed 8/9/91, effective 9/9/91.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.
388-820-085	Client records. [99-19-104, recodified as § 388-820-085, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-075, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-075, filed 2/9/83.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.	388-820-130	When may a service provider receive initial set-up funds from DSHS? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-130, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-130, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.-080. 91-17-005 (Order 3230), § 275-26-115, filed 8/9/91, effective 9/9/91.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1430.
388-820-086	What are crisis diversion services? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-086, filed 1/29/04, effective 2/29/04.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1250.	388-820-140	What are the different types of certification? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-140, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-140, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1440.
388-820-090	What are group homes? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-090, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-090, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-090, filed 10/26/01, effective 1/1/02; 99-19-104, recodified as § 388-820-090, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapters 18.88A and 71A.12 RCW. 96-10-076 (Order 3978), § 275-26-076, filed 5/1/96, effective 6/1/96.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1260.	388-820-150	When may RCS grant initial certification to an agency? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-150, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-150, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1460.
388-820-095	Notice of fine and appeal rights. [99-19-104, recodified as § 388-820-095, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapters 18.88A and 71A.12 RCW. 96-10-076 (Order 3978), § 275-26-077, filed 5/1/96, effective 6/1/96.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.	388-820-160	How does an agency apply for initial certification? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-160, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-160, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1470.
388-820-100	When must a service provider document a client's refusal to participate in services? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-100, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-100, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-100, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-087, filed 8/9/91, effective 9/9/91.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1400.	388-820-170	What happens after an agency receives initial certification? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-170, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1480.
388-820-105	Physical requirements. [99-19-104, recodified as § 388-820-105, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-095, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-095, filed 2/9/83.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.	388-820-180	May initial certification be extended for a service provider? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-180, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-180, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1490.
388-820-110	May a service provider offer services to nonclients in the same household as clients? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-110, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-110, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-097, filed 2/9/83.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1410.	388-820-190	How does a service provider receive regular certification? [Statutory Authority: RCW 71A.12.030, 71A.12.-080, and chapter 71A.12 RCW. 04-23-070, § 388-820-190, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-190, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1500.
388-820-115	Payment for service. [99-19-104, recodified as § 388-820-115, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-100, filed 8/9/91, effective 9/9/91.] Repealed by 01-16-016, filed 7/19/01, effective 11/1/01.	388-820-200	How often are reviews and evaluations done for service providers? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-200, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-200, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1510.
388-820-120	Who pays for a client's residential services? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-120, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-120, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-120, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-107, filed 8/9/91, effective 9/9/91.] Decodified by 05-05-	388-820-210	What occurs during review and evaluation? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-210, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-210, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1520.
		388-820-220	May service providers disagree with evaluation findings? [Statutory Authority: RCW 71A.12.030, 71A.12.-080, and chapter 71A.12 RCW. 04-23-070, § 388-820-220, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-220, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-

	077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1530.		077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1670.
388-820-230	May a service provider receive provisional certification? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-230, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-230, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-230, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1540.	388-820-330	What staff training is required? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-330, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-330, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-330, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1680.
388-820-240	When may RCS decertify a service provider? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-240, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-240, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1550.	388-820-340	How often must performance reviews be conducted for staff of service providers? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-340, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-340, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1690.
388-820-250	What are administrators of service providers required to do? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-250, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-250, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1600.	388-820-350	When must service providers have staff-coverage schedules approved by DDD? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-350, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-350, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1700.
388-820-260	What type of administrative documents are service providers required to have? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-260, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-260, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-260, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1610.	388-820-360	What happens when a service provider's ownership changes? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-360, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-360, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1710.
388-820-270	What are the requirements for personnel policies? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-270, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1620.	388-820-370	When may a client's service provider change? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-370, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1720.
388-820-280	What nondiscrimination requirements must agencies and service providers meet? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-280, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1630.	388-820-380	Are clients' records considered confidential? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-380, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1730.
388-820-290	What staffing requirements must service providers meet? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-290, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-290, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-290, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1640.	388-820-390	How long does a service provider need to keep client records? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-390, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1740.
388-820-300	May clients instruct and support other clients? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-300, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-300, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1650.	388-820-400	What information do service providers need to keep in client records? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-400, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-400, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-400, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1750.
388-820-310	Who needs background checks? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-310, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-310, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-310, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1660.	388-820-405	What information do crisis diversion service providers need to keep in client records? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-405, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-405, filed 1/29/04, effective 2/29/04.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1760.
388-820-320	What are the minimum requirements for staff employed by service providers? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-320, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-320, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1660.	388-820-410	Do service providers need to keep client's property records? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-410, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-410, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1770.
		388-820-420	Are there requirements for record entries? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-420, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1780.

388-820-430	Who must service providers notify in emergencies? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-430, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-430, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1790.	043, § 388-820-550, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-550, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1900.
388-820-440	What abuse and neglect reporting requirements must service providers meet? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-440, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-440, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1100.	388-820-555
388-820-450	What are client services? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-450, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1800.	388-820-560
388-820-460	What health and safety support may a service provider offer to a client? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-460, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1810.	388-820-570
388-820-470	What support may a service provider offer to a client to increase personal power and choices? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-470, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1820.	388-820-580
388-820-480	What support may a service provider offer to increase a client's competence and self-reliance? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-480, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1830.	388-820-590
388-820-490	How may service providers assist clients in gaining positive recognition? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-490, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1840.	388-820-600
388-820-500	What support may a service provider offer to increase the positive relationships in the client's life? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-500, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1850.	388-820-610
388-820-510	How may a service provider assist clients with becoming integrated into their community? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-510, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1860.	388-820-620
388-820-520	What is an individual service plan/plan of care (ISP/POC) for clients? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-520, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-520, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1870.	388-820-630
388-820-530	Who is responsible for completing and overseeing a client's ISP/POC? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-530, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-530, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1880.	388-820-640
388-820-540	Who may participate in creating a client's ISP/POC? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-540, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-540, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-1890.	388-820-650
388-820-550	How often must the ISP/POC be reviewed? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-550, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-	388-820-660
		404, § 388-820-550, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-550, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2000.
		What plans must crisis diversion service providers develop? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-555, filed 1/29/04, effective 2/29/04.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2000.
		What is an individual instruction and support plan (IISP) for clients? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-560, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-560, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-560, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2010.
		Who may participate in developing the IISP for each client? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-570, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2020.
		Who oversees the IISP for each client? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-580, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2030.
		May a service provider manage a client's funds? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-590, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2040.
		May a service provider hold bankbooks and bankcards for a client? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-600, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-600, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2050.
		May a service provider combine agency and client funds? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-610, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2060.
		Does the service provider need to develop an individual financial plan (IFP) for clients? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-620, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2070.
		What information must the IFP include? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-630, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-630, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2080.
		How does a service provider manage client funds? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-640, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2090.
		What documentation must service providers keep to protect a client's financial interests? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-650, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-650, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-650, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2100.
		How are a client's funds transferred when they are managed by a service provider? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-660, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed

- 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2110.
- 388-820-670 How does a service provider handle loans to a client? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-670, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2120.
- 388-820-680 When must a service provider pay a client? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-680, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2130.
- 388-820-690 What must service providers do to support a client's health? [Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-690, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-690, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2140.
- 388-820-700 May a client refuse health care services? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-700, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2150.
- 388-820-710 When may client funds be used for health services? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-710, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2160.
- 388-820-720 How must the service provider be involved with a client's transportation needs? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-720, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-720, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2300.
- 388-820-730 Who may delegate nursing care tasks? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-730, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2400.
- 388-820-740 What training is required before staff are qualified to perform delegated tasks? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-740, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2310.
- 388-820-750 Do nursing assistants need to comply with department of health requirements? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-750, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2320.
- 388-820-760 Who is authorized to provide consent for a client's receiving health care? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-760, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2430.
- 388-820-770 What rights do nursing assistants have concerning the delegation of nursing care tasks? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-770, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2440.
- 388-820-780 Are nursing assistants liable for errors while doing nursing care tasks? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-780, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2450.
- 388-820-790 What happens if unqualified staff do a nursing task? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-790, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2460.
- 388-820-800 What technical assistance may service providers get from DSHS for nurse delegation requirements? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-800, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2470.
- 388-820-810 What happens when DSHS finds a service provider in violation of nurse delegation requirements? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-810, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2480.
- 388-820-820 May a service provider have a chance to correct violations before being fined? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-820, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2490.
- 388-820-830 May civil fines be imposed during technical assistance visits? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-830, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2500.
- 388-820-840 How does DSHS impose a civil fine? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-840, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2510.
- 388-820-850 When is payment due for a civil fine? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-850, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2520.
- 388-820-860 May a service provider disagree with DSHS findings of a violation? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-860, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2530.
- 388-820-870 May a service provider contest a civil fine? [Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-870, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2540.
- 388-820-880 May an agency or service provider contest a RCS decision? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-880, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-880, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2330.
- 388-820-890 When does an administrative review conference occur? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-890, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-890, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2340.
- 388-820-900 May an administrative review conference be conducted by telephone? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-900, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-900, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2350.
- 388-820-910 What happens during the administrative review conference? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-910, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-910, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2360.
- 388-820-920 May an agency or service provider contest the decision from the administrative review conference? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-920, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-920, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2370.
- 388-820-930 Does RCS make exceptions to the requirements in this chapter? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-930, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-930, filed 10/26/01, effective 1/1/02.] Decodified by 05-05-077, filed 2/15/05, effective 2/15/05. Recodified as WAC 388-101-2380.

Chapter 388-824		
DIVISION OF DEVELOPMENTAL DISABILITIES MINI-ASSESSMENT PROCESS		
388-824-0001	What definitions apply to this chapter? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0001, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0090 Does reporting your family's annual gross income and number of family dependents affect your eligibility for paid services? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0090, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
388-824-0010	What is the DDD mini-assessment? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0010, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0100 What does DDD do if the respondent does not provide the requested family income and dependent information? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0100, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
388-824-0015	How do you and/or your respondent(s) obtain information about the mini-assessment? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0015, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0120 What is the difference between a mini-assessment for adults and a mini-assessment for children? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0120, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
388-824-0020	What is the purpose of the mini-assessment? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0020, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0140 How does the mini-assessment use information that is scored during the mini-assessment interview? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0140, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
388-824-0025	What domains does the mini-assessment evaluate to identify your relative level of need? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0025, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0170 What occurs when you are assigned to the "high level of need" group? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0170, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
388-824-0030	Does the mini-assessment affect other DDD assessments? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0030, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0190 What occurs when you are assigned to the "moderate level of need" group? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0190, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
388-824-0040	Who receives a mini-assessment? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0040, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0210 What occurs when you are assigned to the "low level of need" group? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0210, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
388-824-0050	Who does not receive a mini-assessment? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0050, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0220 When will I be reassigned to another level of need group? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0220, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
388-824-0055	Who participates in the mini-assessment? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0055, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0230 Does the mini-assessment result in paid services? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0230, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
388-824-0060	How does DDD conduct an initial mini-assessment? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0060, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0240 How do you know the results of your mini-assessment? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0240, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
388-824-0065	When does DDD conduct a reassessment? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0065, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0260 What is the full assessment referral data base? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0260, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
388-824-0070	Does DDD require you to disclose financial information? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0070, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0280 What information does DDD use in deciding whom to refer for a full assessment? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0280, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
388-824-0080	Is the respondent required to provide verification of my family's annual gross income? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0080, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.	388-824-0290 When does DDD remove my name from the full assessment referral data base? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0290, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08.

- Statutory Authority: Title 71A RCW, RCW 71A.12.-030.
- 388-824-0310 When DDD adjusts the mini-assessment algorithm, when does the adjustment become effective? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0310, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
- 388-824-0320 Are there appeal rights to the mini-assessment? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0320, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
- 388-824-0330 If you request a hearing to review the results of your mini-assessment, which mini-assessment does the administrative law judge review in the hearing? [Statutory Authority: RCW 71A.12.030, Title 71A RCW, 2005 c 518. 05-23-030, § 388-824-0330, filed 11/8/05, effective 12/10/05.] Repealed by 08-06-074, filed 3/4/08, effective 4/4/08. Statutory Authority: Title 71A RCW, RCW 71A.12.030.
- Chapter 388-830**
DIVISION OF DEVELOPMENTAL DISABILITIES PROGRAM
OPTION RULES
(Formerly chapter 275-31 WAC)
- 388-830-005 Purpose. [99-19-104, recodified as § 388-830-005, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-005, filed 1/18/84.] Repealed by 08-03-023, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A RCW.
- 388-830-010 Definitions. [99-19-104, recodified as § 388-830-010, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-010, filed 1/18/84.] Repealed by 08-03-023, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A RCW.
- 388-830-015 Determination of eligibility. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. 02-16-014, § 388-830-015, filed 7/25/02, effective 8/25/02. 99-19-104, recodified as § 388-830-015, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-020, filed 1/18/84.] Repealed by 08-03-023, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A RCW.
- 388-830-020 Notification to potential applicants. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. 02-16-014, § 388-830-020, filed 7/25/02, effective 8/25/02. 99-19-104, recodified as § 388-830-020, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-030, filed 1/18/84.] Repealed by 08-03-023, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A RCW.
- 388-830-025 Application for services. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. 02-16-014, § 388-830-025, filed 7/25/02, effective 8/25/02. 99-19-104, recodified as § 388-830-025, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-040, filed 1/18/84.] Repealed by 08-03-023, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A RCW.
- 388-830-030 Individual service plan. [99-19-104, recodified as § 388-830-030, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-050, filed 1/18/84.] Repealed by 08-03-023, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A RCW.
- 388-830-035 Implementation of necessary services. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.-030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. 02-16-014, § 388-830-035, filed 7/25/02, effective 8/25/02. 99-19-104, recodified as § 388-830-035, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-070, filed 1/18/84.] Repealed by 08-03-023, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A RCW.
- 388-830-040 Criteria for determining costs. [99-19-104, recodified as § 388-830-040, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-080, filed 1/18/84.] Repealed by 08-03-023, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A RCW.
- 388-830-045 Method of rate determination. [99-19-104, recodified as § 388-830-045, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-090, filed 1/18/84.] Repealed by 08-03-023, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A RCW.
- Chapter 388-853**
COSTS OF CARE OF MENTALLY DEFICIENT PERSONS
RESIDING IN STATE INSTITUTIONS
(Formerly chapter 275-20 WAC)
- 388-853-010 Authority. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. 02-16-014, § 388-853-010, filed 7/25/02, effective 8/25/02. 00-17-151, recodified as § 388-853-010, filed 8/22/00, effective 8/22/00. Statutory Authority: RCW 72.01.090. 78-03-029 (Order 1270), § 275-20-010, filed 2/17/78; Order 2, § 275-20-010, filed 2/23/68.] Repealed by 08-03-024, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A RCW. Later promulgation, see WAC 388-835-0005.
- 388-853-030 Schedule of per capita cost. [Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. 02-16-014, § 388-853-030, filed 7/25/02, effective 8/25/02. 00-17-151, recodified as § 388-853-030, filed 8/22/00, effective 8/22/00. Statutory Authority: RCW 72.33.660. 84-18-022 (Order 2144), § 275-20-030, filed 8/29/84. Statutory Authority: RCW 72.33.600. 83-18-028 (Order 2018), § 275-20-030, filed 8/31/83; 82-20-022 (Order 1885), § 275-20-030, filed 9/29/82; 81-17-025 (Order 1690), § 275-20-030, filed 8/12/81; 81-06-004 (Order 1611), § 275-20-030, filed 2/19/81; 80-12-011 (Order 1535), § 275-20-030, filed 8/25/80; 80-02-060 (Order 1480), § 275-20-030, filed 1/18/80; 79-08-044 (Order 1418), § 275-20-030, filed 7/19/79; 78-10-057 (Order 1341), § 275-20-030, filed 9/22/78. Statutory Authority: RCW 72.01.090. 78-03-029 (Order 1270), § 275-20-030, filed 2/17/78; Order 1191, § 275-20-030, filed 2/18/77; Order 1071, § 275-20-030, filed 12/2/75; Order 982, § 275-20-030, filed 11/14/74, effective 1/1/75; Order 903, § 275-20-030, filed 1/29/74; Order 808, § 275-20-030, filed 6/15/73, effective 8/1/73; Order 15, § 275-20-030, filed 5/11/71; Order 2, § 275-20-030, filed 2/23/68.] Repealed by 08-03-024, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A RCW. Later promulgation, see chapter 388-835 WAC.
- 388-853-035 Exempt income. [Statutory Authority: RCW 71A.16.-010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. 02-16-014, § 388-853-035, filed 7/25/02, effective 8/25/02. 00-17-151, recodified as § 388-853-035, filed 8/22/00, effective 8/22/00. Statutory Authority: RCW 72.01.090. 78-03-029 (Order 1270), § 275-20-035, filed 2/17/78.] Repealed by 08-03-024, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A RCW. Later promulgation, see WAC 388-835-0935.
- 388-853-080 Notice and finding of responsibility—Appeal procedure. [Statutory Authority: RCW 71A.16.010, 71A.16.-030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.-090, and 72.33.125. 02-16-014, § 388-853-080, filed 7/25/02, effective 8/25/02. 00-17-151, recodified as § 388-853-080, filed 8/22/00, effective 8/22/00. Statutory Authority: RCW 71.05.560. 90-21-030 (Order 3083), § 275-20-080, filed 10/9/90, effective 11/9/90. Statutory Authority: RCW 34.05.220 (1)(a) and 43.20B.420. 90-04-074 (Order 2997), § 275-20-080, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 72.33.660. 79-08-044 (Order 1418), § 275-20-080, filed 7/19/79.] Repealed by 08-03-024, filed 1/8/08, effective 2/8/08. Statutory Authority: RCW 71A.12.030 and Title 71A

RCW. Later promulgation, see WAC 388-835-0940, 388-835-0945, 388-835-0950 and 388-835-0955.

Chapter 388-860
JUVENILE INVOLUNTARY TREATMENT
 (Formerly chapter 275-54 WAC)

- 388-860-010 Purpose. [00-23-089, recodified as § 388-860-010, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-010, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-020 Definitions. [00-23-089, recodified as § 388-860-020, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-020, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-030 Application for admission—Voluntary minor. [00-23-089, recodified as § 388-860-030, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-030, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-040 Emergency detention. [00-23-089, recodified as § 388-860-040, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-040, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-050 Investigation and involuntary detention. [00-23-089, recodified as § 388-860-050, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-050, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-060 Fourteen-day commitment petition. [00-23-089, recodified as § 388-860-060, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-060, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-070 Fourteen-day commitment—Hearing. [00-23-089, recodified as § 388-860-070, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-070, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-080 One hundred eighty-day petition, hearing, and commitment. [00-23-089, recodified as § 388-860-080, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-080, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-090 Detention and commitment after eighteenth birthday. [00-23-089, recodified as § 388-860-090, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-090, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-100 Transfer from juvenile correctional institutions. [00-23-089, recodified as § 388-860-100, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-100, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-110 Conditional release or early discharge. [00-23-089, recodified as § 388-860-110, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-110, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-120 Release of voluntary/involuntary minors to the custody of parents. [00-23-089, recodified as § 388-860-120, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-120, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-130 Elopement of minors. [00-23-089, recodified as § 388-860-130, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-130, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-140 Long-term placement—Designated placement committee. [00-23-089, recodified as § 388-860-140, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-140, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-150 Revocation of a less-restrictive alternative treatment or conditional release. [00-23-089, recodified as § 388-860-150, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-150, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-160 Requirements for certifying evaluation and treatment components for minors. [00-23-089, recodified as § 388-860-160, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.34.800. 91-16-060 (Order 3221), § 275-54-160, filed 8/1/91, effective 9/1/91. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-160, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-170 Certification standards for evaluation and treatment program for minors. [00-23-089, recodified as § 388-860-170, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 34.04.020. 87-19-070 (Order 2535), § 275-54-170, filed 9/16/87. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-170, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-180 Outpatient component. [00-23-089, recodified as § 388-860-180, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 34.04.020. 87-19-070 (Order 2535), § 275-54-180, filed 9/16/87. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-180, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-190 Emergency component. [00-23-089, recodified as § 388-860-190, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.34.800. 91-16-060 (Order 3221), § 275-54-190, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 34.04.020. 87-19-070 (Order 2535), § 275-54-190, filed 9/16/87. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-190, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-200 Inpatient component. [00-23-089, recodified as § 388-860-200, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.34.800. 91-16-060 (Order 3221), § 275-54-200, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 34.04.020. 87-19-070 (Order 2535), § 275-54-200, filed 9/16/87. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-200, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

- 388-860-210 Certification procedure—Waivers—Provisional certification—Renewal of certification. [00-23-089, recodified as § 388-860-210, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-210, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34-800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-220 Decertification. [00-23-089, recodified as § 388-860-220, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-220, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-230 Appeal procedure. [00-23-089, recodified as § 388-860-230, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-230, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-240 Involuntary evaluation and treatment costs—Seventy-two hour detentions/fourteen-day commitments. [00-23-089, recodified as § 388-860-240, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-240, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-250 Involuntary evaluation and treatment costs—One hundred eighty-day commitments. [00-23-089, recodified as § 388-860-250, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-250, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-260 Involuntary treatment program administrative costs—Seventy-two hour/fourteen-day commitment. [00-23-089, recodified as § 388-860-260, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-260, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-270 Involuntary treatment program transportation costs. [00-23-089, recodified as § 388-860-270, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-270, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-280 Involuntary treatment program—Legal costs. [00-23-089, recodified as § 388-860-280, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-280, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-290 Patient rights. [00-23-089, recodified as § 388-860-290, filed 11/20/00, effective 11/20/00. Statutory Authority: 1991 c 105, 91-21-025 (Order 3265), § 275-54-290, filed 10/8/91, effective 11/8/91. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-290, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-300 Confidentiality. [00-23-089, recodified as § 388-860-300, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-300, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-310 Confidentiality of court proceeding records. [00-23-089, recodified as § 388-860-310, filed 11/20/00, effective 11/20/00. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-310, filed 12/23/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34-800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-315 Mental health service provider license and certification fees. [00-23-089, recodified as § 388-860-315, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 43.20B.110, 91-23-089 (Order 3291), § 440-44-090, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 43.20A.055, 85-20-031 (Order 2287), § 440-44-090, filed 9/24/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-316 Fee payment and refunds. [00-23-089, recodified as § 388-860-316, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201, 82-13-011 (Order 1825), § 440-44-010, filed 6/4/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-860-317 Denial, revocation, suspension, and reinstatement. [00-23-089, recodified as § 388-860-317, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201, 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

Reviser's note: Later promulgation, see chapter 388-865 WAC.

Chapter 388-861
VOLUNTARY ADMISSION—INVOLUNTARY COMMITMENT,
TREATMENT AND/OR EVALUATION OF MENTALLY ILL
PERSONS

(Formerly chapter 275-55 WAC)

- 388-861-010 Purpose. [00-23-089, recodified as § 388-861-010, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-010, filed 3/11/82; Order 900, § 275-55-010, filed 1/25/74.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-020 Definitions. [00-23-089, recodified as § 388-861-020, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-020, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-020, filed 3/11/82; Order 1122, § 275-55-020, filed 6/2/76; Order 955, § 275-55-020, filed 7/26/74; Order 900, § 275-55-020, filed 1/25/74.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-030 Private agencies which may admit voluntary patients. [00-23-089, recodified as § 388-861-030, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-030, filed 3/11/82; Order 900, § 275-55-030, filed 1/25/74.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-040 Voluntary admission to public or private agency—Voluntary adult. [00-23-089, recodified as § 388-861-040, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-040, filed 3/11/82; Order 955, § 275-55-040, filed 7/26/74; Order 900, § 275-55-040, filed 1/25/74.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-081 Periodic review—Voluntary inpatient. [00-23-089, recodified as § 388-861-081, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-081, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-090 Limitation on length of stay—Readmission voluntary patients. [00-23-089, recodified as § 388-861-090, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-090, filed 3/11/82; Order 900, § 275-55-090, filed 1/25/74.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560,

	71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
388-861-110	Discharge of voluntary patient—Release of clinical summary. [00-23-089, recodified as § 388-861-110, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-110, filed 3/11/82; Order 1122, § 275-55-110, filed 6/2/76; Order 955, § 275-55-110, filed 7/26/74; Order 900, § 275-55-110, filed 1/25/74.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-861-211	Advising patient of rights. [00-23-089, recodified as § 388-861-211, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-211, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-861-115	Transfer of a patient between state-operated facilities for persons with mental illness. [00-23-089, recodified as § 388-861-115, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 74.05.560 [71.05.560], 91-22-044 (Order 3275), § 275-55-115, filed 10/31/91, effective 12/1/91. Statutory Authority: RCW 71.05-560, 88-23-021 (Order 2724), § 275-55-115, filed 11/7/88.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-861-221	Restoration procedure for a former involuntarily committed person's right to firearm possession. [00-23-089, recodified as § 388-861-221, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 9.41.040(6), 94-06-025 (Order 3709), § 275-55-221, filed 2/23/94, effective 3/26/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-861-131	Nonadmission of involuntarily detained person—Transportation. [00-23-089, recodified as § 388-861-131, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-131, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-861-231	Conversion to voluntary status by involuntary patient—Rights. [00-23-089, recodified as § 388-861-231, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-231, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-861-141	Protection of patient's property—Involuntary patient. [00-23-089, recodified as § 388-861-141, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-141, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-861-241	Rights of patient. [00-23-089, recodified as § 388-861-241, filed 11/20/00, effective 11/20/00. Statutory Authority: 1991 c 105, 91-21-025 (Order 3265), § 275-55-241, filed 10/8/91, effective 11/8/91. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-241, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-861-151	Evaluation and examination—Involuntary patient. [00-23-089, recodified as § 388-861-151, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05-560, 82-07-024 (Order 1775), § 275-55-151, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-861-261	Requirements for certifying evaluation and treatment components. [00-23-089, recodified as § 388-861-261, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 74.05.560, 91-16-061 (Order 3222), § 275-55-261, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-261, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-861-161	Treatment prior to hearings—Involuntary patient. [00-23-089, recodified as § 388-861-161, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05-560, 84-03-035 (Order 2065), § 275-55-161, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-161, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-861-263	Certification standards for evaluation and treatment program. [00-23-089, recodified as § 388-861-263, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 34.04.020, 87-19-071 (Order 2536), § 275-55-263, filed 9/16/87. Statutory Authority: RCW 71.05-560, 84-03-035 (Order 2065), § 275-55-263, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-263, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-861-171	Early release or discharge of involuntary patient—Release of clinical summary—Notification of court. [00-23-089, recodified as § 388-861-171, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-171, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-861-271	Outpatient component. [00-23-089, recodified as § 388-861-271, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 34.04.020, 87-19-071 (Order 2536), § 275-55-271, filed 9/16/87. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-271, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-271, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-861-181	Conditional release—Involuntary patient. [00-23-089, recodified as § 388-861-181, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-181, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-861-281	Emergency component. [00-23-089, recodified as § 388-861-281, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 74.05.560, 91-16-061 (Order 3222), § 275-55-281, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 34.04.020, 87-19-071 (Order 2536), § 275-55-281, filed 9/16/87. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-281, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-281, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-861-191	Revocation of conditional release—Secretary's designee—Involuntary patient. [00-23-089, recodified as § 388-861-191, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-191, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-861-291	Short-term inpatient component. [00-23-089, recodified as § 388-861-291, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 74.05.560, 91-16-061 (Order 3222), § 275-55-291, filed 8/1/91, effective
388-861-201	Discharge of indigent patient—Involuntary patient. [00-23-089, recodified as § 388-861-201, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05-560, 82-07-024 (Order 1775), § 275-55-201, filed		

- 9/1/91. Statutory Authority: RCW 34.04.020. 87-19-071 (Order 2536), § 275-55-291, filed 9/16/87. Statutory Authority: RCW 71.05.560. 84-03-035 (Order 2065), § 275-55-291, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-291, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-293 Certification procedure—Waivers—Provisional certification—Renewal of certification. [00-23-089, recodified as § 388-861-293, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560. 84-03-035 (Order 2065), § 275-55-293, filed 1/13/84; 83-03-010 (Order 1935), § 275-55-293, filed 1/12/83; 82-07-024 (Order 1775), § 275-55-293, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-295 Decertification. [00-23-089, recodified as § 388-861-295, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-295, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-297 Appeal procedure. [00-23-089, recodified as § 388-861-297, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560. 84-03-035 (Order 2065), § 275-55-297, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-297, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-301 Alternatives to inpatient treatment. [00-23-089, recodified as § 388-861-301, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560. 84-03-035 (Order 2065), § 275-55-301, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-301, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-341 Use of restraints and seclusion by agency not certified as an evaluation and treatment facility. [00-23-089, recodified as § 388-861-341, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-341, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-351 Research. [00-23-089, recodified as § 388-861-351, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-351, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-361 Involuntary evaluation and treatment costs—Responsibility of involuntary patient. [00-23-089, recodified as § 388-861-361, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-361, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-363 Involuntary evaluation and treatment costs—Collection by agency. [00-23-089, recodified as § 388-861-363, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-363, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-365 Involuntary evaluation and treatment costs—Responsibility of county. [00-23-089, recodified as § 388-861-365, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-365, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-367 Involuntary evaluation and treatment costs—Responsibility of department. [00-23-089, recodified as § 388-861-367, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-367, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-371 Exceptions to rules—Waivers. [00-23-089, recodified as § 388-861-371, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 71.05.560. 84-03-035 (Order 2065), § 275-55-371, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-371, filed 3/11/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-400 Mental health service provider license and certification fees. [00-23-089, recodified as § 388-861-400, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 43.20B.110. 91-23-089 (Order 3291), § 440-44-090, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 43.20A.055. 85-20-031 (Order 2287), § 440-44-090, filed 9/24/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-401 Fee payment and refunds. [00-23-089, recodified as § 388-861-401, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-010, filed 6/4/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-861-402 Denial, revocation, suspension, and reinstatement. [00-23-089, recodified as § 388-861-402, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

Reviser's note: Later promulgation, see chapter 388-865 WAC.

Chapter 388-862 COMMUNITY MENTAL HEALTH PROGRAMS

(Formerly chapter 275-57 WAC)

- 388-862-010 Purpose and authority. [00-23-089, recodified as § 388-862-010, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-010, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-020 Definitions. [00-23-089, recodified as § 388-862-020, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-020, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-030 Waiver of rules. [00-23-089, recodified as § 388-862-030, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-030, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-040 Department responsibilities and duties. [00-23-089, recodified as § 388-862-040, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-040, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
- 388-862-050 Regional support networks—General responsibilities and duties. [00-23-089, recodified as § 388-862-050, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-050, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

388-862-060	Regional support networks—Recognition and certification. [00-23-089, recodified as § 388-862-060, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-060, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	SSB 6547. 94-20-033 (Order 3783), § 275-57-150, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-070	Regional support networks—Penalties for noncompliance. [00-23-089, recodified as § 388-862-070, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-070, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-160 Regional support networks and prepaid health plans—Ombuds service. [00-23-089, recodified as § 388-862-160, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-160, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-080	Regional support networks—Governance and community accountability. [00-23-089, recodified as § 388-862-080, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-080, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-170 Regional support networks and prepaid health plans—Consumer grievances. [00-23-089, recodified as § 388-862-170, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-170, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-090	Regional support networks—Financial management. [00-23-089, recodified as § 388-862-090, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-090, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-180 Prepaid health plans—Purpose. [00-23-089, recodified as § 388-862-180, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-180, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-100	Regional support network—Awareness of services. [00-23-089, recodified as § 388-862-100, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-100, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-190 Prepaid health plans—Eligible consumers. [00-23-089, recodified as § 388-862-190, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-190, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-110	Regional support networks—Resource management. [00-23-089, recodified as § 388-862-110, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-110, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-200 Prepaid health plans—Exemptions. [00-23-089, recodified as § 388-862-200, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-200, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-120	Regional support networks—Management information. [00-23-089, recodified as § 388-862-120, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-120, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-210 Prepaid health plans—Enrolled recipient's choice of primary care provider. [00-23-089, recodified as § 388-862-210, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-210, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-130	Regional support networks—Staff qualifications. [00-23-089, recodified as § 388-862-130, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-130, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-220 Prepaid health plans—Other services. [00-23-089, recodified as § 388-862-220, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-220, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-140	Regional support networks—Housing. [00-23-089, recodified as § 388-862-140, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-140, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-230 Prepaid health plans—Emergency services. [00-23-089, recodified as § 388-862-230, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-230, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-150	Regional support networks and prepaid health plans—Quality improvement. [00-23-089, recodified as § 388-862-150, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and	388-862-240 Prepaid health plans—Consumer request for a second opinion. [00-23-089, recodified as § 388-862-240, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-240, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
		388-862-250 Prepaid health plans—Enrollment termination. [00-23-089, recodified as § 388-862-250, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24

	RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-250, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.	388-862-320	Licensed service providers—Qualifications appropriate to the needs of the consumer population. [00-23-089, recodified as § 388-862-320, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-320, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-260	Prepaid health plans—Audit. [00-23-089, recodified as § 388-862-260, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-260, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
		388-862-330	Personnel management—Affirmative action. [00-23-089, recodified as § 388-862-330, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-330, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-270	Licensing procedures for service providers—Application and approval. [00-23-089, recodified as § 388-862-270, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-270, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
		388-862-340	Consumer rights. [00-23-089, recodified as § 388-862-340, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-340, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-275	Mental health service provider license and certification fees. [00-23-089, recodified as 388-862-275, filed 11/20/00, effective 11/20/00. Statutory Authority: RCW 43.20B.110. 91-23-089 (Order 3291), § 440-44-090, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 43.20A.055. 85-20-031 (Order 2287), § 440-44-090, filed 9/24/85.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
		388-862-350	Consent to treatment and access to records. [00-23-089, recodified as § 388-862-350, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-350, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-276	Fee payment and refunds. [00-23-089, recodified as 388-862-276, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-010, filed 6/4/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
		388-862-360	Services administration—Confidentiality of consumer information. [00-23-089, recodified as § 388-862-360, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-360, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-277	Denial, revocation, suspension, and reinstatement. [00-23-089, recodified as 388-862-277, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
		388-862-370	Research—Requirements. [00-23-089, recodified as § 388-862-370, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-370, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-280	Licensing procedures for providers—Licensure status. [00-23-089, recodified as § 388-862-280, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-280, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
		388-862-380	Licensed service providers—Accessibility. [00-23-089, recodified as § 388-862-380, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-380, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-290	Licensed service providers—Written schedule of fees. [00-23-089, recodified as § 388-862-290, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-290, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
		388-862-390	Crisis response services. [00-23-089, recodified as § 388-862-390, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-390, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-300	Licensed service providers—Quality assurance. [00-23-089, recodified as § 388-862-300, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-300, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
		388-862-400	Brief intervention services. [00-23-089, recodified as § 388-862-400, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-400, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.
388-862-310	Licensed service providers—Staff qualifications. [00-23-089, recodified as § 388-862-310, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-310, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.		
		388-862-410	Community support services—General requirements. [00-23-089, recodified as § 388-862-410, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-410, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

388-862-420 Community support services—Case management services. [00-23-089, recodified as § 388-862-420, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-420, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

388-862-430 Community support services—Residential services. [00-23-089, recodified as § 388-862-430, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-430, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

388-862-440 Community support services—Employment services. [00-23-089, recodified as § 388-862-440, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-440, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

388-862-450 Community support services—Psychiatric and medical services. [00-23-089, recodified as § 388-862-450, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-450, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

388-862-460 Community support services—In-home services. [00-23-089, recodified as § 388-862-460, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-460, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

388-862-470 Community support services—Consumer or advocate run services. [00-23-089, recodified as § 388-862-470, filed 11/20/00, effective 11/20/00. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-470, filed 9/27/94, effective 10/28/94.] Repealed by 01-12-047, filed 5/31/01, effective 7/1/01. Statutory Authority: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

Reviser's note: Later promulgation, see chapter 388-865 WAC.

**Chapter 388-890
REHABILITATION SERVICES FOR INDIVIDUALS WITH
DISABILITIES**

(Formerly chapter 490-500 WAC (part))

388-890-0005 What is the purpose of this chapter? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0005, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0005.

388-890-0010 What definitions apply to this chapter? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0010, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0010.

388-890-0015 What is informed choice? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0015, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0400.

388-890-0020 How does DVR support the informed choice process? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0020, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0410.

388-890-0025 What decisions can I make using informed choice? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0025, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0430.

388-890-0030 What if I don't know how to use the informed choice decision making process? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0030, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0420.

388-890-0035 Who is eligible to receive VR services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0035, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1000.

388-890-0040 How does DVR determine whether VR services will enable me to work? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0040, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1005.

388-890-0045 Am I eligible for VR services if I receive Social Security disability benefits? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0045, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1020.

388-890-0050 What criteria are not considered in the eligibility decision? [Statutory Authority: RCW 74.29.020, 74.08.090

- and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0050, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1025.
- 388-890-0055 What information does DVR use to make an eligibility decision? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0055, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1005.
- 388-890-0060 After I submit my application to DVR, how long does it take DVR to make an eligibility decision? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0060, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1010.
- 388-890-0065 What happens if DVR determines that I am not eligible? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0065, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1045.
- 388-890-0070 If I am not eligible for DVR services, can DVR help me find other services and programs to meet my needs? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0070, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1050.
- 388-890-0071 If I am eligible for or ineligible for VR services, how will I be notified? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0071, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1045.
- 388-890-0075 Who can apply for vocational rehabilitation services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0075, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0900.
- 388-890-0080 Can I receive VR services if I am not a United States citizen? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0080, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0910.
- 388-890-0085 Am I required to provide proof of my identity and work status? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0085, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0910.
- 388-890-0090 If I don't live in Washington, can I receive VR or IL program services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0090, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0920.
- 388-890-0095 Can I receive VR services if I am legally blind? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0095, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0930.
- 388-890-0100 Can I receive VR or IL program services if I am Native American? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0100, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0940.
- 388-890-0105 How do I apply for VR services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0105, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0980.
- 388-890-0110 Under what general conditions does DVR provide vocational rehabilitation services to individuals? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0110, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300.
- 388-890-0115 Can I ask for an exception to a rule or a condition relating to VR services? [Statutory Authority: RCW 74.29.-

- 020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0115, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-0120 How do I ask for an exception to a rule or condition in this chapter? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0120, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0205 and 388-891-0210.
- 388-890-0125 What happens if the service I want exceeds what I need or is more expensive than a similar service? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0125, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0370.
- 388-890-0130 Can a guardian or another representative act on my behalf? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0130, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0200.
- 388-890-0135 What is the purpose of vocational rehabilitation (VR) services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0135, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-0140 How do I know which VR services are right for me? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0140, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0400, 388-891-0410, 388-891-0420, 388-891-0430 and 388-891-0440.
- 388-890-0145 What vocational rehabilitation services are available to individuals from DVR? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0145, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0600.
- 388-890-0150 What are assessment services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0150, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0605.
- 388-890-0155 To determine whether I am eligible for VR services, who decides what assessment services I need and where to get the assessment services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0155, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0430 and 388-891-1005.
- 388-890-0160 If I need assessment services to help me choose an employment goal and what VR services I need, who decides what assessment services I need and where to get the assessment services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0160, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0430.
- 388-890-0165 What if I already have assessment information to help me and DVR make the decisions we need to make? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0165, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1005 and 388-891-1100.
- 388-890-0170 How do I provide needed assessment information to DVR? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0170, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-0175 What is an assistive technology device? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0175, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0660.
- 388-890-0180 Under what conditions does DVR provide and issue assistive technology devices? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0180, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300, 388-891-1200, 388-891-1210, 388-891-1220, 388-891-1230, and 388-891-1240.

- 340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0660.
- 388-890-0340 Under what conditions does DVR provide rehabilitation engineering? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0340, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300.
- 388-890-0345 What are self-employment services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0345, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0685.
- 388-890-0350 Under what conditions does DVR provide self-employment services and issue items for self-employment? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0350, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300, 388-891-1200, 388-891-1210, 388-891-1220, 388-891-1230, 388-891-1240, and 388-891-0685.
- 388-890-0355 What are services to family members? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0355, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0690.
- 388-890-0360 Under what conditions does DVR provide services to my family members? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0360, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300 and 388-891-0695.
- 388-890-0365 What are supported employment services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0365, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0840.
- 388-890-0370 What are tools, equipment, initial stocks and supplies? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0370, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0705.
- 388-890-0375 Under what conditions does DVR provide and issue tools, equipment, initial stocks and supplies? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0375, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300, 388-891-1200, 388-891-1210, 388-891-1220, 388-891-1230, and 388-891-1240.
- 388-890-0380 What are training services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0380, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0710.
- 388-890-0385 What is on-the-job training? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0385, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0715.
- 388-890-0390 Under what conditions does DVR provide on-the-job training? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0390, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300 and 388-891-0715.
- 388-890-0395 Under what conditions does DVR provide training services and issue items for training? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0395, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300, 388-891-1200, 388-891-1210, 388-891-1220, 388-891-1230, 388-891-1240, and 388-891-0745.
- 388-890-0400 Do I have to apply for a student loan to pay for training services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0400, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0745.
- 388-890-0405 Can I receive training services from a private school, an out-of-state training agency or an out-of-state college? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0405, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0745.

- 832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0750.
- 388-890-0410 What are transition services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0410, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09-340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0755.
- 388-890-0415 Under what conditions does DVR provide transition services? [Statutory Authority: RCW 74.29.020, 74.08-090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0415, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300 and 388-891-0755.
- 388-890-0420 How does DVR coordinate with public high schools to provide transition services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0420, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-0425 How does DVR help me plan transition services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0425, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0400, 388-891-0410, 388-891-0420, 388-891-0430, 388-891-0440, and 388-891-0755.
- 388-890-0430 Who decides what transition services I get from DVR? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0430, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43-832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0400, 388-891-0410, 388-891-0420, 388-891-0430, 388-891-0440, and 388-891-0755.
- 388-890-0435 What activities does DVR support after I leave high school? [Statutory Authority: RCW 74.29.020, 74.08-090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0435, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-0440 What are transportation services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0440, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09-340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0765.
- 388-890-0445 Under what conditions does DVR provide transportation services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0445, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300 and 388-891-0765.
- 388-890-0450 Under what conditions does DVR provide and issue a vehicle? [Statutory Authority: RCW 74.29.020, 74.08-090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0450, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300, 388-891-0370, 388-891-0770, 388-891-0775, 388-891-0400, 388-891-0410, 388-891-0420, and 388-891-0440.
- 388-890-0455 Under what conditions does DVR issue a device, tool, piece of equipment or other item I need to participate in VR services or to get a job? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0455, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300 and 388-891-1200.
- 388-890-0460 What conditions apply to the use of a device, tool, piece of equipment or other item that is issued to me? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0460, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1220.
- 388-890-0465 What types of devices, tools, pieces of equipment or other items can DVR issue to me? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0465, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09-340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1200 and 388-891-1210.
- 388-890-0470 Does DVR issue new or used devices, tools, pieces of equipment, or other items? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0470, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1200.
- 388-890-0475 What happens if I fail to return a device, tool, piece of equipment or other item if requested by DVR? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0475, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363,

- chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1230.
- 388-890-0480 What happens to a device, tool, piece of equipment or other item if I need it when my DVR case service record is closed? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0480, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1240.
- 388-890-0485 What is an individualized plan for employment (IPE)? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0485, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1115.
- 388-890-0490 How do I develop an IPE? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0490, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1130.
- 388-890-0495 What information does DVR give me to develop my IPE? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0495, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1125.
- 388-890-0500 Who makes decisions about what to include on my IPE? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0500, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1115.
- 388-890-0505 Can I include any VR services I want on my IPE? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0505, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0370 and 388-891-1140.
- 388-890-0510 What if the employment goal I choose is religious in nature? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0510, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-0515 What must be included on my IPE? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0515, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1140.
- 388-890-0520 Who signs the IPE? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0520, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1145.
- 388-890-0525 Is the IPE reviewed and updated? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0525, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1150.
- 388-890-0530 Why does DVR close a case service record? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0530, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1300.
- 388-890-0535 Under what conditions does DVR determine that I am working and no longer need VR services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0535, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1310.
- 388-890-0540 Am I involved in the decision to close my case? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0540, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1320.
- 388-890-0545 What is competitive employment? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0545, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0010.
- 388-890-0550 What is extended employment? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-0550, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020,

- 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.-340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0010.
- 388-890-0555 If the job I get is in extended employment, what follow-up does DVR provide? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0555, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1330.
- 388-890-0560 Under what conditions does DVR follow up with me if I am determined ineligible for VR services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0560, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1330.
- 388-890-0570 What is supported employment? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0570, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.-340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0800.
- 388-890-0575 Who is eligible for supported employment? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0575, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0810.
- 388-890-0580 Who decides if I am eligible for supported employment? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0580, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.-832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0815.
- 388-890-0585 What is competitive work in supported employment? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0585, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.-832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0820.
- 388-890-0590 What is an integrated setting in supported employment? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0590, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.-832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0825.
- 388-890-0595 Is my work setting integrated if my interactions at the work site are with nondisabled supported employment service providers? [Statutory Authority: RCW 74.29.-020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0595, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0830.
- 388-890-0600 What is transitional employment? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0600, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.-340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0835.
- 388-890-0605 What are supported employment services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0605, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0840.
- 388-890-0610 What are ongoing support services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0610, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.-340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0845.
- 388-890-0615 Under what conditions does DVR provide supported employment services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0615, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0850.
- 388-890-0620 What is included on my individualized plan for supported employment? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0620, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1140.
- 388-890-0625 What are extended services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0625, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.-340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0850.
- 388-890-0630 Does DVR provide extended services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in

- August 1998. 99-18-053, § 388-890-0630, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0855.
- 388-890-0635 Who provides the extended services I need? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0635, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0860.
- 388-890-0640 What is natural support? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0640, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0865.
- 388-890-0645 Are supported employment services time-limited? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0645, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0870.
- 388-890-0650 What is required for me to change from supported employment services to extended services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0650, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0875.
- 388-890-0655 What happens if my VR counselor and I do not find a source for extended services and/or we cannot establish natural supports during the initial eighteen months of my individualized plan for employment? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0655, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0880.
- 388-890-0660 Under what conditions does DVR close my case service record for supported employment? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0660, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0885.
- 388-890-0665 Under what conditions does DVR provide supported employment services as post-employment services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0665, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0890.
- 388-890-0670 What is a trial work experience? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0670, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1030.
- 388-890-0675 What happens during a trial work experience? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0675, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1030.
- 388-890-0680 Who decides if a trial work experience is needed to determine if I am eligible for DVR services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0680, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1015.
- 388-890-0685 What services does DVR provide during a trial work experience? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0685, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1030.
- 388-890-0690 What if I am too significantly disabled to participate in a trial work experience? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0690, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1035.
- 388-890-0695 What choices can I make about the trial work experience? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0695, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1030 and 388-891-0430.
- 388-890-0700 Am I evaluated during the trial work experience? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0700, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments

- to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1030.
- 388-890-0705 When does DVR make an eligibility decision when I am in a trial work experience? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0705, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1030.
- 388-890-0710 Are there any vocational rehabilitation services that can be provided to a group of individuals with disabilities? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0710, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-0715 Under what conditions does DVR provide services to a group of individuals with disabilities to establish, develop or improve a community rehabilitation program? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0715, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-0720 Under what conditions does DVR provide services to a group of individuals with disabilities that cannot be purchased under an individual IPE? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0720, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-0725 Under what conditions does DVR provide consulting and/or technical assistance to plan for the transition of students with disabilities? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0725, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-0730 What if DVR does not have funding to serve all eligible individuals? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0730, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0500.
- 388-890-0745 If DVR has to decide in what category to place me, who decides what assessment services I need and where to get the assessment services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0745, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-1005 and 388-891-0430.
- 388-890-0750 What categories are used by DVR to determine the priority by which eligible individuals are served and in what order are the categories prioritized? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0750, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0510.
- 388-890-0755 What information does DVR use to determine whether I am in category one? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0755, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0520.
- 388-890-0760 What information does DVR use to determine whether I am in category two? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0760, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0530.
- 388-890-0765 What information does DVR use to determine whether I am in category three? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0765, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0540.
- 388-890-0780 What is the independent living (IL) program? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0780, filed 8/27/99, effective 11/1/99.] Repealed by 07-10-023, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363.
- 388-890-0785 What types of services does the IL program offer? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0785, filed 8/27/99, effective 11/1/99.] Repealed by 07-10-023, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363.
- 388-890-0790 Who is eligible for Title VII IL program services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-0790, filed 8/27/99, effective 11/1/99.] Repealed by 07-10-023, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363.
- 388-890-0795 What is a significant disability? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW,

- 07-10-023, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363.
- 388-890-1095 Does the IL program keep personal information confidential? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1095, filed 8/27/99, effective 11/1/99.] Repealed by 07-10-023, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363.
- 388-890-1100 How are costs for VR and IL program services paid? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1100, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300.
- 388-890-1110 What are comparable services and benefits? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1110, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0300.
- 388-890-1115 What VR or IL program services are provided without a determination of comparable services or benefits? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1115, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0310.
- 388-890-1120 What if determining the availability of comparable services and benefits would result in a delay or interrupt my progress? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1120, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0320.
- 388-890-1125 What is extreme medical risk? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1125, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0320.
- 388-890-1130 Does DVR pay for a service if comparable services and benefits are available, but I don't want to use them? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1130, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0325.
- 388-890-1135 Are awards and scholarships based on merit considered comparable services and benefits? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1135, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-1140 How do I get comparable services and benefits? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1140, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-1145 How does DVR determine whether I pay for all or part of my VR or IL services using my own financial resources? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1145, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0340.
- 388-890-1150 Do I have to report my financial status if I receive public assistance or income support from another public program? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1150, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0345.
- 388-890-1155 What financial information does DVR use to decide if I need to help pay for VR services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1155, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0350.
- 388-890-1160 Are any of my resources not counted in the decision about whether I have to help pay for services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1160, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0360.
- 388-890-1165 How does DVR decide whether I have resources to help pay for VR services? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998, 99-18-053, § 388-890-1165, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0355.

- 388-890-1170 How is the amount I pay for VR or IL program services determined? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1170, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0355.
- 388-890-1175 What VR or IL program services am I not required to help pay for? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1175, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0365.
- 388-890-1180 What if a VR counselor makes a decision about my VR services that I don't agree with? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1180, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0215.
- 388-890-1185 What is the client assistance program (CAP)? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1185, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0220.
- 388-890-1190 What is mediation? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1190, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0225.
- 388-890-1195 When can I ask for mediation? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1195, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0230.
- 388-890-1200 Who arranges and pays for mediation? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1200, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0235.
- 388-890-1205 Is information discussed during mediation confidential? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1205, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0240.
- 388-890-1210 How do I request mediation? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1210, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-1215 After the mediation session, do I receive a written statement of the results? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1215, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0245.
- 388-890-1220 What is a formal hearing? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1220, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0250.
- 388-890-1225 When is a formal hearing available? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1225, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0255.
- 388-890-1230 How do I request a formal hearing? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1230, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0255.
- 388-890-1235 After I submit a request for a formal hearing, when is it held? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1235, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0260.
- 388-890-1240 Do I receive a written formal hearing decision? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1240, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0270.

- 388-890-1245 Is the decision after a formal hearing final? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1245, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0275.
- 388-890-1250 Can DVR suspend, reduce or terminate my services while waiting for a formal hearing decision? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1250, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0295.
- 388-890-1255 How do I know what personal information I must give DVR and how it is used? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1255, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW.
- 388-890-1260 Does DVR keep a record of my VR services on file? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1260, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0100.
- 388-890-1265 Under what conditions does DVR share personal information in my record with another service provider or organization? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1265, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0130.
- 388-890-1270 When DVR gets personal information about me from another agency or service provider, is it kept confidential? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1270, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0130.
- 388-890-1275 Does DVR change incorrect information in my record? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1275, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0120.
- 388-890-1280 How do I receive copies of information from my DVR record? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1280, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0140.
- 388-890-1285 Can DVR release personal information without my written consent? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1285, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0130.
- 388-890-1290 Under what conditions does DVR release personal information for audit, evaluation or research? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1290, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0150.
- 388-890-1295 How does DVR protect personal information about drug, alcohol, HIV/AIDS and sexually transmitted diseases? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1295, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0135.
- 388-890-1300 How do I contact DVR if I don't speak English? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1300, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0950.
- 388-890-1305 What other methods of communication does DVR use? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1305, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0960.
- 388-890-1310 When does DVR communicate with me using methods other than English? [Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998. 99-18-053, § 388-890-1310, filed 8/27/99, effective 11/1/99.] Repealed by 03-02-014, filed 12/20/02, effective 2/3/03. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. Later promulgation, see WAC 388-891-0960.

Chapter 388-01 WAC

DSHS ORGANIZATION

DSHS ORGANIZATION/DISCLOSURE OF PUBLIC RECORDS

WAC

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WAC 388-01-010 What are the purposes of this chapter? The purposes of this chapter are to:

- (1) Describe the organization of the department of social and health services (DSHS);
- (2) Ensure that DSHS complies with laws governing the disclosure (release) of public records; and
- (3) Explain how an individual or organization can obtain public records.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-010, filed 7/19/99, effective 8/19/99.]

WAC 388-01-015 Does any provision in this title create a right or cause of action, or compel DSHS to establish a program or entitlement? No provision in Title 388 WAC creates or is intended to create any right or cause of action, or adds to or intends to add to any existing right or cause of action, nor may anything in Title 388 WAC be relied upon to compel the establishment of any program or special entitlement.

[Statutory Authority: RCW 42.17.250 and 43.17.060. 02-15-119, § 388-01-015, filed 7/18/02, effective 8/18/02.]

[Title 388 WAC—p. 196]

WAC 388-01-020 What is DSHS and how is DSHS organized? (1) DSHS was created to unite related statewide social and health service programs within a single agency. DSHS programs are designed to protect the general public, as well as persons who are unable to fully care for themselves or meet their basic needs.

(2) It is organized into seven administrations plus the secretary's and deputy secretary's offices:

- (a) Aging and adult services,
- (b) Children's services,
- (c) Economic services,
- (d) Health and rehabilitative services,
- (e) Juvenile rehabilitation,
- (f) Management services, and
- (g) Medical assistance.

(3) To request an organizational chart, contact: DSHS, Office of the Secretary, P.O. Box 45010, Olympia, WA 98504-5010, or telephone number (360) 902-7800.

(4) DSHS has offices in the community to serve clients. Local DSHS offices have various names, such as community services office (CSO), regional offices, home and community services (HCS), division of child support (DCS), children's services, division of developmental disabilities (DDD) field service offices, and facilities.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-020, filed 7/19/99, effective 8/19/99.]

DISCLOSURE OF PUBLIC RECORDS

WAC 388-01-030 What DSHS records are available? (1) DSHS prepares and keeps public records that relate to the programs it administers. All records DSHS uses to conduct business are public records.

DSHS public records may include, documents, audio and video recordings, pictures, e-mail, computer disks and electronic data.

(2) DSHS records are available to the public unless a law exempts them from disclosure. Some DSHS records contain confidential information that is not available to everyone.

(3) You, or someone authorized to act for you or by you, may have access to confidential records about you that would otherwise be exempt from disclosure to the public.

(4) Upon your request, DSHS may give you records such as rules, policies, indexes, interpretive statements, pamphlets, forms and other publications at cost under WAC 388-01-180 without using the public records disclosure process.

[Statutory Authority: RCW 41.17.020, 41.17.260, and 41.17.300. 03-17-014, § 388-01-030, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-030, filed 7/19/99, effective 8/19/99.]

WAC 388-01-040 What public records are available for release? (1) Public records kept by DSHS are available for release unless the law specifically excludes (or exempts) them.

(2) For a list of public records that are excluded from public disclosure by law, see RCW 42.17.310 through RCW 42.17.31911, and other disclosure laws specific to DSHS programs.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-040, filed 7/19/99, effective 8/19/99.]

WAC 388-01-050 Who should be contacted to request a public record? An individual should contact the public disclosure coordinators at DSHS offices to request a public record. Public disclosure coordinators are located at local community service offices (CSO), regional offices, home and community services (HCS), division of child support (DCS), children's services, DDD field services offices, DSHS facilities, and within each DSHS administration.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-050, filed 7/19/99, effective 8/19/99.]

WAC 388-01-060 How can an individual request a public record? (1) An individual can request a public record orally or in writing. DSHS encourages that all public record requests be in writing on a "request for disclosure of DSHS records" form, DSHS 17-041(X). Individuals may request this form from DSHS, Forms and Records Management Services, P.O. Box 45805, Olympia, WA 98504-5805, (360) 664-6120, or e-mail at DSHSFormsRecordsMgmt@dshs.wa.gov.

(2) If the form is not used, the written public record request should include the following information:

(a) The requester's name, organization, mailing address, telephone number, fax number, and e-mail address;

(b) The date of the request;

(c) A detailed description of the public record being requested;

(d) The address where copies of the record are to be mailed, or if the requester wants to examine the record at DSHS; and

(e) The signature of the requester.

(3) An individual can fill out a record request at a DSHS office, or send it by regular mail, electronic mail, or fax to the public disclosure coordinator at the appropriate DSHS office.

(4) DSHS may ask an individual requesting a public record for personal identification when the law makes a record disclosable to a specific person.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-060, filed 7/19/99, effective 8/19/99.]

WAC 388-01-070 When can a public record be examined? (1) Individuals can examine public records during DSHS office hours. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, except for legal holidays. Contact the public disclosure coordinator in the appropriate office to arrange a time to examine the public record.

(2) In order to preserve the record or prevent interference in the performance of departmental duties, DSHS reserves the right to restrict an individual's ability to examine or copy public records. This does not prevent DSHS from providing copies of the public record by mail.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-070, filed 7/19/99, effective 8/19/99.]

WAC 388-01-080 Does DSHS charge for examining or copying public records? (1) There is no fee for examining public records.

(2009 Ed.)

(2) DSHS charges one or more of the following fees for copies of public records:

(a) Up to fifteen cents per page for black and white photocopies of a record;

(b) The actual cost of manuals, blueprints, and other non-printed materials such as audio or video tapes; and

(c) The cost of postage, when items are mailed (see RCW 42.17.260).

(3) Government agencies, or DSHS clients involved in an administrative hearing procedure, may receive public records reasonably related to the hearing free of charge.

(4) DSHS may waive copying and postage fees if:

(a) Providing a copy of the record assists in managing a program; or

(b) The expense of billing exceeds the copying and postage costs.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-080, filed 7/19/99, effective 8/19/99.]

WAC 388-01-090 When and how must DSHS respond to a public record request? Within five business days after receiving the public record request, DSHS must review the public record and must:

(1) Provide the public record; or

(2) Acknowledge receipt of the request, and give the DSHS date for response; or

(3) Deny the request in writing, noting the reason(s) for denial.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-090, filed 7/19/99, effective 8/19/99.]

WAC 388-01-100 When might DSHS need to extend the time to respond to a public record request? (1) DSHS might need to extend the time to respond to a public record request to:

(a) Locate and gather the information requested;

(b) Notify an individual or organization affected by the request; and/or

(c) Determine whether the information requested is exempt and whether all or part of the public record requested can be released; and/or

(d) Contact the individual requesting the public record to clarify the intent, scope or specifics of the request. If the individual requesting the public record fails to clarify the request, DSHS does not have to respond to the request.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-100, filed 7/19/99, effective 8/19/99.]

WAC 388-01-110 What if an individual thinks DSHS is unreasonably delaying the release of a public record? If an individual requesting a public record thinks DSHS is unreasonably delaying the release of a public record, the individual may:

(1) Petition the public disclosure coordinator to release the public record before the date indicated on DSHS response (see WAC 388-01-090); or

(2) File a lawsuit in superior court to require DSHS to release the public record.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-110, filed 7/19/99, effective 8/19/99.]

WAC 388-01-120 What if the public record that is requested contains information that is exempt from public disclosure? (1) If the requested public record contains information that is exempt from public disclosure, DSHS may:

(a) Release the nonexempt portion, explaining what exemption applies to the deleted portion of the record; or

(b) Deny release of the entire record, sending a written explanation citing the exemption that applies to the denial.

(2) DSHS may release information to law enforcement officers and United States immigration officials to the extent authorized by RCW 74.04.062.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-120, filed 7/19/99, effective 8/19/99.]

WAC 388-01-130 What are an individual's options if DSHS denies a public record request? If DSHS denies a public record request, an individual may do any of the following:

(1) Petition for a review of the denied request from the denying public disclosure coordinator or a director approved designee. Contact DSHS to obtain a petition form (DSHS 17-062(X)) at: DSHS Forms and Records Management Services, P.O. Box 45805, Olympia, WA 98504-5805, (360) 664-6120, or e-mail DSHSFormsRecordsMgmt@dshs.wa.gov. DSHS has two business days after receiving the petition to respond. If DSHS upholds the denial, the decision is considered final; or

(2) Ask the office of the attorney general to review the public record request.

(a) Send a copy of the denied public record request and the DSHS written denial to:

Office of Attorney General
Public Records Review
P.O. Box 40100
Olympia WA 98504-0100

(b) The office of the attorney general will review the request and DSHS denial. The office of attorney general issues a written opinion as to whether the requested public record is excluded from disclosure.

(3) File a lawsuit for release of a public record in superior court in the county where the public record is located.

(a) DSHS must establish that its denial of a public record is legal.

(b) If the DSHS denial is reversed, the court may require DSHS to pay costs and attorney fees. DSHS may be fined five dollars to one hundred dollars a day for each day they denied the public record.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-130, filed 7/19/99, effective 8/19/99.]

WAC 388-01-140 If a public record contains personal information that identifies an individual or organization, other than the subject of the record, is that individual or organization notified? (1) If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, DSHS may notify that individual or organization.

(2) DSHS may send a written notice to the individual or organization if releasing the personal information could dam-

age the individual or organization, or government operations, or is not in the best interest of the public. The notice should include:

(a) The record being requested;

(b) The date DSHS intends to release the record; and

(c) How the individual or organization can prevent release of the record (see RCW 42.17.330).

(3) DSHS may also send a written notice to the record requester notifying them that:

(a) The individual or organization whose personal information is contained in the requested public record has been notified;

(b) DSHS expects a response from the individual or organization regarding disclosure of their personal information by a specified date; and

(c) Disclosure may be denied.

(4) DSHS releases the record by the specified date if no one objects or the contacted party does not respond by the specified date.

(5) DSHS must notify the office of the attorney general when an individual or organization, other than the subject of a record, files a lawsuit to prevent release of the record.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-140, filed 7/19/99, effective 8/19/99.]

WAC 388-01-150 Can an individual's record be requested by his or her representative? (1) An individual's attorney, legal guardian, or lay representative can request the individual's record with a signed written release.

(2) The written release must include:

(a) The identity of the individual(s) or organization(s) authorized to receive the records;

(b) An identification of the record(s), or part of the record, that the individual wants released; and

(c) The date the release expires.

(3) DSHS may ask for identification verifying the representatives's relationship to the individual.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-150, filed 7/19/99, effective 8/19/99.]

WAC 388-01-160 Is DSHS required to create public records for requesters? (1) DSHS is only required to provide access to existing, identifiable public records in its possession at the time of the request (see RCW 42.17.270).

(2) DSHS is not required to collect information to create a public record that does not exist at the time of the public record request.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-160, filed 7/19/99, effective 8/19/99.]

WAC 388-01-170 Can DSHS release public records to its offices and to outside agencies? (1) For the purposes of this chapter, outside agencies include, but are not limited to, group homes, mental health centers, drug and alcohol agencies, and other state agencies.

(2) DSHS may release public records to its offices and to outside agencies when the information relates to the administration of DSHS programs unless exempt by 45 C.F.R. 205.50 or other law.

(3) If an outside agency requests a public record for reasons other than information that relates to the administration of DSHS programs, the outside agency must have the individual's written authorization.

(4) Outside agencies receiving information are subject to applicable disclosure confidentiality laws.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-170, filed 7/19/99, effective 8/19/99.]

WAC 388-01-180 Who should be contacted to review an interpretive or policy statement index, or to get a copy of the documents? DSHS issues administrative policy statements that apply to the whole department. Administrations may issue policies and interpretive statements that relate to their own programs. See RCW 34.05.010.

(1) To receive a copy of a DSHS administrative policy, send a written request to: Office of Legal Affairs, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, Washington 98504-5850.

(2) To receive a copy or review a specific administration's policies or interpretive statements, send a written request to the administration.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-180, filed 7/19/99, effective 8/19/99.]

WAC 388-01-190 How can an individual get an index of DSHS significant decisions? (1) The DSHS board of appeals reviews and selects orders and creates an index of significant decisions that substantially affect DSHS performance (see RCW 42.17.260).

(2) The index:

- (a) Is divided into program categories;
- (b) Contains a copy or synopsis of the order; and
- (c) Is updated, as needed.

(3) An individual can inspect or request a copy of the index by contacting the board of appeals located at:

Board of Appeals
 Blake Office Park
 4500 - 10th Avenue Southeast
 Lacey, WA 98503-5803
 (360) 664-6100

Mailing address:
 Board of Appeals
 P.O. Box 45803
 Olympia, WA 98503-5803

(4) An individual may ask the board of appeals to index an order as a significant decision by sending a written request with a copy of the order to the mailing address.

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-190, filed 7/19/99, effective 8/19/99.]

WAC 388-01-200 How are petitions for declaratory orders filed? (1) First, read the information on declaratory orders in RCW 34.05.240 and WAC 10-08-250, 10-08-251, and 10-08-252.

(2) Next, file the petition with the Rules and Policies Assistance Unit; DSHS; P.O. Box 45850; Olympia, WA 98504-5850.

(2009 Ed.)

[Statutory Authority: RCW 42.17.250 and 34.05.220. 99-15-065, § 388-01-200, filed 7/19/99, effective 8/19/99.]

Chapter 388-02 WAC
DSHS HEARING RULES
 (Formerly chapter 388-08 WAC)

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-02-0524	In what cases does the ALJ enter the hearing decision as an initial order? [Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0524, filed 10/15/02, effective 11/15/02.] Repealed by 08-21-144, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.-020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V.
388-02-0527	In what cases does the ALJ enter the hearing decision as a final order? [Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0527, filed 10/15/02, effective 11/15/02.] Repealed by 08-21-144, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.-020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V.
388-02-0535	Who may ask for a change in a decision? [Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0535, filed 9/1/00, effective 10/2/00.] Repealed by 02-21-061, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211.

GENERAL

WAC 388-02-0005 What is the purpose and scope of this chapter? This chapter describes the general procedures that apply to the resolution of disputes between you and the various programs within the department of social and health services (DSHS). The rules of this chapter are intended to supplement for DSHS both the Administrative Procedure Act (APA), chapter 34.05 RCW, and the model rules, chapter 10-08 WAC, adopted by the office of administrative hearings (OAH).

(1) This chapter:

(a) Establishes rules encouraging informal dispute resolution between DSHS and persons or entities who disagree with its actions;

(b) Regulates all hearings involving DSHS; and

(c) Consolidates most DSHS hearing procedural rules into one chapter.

(2) Nothing in this chapter is intended to affect the constitutional rights of any person or to limit or change additional requirements imposed by statute or other rule. Other laws or rules determine if you have a hearing right, including the APA and DSHS program rules or laws.

(3) Specific DSHS program hearing rules prevail over the rules in this chapter.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0005, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0010 What definitions apply to this chapter? The following definitions apply to this chapter:

"Administrative law judge (ALJ)" means an impartial decision-maker who is an attorney and presides at an administrative hearing. The office of administrative hearings (OAH), which is a state agency, employs the ALJs. ALJs are not DSHS employees or DSHS representatives.

"BOA" means the DSHS board of appeals.

"Business days" means all days except Saturdays, Sundays and legal holidays.

"Calendar days" means all days including Saturdays, Sundays and legal holidays.

"Deliver" means giving a document to someone in person.

"Documents" means papers, letters, writings, or other printed or written items.

"DSHS" means the department of social and health services.

"DSHS representative" means an employee of DSHS, a DSHS contractor, or an assistant attorney general authorized to represent DSHS in an administrative hearing. DSHS representatives include, but are not limited to, claims officers and fair hearing coordinators.

"Final order" means an order that is the final DSHS decision.

"Hearing" means a proceeding before an ALJ or review judge that gives a party an opportunity to be heard in disputes about DSHS programs. For purposes of this chapter, hearings include administrative hearings, adjudicative proceedings, and any other similar term referenced under chapter 34.05 RCW, the Administrative Procedure Act, Title 388 of the Washington Administrative Code, chapter 10-08 WAC, or other law.

"Initial order" is a hearing decision made by an ALJ that may be reviewed by a BOA review judge at either party's request.

"Judicial review" means a superior court's review of a final order.

"Mail" means placing the document in the mail with the proper postage.

"OAH" means the office of administrative hearings, a separate state agency from DSHS.

"Party" means:

(1) DSHS; or

(2) A person or entity:

(a) Named in a DSHS action;

(b) To whom a DSHS action is directed; or

(c) Allowed to participate in a hearing to protect an interest as authorized by law or rule.

"Prehearing conference" means a proceeding scheduled and conducted by an ALJ or review judge in preparation for a hearing.

"Prehearing meeting" means an informal voluntary meeting that may be held before any prehearing conference or hearing.

"Program" means a DSHS organizational unit and the services that it provides, including services provided by DSHS staff and through contracts with providers. Organizational units include, but are not limited to, administrations and divisions.

"Record" means the official documentation of the hearing process. The record includes recordings or transcripts, admitted exhibits, decisions, briefs, notices, orders, and other filed documents.

"Review" means a review judge evaluating initial orders entered by an ALJ and making the final agency decision as provided by RCW 34.05.464, or issuing final orders.

"Review judge" means a decision-maker with expertise in DSHS rules who is an attorney and serves as the reviewing officer under RCW 34.05.464. In some cases, review judges conduct hearings and enter final orders. In other cases, they review initial orders and may make changes to correct any errors in an ALJ's initial order. When reviewing initial orders or conducting hearings, review judges enter final orders. Review judges are employed by DSHS, are located in the

DSHS board of appeals (BOA), and are not part of the DSHS program involved in the review.

"Rule" means a state regulation. Rules are found in the Washington Administrative Code (WAC).

"Stay" means an order temporarily halting the DSHS decision or action.

"You" means any individual or entity that has a right to be involved with the DSHS hearing process, which includes a party or a party's representative. "You" does not include DSHS or its representative.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V, 08-21-144, § 388-02-0010, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211, 02-21-061, § 388-02-0010, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0010, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0015 How do the terms in the Administrative Procedure Act (APA) compare to this chapter? To improve clarity and understanding, the rules in this chapter may use different words than the APA or the model rules. Following is a list of terms used in those laws and the terms as used in these rules:

Chapter 34.05 RCW Chapter 10-08 WAC	Chapter 388-02 WAC
Adjudicative proceeding	Different terms are used to refer to different stages of the hearing process, and may include prehearing meeting, prehearing conference, hearing, review, reconsideration and the entire hearing process
Agency	DSHS
Application for adjudicative proceeding	Request a hearing
Enter	Make, send
Presiding officer	ALJ or review judge
Reviewing officer	Review judge

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211, 02-21-061, § 388-02-0015, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0015, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0020 What does good cause mean? (1) Good cause is a substantial reason or legal justification for failing to appear, to act, or respond to an action. To show good cause, the ALJ must find that a party had a good reason for what they did or did not do, using the provisions of Superior Court Civil Rule 60 as a guideline.

(2) Good cause may include, but is not limited to, the following examples.

(a) You ignored a notice because you were in the hospital or were otherwise prevented from responding; or

(b) You could not respond to the notice because it was written in a language that you did not understand.

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0020, filed 9/1/00, effective 10/2/00.]

[Title 388 WAC—p. 202]

ADDRESSES

WAC 388-02-0025 Where is the office of administrative hearings located? (1)(a) The office of administrative hearings (OAH) headquarters location is:

Office of Administrative Hearings
2420 Bristol Court SW, 1st Floor
P.O. Box 42488
Olympia WA 98504-2488
(360) 664-8717
(360) 664-8721 (fax)

(b) The headquarters office is open from 8:00 am to 5:00 p.m. Mondays through Friday, except legal holidays.

(2) OAH field offices are at the following locations:

Olympia

Office of Administrative Hearings
2420 Bristol Court SW, 3rd Floor
P.O. Box 42489
Olympia, WA 98504-2489
(360) 753-2531
1-800-583-8271
fax: (360) 586-6563

Seattle

Office of Administrative Hearings
1904 3rd Ave., Suite 722
Seattle, WA 98101-1100
(206) 464-6322
1-800-583-8270
fax: (206) 587-5136

Everett

Office of Administrative Hearings
2722 Colby, Suite 610
Everett, WA 98201-3571
(425) 339-1921
1-800-583-8261
fax: (425) 339-3907

Vancouver

Office of Administrative Hearings
5300 MacArthur Blvd., Suite 100
Vancouver, WA 98661
(360) 690-7189
1-800-243-3451
fax: (360) 696-6255

Spokane

Office of Administrative Hearings
Old City Hall Building, 5th Floor
221 N. Wall Street, Suite 540
Spokane, WA 99201
(509) 456-3975
1-800-366-0955
fax: (509) 456-3997

Yakima

Office of Administrative Hearings
32 N 3rd Street, Suite 320
Yakima, WA 98901-2730
(509) 575-2147

1-800-843-3491
 fax (509) 454-7281

(3) You should contact the Olympia field office, under subsection (2), if you do not know the correct field office.

(4) You can obtain further hearing information at the OAH web site: www.oah.wa.gov

[Statutory Authority: RCW 34.05.020 and chapter 34.05 RCW, Parts IV and V, 05-22-076, § 388-02-0025, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211, 02-21-061, § 388-02-0025, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0025, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0030 Where is the board of appeals located? (1) The mailing address of the DSHS board of appeals (BOA) is:

DSHS Board of Appeals
 P.O. Box 45803
 Olympia, WA 98504-5803;

(2) The general telephone numbers of the BOA are:

(360) 664-6100
 1-877-351-0002 (toll free)
 (360) 664-6178 (TTD)
 (360) 664-6187 (fax);

(3) The physical location of the DSHS Board of Appeals (BOA) is:

Blake Office Bldg. East, 2nd Floor
 4500 10th Ave. SE
 Lacey, WA 98503

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0030, filed 9/1/00, effective 10/2/00.]

DEADLINES

WAC 388-02-0035 How are days counted when calculating deadlines for the hearing process? (1) When counting days to find out when a hearing deadline ends under DSHS rules or statutes:

(a) Do not include the day of the action, notice, or order. For example, if a hearing decision is mailed on Tuesday and you have twenty-one days to request a review, start counting the days with Wednesday.

(b) If the last day of the period ends on a Saturday, Sunday or legal holiday, the deadline is the next business day.

(c) For periods of seven days or less, count only business days. For example, if you have seven days to respond to a review request that was mailed to you on Friday, May 10, the response period ends on Tuesday, May 21.

(d) For periods over seven days, count every day, including Saturdays, Sundays, and legal holidays.

(2) The deadline ends at 5:00 p.m. on the last day.

(3) If you miss a deadline, you may lose your right to a hearing or appeal of a decision.

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0035, filed 9/1/00, effective 10/2/00.]

(2009 Ed.)

FILING AND SERVING PAPERS

WAC 388-02-0040 How do parties send documents?

(1) When the rules in this chapter or in other law asks a party to send copies of documents to other parties, the party must mail or deliver copies to the DSHS representative and to all other parties or their representatives.

(2) When sending documents to OAH or BOA, you must mail or deliver the documents to one of the locations listed in WAC 388-02-0025(2) for OAH or in WAC 388-02-0030 for BOA.

(3) When sending documents to your assigned field office, you may use the address listed at the top of your notice of hearing. If a field office has not been assigned, all written communication about your hearing must be sent to the OAH Olympia field office which sends the communication to the correct office.

(4) Documents may be sent by giving them to someone in person, placing them in the mail with proper postage, or by fax or e-mail if the party mails a copy on the same day.

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0040, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0045 What is service? Service gives the party notice. When a document is given to the party, the party is considered served with official notice of the contents of the document.

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0045, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0050 How does a party serve someone? Unless otherwise stated in law, a party may serve someone by:

- (1) Personal service (hand delivery);
- (2) First class, registered, or certified mail;
- (3) Fax if the party mails a copy of the document the same day;
- (4) Commercial delivery service; or
- (5) Legal messenger service.

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0050, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0055 When must a party serve someone? A party must serve all other parties and their representatives whenever the party files a pleading, brief or other document with OAH or BOA, or when required by law.

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0055, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0060 When is service complete? Service is complete when:

- (1) Personal service is made;
- (2) Mail is properly stamped, addressed and deposited in the United States mail;
- (3) Fax produces proof of transmission;
- (4) A parcel is delivered to a commercial delivery service with charges prepaid; or
- (5) A parcel is delivered to a legal messenger service with charges prepaid.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0060, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0065 How does a party prove service?

A party may prove service by providing any of the following:

- (1) A sworn statement;
- (2) The certified mail receipt signed by the recipient;
- (3) An affidavit or certificate of mailing;
- (4) A signed receipt from the person who accepted the commercial delivery service or legal messenger service package; or
- (5) Proof of fax transmission.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0065, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0070 What is filing? (1) Filing is the act of delivering documents to OAH or BOA.

(2) The date of filing is the date documents are received by OAH or BOA.

(3) Filing is complete when the documents are received by OAH or BOA during office hours.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0070, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0075 How does a party file documents?

(1) A party may file documents by delivering them to OAH or BOA by:

- (a) Personal service (hand delivery);
 - (b) First class, registered, or certified mail;
 - (c) Fax transmission if the party mails a copy of the document the same day;
 - (d) Commercial delivery service; or
 - (e) Legal messenger service.
- (2) A party cannot file documents by e-mail.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0075, filed 9/1/00, effective 10/2/00.]

RESOLUTION OF DISPUTES

WAC 388-02-0080 What are your options for resolving a dispute with DSHS? (1) If you disagree with a DSHS decision or action, you have several options for resolving your dispute, which may include the following:

- (a) Any special prehearing alternative or administrative process offered by the program;
- (b) Prehearing meeting;
- (c) Prehearing conference; and
- (d) Hearing.

(2) Because you have a limited time to request a hearing, you must request a hearing within the deadline on the notice of DSHS action to preserve your hearing right.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0080, filed 9/1/00, effective 10/2/00.]

HEARING RIGHTS AND REQUESTS

WAC 388-02-0085 Do you have a right to a hearing?

(1) You have a right to a hearing only if a law or DSHS rule gives you that right. If you are not sure, you should request a hearing to protect your right.

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(2) Some DSHS programs may require you to go through an informal administrative process before you can request or have a hearing. The notice of DSHS action sent to you should include information about this requirement if it applies.

(3) You have a limited time to request a hearing. The deadline for your request varies by the DSHS program involved. You should submit your request right away to protect your right to a hearing, even if you are also trying to resolve your dispute informally.

(4) If you request a hearing, one is scheduled.

(5) If DSHS or the ALJ questions your right to a hearing, the ALJ decides whether you have that right.

(6) If the ALJ decides you do not have a right to a hearing, your request is dismissed.

(7) If the ALJ decides you do have a right to a hearing, the hearing proceeds.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0085, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0090 Who may request a hearing?

Either you or your representative may request a hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0090, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0095 What if you have questions about requesting a hearing? If you have questions about how, when, and where to request a hearing, you should:

- (1) Contact the DSHS program involved, OAH, or BOA;
- (2) Review the notice sent to you of the DSHS action or decision; or
- (3) Review the applicable law or DSHS rule.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0095, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0100 How do you request a hearing?

(1) You may request a hearing in writing or orally, depending upon which program is involved. The DSHS notice and applicable laws and rules should tell you whether the request must be in writing or may be made orally.

(2) If you are allowed to make an oral request, you may do so to a DSHS or OAH employee in person or by telephone or voice mail.

(3) You may send a written request by mail, delivery service, personal service, or by fax if you mail a copy the same day. You should send written requests to the location on the notice or to OAH at the location specified in WAC 388-02-0025(2).

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0100, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0105 What information do you give when requesting a hearing? (1) Your hearing request must contain enough information to identify you and the DSHS action. You should include:

- (a) Your name, address, and telephone number;
- (b) A brief explanation of why you disagree with the DSHS action;
- (c) Your client identification or case number, contract number, or any other information that identifies your case or the program involved; and

(d) Any assistance you need, including a foreign or sign language interpreter or any other accommodation for a disability.

(2) You should also refer to a program's specific rules or the notice to see if additional information is required in your request.

(3) OAH may not be able to process your hearing request if it cannot identify or locate you and determine the DSHS action involved.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0105, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0110 What happens after you request a hearing? (1) After you request a hearing, OAH sends the parties a notice containing the hearing date, time, and place. This document is called the notice of hearing. For certain types of hearings, the parties may receive a written notice of a prehearing conference.

(2) Before your hearing is held:

(a) DSHS may contact you and try to resolve your dispute; and

(b) You are encouraged to contact DSHS and try to resolve your dispute.

(3) If you do not appear for your hearing, an ALJ may enter an order of default or an order dismissing your hearing according to WAC 388-02-0285.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0110, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0115 May you withdraw your hearing request? (1) You may withdraw your hearing request for any reason and at any time by contacting DSHS or OAH in writing or orally with the ALJ and the other parties. After your request for withdrawal is received, your hearing is cancelled and OAH sends an order dismissing the hearing. If you withdraw your request you may not be able to request another hearing on the same DSHS action.

(2) If you withdraw your hearing request, you may only set aside the dismissal according to WAC 388-02-0290.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0115, filed 9/1/00, effective 10/2/00.]

INTERPRETERS

WAC 388-02-0120 Do you have the right to an interpreter in the hearing process? If you need an interpreter because you or any of your witnesses are a person with limited English proficiency, OAH will provide an interpreter at no cost to you.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0120, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0125 What definitions apply to limited English proficient (LEP) parties? The following definitions apply to LEP parties:

"**Hearing impaired person**" means a person who, because of a hearing or speech impairment, cannot readily speak, understand or communicate in spoken language.

"**Intermediary interpreter**" means an interpreter who:

(1) Is a certified deaf interpreter (CDI); and

(2) Is able to assist in providing an accurate interpretation between spoken and sign language or between types of sign language by acting as an intermediary between a hearing impaired person and a qualified interpreter.

"**Limited English proficient (LEP)**" includes limited English speaking persons or other persons unable to communicate in spoken English because of a hearing impairment.

"**Limited English-speaking (LES) person**" means a person who, because of non-English speaking cultural background or disability, cannot readily speak or understand the English language.

"**Qualified interpreter**" includes qualified interpreters for a limited English-speaking person or a person with a hearing impairment.

"**Qualified interpreter for a limited English-speaking person**" means a person who is readily able to interpret or translate spoken and written English communications to and from a limited English-speaking person. If an interpreter is court certified, the interpreter is considered qualified.

"**Qualified interpreter for a person with a hearing impairment**" means a visual language interpreter who is certified by the registry of interpreters for the deaf or National Association of the Deaf and is readily able to interpret or translate spoken communications to and from a hearing impaired person.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0125, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0130 What requirements apply to notices for limited English-speaking parties? If OAH is notified that you are a limited English-speaking person, all hearing notices, decisions and orders for you must:

(1) Be written in your primary language; or

(2) Include a statement in your primary language:

(a) Indicating the importance of the notice; and

(b) Telling you how to get help in understanding the notice and responding to it.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0130, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0135 What requirements apply to interpreters? (1) OAH must provide a qualified interpreter to assist any person who:

(a) Has limited English proficiency; and

(b) Is a party or witness in a hearing.

(2) OAH may hire or contract with persons to interpret at hearings.

(3) Relatives of any party and DSHS employees may not be used as interpreters.

(4) The ALJ must determine, at the beginning of the hearing, if an interpreter can accurately interpret all communication for the person requesting the service. To do so, the ALJ considers the interpreter's:

(a) Ability to meet the needs of the hearing impaired person or limited English speaking person;

(b) Education, certification and experience;

(c) Understanding of the basic vocabulary and procedures involved in the hearing; and

(d) Ability to be impartial.

(5) The parties or their representatives may question the interpreter's qualifications and ability to be impartial.

(6) If at any time before or during the hearing the interpreter does not provide accurate and effective communication, the ALJ must provide another interpreter.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0135, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0140 May you waive interpreter services? (1) If you are limited English proficient, you may ask to waive interpreter services.

(2) You must make your request in writing or through a qualified interpreter on the record.

(3) The ALJ must determine if your waiver has been knowingly and voluntarily made.

(4) You may withdraw your waiver at any time before or during the hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0140, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0145 What requirements apply to the use of interpreters? (1) Interpreters must:

(a) Use the interpretive mode that the parties, the hearing impaired person the interpreter and the ALJ consider the most accurate and effective;

(b) Interpret statements made by the parties and the ALJ;

(c) Not disclose information about the hearing without the written consent of the parties; and

(d) Not comment on the hearing or give legal advice.

(2) The ALJ must allow enough time for all interpretations to be made and understood.

(3) The ALJ may video tape a hearing and use it as the official transcript for hearings involving a hearing impaired person.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0145, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0150 What requirements apply to hearing decisions involving limited English-speaking parties? (1) When an interpreter is used at a hearing, the ALJ must explain that the decision is written in English but that a party using an interpreter may contact the interpreter for an oral translation of the decision at no cost to you.

(2) Interpreters must provide a telephone number where they can be reached. This number must be attached to any decision or order mailed to the parties.

(3) OAH or BOA must mail a copy of a decision or order to the interpreter for use in oral translation.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0150, filed 9/1/00, effective 10/2/00.]

REPRESENTATION DURING THE HEARING PROCESS

WAC 388-02-0155 Who represents you during the hearing process? (1) You may represent yourself or have anyone represent you, except a DSHS employee.

(2) Your representative may be a friend, relative, community advocate, attorney, or paralegal.

(3) You should inform DSHS or OAH of your representatives name, address, and telephone number.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0155, filed 9/1/00, effective 10/2/00.]

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WAC 388-02-0160 If a DSHS employee cannot represent you, can they assist you during the hearing process? Although DSHS employees cannot represent you during the hearing process, they may assist you by:

(1) Acting as a witness;

(2) Referring you to community legal resources;

(3) Helping you get nonconfidential information; or

(4) Informing you about or providing copies of the relevant laws or rules.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0160, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0165 What if you would like to be represented by an attorney but you cannot afford one? (1) Neither DSHS nor OAH will pay for an attorney.

(2) If you want an attorney to represent you and cannot afford one, community resources may be available to assist you. These legal services may be free or available at a reduced cost. DSHS or OAH can tell you who to contact for legal assistance.

(3) Information about legal assistance can also be found at www.oah.wa.gov.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0165, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0170 Who represents DSHS during the hearing? (1) A DSHS employee, DSHS contractor, or the office of the attorney general represents DSHS during the hearing. The DSHS representative may or may not be an attorney.

(2) An ALJ is independent and does not represent DSHS or any other party.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0170, filed 9/1/00, effective 10/2/00.]

PREHEARING MEETING WITH A DSHS REPRESENTATIVE

WAC 388-02-0175 What is a prehearing meeting? (1) A prehearing meeting is an informal meeting with a DSHS representative that may be held before any prehearing conference or hearing.

(2) A DSHS representative may contact you before the scheduled hearing to arrange a prehearing meeting. You may also contact DSHS to request a prehearing meeting.

(3) A prehearing meeting is voluntary. You are not required to request one and you are not required to participate in one.

(4) The prehearing meeting includes you and/or your representative, the DSHS representative, and any other party. An ALJ does not attend a prehearing meeting.

(5) The prehearing meeting gives the parties an opportunity to:

(a) Clarify issues;

(b) Exchange documents and witness statements;

(c) Resolve issues through agreement or withdrawal; and

(d) Ask questions about the hearing process and the laws and rules that apply.

(6) A prehearing meeting may be held or information exchanged:

(a) In person;

- (b) By telephone conference call;
- (c) Through correspondence; or
- (d) Any combination of the above that is agreeable to the parties.

(7) If a prehearing conference is required by the program or rule, a prehearing meeting may not be an option available to you.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0175, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0180 What happens during a prehearing meeting? During a prehearing meeting:

- (1) A DSHS representative:
 - (a) Explains the role of the DSHS representative in the hearing process;
 - (b) Explains how a hearing is conducted and the relevant laws and rules that apply;
 - (c) Explains your right to representation during the hearing;
 - (d) Responds to your questions about the hearing process;
 - (e) Identifies accommodation and safety issues;
 - (f) Distributes copies of the DSHS documents to be presented during the hearing;
 - (g) Provides, upon request, copies of relevant laws and rules;
 - (h) Identifies additional documents or evidence you may want or be required to present during the hearing;
 - (i) Tells you how to obtain documents from your file;
 - (j) Clarifies the issues; and
 - (k) Attempts to settle the dispute, if possible.
- (2) You should explain your position and provide documents that relate to your case. You also have the right to consult legal resources.
- (3) You and the DSHS representative may enter into written agreements or stipulations, including agreements that settle your dispute.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0180, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0185 What happens after a prehearing meeting? (1) If you and DSHS resolve the dispute during the prehearing meeting and put it in writing or present the agreement to an ALJ, your agreement may be legally enforceable.

(2) Any agreements or stipulations made at the prehearing meeting must be presented to an ALJ before or during the hearing, if you want the ALJ to consider the agreement.

(3) If all of your issues are not resolved in the prehearing meeting, you may request a prehearing conference before an ALJ or go to your scheduled hearing. The ALJ may also order a prehearing conference.

(4) You may withdraw your hearing request at any time if DSHS agrees to some action that resolves your dispute, or for any other reason. If you withdraw your hearing request, the hearing is not held and the ALJ sends a written order of dismissal.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0185, filed 9/1/00, effective 10/2/00.]

(2009 Ed.)

WAC 388-02-0190 What happens if you do not participate in a prehearing meeting? You are not required to participate in a prehearing meeting. If you do not participate, it does not affect your right to a hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0190, filed 9/1/00, effective 10/2/00.]

PREHEARING CONFERENCE WITH AN ADMINISTRATIVE LAW JUDGE

WAC 388-02-0195 What is a prehearing conference?

(1) A prehearing conference is a formal meeting conducted by an ALJ to prepare for a hearing.

(2) Either the ALJ or a party may request a prehearing conference, but the ALJ decides whether to hold a prehearing conference. OAH sends notice of the conference to all parties.

(3) An ALJ may conduct the conference in person, by telephone conference call, by electronic means, or in any other manner acceptable to the parties. Your attendance is mandatory.

(4) A party may lose the right to participate during the hearing if that party does not attend the prehearing conference.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0195, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0200 What happens during a prehearing conference? During a prehearing conference the parties and the ALJ may:

- (1) Simplify or clarify the issues to be decided during the hearing;
- (2) Agree to the date, time and place of the hearing;
- (3) Identify accommodation and safety issues;
- (4) Agree to postpone the hearing;
- (5) Allow the parties to make changes in their own documents, including the DSHS notice or the hearing request;
- (6) Agree to facts and documents to be entered during the hearing;
- (7) Set a deadline to exchange names and phone numbers of witnesses and documents before the hearing;
- (8) Schedule additional prehearing conferences;
- (9) Resolve the dispute;
- (10) Consider granting a stay if authorized by law or DSHS rule; or
- (11) Determine any other procedural issues raised by the parties.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0200, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0205 What happens after a prehearing conference? (1) After the conference ends, the ALJ must send a prehearing order describing:

- (a) The actions taken;
- (b) Any changes to the documents; and
- (c) Any agreements reached.

(2) A party may object to the prehearing order by notifying the ALJ in writing within ten days after the mailing date of the order. The ALJ must issue a ruling on the objection.

(3) If no objection is made to the prehearing order, the order determines how the hearing is conducted, including

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whether the hearing will be in person or held by telephone conference or other means, unless the ALJ changes the order for good cause.

(4) The ALJ may take further appropriate actions to address other concerns.

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0205, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0210 What happens if a party does not attend a prehearing conference? (1) All parties are required to attend a prehearing conference.

(2) If you do not attend, you may not be allowed to participate in the hearing. The ALJ may dismiss your hearing request or enter an order of default against you.

(3) If DSHS does not attend, the ALJ may dismiss or reverse the action DSHS took against you.

[Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0210, filed 9/1/00, effective 10/2/00.]

ADMINISTRATIVE LAW JUDGES

WAC 388-02-0215 What is the authority of the ALJ?

(1) The ALJ must hear and decide the issues de novo (anew) based on what is presented during the hearing.

(2) As needed, the ALJ may:

(a) Determine the order for presenting evidence;

(b) Issue subpoenas or orders directing witnesses to appear or bring documents;

(c) Rule on objections, motions, and other procedural matters;

(d) Rule on an offer of proof made to admit evidence;

(e) Admit relevant evidence;

(f) Impartially question witnesses to develop the record;

(g) Call additional witnesses and request exhibits to complete the record;

(h) Give the parties an opportunity to cross-examine witnesses or present more evidence against the witnesses or exhibits;

(i) Keep order during the hearing;

(j) Allow or require oral or written argument and set the deadlines for the parties to submit argument or evidence;

(k) Permit others to attend, photograph or electronically record hearings, but may place conditions to preserve confidentiality or prevent disruption;

(l) Allow a party to waive rights given by chapters 34.05 RCW or 388-02 WAC, unless another law prevents it;

(m) Decide whether a party has a right to a hearing;

(n) Issue protective orders;

(o) Consider granting a stay if authorized by law or DSHS rule; and

(p) Take any other action necessary and authorized under these or other rules.

(3) The ALJ administers oaths or affirmations and takes testimony.

(4) The ALJ enters initial or final orders as provided for in WAC 388-02-0217.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0215, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, 34.05.220 and chapter 34.05 RCW, Parts IV and V. 06-16-008, § 388-02-0215, filed 7/20/06, effective 8/20/06. Statutory Authority: RCW

34.05.020 and chapter 34.05 RCW, Parts IV and V. 05-02-018, § 388-02-0215, filed 12/27/04, effective 1/27/05; 03-13-046, § 388-02-0215, filed 6/11/03, effective 7/12/03. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371, § 211. 02-21-061, § 388-02-0215, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020, 00-18-059, § 388-02-0215, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0217 When do ALJs conduct the hearing and enter the hearing decision as an initial order or a final order? (1) As provided for in WAC 388-02-0218, ALJs do not conduct hearings involving cases brought by contractors for the delivery of nursing facility services under WAC 388-96-904(5).

(2) ALJs conduct the hearing and enter the hearing decision as a final order only in cases pertaining to:

(a) Eligibility for the following programs:

(i) Food assistance;

(ii) General assistance, except for general assistance expedited medicaid (GAX);

(iii) Refugee assistance; or

(iv) Telephone assistance.

(b) Child support under chapter 388-14A WAC, except for cases relating to parent address disclosure under WAC 388-14A-2114 through 388-14A-2140 or claims of good cause for not cooperating with the division of child support under WAC 388-14A-2040 through 388-14A-2075 and WAC 388-422-0020;

(c) Juvenile parole revocation under chapter 388-740 WAC;

(d) Juvenile rehabilitation cost reimbursement under chapter 388-720 WAC;

(e) Vocational rehabilitation services under chapter 388-891 WAC; or

(f) Vendor overpayments, except for provider overpayment cases where the hearing is requested by a provider under chapter 388-502 or 388-502A WAC.

(3) ALJs conduct the hearing and enter the hearing decision as an initial order in all other cases.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0217, filed 10/21/08, effective 11/21/08.]

WAC 388-02-0218 When do review judges conduct the hearing and enter final orders? (1) Review judges conduct the hearing and enter the final order in cases where a contractor for the delivery of nursing facility services requests an administrative hearing under WAC 388-96-904(5). Any party dissatisfied with a decision or an order of dismissal of a review judge may request reconsideration from the review judge as provided by this chapter and WAC 388-96-904(12). Following a review judge's decision, you, but not DSHS, may file a petition for judicial review as provided by this chapter and WAC 388-96-904(13).

(2) A review judge has the same authority as an ALJ, as described in WAC 388-02-0215, when conducting a hearing.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0218, filed 10/21/08, effective 11/21/08.]

WAC 388-02-0220 What rules and laws must an ALJ and review judge apply when making a decision? (1) ALJs and review judges must first apply the DSHS rules adopted in the Washington Administrative Code.

(2) If no DSHS rule applies, the ALJ or review judge must decide the issue according to the best legal authority and reasoning available, including federal and Washington state constitutions, statutes, regulations, and court decisions.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0220, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0225 May an ALJ or review judge decide that a DSHS rule is invalid? (1) Neither an ALJ nor a review judge may decide that a DSHS rule is invalid or unenforceable. Only a court may decide this issue.

(2) If the validity of a DSHS rule is raised during the hearing, the ALJ or review judge may allow argument for court review.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0225, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0230 When is the ALJ assigned to the hearing? OAH assigns an ALJ at least five business days before the hearing. A party may ask which ALJ is assigned to the hearing by calling or writing the OAH field office listed on the notice of hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0230, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0235 May a party request a different judge? A party may file a motion of prejudice against an ALJ under RCW 34.12.050. A party may also request that an ALJ or review judge be disqualified under RCW 34.05.425.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0235, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0240 How does a party file a motion of prejudice? (1) A party may request a different ALJ by sending a written motion of prejudice at least three business days before the hearing, or before the ALJ rules on a discretionary issue in the case. A motion of prejudice must include an affidavit or statement that a party does not believe that the ALJ can hear the case fairly.

(2) The party must send the request to the OAH field office where the ALJ works.

(3) The first timely request for a different ALJ is automatically granted. Any later request may be granted or denied by the chief ALJ or a designee.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0240, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0245 May an ALJ or review judge be disqualified? (1) An ALJ or review judge may be disqualified for bias, prejudice, or conflict of interest, or if one of the parties or a party's representative has an ex parte contact with the ALJ or review judge.

(2) Ex parte contact means a written or oral communication with the ALJ or review judge about something related to the hearing when the other parties are not present. Procedural questions are not considered an ex parte contact. Examples of procedural questions include clarifying the hearing date,

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time, or location or asking for directions to the hearing location.

(3) To ask to disqualify an ALJ or review judge a party must send a written petition for disqualification. A petition for disqualification is a written explanation to request assignment of a different ALJ or review judge. A party must promptly make the petition upon discovery of possible bias, conflict of interest or an ex parte contact.

(4) A party must send or deliver the petition to the ALJ or review judge assigned to the case. That ALJ or review judge must decide whether to grant or deny the petition and must state the facts and reasons for the decision.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0245, filed 9/1/00, effective 10/2/00.]

NOTICES

WAC 388-02-0250 What happens after you request a hearing? (1) After you request a hearing, OAH sends a notice of hearing to all parties and their representatives. OAH sends the notice of hearing at least seven business days before the hearing date.

(2) OAH may schedule a prehearing conference. OAH sends a notice of prehearing conference at least seven business days before the prehearing conference date.

(3) You may ask for a prehearing meeting even after you have requested a hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0250, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0255 What information must OAH include in the notice of hearing? (1) A notice of hearing is a written notice that must include:

(a) The names of all parties who receive the notice and, if known, the names and addresses of their representatives;

(b) The name, mailing address, and telephone number of the ALJ, if known;

(c) The date, time, place, and nature of the hearing;

(d) The legal authority and jurisdiction for the hearing; and

(e) The date of the hearing request.

(2) OAH also sends you information with your notice of hearing telling you the following:

(a) If you fail to attend or participate in a prehearing conference or a hearing, you may lose your right to a hearing. Then the ALJ may send:

(i) An order of default against you; or

(ii) An order dismissing the hearing.

(b) If you need a qualified interpreter because you or any of your witnesses are persons with limited English proficiency, OAH will provide an interpreter at no cost to you.

(c) If the hearing is to be held by telephone or in person, and how to request a change in the way it is held.

(d) How to indicate any special needs for yourself or your witnesses, including the need for an interpreter in a primary language or for sensory impairments.

(e) How to contact OAH if a party has a safety concern.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0255, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0260 May DSHS amend a notice? (1) The ALJ must allow DSHS to amend (change) the notice of a DSHS action before or during the hearing to match the evidence and facts.

(2) DSHS must put the change in writing and give a copy to the ALJ and the other parties.

(3) The ALJ must offer to continue or postpone the hearing to give the parties more time to prepare or present evidence or argument if there is a significant change from the earlier DSHS notice.

(4) If the ALJ grants a continuance, OAH must send, a new hearing notice at least seven business days before the hearing date.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0260, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0265 May you amend your hearing request? (1) The ALJ may allow you to amend your hearing request before or during the hearing.

(2) The ALJ may postpone the hearing to give the other parties more time to prepare or present evidence or argument because of a significant change in the hearing request.

(3) If the ALJ grants a continuance, OAH must send a new hearing notice at least seven business days before the hearing date.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0265, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0270 Must you tell DSHS and OAH when your mailing address changes? (1) You must tell DSHS and OAH, as soon as possible, when your mailing address changes.

(2) If you do not notify DSHS and OAH of a change in your mailing address and they continue to send notices and other important papers to your last known mailing address, the ALJ may assume that you received the documents.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0270, filed 9/1/00, effective 10/2/00.]

CONTINUANCES

WAC 388-02-0275 What is a continuance? A continuance is a change in the date or time of a prehearing conference, hearing or the deadline for other action.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0275, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0280 Who may request a continuance?

(1) Any party may request a continuance either orally or in writing.

(2) Before contacting the ALJ to request a continuance, a party should contact the other parties, if possible, to find out if they will agree to a continuance. If you are unable to contact the parties, OAH or DSHS must assist you in contacting them.

(3) The party making the request for a continuance must let the ALJ know whether the other parties agreed to the continuance.

(a) If the parties agree to a continuance, the ALJ grants it unless the ALJ finds that good cause for a continuance does not exist.

(b) If the parties do not agree to a continuance, the ALJ sets a hearing to decide whether there is good cause to grant or deny the continuance.

(4) If a continuance is granted, OAH sends notice of the changed time and date of the hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0280, filed 9/1/00, effective 10/2/00.]

DISMISSALS

WAC 388-02-0285 What is an order of dismissal? (1)

An order of dismissal is an order sent by the ALJ to end the hearing. The order is made because the party who requested the hearing withdrew the request, failed to appear, or refused to participate, resulting in a default.

(2) If your hearing is dismissed because you did not appear or refused to participate, the DSHS decision stands.

(3) If the hearing is dismissed due to a written agreement between the parties, the parties must follow the agreement.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0285, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0290 If your hearing is dismissed, may you request another hearing? (1) If the ALJ sends an order dismissing your hearing, you may ask that the ALJ vacate (set aside) the order of dismissal.

(2) If the order of dismissal is vacated, your hearing is reinstated, which means you get another opportunity to have a hearing on your initial request for hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0290, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0295 Where do you send a request to vacate an order of dismissal? You must send your request to vacate an order of dismissal to BOA or OAH. You should specify in your request why the order of dismissal should be vacated. BOA forwards any request received to OAH to schedule a hearing. OAH sends you a notice of the hearing on the request to vacate the order of dismissal.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0295, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0300 What is the deadline for vacating an order of dismissal? (1) You must send your request to vacate an order to OAH or BOA twenty-one calendar days after the date the order of dismissal was mailed to you. If no request is received within that deadline, the dismissal order becomes a final order.

(2) You may make a late request to vacate the order of dismissal for up to one year after it was mailed but you must show good cause according to WAC 388-02-0020 for the late request to be accepted and the dismissal to be vacated.

(3) If you ask to vacate more than one year after the order was mailed, the ALJ may vacate the order of dismissal if the DSHS representative and any other party agrees to waive (excuse) the deadline.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0300, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0305 How does an ALJ vacate an order of dismissal? (1) If your request was received more than twenty-one days, but less than one year after the dismissal order was mailed, the ALJ first must decide if you have good cause according to WAC 388-02-0020.

(2) If your request was timely or you show good cause for missing the deadline, the ALJ will receive evidence and argument at a hearing from the parties on whether the order of dismissal should be vacated.

(3) The ALJ vacates an order of dismissal and reinstates the hearing if you show good cause or if the DSHS representative agrees to waive the deadline. You will then be allowed to present your case about your original request for hearing, either at the same time or at a later date if a continuance is granted.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0305, filed 9/1/00, effective 10/2/00.]

STAYS

WAC 388-02-0310 May a party request a stay of DSHS action? A party may request that an ALJ or review judge stay (stop) a DSHS action until there is a decision entered by the ALJ or review judge. An ALJ or review judge decides whether to grant the stay.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0310, filed 9/1/00, effective 10/2/00.]

SUBPOENAS

WAC 388-02-0315 May a party require witnesses to testify or provide documents? A party may require witnesses to testify or provide documents by issuing a subpoena. A subpoena is an order to appear at a certain time and place to give testimony, or to provide books, documents, or other items.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0315, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0320 Who may prepare a subpoena? (1) ALJs, DSHS, and attorneys for the parties may prepare subpoenas. If an attorney does not represent you, you may ask the ALJ to prepare a subpoena on your behalf. The ALJ may schedule a hearing to decide whether to issue a subpoena.

(2) An ALJ may deny a request for a subpoena. For example, an ALJ may deny a request for a subpoena when the ALJ determines that a witness has no actual knowledge regarding the facts or that the documents are not relevant.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0320, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0325 How is a subpoena served? (1) Any person who is at least eighteen years old and not a party to the hearing may serve a subpoena.

(2) Service of a subpoena is complete when the server:

(a) Gives the witness a copy of the subpoena; or

(b) Leaves a copy at the residence of the witness with a person over the age of eighteen.

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(3) To prove that a subpoena was served on a witness, the person serving the subpoena must sign a written, dated statement including:

(a) Who was served with the subpoena;

(b) When the subpoena was served;

(c) Where the subpoena was served; and

(d) The name, age, and address of the person who served the subpoena.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0325, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0330 May the ALJ quash a subpoena?

(1) A party may request that an ALJ quash (set aside) or change the subpoena request at any time before the deadline given in the subpoena.

(2) An ALJ may set aside or change a subpoena if it is unreasonable.

(3) Witnesses with safety or accommodation concerns should contact OAH.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0330, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0335 Do you have to pay for a subpoena? There is no cost to prepare a subpoena, but you may have to pay for:

(1) Serving a subpoena;

(2) Complying with a subpoena; and

(3) Witness fees according to RCW 34.05.446(7).

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0335, filed 9/1/00, effective 10/2/00.]

HEARING METHODS

WAC 388-02-0340 How is your hearing held? (1) Hearings may be held in person or by telephone conference.

(2) An in-person hearing is where:

(a) The parties appear face-to-face with the ALJ; or

(b) The parties appear by video conference.

(3) Whether a hearing is held in person or by telephone conference, the parties have the right to see all documents, hear all testimony and question all witnesses.

(4) Parties or witnesses may appear in person or by telephone conference at the discretion of the ALJ.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0340, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0345 Is an ALJ present at your hearing? (1) If your hearing is scheduled as an in-person hearing, an ALJ is physically or visually present.

(2) If your hearing is scheduled as a telephone conference, an ALJ is present by telephone.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0345, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0350 Is your hearing recorded? An ALJ must tape record or provide a record or transcript of the hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0350, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0355 Who may attend your hearing?

(1) All parties and their representatives may attend the hearing.

(2) Witnesses may be excluded from the hearing if the ALJ finds good cause.

(3) The ALJ may also exclude other persons from all or part of the hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0355, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0360 May a party convert how a hearing is held? (1) The parties have the right to request that:

(a) A hearing be converted (changed) to an in-person hearing or a telephone conference; or

(b) A witness appear in person or by telephone conference. OAH must advise you of the right to request a change in how a witness appears.

(2) In all DSHS cases, except public assistance cases, a party requesting a change in how a hearing is held must show good cause. A party must also show good cause to change the way a witness appears (in-person or by telephone conference). Some examples of good cause are:

(a) A party does not speak or understand English well.

(b) A party wants to present a significant number of documents during the hearing.

(c) A party does not believe that one of the witnesses or another party is credible, and wants the ALJ to have the opportunity to see the testimony.

(d) A party has a disability or communication barrier that affects their ability to present their case.

(e) A party believes that the personal safety of someone involved in the hearing process is at risk.

(3) In public assistance cases, a party has the right to request that a hearing be changed without showing good cause to the ALJ. Public assistance programs include:

(a) Temporary assistance for needy families (TANF);

(b) General or medical assistance;

(c) Food stamps; and

(d) Refugee assistance.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0360, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0365 How does a party convert how a hearing is held or how the witnesses or parties appear? (1) If a party wants to convert the hearing or change how their witnesses or other parties appear, the party must contact OAH to request the change.

(2) The ALJ may schedule a prehearing conference to determine if the request should be granted.

(3) If the ALJ grants the request, the ALJ reschedules the hearing or changes how the witness or party appears.

(4) If the ALJ denies the request, the ALJ must issue a written order that includes findings of fact supporting why the request was denied.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0365, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0370 How are documents submitted for a telephone conference? (1) When a hearing is conducted by telephone, an ALJ may order the parties to provide the hearing documents at least five days before the hearing,

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so all parties have an opportunity to view them during the hearing.

(2) DSHS may be able to help you copy and send your documents to the ALJ and any other parties.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0370, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0375 What happens at your hearing?

At your hearing:

(1) The ALJ:

(a) Explains your rights;

(b) Marks and admits or rejects exhibits;

(c) Ensures that a record is made;

(d) Explains that a decision is mailed after the hearing;

(e) Notifies the parties of appeal rights;

(f) May keep the record open for a time after the hearing if needed to receive more evidence or argument; and

(g) May take actions as authorized according to WAC 388-02-0215.

(2) The parties may:

(a) Make opening statements to explain the issues;

(b) Offer evidence to prove their positions, including oral or written statements of witnesses;

(c) Question the witnesses presented by the other parties; and

(d) Give closing arguments about what the evidence shows and what laws apply.

(3) At the end of the hearing if the ALJ does not allow more time to send in evidence, the record is closed.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0375, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0380 What is a group hearing? (1) A group hearing may be held when two or more parties request a hearing about similar issues.

(2) Hearings may be combined at the request of the parties or the ALJ.

(3) All parties participating in a group hearing may have their own representative.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0380, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0385 May a party withdraw from a group hearing? (1) A party may withdraw from a group hearing by asking the ALJ for a separate hearing.

(2) If a party asks to withdraw from a group hearing before the ALJ makes a discretionary ruling or the hearing begins, the ALJ must give the party a separate hearing.

(3) If a party later shows good cause, the ALJ may give the party a separate hearing at any time during the hearing process.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0385, filed 9/1/00, effective 10/2/00.]

EVIDENCE

WAC 388-02-0390 What is evidence? (1) Evidence includes documents, objects, and testimony of witnesses that parties give during the hearing to help prove their positions.

(2) Evidence may be all or parts of original documents or copies of the originals.

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(3) Parties may offer statements signed by a witness under oath or affirmation as evidence, if the witness cannot appear.

(4) Testimony given with the opportunity for cross-examination by the other parties may be given more weight by the ALJ.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0390, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0395 When may the parties bring in evidence? (1) The parties may bring evidence to any prehearing meeting, prehearing conference, or hearing, or may send in evidence before these events.

(2) The ALJ may set a deadline before the hearing for the parties to provide proposed exhibits and names of witnesses. If the parties miss the deadline, the ALJ may refuse to admit the evidence unless the parties show:

- (a) They have good cause for missing the deadline; or
- (b) That the other parties agree.

(3) If the ALJ gives the parties more time to submit evidence, the parties may send it in after the hearing. The ALJ may allow more time for the other parties to respond to the new evidence.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0395, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0400 What evidence may the parties present during the hearing? The parties may bring any documents and witnesses to the hearing to support their position. However, the following provisions apply:

(1) The other parties may object to the evidence and question the witnesses;

(2) The ALJ determines whether the evidence is admitted and what weight (importance) to give it;

(3) If the ALJ does not admit the evidence the parties may make an offer of proof to show why the ALJ should admit it;

(4) To make an offer of proof a party presents evidence and argument on the record to show why the ALJ should consider the evidence; and

(5) The offer of proof preserves the argument for appeal.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0400, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0405 What is a stipulation? (1) A stipulation is an agreement among two or more parties that certain facts or evidence is correct or authentic.

(2) If an ALJ accepts a stipulation, the ALJ must enter it into the record.

(3) A stipulation may be made before or during the hearing.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0405, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0410 After the parties agree to a stipulation, may they change or reject it? (1) A party may change or reject a stipulation after it has been made.

(2) To change or reject a stipulation, a party must show the ALJ that:

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(a) The party did not intend to make the stipulation or was mistaken when making it; and

(b) Changing or rejecting the stipulation does not harm the other parties.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0410, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0415 What are proposed exhibits? Proposed exhibits are documents or other objects that a party wants the ALJ to consider when reaching a decision. After the document or object is accepted by the ALJ, it is admitted and becomes an exhibit.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0415, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0420 Do the parties mark and number their proposed exhibits? (1) DSHS representatives must mark and number their proposed exhibits and provide copies to the other parties as far ahead of the hearing as possible.

(2) The ALJ may request that you mark and number your proposed exhibits before the hearing. You should bring enough copies of your proposed exhibits for all parties. If you do not bring enough copies, you must make your proposed exhibits available for copying.

(3) If you cannot afford to pay for copies of proposed exhibits, either DSHS or OAH must make the copies for you.

(4) The ALJ may require proof that you are unable to pay.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0420, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0425 Who decides whether to admit proposed exhibits into the record? (1) The ALJ decides whether or not to admit a proposed exhibit into the record and also determines the weight (importance) of the evidence.

(2) The ALJ admits proposed exhibits into the record by marking, listing, identifying, and admitting the proposed exhibits.

(3) The ALJ may also exclude proposed exhibits from the record.

(4) The ALJ must make rulings on the record to admit or exclude exhibits.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0425, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0430 What may a party do if they disagree with an exhibit? (1) A party may object to the authenticity or admissibility of any exhibit, or offer argument about how much weight the ALJ should give the exhibit.

(2) Even if a party agrees that a proposed exhibit is a true and authentic copy of a document, the agreement does not mean that a party agrees with:

(a) Everything in the exhibit or agrees that it should apply to the hearing;

(b) What the exhibit says; or

(c) How the ALJ should use the exhibit to make a decision.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0430, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0435 When should an ALJ receive proposed exhibits for a telephone hearing? (1) Parties should send their proposed exhibits to the ALJ and the other parties at least five days before the telephone hearing. In some cases, the ALJ may require that the parties send them earlier.

(2) Sending the proposed exhibits to the ALJ before the telephone hearing allows all parties to use them during the hearing.

(3) For a telephone hearing, DSHS may help you send copies of your proposed exhibits to the ALJ and the other parties if you cannot afford to do so.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0435, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0440 What is judicial notice? (1) Judicial notice is evidence that includes facts or standards that are generally recognized and accepted by judges, government agencies, or national associations.

(2) For example, an ALJ may take judicial notice of a calendar, a building code or a standard or practice.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0440, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0445 How does the ALJ respond to requests to take judicial notice? (1) The ALJ may consider and admit evidence by taking judicial notice.

(2) If a party requests judicial notice, or if the ALJ intends to take judicial notice, the ALJ may ask the party to provide a copy of the document that contains the information.

(3) If judicial notice has been requested, or if the ALJ intends to take judicial notice, the ALJ must tell the parties before or during the hearing.

(4) The ALJ must give the parties time to object to judicial notice evidence.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0445, filed 9/1/00, effective 10/2/00.]

WITNESSES

WAC 388-02-0450 What is a witness? (1) A witness is any person who makes statements or gives testimony that becomes evidence in a hearing.

(2) One type of witness is an expert witness. An expert witness is qualified by knowledge, experience, and education to give opinions or evidence in a specialized area.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0450, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0455 Who may be a witness? (1) A witness may be:

(a) You or the DSHS representative; or

(b) Anyone you, the ALJ, or the DSHS representative asks to be a witness, including DSHS employees.

(2) The ALJ decides who may testify as a witness.

(3) Unless DSHS agrees, a former DSHS employee may not be an expert witness against DSHS if that employee was actively involved in the case while working for DSHS.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0455, filed 9/1/00, effective 10/2/00.]

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WAC 388-02-0460 How do witnesses testify? All witnesses:

(1) Must affirm or take an oath to testify truthfully during the hearing.

(2) May testify in person or by telephone.

(3) May request interpreters from OAH at no cost to you.

(4) May be subpoenaed and ordered to appear according to WAC 388-02-0315.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0460, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0465 May the parties cross-examine a witness? (1) The parties have the right to cross-examine (question) each witness.

(2) If a party has a representative, only the representative, and not the party, may question the witness.

(3) The ALJ may also question witnesses.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0465, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0470 May witnesses refuse to answer questions? Witnesses may refuse to answer questions. However, if a witness refuses to answer, the ALJ may reject all of the related testimony of that witness.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0470, filed 9/1/00, effective 10/2/00.]

PROOF

WAC 388-02-0475 What evidence does an ALJ consider? (1) The ALJ may only consider admitted evidence to decide the case.

(2) Admission of evidence is based upon the reasonable person standard. This standard means evidence that a reasonable person would rely on in making a decision.

(3) The ALJ may admit and consider hearsay evidence. Hearsay is a statement made outside of the hearing used to prove the truth of what is in the statement. The ALJ may only base a finding on hearsay evidence if the ALJ finds that the parties had the opportunity to question or contradict it.

(4) The ALJ may reject evidence, if it:

(a) Is not relevant;

(b) Repeats evidence already admitted; or

(c) Is from a privileged communication protected by law.

(5) The ALJ must reject evidence if required by law.

(6) The ALJ decides:

(a) What evidence is more credible if evidence conflicts; and

(b) The weight given to the evidence.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0475, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0480 What does burden of proof mean? The party who has the burden of proof is the party who has the responsibility to provide evidence to persuade the ALJ that a position is correct.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0480, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0485 What is the standard of proof?

Standard of proof refers to the amount of evidence needed to prove a party's position. Unless the rules or law states otherwise, the standard of proof in a hearing is a preponderance of the evidence. This standard means that it is more likely than not that something happened or exists.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0485, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0490 How is a position proven at hearing? The ALJ decides if a party has met the burden of proof. The ALJ writes a decision based on the evidence presented during the hearing and consistent with the law.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0490, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0495 What is equitable estoppel? (1) Equitable estoppel is a legal doctrine defined in case law that may prevent DSHS from taking some action against you, such as collecting an overpayment.

(2) There are five elements of equitable estoppel. The standard of proof is clear and convincing evidence. You must prove all of the following:

(a) DSHS made a statement or took action or failed to take action, which is inconsistent with a later claim or position by DSHS. For example, DSHS gave you money based on your application, then later tells you that you received an overpayment and wants you to pay the money back based on the same information.

(b) You relied on DSHS' original statement, action or failure to act. For example, you believed DSHS acted correctly when you received money.

(c) You will be injured to your detriment if DSHS is allowed to contradict the original statement, action or failure to act. For example, you did not seek help from health clinics or food banks because you were receiving benefits from DSHS and you would have been eligible for these other benefits.

(d) Equitable estoppel is needed to prevent a manifest injustice. For example, you cannot afford to repay the money to DSHS, and you gave DSHS timely and accurate information when required but did not know that DSHS made a mistake.

(e) The exercise of government functions is not impaired. For example, the overpayment was not your fault and it was caused solely by a DSHS mistake.

(3) If the ALJ concludes that you have proven all of the elements of equitable estoppel in subsection (2) of this section with clear and convincing evidence, DSHS is stopped or prevented from taking action or enforcing a claim against you.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0495, filed 9/1/00, effective 10/2/00.]

RECORD CLOSURE

WAC 388-02-0500 What may an ALJ do before the record is closed? Before the record is closed, the ALJ may:

- (1) Set another hearing date;

(2009 Ed.)

(2) Enter orders to address limited issues if needed before writing and mailing a hearing decision to resolve all issues in the proceeding; or

(3) Give the parties more time to send in exhibits or written argument.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0500, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0505 When is the record closed? The record is closed:

(1) At the end of the hearing if the ALJ does not allow more time to send in evidence or argument; or

(2) After the deadline for sending in evidence or argument is over.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0505, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0510 What happens when the record is closed? No more evidence may be taken without good cause after the record is closed.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0510, filed 9/1/00, effective 10/2/00.]

HEARING DECISIONS

WAC 388-02-0515 What happens after the record is closed? (1) After the record is closed, the ALJ must write a hearing decision and send copies to the parties.

(2) The maximum time an ALJ has to send a decision is ninety calendar days after the record is closed, but many DSHS programs have earlier deadlines. Specific program rules may set the deadlines.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0515, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0520 What information must the ALJ include in the decision? The ALJ must include the following information in the decision:

- (1) Identify the hearing decision as a DSHS case;
- (2) List the name and docket number of the case and the names of all parties and representatives;
- (3) Find the facts used to resolve the dispute based on the hearing record;
- (4) Explain why evidence is credible when the facts or conduct of a witness is in question;
- (5) State the law that applies to the dispute;
- (6) Apply the law to the facts of the case in the conclusions of law;
- (7) Discuss the reasons for the decision based on the facts and the law;
- (8) State the result and remedy ordered;
- (9) Explain how to request changes in the decision and the deadlines for requesting them;
- (10) State the date the decision becomes final according to WAC 388-02-0525; and
- (11) Include any other information required by law or DSHS program rules.

[Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0520, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0525 When do initial orders become final? If no one requests review of the initial order or if a review request is dismissed, the initial order is final twenty-one calendar days after it is mailed.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0525, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0525, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0530 What if a party disagrees with the ALJ's decision? (1) If a party disagrees with an ALJ's initial or final order because of a clerical error, the party may ask for a corrected decision from the ALJ as provided in WAC 388-02-0540 through 388-02-0555.

(2) If a party disagrees with an initial order and wants it changed, the party must request review by a review judge as provided in WAC 388-02-0560 through 388-02-0595.

If a party wants to stay the DSHS action until review of the initial order is completed, the party must request a stay from a review judge.

(3) Final orders entered by ALJs may not be reviewed by a review judge.

(4) If a party disagrees with an ALJ's final order, the party may request reconsideration as provided in WAC 388-02-0605 through 388-02-0635. You may also petition for judicial review of the final order as stated in WAC 388-02-0640 through 388-02-0650. You do not need to file a request for reconsideration of the final order before petitioning for judicial review. DSHS may not request judicial review of an ALJ's or review judge's final order.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0530, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0530, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0530, filed 9/1/00, effective 10/2/00.]

CLERICAL ERRORS IN ALJ DECISIONS

WAC 388-02-0540 How are clerical errors in ALJ decisions corrected? (1) A clerical error is a mistake that does not change the intent of the decision.

(2) The ALJ corrects clerical errors in hearing decisions by issuing a second decision referred to as a corrected decision or corrected order. Corrections may be made to initial orders and final orders.

(3) Some examples of clerical error are:

(a) Missing or incorrect words or numbers;
 (b) Dates inconsistent with the decision or evidence in the record such as using May 3, 1989, instead of May 3, 1998; or

(c) Math errors when adding the total of an overpayment or a child support debt.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0540, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0540, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0545 How does a party ask for a corrected ALJ decision? (1) A party may ask for a corrected ALJ decision by calling or writing the OAH office that held the hearing.

[Title 388 WAC—p. 216]

(2) When asking for a corrected decision, please identify the clerical error you found.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0545, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0545, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0550 How much time do the parties have to ask for a corrected ALJ decision? (1) The parties must ask the ALJ for a corrected decision on or before the tenth calendar day after the order was mailed.

(2) If you ask the ALJ to correct a decision, the time period provided by this section for requesting a corrected decision of an initial order, and the time it takes the ALJ to deny the request or make a decision regarding the request for a corrected initial order, do not count against any deadline, if any, for a review judge to enter a final order.

[Statutory Authority: RCW 34.05.020, 34.05.220, and 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0550, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0550, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0550, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0555 What happens when a party requests a corrected ALJ decision? (1) When a party requests a corrected initial or final order, the ALJ must either:

(a) Send all parties a corrected order; or

(b) Deny the request within three business days of receiving it.

(2) If the ALJ corrects an initial order and a party does not request review, the corrected initial order becomes final twenty-one calendar days after the original initial order was mailed.

(3) If the ALJ denies a request for a corrected initial order and the party still wants the hearing decision changed, the party must request review by a review judge.

(4) Requesting an ALJ to correct the initial order does not automatically extend the deadline to request review of the initial order by a review judge. When a party needs more time to request review of an initial order, the party must ask for more time to request review as permitted by WAC 388-02-0580(2).

(5) If the ALJ denies a request for a corrected final order and you still want the hearing decision changed, you must request judicial review.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0555, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0555, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0555, filed 9/1/00, effective 10/2/00.]

REQUESTS FOR BOA REVIEW OF INITIAL ORDERS FOR CASES LISTED IN WAC 388-02-0215(4)

WAC 388-02-0560 What is review of an initial order by a review judge? (1) Review by a review judge is available to a party who disagrees with the ALJ's initial order.

(2) If a party wants the initial order changed, the party must request that a review judge review the initial order.

(2009 Ed.)

(3) If a request is made for a review judge to review an initial order, it does not mean there is another hearing conducted by a review judge.

(4) The review judge considers the request, the initial order, and the record, and may hear oral argument, before deciding if the initial order should be changed.

(5) Review judges may not review ALJ final orders.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0560, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0560, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0560, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0565 What evidence does the review judge consider in reviewing an initial order? (1) The review judge, in most cases, only considers evidence given at the original hearing before the ALJ.

(2) The review judge may allow the parties to make oral argument when reviewing initial orders.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0565, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0565, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0570 Who may request review of an initial order? (1) Any party may request a review judge to review the initial order.

(2) If more than one party requests review, each request must meet the deadlines in WAC 388-02-0580.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0570, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0570, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0570, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0575 How does a party request review? A party must make the review request in writing, send it to BOA, and clearly identify the:

(1) Parts of the initial order with which the party disagrees; and

(2) Evidence supporting the party's position.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0575, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0575, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0575, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0580 What is the deadline for requesting review by a review judge? (1) BOA must receive the written review request on or before the twenty-first calendar day after the initial order was mailed.

(2) A review judge may extend the deadline if a party:

- (a) Asks for more time before the deadline expires; and
- (b) Gives a good reason for more time.

(3) A review judge may accept a review request after the twenty-one calendar day deadline only if:

(a) The BOA receives the review request on or before the thirtieth calendar day after the deadline; and

(b) A party shows good reason for missing the deadline.

(4) If you ask a review judge to review an ALJ decision, the time period provided by this section for requesting review of an initial order, including any extensions, does not count against any deadline, if any, for a review judge to enter the final order.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0580, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0580, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0580, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0585 Where does a party send the request for review by a review judge? (1) A party must send the request for review of the initial order to BOA at the address given in WAC 388-02-0030. A party should also send a copy of the review request to the other parties.

(2) After receiving a party's review request, BOA sends a copy to the other parties, their representatives, and OAH. The other parties and their representatives may respond as described in WAC 388-02-0590.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0585, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0585, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0585, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0590 How does the party that is not requesting review respond to the review request? (1) A party does not have to respond to the review request. A response is optional.

(2) If a party decides to respond, that party must send the response so that BOA receives it on or before the seventh business day after the date the other party's review request was mailed to the party by BOA.

(3) The party must send a copy of the response to all other parties or their representatives.

(4) A review judge may extend the deadline in subsection (2) of this section if a party asks for more time before the deadline to respond expires and gives a good reason.

(5) If you ask for more time to respond, the time period provided by this section for responding to the review request, including any extensions, does not count against any deadline, if any, for a review judge to enter the final order. A review judge may accept and consider a party's response even if it is received after the deadline.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0590, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0590, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0595 What happens after the response deadline? (1) After the response deadline, the record on review is closed unless there is a good reason to keep it open.

(2) A review judge is assigned to review the initial order after the record is closed. To find out which judge is assigned, call BOA.

(3) After the record is closed, the assigned review judge:

- (a) Reviews the initial order; and
- (b) Enters a final order that affirms, changes, dismisses or reverses the initial order; or

(c) Returns the case to OAH for further action.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0595, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0595, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0595, filed 9/1/00, effective 10/2/00.]

REVIEW JUDGES

WAC 388-02-0600 What is the authority of the review judge? (1) Review judges review initial orders and enter final orders. Review judges may return cases to OAH for further action.

(2) The review judge has the same decision-making authority as the ALJ when reviewing initial orders in the following cases, but must consider the ALJ's opportunity to observe the witnesses:

- (a) Licensing, certification and related civil fines;
- (b) Rate-making proceedings;
- (c) Parent address disclosure;
- (d) Temporary assistance to needy families (TANF);
- (e) Working connections child care (WCCC);
- (f) Medical assistance eligibility;
- (g) Medical or dental services funded by Title XIX of the Social Security Act;
- (h) Adoption support services; and
- (i) Eligibility for client services funded by Title XIX of the Social Security Act and provided by the aging and disability services administration.

(3) In all other cases, the review judge may only change the initial order if:

- (a) There are irregularities, including misconduct of a party or misconduct of the ALJ or abuse of discretion by the ALJ, that affected the fairness of the hearing;
- (b) The findings of fact are not supported by substantial evidence based on the entire record;
- (c) The decision includes errors of law;
- (d) The decision needs to be clarified before the parties can implement it; or
- (e) Findings of fact must be added because the ALJ failed to make an essential factual finding. The additional findings must be supported by substantial evidence in view of the entire record and must be consistent with the ALJ's findings that are supported by substantial evidence based on the entire record.

(4) Review judges may not review ALJ final orders. See WAC 388-02-0217 for cases in which the ALJ enters a final order.

(5) A review judge conducts the hearing and enters the final order in cases covered by WAC 388-02-0218.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e)(3), 45 C.F.R. 205.100 (b)(3), chapter 34.05 RCW, Parts IV and V. 08-21-144, § 388-02-0600, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0600, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0600, filed 9/1/00, effective 10/2/00.]

REQUESTS FOR RECONSIDERATION OF FINAL ORDERS ENTERED BY OAH AND BOA

WAC 388-02-0605 What if a party does not agree with a final order entered by OAH or BOA? (1) If a party does not agree with the final order and wants it reconsidered, the party must:

- (a) Ask the ALJ to reconsider the decision, if the final order was entered by an ALJ; or
- (b) Ask the review judge to reconsider the decision, if the final order was entered by a review judge.

(2) The final order or the reconsideration decision is the final agency decision. If you disagree with that decision, you must petition for judicial review to change it.

(3) You may ask the court to stay or stop the DSHS action after filing the petition for judicial review.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0605, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0605, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0610 What is reconsideration? (1) Reconsideration is:

(a) Asking an ALJ to reconsider a final order entered by the ALJ because the party believes the ALJ made a mistake; and

(b) Asking a review judge to reconsider a final order entered by a review judge because the party believes the review judge made a mistake.

(2) If a party asks for reconsideration of the final order, the reconsideration process must be completed before you request judicial review. However, you do not need to request reconsideration of a final order before you request judicial review.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0610, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0610, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0615 What must a party include in the reconsideration request? The party must make the request in writing and clearly state why the party wants the final order reconsidered.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0615, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0615, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0620 What is the deadline for requesting reconsideration? (1) If OAH entered the final order, OAH must receive a written reconsideration request on or before the tenth calendar day after the final order was mailed.

(2) If BOA entered the final order, BOA must receive a written reconsideration request on or before the tenth calendar day after the final order was mailed.

(3) If a reconsideration request is received after the deadline, the final order will not be reconsidered and the deadline to ask for superior court review continues to run.

(4) OAH or BOA may extend its deadline if a party:

- (a) Asks for more time before the deadline expires; and
- (b) Gives a good reason for the extension.

(5) If a party does not request reconsideration or ask for an extension within the deadline, the final order may not be reconsidered and it becomes the final agency decision.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0620, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0620, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0625 Where does a party send a reconsideration request? (1) A party must send a written reconsideration request to OAH, if OAH entered the final order, or to BOA, if BOA entered the final order.

(2) After receiving a reconsideration request, OAH or BOA sends a copy to the other parties and representatives giving them time to respond.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0625, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0625, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0630 How does a party respond to a reconsideration request? (1) A party does not have to respond to a request. A response is optional.

(2) If a party responds, that party must send a response to OAH, if OAH entered the final order, or to BOA, if BOA entered the final order, by or before the seventh business day after the date OAH or BOA mailed the request to the party.

(3) A party must send a copy of the response to any other party or representative.

(4) If a party needs more time to respond, OAH or BOA may extend its deadline if the party gives a good reason within the deadline in subsection (2) of this section.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0630, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0630, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0635 What happens after a party requests reconsideration? (1) After OAH or BOA receives a reconsideration request, an ALJ or review judge has twenty calendar days to send a reconsideration decision unless OAH or BOA sends notice allowing more time.

(2) After OAH or BOA receives a reconsideration request, the ALJ or review judge must either:

- (a) Write a reconsideration decision; or
- (b) Send all parties an order denying the request.

(3) If the ALJ or review judge does not send an order or notice granting more time within twenty days of receipt of the reconsideration request, the request is denied.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0635, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0635, filed 9/1/00, effective 10/2/00.]

REQUESTS FOR JUDICIAL REVIEW OF FINAL ORDERS

WAC 388-02-0640 What is judicial review? (1) Judicial review is the process of appealing a final order to a court.

(2) You may appeal a final order by filing a written petition for judicial review that meets the requirements of RCW 34.05.546. DSHS may not request judicial review.

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(3) You must consult RCW 34.05.510 to 34.05.598 for further details of the judicial review process.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0640, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0640, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0645 When must you ask for judicial review? (1) You must file your petition for judicial review with the superior court within thirty calendar days after OAH or BOA mails its final order.

(2) Generally, you may file a petition for judicial review only after you have completed the administrative hearing process. However, you do not need to file a request for reconsideration of a final order before requesting judicial review.

[Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0645, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0645, filed 9/1/00, effective 10/2/00.]

WAC 388-02-0650 How do you serve your petition for judicial review? (1) You must file and serve the petition for judicial review of a final order within thirty days after the date it was mailed. You must file your petition for judicial review with the court. You must serve copies of your petition on DSHS, the office of the attorney general, and all other parties.

(2) To serve DSHS, you must deliver a copy of the petition to the secretary of DSHS or to BOA. You may hand deliver the petition or send it by mail that gives proof of receipt. The physical location of the secretary is:

DSHS Office of the Secretary
 OB-2, 4th Floor
 Mail Stop 45010
 14th and Jefferson
 Olympia, WA 98504-5010

The mailing address of the secretary is:

DSHS Office of the Secretary
 P.O. Box 45010
 Olympia, WA 98504-5010

The physical and mailing addresses for BOA are in WAC 388-02-0030.

(3) To serve the office of the attorney general and other parties, you may send a copy of the petition for judicial review by regular mail. You may send a petition to the address for the attorney of record to serve a party. You may serve the office of the attorney general by hand delivery to:

Office of the Attorney General
 7141 Cleanwater Drive S.W.
 Tumwater, Washington 98501
 The mailing address of the attorney general is:
 Office of the Attorney General
 P.O. Box 40124
 Olympia WA 98504-0124

[Statutory Authority: RCW 34.05.220. 06-24-072, § 388-02-0650, filed 12/4/06, effective 1/4/07. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371 § 211. 02-21-061, § 388-02-0650, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. 00-18-059, § 388-02-0650, filed 9/1/00, effective 10/2/00.]

Chapter 388-03 WAC

**RULES AND REGULATIONS FOR THE
CERTIFICATION OF DSHS SPOKEN LANGUAGE
INTERPRETERS AND TRANSLATORS**

WAC

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PURPOSE AND SCOPE

WAC 388-03-010 What is the purpose of these rules?

These rules:

- (1) Establish the qualifications for department certified and qualified interpreters and translators; and
- (2) Establish the requirements and procedures for administering and evaluating the department's interpreter and translator examinations.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-010, filed 2/22/00, effective 3/24/00.]

WAC 388-03-020 What is the scope of these rules?

These rules apply to any person who:

- (1) Seeks employment with the department as a bilingual employee;
- (2) Wishes to provide services to the department as an interpreter or translator; or
- (3) Provides department services to limited English proficient (LEP) clients.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-020, filed 2/22/00, effective 3/24/00.]

DEFINITIONS

WAC 388-03-030 What definitions are important to understanding these rules? The following definitions are important to this chapter:

"Authorized interpreter or translator" means a person who has been certified by a certification agency recognized by the department.

"Certified bilingual employee" means a department employee who is certified, as bilingual, by passing a department fluency examination or a department recognized professional association and is required to use their bilingual skills in their work.

"Certified interpreter for spoken languages" means a person who has passed any of the following fluency examinations:

- (1) Department's social services interpreter or medical interpreter certification examination;
- (2) State of Washington office of the administrator for the courts interpreter certification examination;
- (3) Federal courts interpreter certification examination.

"Certified translator for spoken languages" means a person who has passed any of the following fluency examinations:

- (1) Department's translator certification examination;
- (2) American Translators Association (ATA) accreditation examination.

"Code of professional conduct for interpreters and translators" means department standards that must be met by all interpreters and translators when they provide language

services to department programs and clients. Any violation of this code may disqualify an interpreter or translator from providing services to the department.

"Department" means the department of social and health services (DSHS).

"Examination manual" means the language interpreter services and translations section's professional language certification examination manual. To obtain a copy of this manual, telephone or write the LIST office at:

Department of Social and Health Services
 Language Interpreter Services and Translations
 P.O. Box 45820
 Olympia, WA 98504-5820
 (360) 664-6037

Or visit the LIST web site at: http://asd.dshs.wa.gov/html/oar_list.htm.

"Interpretation" means the oral or manual transfer of a message from one language to another language.

"Language interpreter services and translations" or **"LIST"** means the section within the department that is responsible for administering and enforcing these rules and providing the services contained in this rule.

"Limited English proficient (LEP) client" means a person applying for or receiving department services, either directly or indirectly, who, because of a non-English speaking cultural background, cannot readily speak or understand the English language.

"Qualified interpreter for spoken languages" means a person:

(1) Who has passed a department bilingual fluency screening test in a language other than a department certified language; or

(2) Is authorized by the department pursuant to WAC 388-03-114 to interpret a language based on certification obtained from another state or country which is comparable to the certification process used by the department for its certified languages.

"Source language" means the language from which an interpretation and/or translation is rendered.

"Target language" means the language into which an interpretation and/or translation is rendered.

"Translation" means the written transfer of a message from one language to another.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-030, filed 2/22/00, effective 3/24/00.]

CODE OF PROFESSIONAL CONDUCT

WAC 388-03-050 What is the department's "code of professional conduct for language interpreters and translators"? The "code of conduct" is the professional standard established by the department for all interpreters/translators providing language services to department programs and clients. Any violation of this code may disqualify an interpreter or translator from providing those services. Specifically, the code addresses:

(1) **Accuracy.** Interpreters/translators must always express the source language message in a thorough and faithful manner. They must:

(a) Omit or add nothing;

(b) Give consideration to linguistic variations in both the source and target languages; and

(c) Conserve the tone and spirit of the source language.

(2) **Cultural sensitivity-courtesy.** Interpreters/translators must be culturally knowledgeable, sensitive, and respectful of the individual(s) they serve.

(3) **Confidentiality.** Interpreters/translators must not divulge any information obtained through their assignments, including, but not limited to, information from documents or other written materials.

(4) **Disclosure.** Interpreters/translators must not publicly discuss, report, or offer an opinion on current or past assignments, even when the information related to the assignment is not legally considered confidential.

(5) **Proficiency.** Interpreters/translators must pass the department's required bilingual fluency certification examinations or screening tests in order to meet the department's minimum proficiency standard.

(6) **Compensation.** Interpreters/translators must:

(a) Not accept additional money, consideration, or favors for services reimbursed by the department through language services providers;

(b) Not use the department's time, facilities, equipment or supplies for private gain or other advantage; and

(c) Not use or attempt to use their position to secure privileges or exemptions.

(7) **Nondiscrimination.** Interpreters/translators must:

(a) Always be neutral, impartial and unbiased;

(b) Not discriminate on the basis of gender, disability, race, color, national origin, age, creed, religion, marital status, or sexual orientation; and

(c) Refuse or withdraw from an assignment, without threat or retaliation, if they are unable to perform the required service in an ethical manner.

(8) **Self-evaluation.** Interpreters/translators must accurately and completely represent their certification, training, and experience.

(9) **Impartiality-conflict of interest.** Interpreters/translators must disclose to the department any real or perceived conflicts of interest that would affect their professional objectivity. Note: Providing interpreting or translating services to family members or friends may violate the family member or friend's right to confidentiality and/or may be a real or perceived conflict of interest.

(10) **Professional Demeanor.** Interpreters/translators must be punctual, prepared, and dressed appropriately.

(11) **Scope of practice.** Interpreters/translators must not:

(a) Counsel, refer, give advice, or express personal opinions to their interpreting/translating clients;

(b) Engage in activities with clients that are not directly related to providing interpreting and/or translating services;

(c) Have unsupervised contact with clients; and

(d) Have direct telephone contact with clients unless requested by DSHS staff.

(12) **Reporting obstacles to practice.** Interpreters/translators must always assess their ability to perform a specific interpreting/translating assignment. If they have any reservations about their ability to competently perform an assignment, they must immediately notify their clients and/or employer and offer to withdraw without threat or retaliation.

They may remain on the assignment until more appropriate interpreters/translators can be retained.

(13) **Ethical violations.** Interpreters/translators must immediately withdraw from assignments that they perceive are a violation of this code. Any violation of this code may disqualify them from providing services to the department.

(14) **Professional development.** Interpreters/translators must continually develop their skills and knowledge through:

- (a) Formal professional training;
- (b) On-going continuing education; and
- (c) Regular and frequent interaction with colleagues and specialists in related fields.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-050, filed 2/22/00, effective 3/24/00.]

LIST RESPONSIBILITIES FOR CERTIFYING SPOKEN LANGUAGE INTERPRETERS AND TRANSLATORS

WAC 388-03-060 What is the responsibility of the language interpreter services and translations (LIST) section in certifying spoken language interpreters and translators? Language interpreter services and translations (LIST) is the section within DSHS responsible for:

(1) Establishing and publishing systems, methods, and procedures for certifying, screening and/or evaluating the interpretation and/or translation skills of bilingual employees, interpreters and translators who work with department clients, employees, and service providers;

(2) Ensuring that certified or qualified bilingual employees and language service contractors are aware of DSHS's code of professional conduct for interpreters and translators.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-060, filed 2/22/00, effective 3/24/00.]

CERTIFICATION/QUALIFICATION OF INTERPRETERS AND TRANSLATORS

WAC 388-03-110 What certification/qualification requirements apply to interpreters and translators? (1) To be department certified, any department staff member serving in a bilingual capacity or any contracted interpreter/translator providing bilingual services to department clients must pass a bilingual fluency test. No bilingual duties will be assigned to any staff and no contract will be granted to any contractor without proper certification. Once certified:

(a) Department employees in positions requiring bilingual skills are eligible for assignment pay;

(b) Applicants for bilingual positions with the department qualify for those positions if they have also passed the applicable department of personnel employment examination; and

(c) Individuals not employed by the department who wish to interpret and/or translate for department clients can be retained by contracted interpreting agencies.

(2) Interpreters can be certified or qualified as:

- (a) Social services interpreters by the department; and/or
- (b) Legal interpreters by the office of the administrator for the courts; and/or
- (c) Medical interpreters by the department.

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(3) Translators can be certified by the department or by the American Translators Association (ATA).

(4) When certified and/or qualified, interpreters and translators providing services to department programs and clients must comply with the department's code of professional conduct for interpreters and translators.

(5) Any violation of the code of professional conduct may disqualify an interpreter or translator from providing services to the department, regardless of whether their contract is directly with the department or indirectly through a language agency serving department clients.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-110, filed 2/22/00, effective 3/24/00.]

WAC 388-03-112 When do I become a certified or qualified interpreter or translator? (1) For certified languages, you are considered certified once you pass the required tests.

(2) The effective dates of your certifications are the dates shown on your score report letters.

(3) If necessary, you can use your score report letters to verify your certification status.

(4) Your certificates will be mailed to you within a month from the date you pass all examination requirements. It is your responsibility to:

(a) Inform the LIST section of any change of name and address;

(b) Check the accuracy of the information presented on your certificate; and

(c) Contact the LIST section if your certificate is not received within the normal time period.

(5) For screening languages, you are considered qualified once you pass both the written and oral tests. Instead of a certificate, an authorization letter will be issued to qualified interpreters who pass the required screening tests.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-112, filed 2/22/00, effective 3/24/00.]

WAC 388-03-114 Can I become a department certified interpreter or translator without taking a department examination? There are three ways that you may gain department recognition as an interpreter or translator without taking the department's certification examinations.

(1) If you hold either a state of Washington office of the administrator for the courts interpreter certificate or a federal court interpreter certificate, the department will recognize you as a certified social services interpreter without requiring you to take its examination. However, you must formally submit a written request for recognition and attach a photocopy of your official certificate.

(2) If the American Translators Association (ATA) accredits you as a certified translator, the department will recognize you as a certified translator without requiring you to take its examination. However, you must formally submit a written request for recognition and attach a photocopy of your official certificate.

(3) If you hold either an interpreter or translator certification from another state or U.S. territory or another country that is comparable to DSHS certification and based upon similar requirements, LIST may recognize your certification. In your request for DSHS recognition, you must submit a photo-

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copy of your official certificate and a copy of the official test manual containing evaluation criteria and passing benchmark. Your request should be submitted to LIST. LIST will decide all requests on a case-by-case basis.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-114, filed 2/22/00, effective 3/24/00.]

WAC 388-03-115 Who determines if my request is "sufficiently documented"? The department determines if your request is sufficiently documented. It may request further proof of your qualification. In all cases, the department's decision regarding the sufficiency of your documentation is final.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-115, filed 2/22/00, effective 3/24/00.]

WAC 388-03-116 What if the certification documents requested by the language interpreter services and translations section are in a foreign language? (1) All documents submitted to LIST in a foreign language must be accompanied by an accurate translation in English.

(2) Each translated document must bear the affidavit of the translator, sworn to before a notary public, certifying that the:

(a) Translator is competent in both the language of the document and the English language; and

(b) Translation is a true and complete translation of the foreign language original.

(3) Applicants must pay all costs related to translating any documents relevant to their request for department certification.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-116, filed 2/22/00, effective 3/24/00.]

WAC 388-03-117 What happens to my request for department recognition as an interpreter or translator? When LIST receives your written request for recognition and the required documentation of your qualification, it will:

(1) Process your request as expeditiously as possible; and

(2) Give you written notification of its decision; and

(3) File your request and enter your name, if your request is approved, into its electronic data base of authorized interpreters and translators.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-117, filed 2/22/00, effective 3/24/00.]

WAC 388-03-118 Does the department maintain lists of certified/qualified interpreters and translators? (1) To enable contracted language agencies and department programs to locate and contact certified and/or qualified interpreters and translators, the department maintains lists of certified interpreters, certified translators, and qualified interpreters.

(2) These lists are published and distributed to department contracted language agencies, local department offices, LEP cluster coordinators and regional LEP coordinators.

(3) Any interpreter or translator who considers some information on the list to be confidential, such as mailing addresses and telephone numbers, can have that information

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removed by writing the Language Interpreter Services and Translations section at: P.O. Box 45820, Olympia, WA 98504-5820.

(4) These lists are updated quarterly to include newly certified and qualified interpreters/translators.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-118, filed 2/22/00, effective 3/24/00.]

EXAMINATIONS—ELIGIBILITY AND REGISTRATION

WAC 388-03-120 Who can take the department's interpreter/translator certification and screening examinations? (1) You are eligible to take any DSHS interpreter/translator certification or screening examination if you are:

(a) Currently employed by DSHS in a bilingual position;

or

(b) Applying for DSHS positions with bilingual requirements; or

(c) Currently working with DSHS programs through contracted language agencies; or

(d) Wishing to work with DSHS programs through contracted language agencies.

(2) There are no education and experience requirements for taking an examination. If you fit into one of the above listed categories, you are eligible to take an examination. However, you must remember that all written and oral tests administered by the department assess language proficiency at a professional interpreter/translator level.

(3) Screening tests will not be substituted for any certified language tests.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-120, filed 2/22/00, effective 3/24/00.]

WAC 388-03-122 What type of test is given by the department to certify and qualify interpreters and translators? (1) Certification examinations evaluate bilingual proficiency and interpreting/translation skills by comparing your proficiency and skill to minimum competency standards.

(2) Minimum competency standards are determined by the nature of the work involved and by experienced practicing court interpreters/translators, social services interpreters/translators, bilingual professionals, and language specialists.

(3) Five different types of tests are used to evaluate the bilingual proficiency and interpreting/translation skills of the following categories of people:

(a) Department employees and new recruits with bilingual assignments (employee test);

(b) Contracted interpreters providing oral interpretation services to department social service programs (social services interpreter test);

(c) Contracted translators providing written translation services to department social service programs (translator test);

(d) Medical interpreters providing interpretation services to department clients in medical settings (medical interpreter test); and

(e) Licensed agency personnel whose agency is providing contracted services to the department (licensed agency personnel test or LAP test).

(4) For a list of the specific types of examinations and languages tested (and other important testing information), see the most recent edition of the "professional language certification examination manual" published by the language interpreter services and translations section.

(5) Examinations for interpreters include written and oral components. Interpreters must pass the written test before they take the oral test.

(6) Examinations for DSHS bilingual employees usually include written and oral components and these can be taken on the same day.

(7) Examinations for translators include only a written translation component.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-122, filed 2/22/00, effective 3/24/00.]

WAC 388-03-123 What is a screening test? (1) A screening test is a test administered by the department to candidates who wish to become "qualified interpreters." Qualified interpreters, also referred to as noncertificated language interpreters, are individuals who speak a language other than the department's seven certificated languages, which are Cambodian, Chinese (either Cantonese or Mandarin), Korean, Laotian, Russian, Spanish and Vietnamese.

(2) The scope of a screening test is narrower than the scope of a certificated language examination. Screening tests assess a candidate's English and target language skills but the broader, more comprehensive type of assessment used in a certificated language examination is not possible because of limited department resources.

(3) Screening tests are only available for social services interpreters and medical interpreters.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-123, filed 2/22/00, effective 3/24/00.]

WAC 388-03-124 How do I register for a certification or screening examination if I am a department employee or an applicant for a bilingual position with the department? Normally, you can register over the telephone by calling the LIST section at (360) 664-6038. In the Yakima area, you should contact the DSHS Region 2 Personnel Office at:

104 North 3rd Avenue
Yakima, WA 98902
(509) 575-2008

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-124, filed 2/22/00, effective 3/24/00.]

WAC 388-03-125 How do I register for a certification or screening examination if I am not a department employee or an applicant for a bilingual position with the department? To register for a certification or screening examination you must follow these steps:

(1) Call the LIST office and request a copy of the examination manual, an examination application form and a schedule of upcoming test dates.

(2) Complete and return the examination application form with the required examination fee.

(3) Wait to receive your examination confirmation letter and pretest package from LIST. If you have not received your

letter and package within fifteen working days after you mailed your application and payment, it is your responsibility to contact the LIST office. It is also your responsibility to inform LIST if your name, mailing address or telephone number changes.

(4) If you are only registering for the oral test or registering to retake a test, you do not need to call the LIST office. Simply complete the application form enclosed with your test score report letter and return it to LIST with the appropriate fee. A confirmation letter will be mailed to you when LIST receives your application and payment.

(5) Walk-in registration at a test site is not allowed under any circumstances.

(6) Telephone registration is allowed only for department employees and applicants for department bilingual positions.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-125, filed 2/22/00, effective 3/24/00.]

WAC 388-03-126 What does my pretest package contain? Your pretest package contains directions to the testing site and a study guide that includes sample test questions, sample oral exercises, a list of important terminology and a copy of the department's code of professional conduct.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-126, filed 2/22/00, effective 3/24/00.]

EXAMINATION—FEES

WAC 388-03-130 What examination fees must I pay?

The following examination fees apply to all languages tested by LIST:

Testing for certificated languages:

Social services interpreter test	
Written test	\$30.00 per attempt
Oral test	\$45.00 per attempt
Simultaneous test (retake only)	\$25.00 per attempt
Medical interpreter test	
Written test	\$30.00 per attempt
Oral test	\$45.00 per attempt
Translator test	
Written test	\$50.00 per attempt

Screening for noncertificated languages:

Social services or medical	
Written screening	\$30.00 per attempt
Oral screening	\$45.00 per attempt, per language

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-130, filed 2/22/00, effective 3/24/00.]

WAC 388-03-132 How do I pay my examination fees? (1) You may pay your examination fees with a personal check, certified check, cashier check or money order made out to the "department of social and health services." Do not send cash. LIST will not be responsible for lost cash payments sent through the mail.

(2) If your check or money order is for the wrong amount, LIST will return your payment and your application.

You will have to resubmit your application with a correctly prepared check or money order.

(3) If your bank returns your personal check to LIST because of insufficient funds, LIST will not send you a score report letter until your check clears the bank.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-132, filed 2/22/00, effective 3/24/00.]

WAC 388-03-133 Are my examination fees refundable? (1) All examination fees are nonrefundable except:

(a) If you die before taking the examination, your examination fees are refundable to your estate; or

(b) If you officially move out of Washington state before taking the examination, your examination fees can be refunded to you.

(2) If you fail to attend your confirmed test session(s) because of an emergency, your test session(s) may be rescheduled but your test fee will not be refunded. A rescheduling due to an emergency will be done only once and only if the emergency is properly documented. Examples of proper documentation would be official police reports or signed physician statements.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-133, filed 2/22/00, effective 3/24/00.]

EXAMINATIONS—SCHEDULING

WAC 388-03-135 What requirements apply to the scheduling of interpreter and translator certification and screening examinations? (1) LIST schedules all department interpreter and translator examinations. Normally, testing for all languages is conducted once a month, statewide, from February through November. No testing is offered in December and January due to potential hazardous driving conditions. (See the examination manual for details.)

(2) If you require special arrangements for taking your test due to a disability, you should indicate this special need during your initial contact with LIST.

(3) LIST testing is currently offered at six statewide locations. (See the examination manual for details.) Testing site locations can change because of scheduling factors and varying demand for testing services. To stay informed, you should regularly consult LIST's master test schedule. Also, carefully read your test confirmation letter because it contains specific information on test date, test time, and test location.

(4) You must attend the test session(s) indicated in your registration confirmation letters. Except in bona fide emergency situations (see WAC 388-03-133(2)), you will not be allowed to reschedule your examination if you fail to attend your assigned test session(s). If you miss your scheduled examination for reasons other than an emergency, you may schedule another examination by reapplying to take the test and paying the appropriate testing fee.

(5) All requests for a change in testing schedule must be made within ten calendar days from the date your confirmation letter is sent; otherwise LIST considers your test appointment "confirmed" and your examination fees will not be refunded.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-135, filed 2/22/00, effective 3/24/00.]

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EXAMINATIONS—ADMINISTRATION AND SCORING

WAC 388-03-138 What procedural requirements apply to administering certification and screening examinations? (1) The department has a "no-comment, no-return" examination policy. Once an examination is given, it becomes the property of the department and it will not be released to anyone, including test candidates.

(2) The department will not discuss specific examination content, including specific test questions or answers, with test candidates or any other party. Candidates can receive general critiques of their test performance if they submit a written request.

(3) Passing scores for the different examinations are established by the department based on bilingual fluency required by law, testing technicalities and the language needs of the department. Test scores will only be reported to candidates in writing. No score information will be released over the telephone to anyone.

(4) All interpreter and translator candidates must follow the test instructions. A failure to follow the instructions may result in an invalid test. Invalid tests will not be scored and, therefore, no test results will be reported to the candidate.

(5) If a candidate arrives late for the written test but decides to go ahead and take it, they will take the test during the remaining time allowed. The lost time resulting from their late arrival will not be made up.

(6) If a candidate arrives late for an oral test, they may lose their assigned time slot. A lost time slot resulting from a late arrival will not be made up.

(7) Tests will not be rescheduled because a candidate arrives late at a testing site except in the case of a bona fide emergency. If you are too late to take the test for some reason other than an emergency, you may schedule another examination by reapplying for the test and paying the appropriate fee.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-138, filed 2/22/00, effective 3/24/00.]

WAC 388-03-140 What if a test candidate is suspected of cheating? If a test administrator suspects cheating during an examination with reasonable evidence, the accused candidate may be declared ineligible for all interpreter and translator certification/qualification tests administered by the department.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-140, filed 2/22/00, effective 3/24/00.]

WAC 388-03-150 How does the department score my bilingual examinations? (1) Depending on the nature of the test or test section, the department uses either an objective or a holistic scoring method to evaluate your examination.

(2) Please consult the examination manual for the evaluation indicators used by the department for each test or sub-test.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-150, filed 2/22/00, effective 3/24/00.]

[Title 388 WAC—p. 225]

WAC 388-03-152 When does the department mail my test scores? Score report letters will be sent to candidates when they finish either portion (written or oral) of the test:

(1) For a written test, your scores should be available within two to four weeks from the date you took the examination.

(2) For oral tests, you should receive your scores within four to six weeks from the date you took the examination.

(3) If you wish your test scores mailed to a specific organization or individual, you must personally notify the department in writing and provide the name and mailing address of the organization or individual to whom your score should be sent.

(4) If you do not receive your score report letters within the suggested time periods, you should contact LIST at (360) 664-6037.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-152, filed 2/22/00, effective 3/24/00.]

WAC 388-03-154 Can I appeal my test scores? You have two months, from the date your test score letter is sent, to appeal your test score. Note:

(1) Your appeal must be submitted to the department in writing.

(2) Your appeal will not be honored if it is filed beyond the two-month appeal period.

(3) You will not be allowed to reschedule an examination while your score is being appealed.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-154, filed 2/22/00, effective 3/24/00.]

WAC 388-03-156 How many times can I retake a failed test? You can retake a failed examination until you pass it. However, if you fail a test three times, you must wait six months before taking it a fourth time and wait six months between each subsequent attempt. Each time you retake the test you must pay an examination fee.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-156, filed 2/22/00, effective 3/24/00.]

DECERTIFICATION/DISQUALIFICATION OF INTERPRETERS AND TRANSLATORS

WAC 388-03-170 Can the department deny or revoke my certification or qualification status? The department may deny or revoke either your certification or qualification status if it is proven that you committed one or both of the following acts:

(1) You have not been truthful when dealing with the department; or

(2) You have violated the department's code of professional conduct.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-170, filed 2/22/00, effective 3/24/00.]

WAC 388-03-172 What procedures must the department follow if it denies or revokes my certification or qualification? If it is alleged that you have not been truthful when dealing with the department or that you have violated the department's code of professional conduct, the department,

before denying or revoking your certification or qualification, must:

(1) Immediately investigate the allegations made against you; and

(2) Within sixty days of receiving the allegation, determine if you committed the alleged violations; and

(3) Within five days of reaching its decision, give you written notification of the decision. The department's notification must be delivered to you by certified mail.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-172, filed 2/22/00, effective 3/24/00.]

WAC 388-03-174 Can I appeal the department's decision to deny or revoke my certification or qualification? If the department denies or revokes your certification or qualification, you have the right to appeal its decision by using the adjudicative proceeding process in chapter 34.05 RCW and chapter 388-08 WAC. However, the department encourages you to first try to resolve your dispute through a less formal process like mediation.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-174, filed 2/22/00, effective 3/24/00.]

WAC 388-03-176 How do I request an adjudicative hearing? To request an adjudicative hearing, you must:

(1) File a written application with the department's board of appeals within twenty-one days of receiving the department's decision to deny or revoke your certification or qualification.

(2) Your written application must include:

(a) A copy of the department's decision that you are contesting; and

(b) A specific statement of the issue(s) and the law involved; and

(c) Your reasons for contesting the department's decision.

(3) Your written application must be delivered to the board of appeals in person, electronically by fax or by certified mail.

(4) Once the board of appeals receives your written application, an adjudicative hearing will be scheduled.

(5) The adjudicative hearing will be governed by the provisions of chapter 34.05 RCW, Administrative Procedure Act.

[Statutory Authority: RCW 2.43.010, 74.04.025, and 74.08.090. 00-06-014, § 388-03-176, filed 2/22/00, effective 3/24/00.]

Chapter 388-04 WAC

PROTECTION OF HUMAN RESEARCH SUBJECTS

(Formerly chapter 388-10 WAC)

WAC

388-04-010	Purpose.
388-04-020	Definitions.
388-04-030	Statement of policy.
388-04-040	Implementation.
388-04-050	General applicability.
388-04-060	Documentation of research proposals and review dispositions.
388-04-070	Human research review guidelines.

WAC 388-04-010 Purpose. The purpose of this chapter shall be to establish rules implementing the department's policy for the protection of departmental wards, clients, and employees who serve as human subjects in research and related activities. These rules do not supersede or limit the applicability of other state and federal laws and regulations. For example, see Title 45, Part 46 of the Code of Federal Regulations.

[99-15-021, recodified as § 388-04-010, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-010, filed 8/12/81.]

WAC 388-04-020 Definitions. (1) "Research" means a systematic investigation designed to develop or contribute to generalizable knowledge. Activities which meet this definition constitute "research" for purposes of these rules, whether or not they are supported or conducted under this label.

(2) "Related activities" means demonstration, service, development, and other projects that contain a research component.

(3) "Human subject" means a person about whom an investigator (whether professional or student) conducting research obtains data (a) through intervention or interaction with the person, (b) through observation of the person's behavior, or (c) from personal records and other private information sources.

[99-15-021, recodified as § 388-04-020, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-020, filed 8/12/81.]

WAC 388-04-030 Statement of policy. (1) No service unit or administrative unit within the department's jurisdiction shall allow, or shall participate in, the conduct of research and related activities unless the plans or protocols for such activities have been reviewed and approved by the department of social and health services human research review board or have been specifically exempted from this review requirement by published departmental guidelines.

(2) It is the intent of the department's human subjects protection policy that review of research and related activities by the review board determine that the rights and welfare of clients, wards, and employees are adequately protected; that risks to individuals are minimized, are not unreasonable and are outweighed by the potential benefits to them or by the knowledge to be gained; and that the proposed project design and methods are adequate and appropriate in the light of stated project purposes.

[99-15-021, recodified as § 388-04-030, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-030, filed 8/12/81.]

WAC 388-04-040 Implementation. (1) The department shall maintain a human research review board which shall have primary responsibility for the ethical and technical review of the use of human subjects in research and related projects conducted within the department's jurisdiction. Unfavorable review dispositions by this review board, including disapproval of proposed research, research restrictions, or special approval conditions, cannot, by federal regulation (45 CFR 46.112) be removed except by the review board. Favorable review decisions by the board shall be sub-

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ject to review and concurrence by appropriate departmental officials.

(2) To assure continued protection of human subjects in on-going research at the activity site, departmental service units involved in a significant number of research and related activities shall establish their own research oversight committees. These local committees shall function as extensions of the human research review board. They shall be responsible for providing ethical and procedural oversight in accordance with the review board's directions.

(3) Review of proposals requiring professional competencies beyond those represented on the human research review board shall require prior and written review consultation with at least four research experts who are competent to judge the scientific merit, benefits, and risks of the proposed research.

[99-15-021, recodified as § 388-04-040, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-040, filed 8/12/81.]

WAC 388-04-050 General applicability. The department's human research review rules shall apply to all organizational units of the department. They shall apply to all research and related activities that involve departmental clients, wards, or employees as human subjects or that require disclosure of their personal records, regardless of funding source, and regardless of whether the research is conducted by a departmental employee or by a nondepartmental investigator. The rules shall apply to all research and related activities subcontracted by the department under state and federal grants and contracts to nondepartmental organizations and individuals, regardless of whether the research or related activity involves departmental clients or a nondepartmental subject population.

[99-15-021, recodified as § 388-04-050, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-050, filed 8/12/81.]

WAC 388-04-060 Documentation of research proposals and review dispositions. (1) All research and related activity proposals subject to review under WAC 388-10-050 shall be submitted in writing and such proposals shall conform to the format and content guidelines published by the department.

(2) The director of the departmental unit responsible for human research review policy administration shall document in writing all review dispositions affecting research and related activity proposals submitted to the department. In the case of unfavorable dispositions, such documentation shall contain a statement of the reasons for the negative disposition.

[99-15-021, recodified as § 388-04-060, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-060, filed 8/12/81.]

WAC 388-04-070 Human research review guidelines. (1) The department shall develop and publish a comprehensive set of procedural guidelines for the protection of human research subjects within its jurisdiction. These guidelines shall be at least as restrictive as the minimum requirements set forth in Title 45, Part 46 of the Code of Federal

Regulations, but may be more restrictive if necessary to satisfy the protective purposes of the department's human subjects protection policy.

(2) The published guidelines shall speak at least to the following topics:

- (a) Applicability;
- (b) Responsibility for policy and rule implementation;
- (c) Basic definitions;
- (d) Proposal format and content;
- (e) Review and certification requirements;
- (f) Activities exempt from review requirements;
- (g) Approval and disapproval authority; appeals;
- (h) Qualification requirements for investigators;
- (i) Review board composition and functions;
- (j) Review of ongoing research projects;
- (k) Informed consent requirements;
- (l) Disclosure of personal records for research purposes;
- (m) Publication conditions;
- (n) Provisions for adapting guidelines to the changing requirements of state and federal laws and regulations.

[99-15-021, recodified as § 388-04-070, filed 7/12/99, effective 7/12/99. Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-070, filed 8/12/81.]

Chapter 388-05 WAC CONTRACTOR BILLING REQUIREMENTS— GENERAL

WAC

388-05-0001	What is the purpose of this chapter?
388-05-0005	What contracts does this chapter apply to?
388-05-0010	How soon does a contractor have to submit claims for payment to the department after the services are rendered?

WAC 388-05-0001 What is the purpose of this chapter? The purpose of this chapter is to establish general procedures for contractors to follow when submitting claims for payment to the department of social and health services. Additional requirements may also apply.

[Statutory Authority: RCW 43.17.060. 01-12-071, § 388-05-0001, filed 6/4/01, effective 7/5/01.]

WAC 388-05-0005 What contracts does this chapter apply to? This chapter applies to all contracts for personal or client services as defined in chapter 39.29 RCW and to all interlocal agreements governed by chapter 39.34 RCW. This chapter does not supersede WAC 388-502-0150 titled Time limits for providers to bill medical assistance administration (MAA).

[Statutory Authority: RCW 43.17.060. 01-12-071, § 388-05-0005, filed 6/4/01, effective 7/5/01.]

WAC 388-05-0010 How soon does a contractor have to submit claims for payment to the department after the services are rendered? Each contractor who is rendering authorized services to the department or its clients shall submit claims for payment, as agreed upon between the department and the contractor, no later than twelve months after the date of service. If the claims for payment are not presented within the twelve-month period there shall not be a charge against the state. The twelve-month period may be shortened

by contract or regulation. The twelve-month period may be extended by contract or regulation, but only if required by applicable state or federal law or regulation. The department may grant exceptions to the twelve-month period for initial claims when billing delays are caused by either of the following:

- (a) The department's certification or authorization of services for a client for a retroactive period; or
 - (b) The provider proves to the department's satisfaction that there are other extenuating circumstances.
- This provision shall apply to all claims for payment submitted on or after the effective date.

[Statutory Authority: RCW 43.17.060. 01-12-071, § 388-05-0010, filed 6/4/01, effective 7/5/01.]

Chapter 388-06 WAC BACKGROUND CHECKS

WAC

	PURPOSE
388-06-0010	What is the purpose of this chapter?
	DEFINITIONS
388-06-0020	What definitions apply to WAC 388-06-0100 through 388-06-0260 of this chapter?
388-06-0100	Why are background checks done?
388-06-0110	Who must have background checks?
388-06-0120	Who is not affected by this chapter?
388-06-0130	Does the background check process apply to new and renewal licenses, certification, contracts, and authorizations to have unsupervised access to children or individuals with a developmental disability?
388-06-0140	What happens if I don't comply with the background check requirement?
388-06-0150	What does the background check cover?
388-06-0160	Who pays for the background check?
388-06-0170	Will a criminal conviction permanently prohibit me from being licensed, contracted, or authorized to have unsupervised access to children or to individuals with developmental disability?
388-06-0180	Are there other criminal convictions that will prohibit me from working with children or individuals with a developmental disability?
388-06-0190	If I have a conviction, may I ever have unsupervised access to children or individuals with a developmental disability?
388-06-0200	Will I be disqualified if there are pending criminal charges on my background check?
388-06-0210	Will you license, contract, or authorize me to have unsupervised access to children or individuals with a developmental disability if my conviction has been expunged, or vacated from my record or I have been pardoned for a crime?
388-06-0220	How will I know if I have not been disqualified by the background check?
388-06-0230	How will I know if I have been disqualified by the background check?
388-06-0240	What may I do if I disagree with the department's decision to deny me a license, certification, contract, or authorization based on the results of the background check?
388-06-0250	Is the background check information released to my employer or prospective employer?
388-06-0260	May I receive a copy of my criminal background check results?

ONE HUNDRED AND TWENTY-DAY PROVISIONAL HIRE— PENDING FBI BACKGROUND CHECK RESULTS

388-06-0500	What is the purpose of the one hundred twenty-day provisional hire?
388-06-0510	What definitions apply to one hundred twenty-day provisional hires?
388-06-0520	Who is responsible for approving the one hundred twenty-day provisional hire?

388-06-0525	When are individuals eligible for the one hundred twenty-day provisional hire?
388-06-0530	When does the one hundred twenty-day provisional hire begin?
388-06-0535	Who approves one hundred twenty-day provisional hire extensions?
388-06-0540	Are there instances when the one hundred twenty-day provisional hire is not available?

PURPOSE

WAC 388-06-0010 What is the purpose of this chapter? (1) The purpose of this chapter is to establish rules for background checks conducted by children's administration (CA), and the division of developmental disabilities (DDD) at the department of social and health services (DSHS). The department does background checks on individuals who are licensed, certified, contracted, or authorized to care for or have unsupervised access to children and to individuals with a developmental disability. Background checks are conducted to find and evaluate any history of criminal convictions and child abuse or neglect.

(2) This chapter also defines when the one hundred twenty-day provisional hire is allowed by DSHS. WAC 388-06-0500 through 388-06-0540 apply to all DSHS administrations.

[Statutory Authority: RCW 74.15.030, 01-18-025, § 388-06-0010, filed 8/27/01, effective 10/1/01.]

DEFINITIONS

WAC 388-06-0020 What definitions apply to WAC 388-06-0100 through 388-06-0260 of this chapter? The following definitions apply to WAC 388-06-0100 through 388-06-0260 of this chapter:

"Authorized" or **"authorization"** means not disqualified by the department to have unsupervised access to children and individuals with a developmental disability. This includes persons who are certified, contracted, allowed to receive payments from department funded programs, or volunteer.

"CA" means children's administration, department of social and health services. Children's administration is the cluster of programs within DSHS responsible for the provision of licensing of foster homes, group facilities/programs and child-placing agencies, child protective services, child welfare services, and other services to children and their families.

"CAMIS" means case and management information system. This data system is used by children's administration.

"Certification" means:

(1) Department approval of a person, home, or facility that does not legally need to be licensed, but wishes to have evidence that they met the minimum licensing requirements.

(2) Department licensing of a of a child-placing agency to certify and supervise foster home and group care programs.

"Children" or **"youth"** means individuals who are under parental or department care including:

(1) Individuals under eighteen years old; or

(2) Foster children up to twenty-one years of age and enrolled in high school or a vocational school program; or

(3) Developmentally disabled individuals up to twenty-one years of age for whom there are no issues of child abuse and neglect; or

(4) JRA youth up to twenty-one years of age and who are under the jurisdiction of JRA or a youthful offender under the jurisdiction of the department of corrections who is placed in a JRA facility.

(5) These two terms are used interchangeably in this chapter.

"DCFS" means division of children and family services and is a division within children's administration that provides child welfare, child protective services, and support services to children in need of protection and their families.

"DDD" means the division of developmental disabilities, department of social and health services (DSHS).

"DLR" means the division of licensed resources that is a division within children's administration, the department of social and health services.

"Department" means the department of social and health services (DSHS).

"I" and **"you"** refers to anyone who has unsupervised access to children or to persons with developmental disabilities in a home, facility, or program. This includes, but is not limited to, persons seeking employment, a volunteer opportunity, an internship, a contract, certification, or a license for a home or facility.

"JRA" means the juvenile rehabilitation administration, department of social and health services.

"Licensor" means an employee of DLR or of a child placing agency licensed or certified under chapter 74.15 RCW to approve and monitor licenses for homes or facilities that offer care to children. Licenses require that the homes and facilities meet the department's health and safety standards.

"Individuals with developmental disability" means individuals who meet eligibility requirements in Title 71A RCW, WAC 388-825-030, for services. A developmental disability is any of the following: Mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition described in WAC 388-825-030; originates before the age of eighteen years; is expected to continue indefinitely; and results in a substantial handicap.

"Spousal abuse" includes any crime of domestic violence as defined in RCW 10.99.020 when committed against a spouse, former spouse, person with whom the perpetrator has a child regardless of whether the parents have been married or lived together at any time, or an adult with whom the perpetrator is presently residing or has resided in the past.

"Unsupervised" means not in the presence of:

(1) The licensee, another employee or volunteer from the same business or organization as the applicant who has not been disqualified by the background check.

(2) Any relative or guardian of the child or developmentally disabled individual or vulnerable adult to whom the applicant has access during the course of his or her employment or involvement with the business or organization (RCW 43.43.080(9)).

"Unsupervised access" means that an individual will or may be left alone with a child or vulnerable adult (individual with developmental disability) at any time for any length of time.

"We" refers to the department, including licensors and social workers.

"WSP" refers to the Washington State Patrol.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0020, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0100 Why are background checks done? The department does background checks to help safeguard the health, safety and well being of children and of individuals with a developmental disability in licensed homes and facilities and in day treatment programs. By doing background checks, the department reduces the risk of harm to children and individuals with a developmental disability from caregivers that have been convicted of certain crimes. The department's regulations require the evaluation of your background to determine your character, suitability and competence before you are issued a license, contract, certificate, or authorized to have unsupervised access to children or to individuals with a developmental disability.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0100, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0110 Who must have background checks? The department requires background checks on individuals who will have unsupervised access to children or to individuals with a developmental disability in homes, facilities, or operations licensed, relicensed, or contracted by the department to provide care as required under chapter 74.15 RCW. The department requires background checks on the following people:

- (1) A person licensed, certified, or contracted by us to care for children (chapter 74.15 RCW and RCW 43.43.832);
- (2) A prospective or current employee for a licensed care provider or a person or entity contracting with us;
- (3) A volunteer or intern with regular or unsupervised access to children who is in a home or facility that offers licensed care to children;
- (4) A person who is at least sixteen years old, is residing in a foster home, relatives home, or child care home and is not a foster child;
- (5) A relative other than a parent who may be caring for a child or an individual with a developmental disability;
- (6) A person who regularly has unsupervised access to a child or an individual with a developmental disability;
- (7) A provider who has unsupervised access to a child or individual with a developmental disability in the home of the child or individual with a developmental disability; and
- (8) Prospective adoptive parents as defined in RCW 26.33.020.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0110, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0120 Who is not affected by this chapter? This chapter does not apply to schools, hospitals, or other facilities where the primary focus is not custodial.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0120, filed 8/27/01, effective 10/1/01.]

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WAC 388-06-0130 Does the background check process apply to new and renewal licenses, certification, contracts, and authorizations to have unsupervised access to children or individuals with a developmental disability? These regulations apply to all applications for new and renewal licenses, contracts, certifications, and authorizations to have unsupervised access to children and individuals with a developmental disability that are processed by the department after the effective date of this chapter.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0130, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0140 What happens if I don't comply with the background check requirement? The department will deny, suspend or revoke your license, contract, certification, or authorization to care for children or for individuals with a developmental disability, if you or someone on the premises of your home or facility having unsupervised access does not comply with the department's requirement for a background check.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0140, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0150 What does the background check cover? (1) The department must review the following records:

- (a) Criminal convictions and pending charges.
 - (b) For children's administration, child protective service case file information (CAMIS) for founded reports of child abuse or neglect; and
 - (c) For children's administration, administrative hearing decisions related to any DLR license that has been revoked, suspended or denied.
- (2) The department may also review any civil judgment, determination or disciplinary board final decisions of child abuse or neglect.
- (3) The department may review law enforcement records of convictions and pending charges in other states or locations if:
- (a) You have lived in another state; and
 - (b) Reports from credible community sources indicate a need to investigate another state's records.
- (4) If you have lived in Washington state less than three years immediately prior to your application to have unsupervised access to children or to individuals with a developmental disability, the department requires that you be fingerprinted for a background check with the Washington state patrol (WSP) and the Federal Bureau of Investigation (FBI), as mandated by chapter 74.15 RCW.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0150, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0160 Who pays for the background check? (1) Children's administration (CA) pays for the general administrative costs for background checks for foster home applicants, relative, and CA adoptive home applicants.

(2) Children's administration pays for fingerprinting expenses for those foster home applicants and relatives who require fingerprinting.

(3) Children's administration does not pay for fingerprinting for employees, contractors, or volunteers associated with any other type of home or facility.

(4) The division of developmental disabilities pays for background checks for individuals seeking authorization to provide services to their clients.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0160, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0170 Will a criminal conviction permanently prohibit me from being licensed, contracted, or authorized to have unsupervised access to children or to individuals with developmental disability? (1) There are convictions for certain crimes that will permanently prohibit you from being licensed, contracted, or authorized to have unsupervised access to children or to individuals with developmental disability. Those felony convictions are as follows:

- (a) Child abuse and/or neglect;
- (b) Spousal abuse;
- (c) A crime against a child (including child pornography);
- (d) A crime involving violence (including rape, sexual assault, or homicide but not including other physical assault); or

(e) Any federal or out-of-state conviction for an offense that under the laws of this state would disqualify you from having unsupervised access to children or individuals with developmental disabilities in any home or facility.

(2) If you are convicted of one of the crimes listed in WAC 388-06-0170 (1)(a) through (e) you will not be able to:

- (a) Receive a license to provide care to children;
- (b) Be approved for adoption of a child;
- (c) Be a contractor;
- (d) Be employed by a licensed agency or contractor, if you will have unsupervised access to children or to individuals with a developmental disability;
- (e) Volunteer or participate as an intern in a home or facility that offers care to children or to individuals with a developmental disability; or
- (f) Provide any type of care to children or to individuals with a developmental disability, if the care is funded by the state.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0170, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0180 Are there other criminal convictions that will prohibit me from working with children or individuals with a developmental disability? The department must disqualify you from licensing, contracting, certification, or from having unsupervised access to children or to individuals with a developmental disability if it has been less than five years from a conviction for the following crimes:

- (1) Any physical assault not included in WAC 388-06-0170;
- (2) Any sex offense not included in WAC 388-06-0170;
- (3) Any felony conviction not included in WAC 388-06-0170; or
- (4) Felony violation of the following drug-related crimes:

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(a) The Imitation Controlled Substances Act (for substances that are falsely represented as controlled substances (see chapter 69.52 RCW));

(b) The Legend Drug Act (prescription drugs, see chapter 69.41 RCW);

(c) The Precursor Drug Act (substances used in making controlled substances, see chapter 69.43 RCW);

(d) The Uniform Controlled Substances Act (illegal drugs or substances, see chapter 69.50 RCW); or

(e) Unlawfully manufacturing, delivering or possessing a controlled substance with intent to deliver, or unlawfully using a building for drug purposes.

(5) Any federal or out-of-state conviction for an offense that under the laws of this state would disqualify you from having unsupervised access to children or individuals with developmental disabilities in your home or facility no less than five years from a conviction listed in this section.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0180, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0190 If I have a conviction, may I ever have unsupervised access to children or individuals with a developmental disability? (1) In two situations, DSHS may find a person with convictions able to have unsupervised access to children or individuals with a developmental disability:

(a) If the conviction for any crime listed in WAC 388-06-0180 occurred more than five years ago; or

(b) If the conviction was for a crime other than those listed in WAC 388-06-0170 or 388-06-0180.

(2) In both of these situations, DSHS must review your background to determine your character, suitability, and competence to have unsupervised access to children or individuals with a developmental disability. In this review, DSHS must consider the following factors:

- (a) The amount of time that has passed since you were convicted;
- (b) The seriousness of the crime that led to the conviction;
- (c) The number and types of other convictions in your background;
- (d) The amount of time that has passed since you were convicted;
- (e) Your age at the time of conviction;
- (f) Documentation indicating you have successfully completed all court-ordered programs and restitution;
- (g) Your behavior since the conviction; and
- (h) The vulnerability of those that would be under your care.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0190, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0200 Will I be disqualified if there are pending criminal charges on my background check? (1) The department will not license, contract, certify, or authorize a person to have unsupervised access to children or individuals with a developmental disability who have a criminal charge pending.

(2) You may reapply for a license, contract, certification, or approval to have unsupervised access to children or to individuals with a developmental disability by providing

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proof to the department that the charge against you has been dropped or that you were acquitted.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0200, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0210 Will you license, contract, or authorize me to have unsupervised access to children or individuals with a developmental disability if my conviction has been expunged, or vacated from my record or I have been pardoned for a crime? If you receive a pardon or a court of law acts to expunge or vacate a conviction on your record, the crime will not be considered a conviction for the purposes of licensing, contracting, certification, or authorization for unsupervised access to children or to individuals with a developmental disability.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0210, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0220 How will I know if I have not been disqualified by the background check? (1) If you have not been disqualified by the background check and are applying for a license or certification to care for children, the department will not directly notify you. Instead, the department continues the process for approving your application.

(2) If you have requested a contract or approval for unsupervised access to children or to individuals with a developmental disability, the department will notify you, and your prospective employer or your supervisor.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0220, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0230 How will I know if I have been disqualified by the background check? (1) The department will notify you, and the care provider, the employer, or the licensor if you have been disqualified by the background check. The notice will be in writing and will include any laws and rules that require disqualification.

(2) If the department sends you a notice of disqualification, you will not receive a license, contract, certification, or be authorized to have unsupervised access to children or to individuals with a developmental disability.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0230, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0240 What may I do if I disagree with the department's decision to deny me a license, certification, contract, or authorization based on the results of the background check? (1) If you are seeking a license, or employment with a licensed home or facility you may request an administrative hearing to disagree with the department's decision process to deny authorization for unsupervised access to children or to individuals with a developmental disability (chapter 34.05 RCW). You cannot contest the conviction in the administrative hearing.

(2) Prospective volunteers, interns, contractors, or those seeking certification do not have the right to appeal the department's decision to deny authorization for unsupervised access to children and to individuals with a developmental disability.

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(3) The employer or prospective employer cannot contest the department's decision on your behalf.

(4) The administrative hearing will take place before an administrative law judge employed by the office of administrative hearings (chapter 34.05 RCW).

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0240, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0250 Is the background check information released to my employer or prospective employer?

(1) The department will share with employers or approved care providers only that:

(a) You are disqualified; or

(b) You have not been disqualified by the background check.

(2) The department will follow laws related to the release of criminal history records (chapters 10.97 and 43.43 RCW) and public disclosure (chapter 42.17 RCW) when releasing any information.

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0250, filed 8/27/01, effective 10/1/01.]

WAC 388-06-0260 May I receive a copy of my criminal background check results?

(1) The department will provide you a copy of your criminal background check results if you:

(a) Make the request in writing to the department; and

(b) Offer proof of identity, such as picture identification.

(2) A copy of your WSP criminal background check results may also be obtained from the Washington state patrol (chapter 10.97 RCW).

[Statutory Authority: RCW 74.15.030. 01-18-025, § 388-06-0260, filed 8/27/01, effective 10/1/01.]

ONE HUNDRED AND TWENTY-DAY PROVISIONAL HIRE—PENDING FBI BACKGROUND CHECK RESULTS

WAC 388-06-0500 What is the purpose of the one hundred twenty-day provisional hire? The one hundred twenty-day provisional hire allows an employee to have unsupervised access to children, juveniles and vulnerable adults on a provisional basis pending the results of their Federal Bureau of Investigation (FBI) background check.

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.-030. 01-15-019, § 388-06-0500, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0510 What definitions apply to one hundred twenty-day provisional hires? "Agency" means any agency of the state or any private agency providing services to children, juveniles, and vulnerable adults.

"Background check central unit (BCCU)" means the DSHS program responsible for conducting background checks for DSHS administrations.

"Disqualified" means the results of an individual's background check disqualifies them from a position which will or may provide unsupervised access to children, juveniles, and vulnerable adults.

"Entity" means, but is not limited to, a licensed facility, a corporation, a partnership, a sole proprietorship, or a contracted or certified service provider.

"**Hire**" means engagement by an agency, entity or a hiring individual to perform specific agreed duties as a paid employee, a contract employee, a volunteer, or a student intern.

"**Hiring individual**" means a DSHS client who is eligible to hire an individual to provide in-home service with state funding.

"**Individual**" means an employee, a contract employee, a volunteer, or a student intern.

"**Qualified**" means an individual can be hired into a position that includes unsupervised access to children, juveniles, and vulnerable adults because the results of their background check are not disqualifying.

"**Unsupervised access**" means that:

(1) An individual will or may have the opportunity to be alone with a child, juvenile, or a vulnerable adult; and

(2) Neither a qualified employee, contract employee, volunteer, or student intern of the agency, or entity nor a relative or guardian of the child, juvenile or vulnerable adult is present.

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.-030. 01-15-019, § 388-06-0510, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0520 Who is responsible for approving the one hundred twenty-day provisional hire? The agency, entity or hiring individual is responsible for approving individuals for the one hundred twenty-day provisional hire.

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.-030. 01-15-019, § 388-06-0520, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0525 When are individuals eligible for the one hundred twenty-day provisional hire? Individuals are eligible for the one hundred twenty-day provisional hire immediately. The signed background check application and two FBI fingerprint cards must be sent to the BCCU within forty-eight hours by the agency, entity or hiring individual.

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.-030. 01-15-019, § 388-06-0525, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0530 When does the one hundred twenty-day provisional hire begin? The one hundred twenty-day provisional hire may begin from either:

(1) The date of hire of an individual; or

(2) After completion of a state background check on an individual.

The agency, entity, or hiring individual makes this decision.

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.-030. 01-15-019, § 388-06-0530, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0535 Who approves one hundred twenty-day provisional hire extensions? The agency, entity or hiring individual approves one hundred twenty-day provisional hire extensions. An extension is approved when the agency, entity or hiring individual does not receive the FBI result within one hundred twenty days from:

(1) The date of hire; or

(2) Completion of the state background check.

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.-030. 01-15-019, § 388-06-0535, filed 7/10/01, effective 8/10/01.]

(2009 Ed.)

WAC 388-06-0540 Are there instances when the one hundred twenty-day provisional hire is not available? The one hundred twenty-day provisional hire is not available to an agency, entity, or hiring individual requesting:

(1) An initial license;

(2) An initial contract; or

(3) Approval as a family child day care home provider, foster parent or adoptive parent (see 42 U.S.C. Sec 671 (a)(20)).

[Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.-030. 01-15-019, § 388-06-0540, filed 7/10/01, effective 8/10/01.]

Chapter 388-14A WAC

DIVISION OF CHILD SUPPORT RULES

WAC

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PART A - GENERAL INFORMATION ABOUT THE DIVISION OF CHILD SUPPORT

WAC 388-14A-1000 The DSHS division of child support is the Title IV-D child support enforcement agency for the state of Washington. (1) The division of child support (DCS) is the part of the department of social and health services that provides child support enforcement services for the state of Washington under Title IV-D of the federal Social Security Act. DCS acts as the Washington state support registry (WSSR) under chapter 26.23 RCW.

(2) If your support order requires you to make payments to DCS or to WSSR, send payments to: WSSR, P.O. Box 45868, Olympia WA 98504-5868.

(3) If you want to call DCS, you can call 1-800-442-KIDS, or call the local DCS field office.

(4) If you want to write to DCS, you can write to P.O. Box 9162, Olympia WA 98507-9162 or to the local DCS field office.

(5) DCS is responsible for the statewide administration of wage withholding under Title IV-D.

(6) DCS is the agency referred to in federal law as "the Title IV-D agency," and performs all duties assigned to the Title IV-D agency.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-1000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-010 and 388-14-210.]

WAC 388-14A-1005 What is Washington's state plan under Title IV-D? (1) The division of child support (DCS), on behalf of the department of social and health services of the state of Washington, has established the following provisions as the state plan (the "plan") for its child support enforcement program. This plan is authorized by Title IV-D of the Social Security Act and chapters 74.20 and 74.20A RCW. This plan covers the entire state of Washington.

(2) DCS is the organization within the state of Washington that administers the plan.

(3) DCS enters into contracts for child support enforcement and related services with:

(a) Other state agencies;

(b) Indian tribes, county prosecutors and court clerks in the state of Washington;

(c) Other states or foreign countries for action under the Uniform Interstate Family Support Act (UIFSA) and other

laws to enforce or collect child support, locate noncustodial parents, or establish paternity. These contracts may include procedures for:

- (i) Making referrals;
 - (ii) Assigning debts;
 - (iii) Reporting actions and activities; and
 - (iv) Coordinating activities under and ensuring compliance with UIFSA.
- (d) Private parties;
 - (e) The secretary of the Department of Health and Human Services to refer and certify cases:
 - (i) To the federal parent locator service (FPLS);
 - (ii) To the secretary of the treasury for action to collect support debts; and
 - (iii) For action in the United States district courts to enforce support debts.
- (4) DCS manages the Title IV-D plan for the state of Washington and:

- (a) Oversees all activities under the plan to ensure that the program meets the standards for an efficient and effective program;
- (b) Evaluates the quality and scope of services provided under the plan;
- (c) Ensures that federal and state requirements for records management, accounting and fiscal control are met;
- (d) Provides all services under the plan in appropriate cases, including action to locate parents, to establish paternity, and to establish, enforce and collect child support; and
- (e) Assures that referrals and other communications with the Title IV-A agency (which operates the public assistance programs) and the Title IV-E agency (which operates the foster care program) meet the requirements of the Title IV-D and Title IV-A state plans.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1005, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1010 What are the other names that the division of child support has used? (1) The division of child support (DCS) has been known by many names including:

- (a) The office of support enforcement (OSE);
 - (b) The support enforcement division (SED);
 - (c) The state's Title IV-D agency; and
 - (d) The Washington State Support Registry (WSSR).
- (2) Some statutes and forms use one of these other names, but they all mean the division of child support.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1010, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1015 What laws regulate the actions of the division of child support? (1) The following are the primary state and federal laws which apply to the division of child support (DCS):

- (a) Title IV-D of the Social Security Act sets out the federal requirements for a state's support enforcement program.
- (b) Title 45 of the Code of Federal Regulations contains the federal regulations regarding support enforcement programs.
- (c) Chapter 26.23 RCW establishes the Washington state support enforcement program.

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(2) Most state statutes governing DCS are found in Title 26 RCW and chapters 74.20 and 74.20A RCW.

(3) The Washington Administrative Code (WAC) contains the state regulations regarding the Washington state support enforcement program.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1015, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement? For purposes of this chapter, the following definitions apply:

"Absence of a court order" means that there is no court order setting a support obligation for the noncustodial parent (NCP), or specifically relieving the NCP of a support obligation, for a particular child.

"Absent parent" is a term used for a noncustodial parent.

"Accessible coverage" means health insurance coverage which provides primary care services to the children with reasonable effort by the custodian.

"Accrued debt" means past-due child support which has not been paid.

"Administrative order" means a determination, finding, decree or order for support issued under RCW 74.20A.055, 74.20A.056, or 74.20A.059 or by another state's agency under an administrative process, establishing the existence of a support obligation (including medical support) and ordering the payment of a set or determinable amount of money for current support and/or a support debt. Administrative orders include:

- (1) An order entered under chapter 34.05 RCW;
- (2) An agreed settlement or consent order entered under WAC 388-14A-3600; and
- (3) A support establishment notice which has become final by operation of law.

"Agency" means the Title IV-D provider of a state. In Washington, this is DCS.

"Agreed settlement" is an administrative order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. An agreed settlement does not require the approval of an administrative law judge.

"Aid" or **"public assistance"** means cash assistance under the temporary assistance for needy families (TANF) program, the aid for families with dependent children (AFDC) program, federally funded or state-funded foster care, and includes day care benefits and medical benefits provided to families as an alternative or supplement to TANF.

"Alternate recipient" means a child of the employee or retiree named within a support order as being entitled to coverage under an employer's group health plan.

"Annual fee" means the twenty-five dollar annual fee charged between October 1 and September 30 each year, required by the federal deficit reduction act of 2005 and RCW 74.20.040.

"Applicant/custodian" means a person who applies for nonassistance support enforcement services on behalf of a child or children residing in their household.

"Applicant/recipient," "applicant," and "recipient" means a person who receives public assistance on behalf of a child or children residing in their household.

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"Arrears" means the debt amount owed for a period of time before the current month.

"Assistance" means cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

"Birth costs" means medical expenses incurred by the custodial parent or the state for the birth of a child.

"Conference board" means a method used by the division of child support for resolving complaints regarding DCS cases and for granting exceptional or extraordinary relief from debt.

"Consent order" means a support order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. A consent order requires the approval of an administrative law judge.

"Court order" means a judgment, decree or order of a Washington state superior court, another state's court of comparable jurisdiction, or a tribal court.

"Current support" or **"current and future support"** means the amount of child support which is owed for each month.

"Custodial parent or CP" means the person, whether a parent or not, with whom a dependent child resides the majority of the time period for which the division of child support seeks to establish or enforce a support obligation.

"Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date that the TANF or AFDC program grant is effective. For purposes of this chapter, the state remains responsible for the support of a dependent child until public assistance terminates, or support enforcement services end, whichever occurs later.

"Delinquency" means failure to pay current child support when due.

"Department" means the Washington state department of social and health services (DSHS).

"Dependent child" means a person:

(1) Seventeen years of age or younger who is not self-supporting, married, or a member of the United States armed forces;

(2) Eighteen years of age or older for whom a court order requires support payments past age eighteen;

(3) Eighteen years of age or older, but under nineteen years of age, for whom an administrative support order exists if the child is participating full-time in a secondary school program or the same level of vocational or technical training.

"Disposable earnings" means the amount of earnings remaining after the deduction of amounts required by law to be withheld.

"Earnings" means compensation paid or payable for personal service. Earnings include:

(1) Wages or salary;

(2) Commissions and bonuses;

(3) Periodic payments under pension plans, retirement programs, and insurance policies of any type;

(4) Disability payments under Title 51 RCW;

(5) Unemployment compensation under RCW 50.40.020, 50.40.050 and Title 74 RCW;

(6) Gains from capital, labor, or a combination of the two; and

(7) The fair value of nonmonetary compensation received in exchange for personal services.

"Employee" means a person to whom an employer is paying, owes, or anticipates paying earnings in exchange for services performed for the employer.

"Employer" means any person or organization having an employment relationship with any person. This includes:

(1) Partnerships and associations;

(2) Trusts and estates;

(3) Joint stock companies and insurance companies;

(4) Domestic and foreign corporations;

(5) The receiver or trustee in bankruptcy; and

(6) The trustee or legal representative of a deceased person.

"Employment" means personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services. Such a contract may be written or oral, express or implied.

"Family" means the person or persons on whose behalf support is sought, which may include a custodial parent and one or more children, or a child or children in foster care placement. The family is sometimes called the assistance unit.

"Family member" means the caretaker relative, the child(ren), and any other person whose needs are considered in determining eligibility for assistance.

"Foreign order" means a court or administrative order entered by a tribunal other than one in the state of Washington.

"Foster care case" means a case referred to the Title IV-D agency by the Title IV-E agency, which is the state division of child and family services (DCFS).

"Fraud," for the purposes of vacating an agreed settlement or consent order, means:

(1) The representation of the existence or the nonexistence of a fact;

(2) The representation's materiality;

(3) The representation's falsity;

(4) The speaker's knowledge that the representation is false;

(5) The speaker's intent that the representation should be acted on by the person to whom it is made;

(6) Ignorance of the falsity on the part of the person to whom it is made;

(7) The latter's:

(a) Reliance on the truth of the representation;

(b) Right to rely on it; and

(c) Subsequent damage.

"Full support enforcement services" means the entire range of services available in a Title IV-D case.

"Good cause" for the purposes of late hearing requests and petitions to vacate orders on default means a substantial reason or legal justification for delay, including but not limited to the grounds listed in civil rule 60. The time periods used in civil rule 60 apply to good cause determinations in this chapter.

"Head of household" means the parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

"Health insurance" means insurance coverage for all medical services related to an individual's general health and well being. These services include, but are not limited to: Medical/surgical (inpatient, outpatient, physician) care, medical equipment (crutches, wheel chairs, prosthesis, etc.), pharmacy products, optometric care, dental care, orthodontic care, preventive care, mental health care, and physical therapy.

"Hearing" means an adjudicative proceeding authorized by this chapter, or chapters 26.23, 74.20 and 74.20A RCW, conducted under chapter 388-02 WAC and chapter 34.05 RCW.

"I/me" means the person asking the question which appears as the title of a rule.

"Income" includes:

- (1) All gains in real or personal property;
- (2) Net proceeds from the sale or exchange of real or personal property;
- (3) Earnings;
- (4) Interest and dividends;
- (5) Proceeds of insurance policies;
- (6) Other periodic entitlement to money from any source; and
- (7) Any other property subject to withholding for support under the laws of this state.

"Income withholding action" includes all withholding actions which DCS is authorized to take, and includes but is not limited to the following actions:

- (1) Asserting liens under RCW 74.20A.060;
- (2) Serving and enforcing liens under chapter 74.20A RCW;
- (3) Issuing orders to withhold and deliver under chapter 74.20A RCW;
- (4) Issuing notices of payroll deduction under chapter 26.23 RCW; and
- (5) Obtaining wage assignment orders under RCW 26.18.080.

"Locate" can mean efforts to obtain service of a support establishment notice in the manner prescribed by WAC 388-14A-3105.

"Medical assistance" means medical benefits under Title XIX of the federal Social Security Act provided to families as an alternative or supplement to TANF.

"Medical expenses" for the purpose of establishing support obligations under RCW 74.20A.055 and 74.20A.056, or for the purpose of enforcement action under chapters 26.23, 74.20 and 74.20A RCW, including the notice of support debt and the notice of support owed, means:

- Medical costs incurred on behalf of a child, which include:
 - Medical services related to an individual's general health and well-being, including but not limited to, medical/surgical care, preventive care, mental health care and physical therapy; and
 - Prescribed medical equipment and prescribed pharmacy products;
 - Health care coverage, such as coverage under a health insurance plan, including the cost of premiums for coverage of a child;
 - Dental and optometrical costs incurred on behalf of a child; and

- Copayments and/or deductibles incurred on behalf of a child.

Medical expenses are sometimes also called health care costs or medical costs.

"Medical support" means either or both:

- (1) Medical expenses; and
- (2) Health insurance coverage for a dependent child.

"National Medical Support Notice" or **"NMSN"** is a federally mandated form that DCS uses to enforce a health insurance support obligation; the NMSN is a notice of enrollment as described in RCW 26.18.170.

"Noncustodial parent or NCP" means the natural parent, adoptive parent, responsible stepparent or person who signed and filed an affidavit acknowledging paternity, from whom the state seeks support for a dependent child. A parent is considered to be an NCP when for the majority of the time during the period for which support is sought, the dependent child resided somewhere other than with that parent.

"Obligated parent" means a parent who is required under a child support order to provide health insurance coverage or to reimburse the other parent for his or her share of medical expenses for a dependent child. The obligated parent could be either the NCP or the CP.

"Other ordinary expense" means an expense incurred by a parent which:

- (1) Directly benefits the dependent child; and
- (2) Relates to the parent's residential time or visitation with the child.

"Participant" means an employee or retiree who is eligible for coverage under an employer group health plan.

"Past support" means support arrears.

"Paternity testing" means blood testing or genetic tests of blood, tissue or bodily fluids. This is also called genetic testing.

"Payment services only" or **"PSO"** means a case on which the division of child support's activities are limited to recording and distributing child support payments, and maintaining case records. A PSO case is not a IV-D case.

"Permanently assigned arrearages" means those arrears which the state may collect and retain up to the amount of unreimbursed assistance.

"Physical custodian" means custodial parent (CP).

"Plan administrator" means the person or entity which performs those duties specified under 29 USC 1002 (16)(A) for a health plan. If no plan administrator is specifically so designated by the plan's organizational documents, the plan's sponsor is the administrator of the plan. Sometimes an employer acts as its own plan administrator.

"Putative father" includes all men who may possibly be the father of the child or children on whose behalf the application for assistance or support enforcement services is made.

"Reasonable efforts to locate" means any of the following actions performed by the division of child support:

- (1) Mailing a support establishment notice to the noncustodial parent in the manner described in WAC 388-14A-3105;
- (2) Referral to a sheriff or other server of process, or to a locate service or department employee for locate activities;

(3) Tracing activity such as:

(a) Checking local telephone directories and attempts by telephone or mail to contact the custodial parent, relatives of the noncustodial parent, past or present employers, or the post office;

(b) Contacting state agencies, unions, financial institutions or fraternal organizations;

(c) Searching periodically for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record-keeping agencies or entities; or

(d) Maintaining a case in the division of child support's automated locate program, which is a continuous search process.

(4) Referral to the state or federal parent locator service;

(5) Referral to the attorney general, prosecuting attorney, the IV-D agency of another state, or the Department of the Treasury for specific legal or collection action;

(6) Attempting to confirm the existence of and to obtain a copy of a paternity acknowledgment; or

(7) Conducting other actions reasonably calculated to produce information regarding the NCP's whereabouts.

"Required support obligation for the current month" means the amount set by a superior court order, tribal court order, or administrative order for support which is due in the month in question.

"Resident" means a person physically present in the state of Washington who intends to make their home in this state. A temporary absence from the state does not destroy residency once it is established.

"Residential care" means foster care, either state or federally funded.

"Residential parent" means the custodial parent (CP), or the person with whom the child resides that majority of the time.

"Responsible parent" is a term sometimes used for a noncustodial parent.

"Responsible stepparent" means a stepparent who has established an in loco parentis relationship with the dependent child.

"Retained support" means a debt owed to the division of child support by anyone other than a noncustodial parent.

"Satisfaction of judgment" means payment in full of a court-ordered support obligation, or a determination that such an obligation is no longer enforceable.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"State" means a state or political subdivision, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a federally recognized Indian tribe or a foreign country.

"Superior court order" means a judgment, decree or order of a Washington state superior court, or of another state's court of comparable jurisdiction.

"Support debt" means support which was due under a support order but has not been paid. This includes:

(1) Delinquent support;

(2) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance including medical expenses, birth costs, child care costs, and special child rearing expenses of a dependent child or other person;

(3) A debt under RCW 74.20A.100 or 74.20A.270; or

(4) Accrued interest, fees, or penalties charged on a support debt, and attorney's fees and other litigation costs awarded in an action under Title IV-D to establish or enforce a support obligation.

"Support enforcement services" means all actions the Title IV-D agency is required to perform under Title IV-D of the Social Security Act and state law.

"Support establishment notice" means a notice and finding of financial responsibility under WAC 388-14A-3115, a notice and finding of parental responsibility under WAC 388-14A-3120, or a notice and finding of medical responsibility under WAC 388-14A-3125.

"Support money" means money paid to satisfy a support obligation, whether it is called child support, spousal support, alimony, maintenance, enforcement of medical expenses, health insurance, or birth costs.

"Support obligation" means the obligation to provide for the necessary care, support and maintenance of a dependent child or other person as required by law, including health insurance coverage, medical expenses, birth costs, and child care or special child rearing expenses.

"TANF" means the temporary assistance for needy families (TANF) program.

"Temporarily assigned arrearages" means those arrears which accrue prior to the family receiving assistance, for assistance applications dated on or after October 1, 1997.

"Title IV-A" means Title IV-A of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

"Title IV-A agency" means the part of the department of social and health services which carries out the state's responsibilities under the temporary assistance for needy families (TANF) program (and the aid for dependent children (AFDC) program when it existed).

"Title IV-D" means Title IV-D of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

"Title IV-D agency" or **"IV-D agency"** means the division of child support, which is the agency responsible for carrying out the Title IV-D plan in the state of Washington. Also refers to the Washington state support registry (WSSR).

"Title IV-D case" is a case in which the division of child support provides services which qualifies for funding under the Title IV-D plan.

"Title IV-D plan" means the plan established under the conditions of Title IV-D and approved by the secretary, Department of Health and Human Services.

"Title IV-E" means Title IV-E of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 U.S.C.

"Title IV-E case" means a foster care case.

"Tribal TANF" means a temporary assistance for needy families (TANF) program run by a tribe.

"Tribunal" means a state court, tribal court, administrative agency, or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

"Uninsured medical expenses":

(1) For the purpose of enforcing support obligations under RCW 26.23.110, means

(a) Medical expenses not paid by insurance for medical, dental, prescription and optometrical costs incurred on behalf of a child; and

(b) Copayments, or deductibles incurred on behalf of a child; and

(2) Includes health insurance premiums that represent the only health insurance covering a dependent child when either:

(a) Health insurance for the child is not required by a support order or cannot be enforced by the division of child support (DCS); or

(b) The premium for covering the child exceeds the maximum limit provided in the support order.

"Unreimbursed assistance" means the cumulative amount of assistance which was paid to the family and which has not been reimbursed by assigned support collections.

"Unreimbursed medical expenses" means any amounts paid by one parent for uninsured medical expenses, which that parent claims the obligated parent owes under a child support order, which percentage share is stated in the child support order itself, not just in the worksheets.

"We" means the division of child support, part of the department of social and health services of the state of Washington.

"WSSR" is the Washington state support registry.

"You" means the reader of the rules, a member of the public, or a recipient of support enforcement services.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-1020, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. 06-03-120, § 388-14A-1020, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 74.20A.310. 05-14-101, § 388-14A-1020, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-1020, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.055, 74.20A.056. 01-03-089, § 388-14A-1020, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-011 and 388-14-020.]

WAC 388-14A-1025 What are the responsibilities of the division of child support? (1) The division of child support (DCS) provides support enforcement services when:

(a) The department of social and health services pays public assistance or provides foster care services;

(b) A former recipient of public assistance is eligible for services, as provided in WAC 388-14A-2000 (2)(c);

(c) A custodial parent (CP) or noncustodial parent (NCP) requests nonassistance support enforcement services under RCW 74.20.040 and WAC 388-14A-2000;

(d) A support order or wage assignment order under chapter 26.18 RCW directs the NCP to make support payments through the Washington state support registry (WSSR);

(e) A support order under which there is a current support obligation for dependent children is submitted to the WSSR;

(f) A former custodial parent (CP) requests services to collect a support debt accrued under a court or administrative support order while the child(ren) resided with the CP;

(g) A child support enforcement agency in another state or foreign country requests support enforcement services; or

(2009 Ed.)

(h) A child support agency of an Indian tribe requests support enforcement services.

(2) DCS takes action under chapters 26.23 and 74.20A RCW to establish, enforce and collect child support obligations.

(a) DCS refers cases to the county prosecuting attorney or attorney general's office when judicial action is required.

(b) If DCS has referred a case to the county prosecuting attorney or attorney general's office and the CP has been granted good cause level A, DCS does not share funding under Title IV-D for any actions taken by the prosecutor or attorney general's office once DCS advises them of the good cause finding.

(3) DCS does not take action on cases where the community services office (CSO) has granted the CP good cause not to cooperate under WAC 388-422-0020, when the CSO grants "level A good cause." If the CSO grants "level B good cause," DCS proceeds to establish and/or enforce support obligations but does not require the CP to cooperate with DCS. WAC 388-14A-2065 and 388-14A-2070 describe the way DCS handles cases with good cause issues.

(4) DCS establishes, maintains, retains and disposes of case records in accordance with the department's records management and retention policies and procedures adopted under chapter 40.14 RCW.

(5) DCS establishes, maintains, and monitors support payment records.

(6) DCS receives, accounts for and distributes child support payments required under court or administrative orders for support.

(7) DCS charges and collects fees as required by federal and state law regarding the Title IV-D child support enforcement program.

(8) DCS files a satisfaction of judgment when we determine that a support obligation is either paid in full or no longer legally enforceable. WAC 388-14A-2099 describes the procedures for filing a satisfaction of judgment. WAC 388-14A-2099(4) describes how DCS determines a support obligation is satisfied or no longer legally enforceable.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-1025, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310. 01-24-080, § 388-14A-1025, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 45 CFR 303.106. 01-03-089, § 388-14A-1025, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-205.]

WAC 388-14A-1030 What kinds of services can the division of child support provide? The services provided by the division of child support include, but are not limited to the following:

(1) Receiving payments and distributing the payments (see WAC 388-14A-5000);

(2) Establishing or modifying administrative child support orders (see WAC 388-14A-3100 and 388-14A-3925);

(3) Enforcing and modifying court orders for child support or maintenance (see WAC 388-14A-3304, 388-14A-3310 and 388-14A-3900);

(4) Referral to the prosecuting attorney for establishment of paternity;

(5) Providing locate services as provided in WAC 388-14A-1035;

(6) Referral for welfare to work services in conjunction with other parts of DSHS, the employment security department (ESD) and private contractors;

(7) Cooperation with the IV-D agencies of other states and Indian tribes (see WAC 388-14A-1060); and

(8) Providing any other services allowed by the state plan and applicable state and federal law.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 45 C.F.R. 303.106. 03-20-072, § 388-14A-1030, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 45 CFR 303.106. 01-03-089, § 388-14A-1030, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-205.]

WAC 388-14A-1035 What kinds of locate services does the division of child support provide? The division of child support (DCS) maintains a service to locate noncustodial parents, using:

(1) All sources of information and available records in Washington or other states; and

(2) The federal parent locator service (FPLS) maintained by the federal Department of Health and Human Services.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1035, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-350.]

WAC 388-14A-1036 Who can request DCS locate services? DCS provides locate services for:

(1) Persons receiving public assistance for the benefit of dependent children;

(2) Any agency or attorney of another state seeking to collect support obligations under an agreement entered into with DCS;

(3) A court which has the authority to issue an order against a noncustodial parent (NCP) for the support and maintenance of a child;

(4) The custodial parent (CP), legal guardian, attorney or agent of a child who does not receive public assistance, and has not applied for full support enforcement services;

(5) The IV-D agency of another state;

(6) The child support agency of an Indian tribe; and

(7) Those persons authorized by 45 C.F.R. 303.15 to use the FPLS in connection with parental kidnaping or child custody cases.

[Statutory Authority: RCW 74.08.090. 01-03-089, § WAC 388-14A-1036, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1040 What must a request for locate services contain? A request or referral asking the division of child support (DCS) to provide locate services must contain the following information:

(1) The name of the noncustodial parent (NCP);

(2) The NCP's Social Security number, if known;

(3) Whether NCP is now or has been a member of the armed services;

(4) Whether NCP is now receiving or has received any federal benefits;

(5) A request for a referral to the federal parent locator service (FPLS);

(6) A statement that the request is being made to locate a person only for one of the following purposes:

(a) Establishing paternity,

(b) Securing support, or

(c) In connection with parental kidnaping or child custody cases.

(7) A statement acknowledging that any information obtained from the FPLS must be kept confidential.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1040, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1045 What happens when I request locate services from the division of child support? (1) The division of child support (DCS) makes diligent and reasonable efforts to locate the noncustodial parent (NCP), including referral to the federal parent locator service (FPLS).

(2) A request for locate services is not an application for full support enforcement services.

(3) If DCS is successful in locating the NCP, the case does not automatically convert to a full support enforcement services case, but you may apply for full services.

(4) If DCS is unsuccessful in locating the NCP using local and state resources, DCS closes the case as provided in WAC 388-14A-2080(12).

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1045, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-1050 The division of child support cooperates with other states and Indian tribes for support enforcement purposes. The division of child support (DCS) cooperates with the IV-D agencies of other states and of Indian tribes, according to rules and policies set by the Secretary of the Department of Health and Human Services and/or the federal Office of Child Support Enforcement (OCSE).

Areas of cooperation include:

(1) Establishing paternity;

(2) Locating a noncustodial parent (NCP) who resides in Washington;

(3) Enforcing the support obligation of an NCP who resides in Washington but whose support order was entered by another state; and

(4) Any other functions required under a Title IV-D plan.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1050, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-360.]

WAC 388-14A-1055 Can the division of child support collect support owed or assigned to another state? (1) The division of child support (DCS) may, at the request of another state, collect child support which has been assigned to that state under 42 U.S.C. 608 (a)(3)(A).

(2) DCS uses the remedies in chapters 26.23, 74.20 and 74.20A RCW to collect support on behalf of another state or IV-D agency.

[Statutory Authority: RCW 26.21.016, 34.05.020, 74.08.090, 74.20.040(3), 74.20A.310. 06-06-078, § 388-14A-1055, filed 2/28/06, effective 3/31/06. Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-1055, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-365.]

WAC 388-14A-1060 The division of child support cooperates with courts and law enforcement. (1) The division of child support (DCS) is authorized to enter into cooperative arrangements and written agreements including financial arrangements with the appropriate courts and law enforcement officials (including Indian tribes) to assist DCS in administering the state plan for support enforcement.

(2) These cooperative arrangements include the investigation and prosecution of fraud related to paternity and child support.

(3) DCS shares the federal funds it receives under 42 U.S.C. 655 according to the cooperative and financial agreements.

(4) Any support payments that are made by a noncustodial parent (NCP) after DCS refers a case to a court or law enforcement official must be submitted to the Washington state support registry.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-1060, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-370.]

PART B - BASIC RULES FOR CHILD SUPPORT CASES

WAC 388-14A-2000 Who can receive child support enforcement services from the division of child support?

(1) The division of child support (DCS) provides payment processing and records maintenance services (called "payment services only") to parties to a court order who are not receiving a public assistance grant when:

(a) A Washington superior court order, tribal court order, administrative order, or wage assignment order under chapter 26.18 RCW directs payments through DCS or through the Washington state support registry (WSSR);

(b) The custodial parent (CP) of a dependent child or a noncustodial parent (NCP) requests payment services only, provided that:

(i) An NCP's request for payment services only may not cause a reduction of service from the level of service provided under section (2) of this section; and

(ii) The support obligation is set by a Washington state superior court order, tribal court order, administrative order or wage assignment order, directing payment to DCS or to WSSR.

(2) DCS provides full support enforcement services under Title IV-D of the Social Security Act to custodial parents or noncustodial parents who are not receiving a public assistance grant when:

(a) The custodial parent or former physical custodian of a child requests support enforcement services;

(b) The noncustodial parent of a dependent child requests support enforcement services;

(c) An NCP submits a support order for inclusion in or a support payment to the WSSR, together with an application for support enforcement services;

(d) A public assistance recipient stops receiving a cash grant under the temporary assistance for needy families program;

(e) The department provides medicaid-only benefits to a CP on behalf of a dependent child, unless the recipient of the medicaid-only benefits declines support enforcement services not related to paternity establishment, medical support establishment or medical support enforcement; or

(f) A man requests paternity establishment services alleging he is the father of a dependent child.

(3) DCS provides payment processing, records maintenance, paternity establishment, medical support establishment, and medical support enforcement services when a

recipient of medicaid-only benefits declines support enforcement services in writing.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9, 08-12-029, § 388-14A-2000, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 CFR 303.106, 01-03-089, § 388-14A-2000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-205, 388-14-300, and 388-14-310.]

WAC 388-14A-2005 When does an application for public assistance automatically become an application for support enforcement services? (1) When a custodial parent (CP) or physical custodian (also called the CP) applies for or receives cash assistance on behalf of a minor child, the family authorizes the division of child support (DCS) to provide full support enforcement services to the family.

(2) These services continue until the support enforcement case is closed under WAC 388-14A-2080.

(3) The CP's public assistance application is an assignment of support rights.

(4) An application for medicaid, medical assistance or medical benefits under Title XIX of the federal Social Security Act is an assignment of the medical support rights of anyone receiving those benefits, and the CP authorizes DCS to provide support enforcement services to the family as follows:

(a) DCS provides full support enforcement services as provided under subsection (1) above for a family receiving cash assistance, or under WAC 388-14A-2000 (2)(d) to a family receiving medicaid-only benefits;

(b) As set forth in WAC 388-14A-2000(3), DCS provides only payment processing, records maintenance, paternity establishment, medical support establishment and medical support enforcement services when a recipient of medicaid-only benefits declines full support enforcement services in writing.

(5) WAC 388-14A-2036 describes the assignment of support rights.

(6) If the community services office grants the CP good cause not to cooperate under WAC 388-422-0020, DCS does not provide services. See WAC 388-14A-2065.

[Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33, 06-03-120, § 388-14A-2005, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 CFR 303.106, 01-03-089, § 388-14A-2005, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-205.]

WAC 388-14A-2010 Can I apply for support enforcement services if I do not receive public assistance?

(1) If you are not receiving public assistance, you can apply for support enforcement services. Your case is called a non-assistance case. A nonassistance case receives the same level of services as a case that was opened because of the payment of public assistance.

(2) Generally, the person applying for nonassistance support enforcement services is the custodial parent or former custodial parent of a child. However, the noncustodial parent may apply for services as well, as provided in WAC 388-14A-2000 (2)(b), (c) and (f).

(3) A person wishing to apply for nonassistance support enforcement services must submit a written application for support enforcement services except as provided in WAC 388-14A-2000 (2)(d); and

(a) Have or have had physical custody of the child for whom support is sought, or for whom a support debt has accrued, or be the person with whom the child resided the majority of the time for which support is sought; or

(b) Be the noncustodial parent.

(4) The applicant must:

(a) Give consent for the division of child support (DCS) to take an assignment of earnings from the noncustodial parent (NCP) if the parents are still married;

(b) Agree to send to DCS any support payments received directly from the NCP within eight days of receipt;

(c) Agree to direct a payor or forwarding agent to make payments to the Washington state support registry (WSSR);

(d) Agree not to hire an attorney or collection agency, or apply to any other state's IV-D agency to collect the same support obligation or support debt, without notifying DCS;

(e) Complete, sign, date and submit to DCS the application form and any other required documents;

(f) Supply copies of divorce and dissolution decrees, support orders and modification orders, and any related documents affecting a support obligation;

(g) Provide a statement of the amount of support debt owed by the NCP;

(h) Include or attach a list, by date, of the support payments received from the NCP during the time period for which the CP seeks support; and

(i) Pay any applicable fee imposed by state or federal law.

(5) If someone other than the CP has legal custody of the child under a court order, the CP must affirm that:

(a) The CP has not wrongfully deprived the legal custodian of custody; and

(b) The person with legal custody has not been excused from making support payments by a court or administrative tribunal.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-2010, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2010, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-310.]

WAC 388-14A-2015 Does DCS accept an application from someone who is not a resident of Washington state?

(1) If you are not a resident of the state of Washington but you are applying for services, you must swear or affirm that there is not an open IV-D case in another state.

(2) The division of child support (DCS) may decline the application for nonassistance support enforcement services if:

(a) DCS already has an open case for you which was opened at the request of another state; or

(b) Neither the custodial parent nor the noncustodial parent reside, work, or own any assets in the state of Washington.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2015, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-310.]

WAC 388-14A-2020 Can the division of child support deny my application for support enforcement services? (1) The division of child support (DCS) may deny an application which is incomplete, contains unclear or incon-

sistent statements, is not supported by necessary documents, or requests services DCS cannot or does not provide.

(2) DCS may deny an application from a nonresident as provided in WAC 388-14A-2015(2).

(3) When DCS denies an application, DCS sends the applicant a written notice of denial by regular mail. The notice advises the applicant:

(a) Of the reasons for the denial; and

(b) That the applicant may request an administrative hearing to contest the denial.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2020, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2025 What services does the division of child support provide for a nonassistance support enforcement case? (1) The division of child support (DCS) provides full support enforcement services for every IV-D case.

(2) DCS provides either full or limited nonassistance support enforcement services for recipients of medicaid-only benefits as provided in WAC 388-14A-2005(4).

(3) Some cases do not receive full support enforcement services. Nonassistance cases where DCS provides payment processing services are called payment services only (PSO) cases.

(4) In a PSO case, DCS provides only records maintenance and payment processing services if the payee under a support order does not submit an application for support enforcement services and the:

(a) Order directs support payments to DCS or to the Washington state support registry (WSSR); and

(b) The clerk of the court submitted the order under RCW 26.23.050.

(5) DCS continues to provide services without an application after a:

(a) Public assistance recipient stops receiving cash assistance; or

(b) Recipient of medicaid-only benefits becomes ineligible for medicaid-only benefits, unless the recipient declines support enforcement services or requests additional services.

(6) If you receive services as a former recipient of assistance, as described in subsection (5), you must cooperate with DCS in the same way as when you received a grant.

[Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. 06-03-120, § 388-14A-2025, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2025, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2030 Do I assign my rights to support when I apply for child support enforcement services? (1) A custodial parent applying for or receiving cash assistance on behalf of a minor child assigns the family's rights to support as provided in WAC 388-14A-2035, below.

(2) A person applying for nonassistance support enforcement services does not assign support rights, but agrees to cooperate with the division of child support as provided in WAC 388-14A-2010(3).

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-270, 74.20A.310. 01-03-089, § 388-14A-2030, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-200.]

WAC 388-14A-2035 Do I assign my rights to support when I receive public assistance? (1) When you receive public assistance you assign your rights to support to the state. This section applies to all applicants and recipients of cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

(2) As a condition of eligibility for assistance, a family member must assign to the state the right to collect and keep, subject to the limitation in subsection (3), any support owing to the family member or to any other person for whom the family member has applied for or is receiving assistance.

(3) Amounts assigned under this section may not exceed the lesser of the total amount of assistance paid to the family or the total amount of the assigned support obligation.

(4) When you receive medicaid or medical benefits, you assign your rights to medical support to the state. This applies to all recipients of medical assistance under the state program funded under Title XIX of the federal Social Security Act.

[Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. 06-03-120, § 388-14A-2035, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.270, 74.20A.310. 01-03-089, § 388-14A-2035, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-200.]

WAC 388-14A-2036 What does assigning my rights to support mean? (1) As a condition of eligibility for assistance, a family member must assign to the state the right to collect and keep, subject to the limitation in WAC 388-14A-2035(3), any support owing to the family member or to any other person for whom the family member has applied for or is receiving assistance.

(2) While your family receives assistance, all support collected is retained by the state to reimburse the total amount of assistance which has been paid to your family.

(3) After your family terminates from assistance, certain accrued arrears remain assigned to the state in accordance with the following rules:

(a) For assistance applications dated prior to October 1, 1997, you permanently assign to the state all rights to support which accrued before the application date and which will accrue prior to the date your family terminates from assistance.

(b) For assistance applications dated on or after October 1, 1997, and before October 1, 2000:

(i) You permanently assign to the state all rights to support which accrue while your family receives assistance; and

(ii) You temporarily assign to the state all rights to support which accrued before the application date, until October 1, 2000, or when your family terminates from assistance, whichever date is later. After this date, if any remaining arrears are collected by federal income tax refund offset, the state retains such amounts, up to the amount of unreimbursed assistance.

(c) For assistance applications dated on or after October 1, 2000:

(i) You permanently assign to the state all rights to support which accrue while the family receives assistance; and

(ii) You temporarily assign to the state all rights to support which accrued before the application date, until the date your family terminates from assistance. After this date, if any remaining arrears are collected by federal income tax refund

offset, the state retains such amounts, up to the amount of unreimbursed assistance.

(4) When you assign your medical support rights to the state, you authorize the state on behalf of yourself and the children in your care to enforce the noncustodial parent's full duty to provide medical support.

[Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. 06-03-120, § 388-14A-2036, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.270, 74.20A.310. 01-03-089, § 388-14A-2036, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-200.]

WAC 388-14A-2037 What are permanently assigned arrears? Permanently assigned arrears accrue only under the following conditions:

(1) For those periods prior to the family receiving assistance, for assistance applications dated on or before September 30, 1997; and

(2) For those periods while a family receives assistance, for assistance applications dated at any time.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2037, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2038 What are temporarily assigned arrears? Temporarily assigned arrears are:

(1) Not permanently assigned to the state;

(2) Collected and retained by the state up to the amount of unreimbursed assistance, if these arrears are collected by federal income tax refund offset at any time; and

(3) Collected and kept by the state, up to the cumulative amount of unreimbursed assistance:

(a) Until October 1, 2000 or until the date the family terminates from assistance, whichever date is later; or

(b) Only while the family receives assistance, for assistance periods beginning October 1, 2000 or later.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2038, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2040 Do I have to cooperate with the division of child support in establishing or enforcing child support? (1) You must cooperate with the division of child support (DCS) when you receive public assistance unless the department determines there is good cause not to cooperate under WAC 388-422-0020. For purposes of this section and WAC 388-14A-2075, cooperating with DCS includes cooperating with those acting on behalf of DCS (its "representatives"), namely the prosecuting attorney, the attorney general, or a private attorney paid per RCW 74.20.350. In cases where paternity is at issue, the custodial parent (CP) of a child who receives assistance must cooperate whether or not the parent receives assistance.

(2) Cooperation means giving information, attending interviews, attending hearings, or taking actions to help DCS establish and collect child support. This information and assistance is necessary for DCS to:

(a) Identify and locate the responsible parent;

(b) Establish the paternity of the child(ren) on assistance in the CP's care; and

(c) Establish or collect support payments or resources such as property due the CP or the child(ren).

(3) The CP must also cooperate by sending to DCS any child support received by the CP while on assistance, as required by RCW 74.20A.275 (3)(c). If the client keeps these payments, known as retained support, the CP must sign an agreement to repay under RCW 74.20A.275, and the CP must honor that agreement.

(4) The cooperation requirements of subsections (1) and (2) above, but not subsection (3), apply to a recipient of medicaid-only assistance.

[Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. 06-03-120, § 388-14A-2040, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 26.23.035, 74.20A.310. 03-20-072, § 388-14A-2040, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.310. 01-03-089, § 388-14A-2040, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-201.]

WAC 388-14A-2041 What happens if I don't cooperate with DCS? (1) There may be penalties, called sanctions, for not cooperating with the division of child support (DCS). These sanctions and the noncooperation process are described in WAC 388-14A-2075. You may be sanctioned if:

(a) You do not go to scheduled interviews and answer questions;

(b) There is credible evidence showing that you could have given the information but did not;

(c) You have been giving inconsistent or false information without a good reason; or

(d) You refuse to sign or honor a repayment agreement under WAC 388-14A-2040(3).

(2) You must be given the opportunity to swear you do not have the information.

(3) You cannot be sanctioned because you provided information on a possible parent who was then excluded by genetic testing. In this event you must continue to cooperate in naming other possible parents and taking part in any resulting genetic testing.

(4) You may not be able to help DCS if you do not know, do not possess, or cannot reasonably obtain the requested information. To avoid a sanction, you must, under penalty of perjury, swear or attest to your lack of information in an interview held by DCS or its representative.

(5) If you fear that cooperation may cause harm to you or your children, you may claim good cause not to cooperate.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.310. 01-03-089, § 388-14A-2041, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-202.]

WAC 388-14A-2045 What can I do if I am afraid that cooperating with the division of child support will be harmful to me or to my children? (1) If a custodial parent (CP) receiving public assistance fears that the establishment or enforcement of support may result in harm to the CP or the children, the CP may be excused from the cooperation requirements. You can claim good cause not to cooperate under WAC 388-422-0020. Go to the community services office (CSO) to claim good cause.

(2) If a CP who is not receiving public assistance fears that the establishment or enforcement of support may result in harm to the CP or the children, the CP should tell the division of child support (DCS) that family violence is an issue in the case, so that DCS may take appropriate action.

[Title 388 WAC—p. 246]

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2045, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2050 Who decides if I have good cause not to cooperate? (1) The community services office (CSO) decides whether you have good cause not to cooperate with the division of child support (DCS).

(2) When you make a claim of good cause not to cooperate, DCS does not take any action on the case while the CSO is reviewing your good cause claim.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2050, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2060 Are there different kinds of good cause for not cooperating with DCS? (1) For custodial parents receiving public assistance, there are two kinds of good cause granted by the community services office (CSO):

(a) When the CSO determines that support establishment or enforcement cannot proceed at all because of a risk of danger to the custodial parent (CP) or children, this is called good cause level A.

(b) When the CSO determines that support establishment or enforcement can proceed without input from the CP, but that good cause exists for the CP not to cooperate with DCS, this is called good cause level B.

(2) See WAC 388-422-0020 for how the CSO grants good cause.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2060, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2065 Does the division of child support provide support enforcement services if the CSO decides I have "good cause level A"? If the community services office (CSO) grants you good cause level A:

(1) The division of child support (DCS) closes the case and does not take any action to establish or enforce support for the children covered by the good cause finding.

(2) If the noncustodial parent (NCP) applies for paternity establishment or support enforcement services, DCS denies the NCP's application for services.

(3) If the community services office grants good cause level A after the case has been referred to the county prosecuting attorney or attorney general's office, DCS advises the prosecutor or attorney general's office of the good cause finding.

(4) When DCS advises the prosecutor or attorney general's office that good cause level A applies in a case, DCS requests that the prosecutor or attorney general's office dismiss any action that has been filed and cease all activities to establish or enforce a child support obligation for the children covered by the good cause finding.

[Statutory Authority: RCW 74.08.090, 74.20A.310. 01-24-080, § 388-14A-2065, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2065, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2070 Does the division of child support provide support enforcement services if the CSO determines I have "good cause level B"? If the community services office (CSO) grants you good cause level B, the division of child support provides support enforcement services

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without requiring the custodial parent (CP) to provide information or cooperate with DCS in any way.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-2070, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2075 What happens if the division of child support determines that I am not cooperating? (1) When the division of child support (DCS) or its representatives believe you are not cooperating as defined in WAC 388-14A-2040, DCS sends a notice to you and to the community service office (CSO) stating the noncooperation and explaining the following:

(a) How the noncooperation was determined, including what actions were required;

(b) What actions you must take to resume cooperation;

(c) That this notice was sent to the CSO;

(d) That you may contact the CSO immediately if you disagree with the notice, need help in order to cooperate, or believe the actions required are unreasonable; and

(e) That the CSO may sanction you by either reducing or terminating the grant.

(2) The CSO sends a notice of planned action to you as provided by WAC 388-472-0005 (1)(i).

(3) Either the notice of alleged noncooperation or the CSO's notice of planned action may serve as the basis for a sanction.

(4) If the noncooperation was due to missing an interview without reasonable excuse, you will be considered to be cooperating when you appear for a rescheduled interview and either provide information or attest to the lack of information. DCS or its representative must reschedule the interview within seven business days from the date you contact them to reschedule an interview.

(5) If the noncooperation was due to not taking a required action, cooperation resumes when you take that action.

(6) There is no hearing right for a notice of noncooperation, but you can request a hearing on the sanction imposed by the CSO.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 26.23.035, 74.20A.310, 03-20-072, § 388-14A-2075, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.310, 01-03-089, § 388-14A-2075, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-202.]

WAC 388-14A-2080 Once DCS opens a support enforcement case, under what circumstances can it be closed? Once the division of child support (DCS) starts providing support enforcement services under RCW 26.23.045 and chapter 74.20 RCW, the case must remain open, unless DCS determines that:

(1) There is no current support order, and the support debt owed by the noncustodial parent (NCP) is less than five hundred dollars, or cannot be enforced under Washington law;

(2) The NCP or putative (alleged) father is dead with no assets, income or estate available for collection;

(3) The NCP has no assets or income available for collection and is not able to provide support during the child's minority because of being:

(a) Institutionalized in a psychiatric facility;

(b) Incarcerated without possibility of parole; or

(c) Medically verified as totally and permanently disabled with no evidence of ability to provide support.

(4) The applicant, agency or recipient of nonassistance services submits a written request for closure, and there is no current assignment of medical or support rights;

(5) DCS has enough information to use an automated locate system, and has not been able to locate the NCP after three years of diligent efforts;

(6) DCS does not have enough information to use an automated locate system, and has not been able to locate the NCP after one year of diligent efforts;

(7) DCS is unable to contact the applicant, agency or recipient of services for at least sixty days;

(8) DCS documents failure to cooperate by the custodial parent (CP) or the initiating jurisdiction, and that cooperation is essential for the next step in enforcement;

(9) DCS cannot obtain a paternity order because:

(a) The putative father is dead;

(b) Genetic testing has excluded all putative fathers;

(c) The child is at least eighteen years old;

(d) DCS, a court of competent jurisdiction or an administrative hearing determines that establishing paternity would not be in the best interests of the child in a case involving incest, rape, or pending adoption; or

(e) The biological father is unknown and cannot be identified after diligent efforts, including at least one interview by DCS or its representative with the recipient of support enforcement services.

(10) DCS, a court of competent jurisdiction or an administrative hearing determines that the recipient of services has wrongfully deprived the NCP of physical custody of the child as provided in WAC 388-14A-3370(3);

(11) DCS, the department of social and health services, a court of competent jurisdiction or an administrative hearing determines that action to establish or enforce a support obligation cannot occur without a risk of harm to the child or the CP;

(12) DCS has provided locate-only services in response to a request for state parent locator services (SPLS);

(13) The NCP is a citizen and resident of a foreign country, and:

(a) NCP has no assets which can be reached by DCS; and

(b) The country where NCP resides does not provide reciprocity in child support matters.

(14) The child is incarcerated or confined to a juvenile rehabilitation facility for a period of ninety days or more; or

(15) Any other circumstances exist which would allow closure under 45 C.F.R. 303.11 or any other federal statute or regulation.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 45 CFR 303.11, 45 CFR 303.100, 01-03-089, § 388-14A-2080, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-420.]

WAC 388-14A-2085 Under what circumstances may DCS deny a request to close a support enforcement case?

(1) The division of child support (DCS) may deny a request to close a support enforcement case when:

(a) There is a current assignment of support or medical rights on behalf of the children in the case;

(b) There is accrued debt under a support order which has been assigned to the state;

(c) Support or medical rights on behalf of the children have previously been assigned to the state;

(d) The person who requests closure is not the recipient of support enforcement services; or

(e) A superior court order requires payments to the Washington state support registry (WSSR).

(2) If there is no current assignment of support or medical rights, DCS may close the portion of the case which is owed to the custodial parent (CP), but if there is accrued debt under a support order which has been assigned to the state, DCS keeps that portion of the case open.

(3) If a superior court order specifies that the noncustodial parent (NCP) must make payments to the WSSR, but the CP does not want support enforcement services, DCS keeps the case open as a payment services only (PSO) case, which means that:

(a) DCS provides payment processing and records maintenance, and

(b) DCS does not provide enforcement services.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-310, 45 CFR 303.11, 45 CFR 303.100. 01-03-089, § 388-14A-2085, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-421.]

WAC 388-14A-2090 Who is mailed notice of DCS' intent to close a case? (1) Sixty days before closing a case the division of child support (DCS) sends a notice of intent to close, advising the parties why DCS is closing the case.

(a) DCS does not send a notice when closing a case under WAC 388-14A-2080 (11) or (12).

(b) DCS does not provide sixty days' prior notice when closing a case under WAC 388-14A-2080(4).

(2) DCS mails a notice by regular mail to the last known address of the custodial parent (CP) and the noncustodial parent.

(3) In an interstate case, DCS mails the notice to the CP by regular mail in care of the other state's child support agency.

(4) If DCS is closing an interstate case because of noncooperation by the initiating jurisdiction, DCS also mails the notice to the other state's child support agency.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-310, 45 CFR 303.11, 45 CFR 303.100. 01-03-089, § 388-14A-2090, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-422.]

WAC 388-14A-2095 What if I don't agree with the case closure notice? (1) Only the person who applied for support enforcement services, also known as the recipient of services, may request a hearing to challenge closure of a case.

(2) If the recipient of services requests a hearing, the other party may participate in the hearing.

(3) The closure of a child support case does not stop the custodial parent or noncustodial parent from filing an application for support enforcement services in the future, but the reason for closure may affect whether the division of child support will open a new case.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-310, 45 CFR 303.11, 45 CFR 303.100. 01-03-089, § 388-14A-2095, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-423.]

WAC 388-14A-2097 What happens to payments that come in after a case is closed? After support enforcement services are terminated, DCS returns support money to the noncustodial parent except if the case remains open as a payment services only (PSO) case as described in WAC 388-14A-2000(1).

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.-310, 45 CFR 303.11, 45 CFR 303.100. 01-03-089, § 388-14A-2097, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-424.]

WAC 388-14A-2099 When does DCS file a satisfaction of judgment with the superior court? (1) When the division of child support (DCS) determines that a support obligation, established by order of a superior court of this state, has been satisfied or is no longer legally enforceable, DCS sends a notice of its intent to file a satisfaction of judgment to the last known address of the payee under the order and to the noncustodial parent (NCP).

(2) DCS includes the following provisions in the notice:

(a) A statement of the facts DCS relied on in making the determination; and

(b) A statement that the payee has twenty days from the date of the notice, to:

(i) Object and request a conference board under WAC 388-14A-6400; or

(ii) Initiate an action to obtain a judgment from the court that entered the order.

(3) If the conference board or the court determines the support obligation or a support debt still exists, DCS withdraws the notice and makes reasonable efforts to enforce and collect the remaining support debt. If the conference board or court determines that a debt does not exist, DCS files a satisfaction of judgment with the clerk of superior court in which the order was entered.

(4) DCS determines that a support obligation is satisfied or is no longer legally enforceable when the obligation to pay current and future support terminates under the order, and:

(a) The NCP has made all payments owed under the support order;

(b) The support debt is no longer enforceable due to the operation of the statute of limitations;

(c) DCS determines the NCP has a valid defense to payment of the debt under Washington law; or

(d) Under RCW 74.20A.220, DCS determines the debt is uncollectible, grants a total or partial charge-off, or accepts an offer to compromise a disputed debt.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-2099, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-2105 Basic confidentiality rules for the division of child support. (1) Under RCW 26.23.120, all information and records, concerning persons who owe a support obligation or for whom the division of child support (DCS) provides support enforcement services, are private and confidential.

(2) DCS discloses information and records only to a person or entity listed in this section or in RCW 26.23.120, and only for a specific purpose allowed by state or federal law. See WAC 388-14A-7500 regarding disclosure of personal information in the context of referrals under the Uniform Interstate Family Support Act (UIFSA).

(3) DCS may disclose information to:

(a) The person who is the subject of the information or records, unless the information or records are exempt under RCW 42.17.310;

(b) Local, state, and federal government agencies for support enforcement and related purposes;

(c) A party to a judicial proceeding or a hearing under chapter 34.05 RCW, if the superior court judge or administrative law judge (ALJ) enters an order to disclose. The judge or presiding officer must base the order on a written finding that the need for the information outweighs any reason for maintaining privacy and confidentiality;

(d) A party under contract with DCS, including a federally recognized Indian tribe, if disclosure is for support enforcement and related purposes;

(e) A person or entity, including a federally recognized Indian tribe, when disclosure is necessary to the administration of the child support program or the performance of DCS functions and duties under state and federal law;

(f) A person, representative, or entity if the person who is the subject of the information and records consents, in writing, to disclosure;

(g) The office of administrative hearings or the office of appeals for administration of the hearing process under chapter 34.05 RCW. The ALJ or review judge must:

(i) Not include the address of either party in an administrative order, or disclose a party's address to the other party;

(ii) State in support orders that the address is known by the Washington state support registry; and

(iii) Inform the parties they may obtain the address by submitting a request for disclosure to DCS under WAC 388-14A-2110(2).

(4) DCS may publish information about a noncustodial parent (NCP) for locate and enforcement purposes.

(5) WAC 388-14A-2114(1) sets out the rules for disclosure of address, employment or other information regarding the custodial parent (CP) or the children in response to a public disclosure request.

(6) WAC 388-14A-2114(2) sets out the rules for disclosure of address, employment or other information regarding the NCP in response to a public disclosure request.

(7) DCS may disclose the Social Security Number of a dependent child to the noncustodial parent (NCP) to enable the NCP to claim the dependency exemption as authorized by the Internal Revenue Service.

(8) DCS may disclose financial records of an individual obtained from a financial institution only for the purpose of, and to the extent necessary, to establish, modify, or enforce a child support obligation of that individual.

(9) Except as provided elsewhere in chapter 388-14A WAC, chapter 388-01 WAC governs the process of requesting and disclosing information and records.

(10) DCS must take timely action on requests for disclosure. DCS must respond in writing within five working days of receipt of the request.

(11) If a child is receiving foster care services, the parent(s) must contact their local community services office for disclosure of the child's address information.

(12) The rules of confidentiality and penalties for misuse of information and reports that apply to a IV-D agency

employee, also apply to a person who receives information under this section.

(13) Nothing in these rules:

(a) Prevents DCS from disclosing information and records when such disclosure is necessary to the performance of its duties and functions as provided by state and federal law;

(b) Requires DCS to disclose information and records obtained from a confidential source.

(14) DCS cannot provide copies of the confidential information form contained in court orders. You must go to court to get access to the confidential information form. DCS may disclose information contained within the confidential information form if disclosure is authorized under RCW 26.23.120, chapter 388-01 WAC, or chapter 388-14A WAC.

(15) DCS may provide a Support Order Summary to the parties to an administrative support order under WAC 388-14A-2116.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310. 07-08-055, § 388-14A-2105, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 26.23.120, 74.08.090. 02-07-091, § 388-14A-2105, filed 3/19/02, effective 4/19/02; 01-03-089, § 388-14A-2105, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030.]

WAC 388-14A-2107 Are there special rules for requests for whereabouts information? (1) Address information is sometimes referred to as whereabouts information, meaning information giving someone's home, work, school or day care location.

(2) The last known address of, or employment information about, a party to a court or administrative order for, or a proceeding involving, child support may be given to another party to the order. The party receiving the information may only use the information to establish, enforce, or modify a support order.

(3) The last known address of the natural or adoptive children may be given to a parent having a court order granting that parent visitation rights with, legal custody of or residential time with, the parent's natural or adoptive children. The parent may only use this information to enforce the terms of the court order.

(4) The last known address of a party to an order for child support may be given to another party to the order. The party receiving the information may only use the information to establish a parenting plan for the children covered by the support order.

(5) Disclosure of whereabouts information is subject to the provisions of WAC 388-14A-2114.

(6) Requests from law enforcement agencies are subject to the provisions of RCW 74.04.062.

[Statutory Authority: RCW 26.23.120, 74.08.090. 02-07-091, § 388-14A-2107, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2110 How do I make a request for disclosure of DCS public records? (1) You can make a request for disclosure of most DCS records either orally or in writing. If you are requesting whereabouts information, see subsection (2).

(2) You must submit a request for disclosure of a parent or child's address in writing or in person, with satisfactory

evidence of identity, at any office of the division of child support (DCS).

(a) If the request is made by your attorney, DCS may waive the provisions regarding submission in person with satisfactory evidence of identity.

(b) If you are unable to appear at a DCS office in person, DCS may waive the provision requiring submission in person if you submit a notarized request for disclosure. DCS can provide a form which contains all the required elements for an address disclosure request.

(c) The person seeking disclosure must attach the following to a request for disclosure of an address:

(i) A copy of the superior court order on which the request is based. DCS waives this provision if DCS has a true copy of the order on file;

(ii) A sworn statement by the individual that the order has not been modified; and

(iii) A statement explaining the purpose of the request and how the requestor intends to use the information.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2110, filed 3/19/02, effective 4/19/02; 01-03-089, § 388-14A-2110, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030 and 388-14-035.]

WAC 388-14A-2112 When I make a public disclosure request, do I get the information or records immediately? (1) The division of child support (DCS) must respond to a public disclosure request within five days, under RCW 26.23.120 and WAC 388-01-090.

(2) "Respond" can mean:

(a) Providing the requested documents;

(b) Acknowledging receipt of the request and giving an estimate of how long it will take to provide copies;

(c) Requesting copy and postage fees;

(d) Requesting that you clarify your request if we are not sure what you are asking for;

(e) Notifying you of any other necessary procedural steps, such as notice to the other party or to a third party; or

(f) Denying your request according to WAC 388-01-090(3).

(3) When someone requests address or other whereabouts information, DCS first gives notice as provided in WAC 388-14A-2114, 388-14A-2120, and 388-14A-2115.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2112, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2114 Does DCS give notice to anyone before releasing information pursuant to a public disclosure request? (1) Prior to disclosing the address of the custodial parent (CP) or a child, DCS mails a notice to the last known address of the CP, except as provided under WAC 388-14A-2115. The notice advises the CP that:

(a) A request for disclosure has been made;

(b) DCS intends to disclose the address after thirty days from the date of the notice, unless:

(i) DCS receives a copy of an order which:

(A) Enjoins disclosure of the address;

(B) Restricts the noncustodial parent's right to contact or visit the CP or a child by imposing conditions to protect the CP or the child from harm, including, but not limited to, temporary orders for protection under chapter 26.50 RCW; or

(C) States that the health, safety, or liberty of the CP or child would be unreasonably put at risk by disclosure of address or other identifying information; or

(ii) The CP requests an administrative hearing which ultimately results in a decision that release of the address is reasonably anticipated to result in harm to the CP or a dependent child.

(c) In any hearing under this section, either party may participate in the proceeding by telephone, from any prearranged location. The administrative law judge (ALJ) must not disclose the location and phone number.

(2) DCS does not provide notice to the noncustodial parent (NCP) before disclosing NCP's address information to the CP unless NCP has requested prior notice under WAC 388-14A-2120.

(3) Before releasing confidential information concerning someone who is not a party to the case, DCS gives notice to that person according to WAC 388-01-140.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2114, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2115 Can the custodial parent waive notice of a request for address? (1) Any party to a support order may authorize the division of child support (DCS) to release his or her address to the other party with no prior notice.

(2) An authorization to release an address must be:

(a) In writing;

(b) Notarized; and

(c) Effective for any period designated by the party up to three years, or until DCS is notified in writing that the party has revoked the authorizations, whichever is sooner.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2115, filed 3/19/02, effective 4/19/02; 01-03-089, § 388-14A-2115, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030, 388-14-035, and 388-14-045.]

WAC 388-14A-2116 How do I request a support order summary from DCS? (1) If you are a party to an administrative support order, you may request a support order summary from the division of child support (DCS). The support order summary includes the following information:

(a) The noncustodial parent's residential address, employer's address, Social Security number; date of birth, and driver's license number; and

(b) The custodial parent's Social Security number.

(2) DCS provides the most current information DCS has available in the support order summary.

(3) DCS must provide notice to the noncustodial parent (NCP) prior to releasing his or her residential and employer address information if the NCP has requested that he or she be provided notice before DCS releases the address information, as provided in WAC 388-14A-2120.

(4) Nonaddress information contained in the Support Order Summary may be released without notice to the other party to the support order.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2116, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2120 Can the noncustodial parent request notice before DCS releases address information to the custodial parent? (1) The notice and hearing process in WAC 388-14A-2114 and 388-14A-2140 do not apply to requests for address information of the noncustodial parent (NCP).

(2) The NCP may request notice before whereabouts info is released to the custodial parent by notifying the division of child support (DCS), either orally or in writing.

(3) Once an NCP has submitted a request for notice, DCS follows the notice and hearing provisions in WAC 388-14A-2114 and 388-14A-2140 when it receives a request for address information.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2120, filed 3/19/02, effective 4/19/02; 01-03-089, § 388-14A-2120, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030 and 388-14-050.]

WAC 388-14A-2125 Can DCS ever release address information without notice? (1) The division of child support (DCS) does not follow the notice and hearing process of WAC 388-14A-2114 and 388-14A-2140 if:

(a) Disclosure is denied under WAC 388-14A-2135;

(b) The CP has provided a written release as provided in WAC 388-14A-2115;

(c) The NCP has not filed a written request as provided in WAC 388-14A-2120; or

(d) A court order requires DCS to release the address information.

(2) DCS is not required to mail a notice prior to disclosure if the requesting party presents a facially valid warrant or a judicial finding that:

(a) The other party will likely flee to avoid service of process; or

(b) The other party will likely flee and that:

(i) A court of competent jurisdiction of this state or another state has entered an order giving legal and physical custody of a child whose address is requested to the requesting party; and

(ii) The custody order has not been altered, changed, modified, superseded, or dismissed; and

(iii) A child was taken or enticed from the address requesting party's physical custody without that party's consent; and

(iv) The address requesting party has not subsequently assented to being deprived of physical custody of the children; and

(v) The address requesting party is making reasonable efforts to regain physical custody of the child.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2125, filed 3/19/02, effective 4/19/02; 01-03-089, § 388-14A-2125, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030 and 388-14-040.]

WAC 388-14A-2130 What if I object to the release of my address? When a party objects to a notice mailed under WAC 388-14A-2114, the division of child support may:

(1) Deny disclosure if the objection provides information based on which DCS would have denied disclosure under WAC 388-14A-2135; or

(2) Request that the office of administrative hearings (OAH) set the case for an administrative hearing under WAC 388-14A-2140.

(2009 Ed.)

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2130, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2135 When might DCS deny a request for address information without going through the notice and hearing process? (1) The division of child support (DCS) denies a request for address information without going through the notice process under WAC 388-14A-2114 if:

(a) The department has determined, under WAC 388-422-0020, that the custodial parent (CP) has good cause for refusing to cooperate;

(b) The order, on which the request is based, restricts or limits the address requesting party's right to contact or visit the other party or the child by imposing conditions to protect the party or the child from harm;

(c) An order has been entered finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of the information; or

(d) DCS has information which gives DCS reason to believe that release of the address may result in physical or emotional harm to the other party or to the children.

(2) Whenever DCS denies a request for disclosure under subsection (1) of this section, DCS notifies the nonrequesting party that disclosure of the address was requested and was denied.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 26.23.120, 03-20-072, § 388-14A-2135, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2135, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2140 What happens at a hearing on objection to disclosure of address information? In any administrative hearing requested under WAC 388-14A-2114 (1)(b)(ii):

(1) The parent requesting address disclosure and the other party to the order or action are independent parties in the hearing.

(2) The office of administrative hearings (OAH) sets the hearing as a phone hearing;

(3) Each party must provide OAH with a telephone number where the party can be reached for the hearing, at some time before the scheduled hearing.

(4) The administrative law judge (ALJ) must not disclose the location or phone number from which either party is appearing.

(5) The ALJ may, upon good cause shown, convert the hearing to an in-person hearing for the party requesting disclosure.

(6) The initial burden of proof is on the party requesting address disclosure, to show that the address request is for a purpose for which chapter 388-14A WAC specifically permits disclosure.

(7) If the party requesting address disclosure:

(a) Fails to meet this burden, the ALJ enters an order denying the address request;

(b) Establishes that the address was requested for a purpose for which disclosure is permitted, the other party must then show that it is reasonable to anticipate that physical or emotional harm to the party or a child will result from release of the address. The party objecting to address release:

[Title 388 WAC—p. 251]

(i) May show reasonable fear of harm by any form of evidence admissible under chapter 34.05 RCW; and

(ii) Is not required to provide supporting evidence required by WAC 388-422-0020, to establish a reasonable fear of harm.

(8) If either party fails to appear, the ALJ enters an order on default:

(a) If the party objecting to disclosure fails to appear, the order requires DCS to release the address unless the record contains documentary evidence which provides the basis for a finding that physical or emotional harm will likely result from release of the address;

(b) If the address requesting party fails to appear, the default order denies the request for address information.

(9) OAH arranges the attendance of the parties by telephone or other procedure showing due regard for the safety of the parties and the children.

(10) DCS issues a final response to the disclosure request within five working days of the exhaustion of administrative remedies, including any late appeal periods.

(11) If the custodial parent (CP) requests a hearing under this section in response to a department initiated review of the support order for modification, both parties to the support order are independent parties in the address disclosure hearing.

[Statutory Authority: RCW 26.23.120, 74.08.090, 02-07-091, § 388-14A-2140, filed 3/19/02, effective 4/19/02.]

WAC 388-14A-2150 How much does it cost to get copies of DCS records? (1) WAC 388-01-080 authorizes the division of child support (DCS) to charge copying and postage costs for responses to public disclosure.

(2) DCS charges fifteen cents per page for copies.

(3) DCS may waive copy fees in appropriate circumstances.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 03-20-072, § 388-14A-2150, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-2150, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030.]

WAC 388-14A-2155 Can I appeal a denial of public disclosure by the division of child support? (1) If the division of child support (DCS) denies a request for public disclosure, you may file an appeal with DCS Public Disclosure Appeals, P.O. Box 9162, Olympia WA 98507-9162.

(2) If DCS denies your appeal, you may pursue the other options listed in WAC 388-01-130.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 03-20-072, § 388-14A-2155, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-2155, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030.]

WAC 388-14A-2160 If my information is confidential, can DCS report me to a credit bureau? (1) When a consumer reporting agency, sometimes called a credit bureau, requests information regarding the amount of overdue support owed by a noncustodial parent (NCP), the division of child support (DCS) provides this information.

(2) In addition to responding to requests for information by consumer reporting agencies, DCS reports to those agencies information regarding overdue support owed by an NCP.

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DCS then updates the information on a regular basis, even after the NCP brings the account current.

(3) Before releasing information to the consumer reporting agency, DCS sends a written notice concerning the proposed release of the information to the NCP's last known address.

(4) The notice gives the NCP ten days from the date of the notice to request a conference board to contest the accuracy of the information. If the NCP requests a conference board, DCS does not release the information until a conference board decision has been issued.

(5) A noncustodial parent (NCP) who disagrees with the information supplied by DCS to a consumer reporting agency may file a notice of dispute under the federal Fair Credit Reporting Act, 15 USC 1681.

[Statutory Authority: RCW 26.23.120, 74.08.090, 74.20A.310, 06-06-076, § 388-14A-2160, filed 2/28/06, effective 3/31/06. Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-2160, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-030 and 388-14-410.]

WAC 388-14A-2200 When does DCS charge a twenty-five dollar annual fee on a child support case? (1) Under RCW 74.20.040, the division of child support (DCS) must impose an annual fee of twenty-five dollars for each case in which:

(a) The custodial parent (CP) has never received TANF, Tribal TANF or AFDC as the custodian of minor children; and

(b) DCS has collected and disbursed to the CP at least five hundred dollars on the case during that federal fiscal year. The federal fiscal year runs from October 1 through September 30.

(2) A custodial parent who has children with more than one noncustodial parent (NCP) may be assessed a separate twenty-five dollar fee for each case in which DCS collects at least five hundred dollars in a federal fiscal year.

(3) If DCS has already collected the twenty-five dollar annual fee on a Washington state case and the CP begins receiving TANF or Tribal TANF during the same federal fiscal year, DCS is not required to refund or cancel the fee.

(4) If the CP with a Washington case has paid a fee to another state during the same federal fiscal year, the CP is still subject to the fee in Washington if the Washington case qualifies for a fee under subsection (1) above.

(5) A CP has the burden of proving prior receipt of TANF, Tribal TANF or AFDC in any jurisdiction, which would exempt the CP from paying the annual fee.

(a) DCS may impose the fee until the CP provides proof of prior receipt of TANF, Tribal TANF or AFDC.

(b) DCS does not refund any fee which has been retained by the state, but stops charging the fee immediately when the CP provides proof that the CP is not subject to the fee.

(6) The fee is retained from support payments collected, which means that the NCP gets credit against the child support obligation for the total amount of the payment.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9, 08-12-029, § 388-14A-2200, filed 5/29/08, effective 7/1/08.]

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WAC 388-14A-2205 How can a custodial parent be excused from payment of the annual fee? (1) WAC 388-14A-2200 describes the cases that qualify for the twenty five dollar annual fee.

(2) A custodial parent (CP) seeking to be excused from payment of the fee may provide proof that he or she is exempt from the fee because he or she received TANF, Tribal TANF or AFDC from another state or tribe.

(3) A CP may request a conference board under WAC 388-14A-6400 to request a waiver of the fee for hardship reasons. The CP must provide proof that hardship in the CP's household justifies waiver of the fee.

(4) Payment of the annual fee in another state does not excuse the CP from the annual fee charged for a Washington case.

(5) If the CP seeks a waiver from payment of the annual fee during a year when the fee has already been collected, the fee for that year is not refunded, but DCS waives collection of the fee for future years unless the waiver is overturned at a later time.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-2205, filed 5/29/08, effective 7/1/08.]

PART C - HOW THE DIVISION OF CHILD SUPPORT DECIDES HOW MUCH CHILD SUPPORT SOMEONE SHOULD PAY

WAC 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order? (1) When there is no order setting the amount of child support a noncustodial parent (NCP) should pay, the division of child support (DCS) serves a support establishment notice on the NCP and the custodial parent. A support establishment notice is an administrative notice that can become an enforceable order for support if nobody requests a hearing on the notice.

(2) DCS may serve a support establishment notice when there is no order that:

(a) Establishes the noncustodial parent's support obligation for the child(ren) named in the notice; or

(b) Specifically relieves the noncustodial parent of a support obligation for the child(ren) named in the notice.

(3) Whether support is based upon an administrative order or a court order, DCS may serve a support establishment notice when the parties to a paternity order subsequently marry each other and then separate, or parties to a decree of dissolution remarry each other and then separate. The remaining provisions of the paternity order or the decree of dissolution, including provisions establishing paternity, remain in effect.

(4) Depending on the legal relationship between the NCP and the child for whom support is being set, DCS serves one of the following support establishment notices:

(a) Notice and finding of financial responsibility (NFFR), see WAC 388-14A-3115. This notice is used when the NCP is either the mother or the legal father of the child. WAC 388-14A-3102 describes when DCS uses a NFFR to set the support obligation of a father who has signed an acknowledgment or affidavit of paternity.

(b) Notice and finding of parental responsibility (NFPR), see WAC 388-14A-3120. This notice is used when the NCP

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was not married to the mother but has filed an affidavit or acknowledgment of paternity. WAC 388-14A-3102 describes when DCS uses a NFPR to set the support obligation of a father who has signed an acknowledgment or affidavit of paternity.

(c) Notice and finding of medical responsibility (NFMR), see WAC 388-14A-3125. This notice is used when DCS seeks to set only a medical support obligation instead of a monetary child support obligation.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. 03-17-013, § 388-14A-3100, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. 00-15-016 and 00-20-022, § 388-14A-3100, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3102 When the parents have signed an acknowledgment or affidavit of paternity, which support establishment notice does the division of child support serve on the noncustodial parent? (1) When the parents of a child are not married, they may sign an affidavit of paternity, also called an acknowledgment of paternity. The legal effect of the affidavit or acknowledgment depends on when it is filed, in what state it is filed, and whether both parents were over age eighteen when the affidavit was signed.

(2) For affidavits or acknowledgments filed on or before July 1, 1997 with the center for health statistics in the state of Washington, the division of child support (DCS) serves a notice and finding of parental responsibility (NFPR). See WAC 388-14A-3120.

(3) For affidavits or acknowledgments filed after July 1, 1997 with the center for health statistics in the state of Washington, DCS serves a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115, because the affidavit or acknowledgment has become a conclusive presumption of paternity under RCW 26.26.320.

(4) For acknowledgments or affidavits filed with the vital records agency of another state, DCS determines whether to serve a NFFR or NFPR depending on the laws of the state where the affidavit is filed.

(5) DCS relies on the acknowledgment or affidavit, even if the mother or father were not yet eighteen years of age at the time they signed or filed the acknowledgment or affidavit, as provided in RCW 26.26.315(4).

(6) If the mother was married at the time of the child's birth, but not to the man acknowledging paternity, the man to whom she was married must also have signed and filed a denial of paternity within ten days of the child's birth.

(7) If the acknowledgment or affidavit is legally deficient in any way, DCS may refer the case for paternity establishment in the superior court.

(8) If the mother is the noncustodial parent, DCS serves a NFFR.

[Statutory Authority: RCW 26.26.315, 26.26.320, 26.26.330, 26.26.335, 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 74.20A.310. 05-12-136, § 388-14A-3102, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. 03-17-013, § 388-14A-3102, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. 00-15-016 and 00-20-022, § 388-14A-3102, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3105 How does the division of child support serve support establishment notices? The division of child support (DCS) serves a notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR) in the following manner:

- (1) On the noncustodial parent:
 - (a) By certified mail, return receipt requested; or
 - (b) By personal service.
- (2) On the custodial parent:
 - (a) By first class mail to the last known address, if the custodial parent is the one who applied for services.
 - (b) In the same manner as on the noncustodial parent, if the custodial parent is not the one who applied for services.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.-056, 00-15-016 and 00-20-022, § 388-14A-3105, filed 7/10/00 and 9/25/00, effective 11/6/00.]

WAC 388-14A-3110 When can a support establishment notice become a final order? (1) The notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR) becomes a final, enforceable order if neither the custodial parent or the noncustodial parent objects and requests a timely hearing on the notice. An objection is also called a hearing request.

(2) If a timely objection is filed, the division of child support (DCS) cannot enforce the terms of the notice until a final order as defined in this section is entered.

(3) To be timely, the noncustodial parent must object within the following time limits:

- (a) Within twenty days of service, if the noncustodial parent was served in Washington state.
- (b) Within sixty days of service, if the noncustodial parent was served outside of Washington state.
- (4) To be timely, the custodial parent must object within twenty days of service.
- (5) An objection to a support establishment notice is a request for hearing on the notice.

(6) The effective date of the hearing request is the date the division of child support (DCS) receives the request for hearing.

(7) When an NFPR is served, the order will not become a final order if either parent requests genetic testing under WAC 388-14A-3120(14) within the following time limits:

- (a) The noncustodial parent must request genetic testing within twenty days of service, if the noncustodial parent was served in Washington state.
- (b) The noncustodial parent must request genetic testing within sixty days of service, if the noncustodial parent was served outside of Washington state.
- (c) The custodial parent must request genetic testing within twenty days of service of the notice.

(8) The noncustodial parent or custodial parent must make the hearing request or request for genetic testing, either in writing or orally, at any DCS office. See WAC 388-14A-6100 regarding oral requests for hearing.

(9) After a timely request for hearing, the final order is one of the following, whichever occurs latest:

- (a) An agreed settlement or consent order under WAC 388-14A-3600;

(b) An initial decision as defined in WAC 388-14A-6105 and further described in WAC 388-14A-6110, for which twenty-one days have passed and no party has filed a petition for review (this includes an order of default if neither party appears for hearing); or

(c) A final order as defined in WAC 388-14A-6105 and further described in WAC 388-14A-6115; or

(d) A review decision.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.-310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199, 03-17-013, § 388-14A-3110, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3110, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-210.]

WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not an issue. (1) A notice and finding of financial responsibility (NFFR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.055.

(2) The NFFR:

(a) Advises the noncustodial parent and the custodial parent (who can be either a parent or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFFR fully and fairly advises the parents of their rights and responsibilities under the NFFR.

(b) Includes the information required by RCW 26.23.050 and 74.20A.055.

(c) Includes a provision that both parents are obligated to provide medical support, as required by RCW 26.09.105, 26.18.170 and 26.23.050. This requirement does not apply to the custodial parent when the custodial parent is not one of the parents of the child covered by the order.

(d) Includes a provision that apportions the share of uninsured medical expenses to both the mother and the father, pursuant to RCW 26.09.105, 26.18.170 and 26.23.-050.

(e) May include an obligation to provide support for day care or special child-rearing expenses, pursuant to chapter 26.19 RCW.

(f) Warns the noncustodial parent (NCP) and the custodial parent (CP) that at an administrative hearing, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFFR, if necessary for an accurate support order.

(3) After service of the NFFR, the NCP and the CP must notify DCS of any change of address, or of any changes that may affect the support obligation.

(4) The NCP must make all support payments to the Washington state support registry after service of the NFFR. DCS does not give the NCP credit for payments made to any other party after service of a NFFR, except as provided by WAC 388-14A-3375.

(5) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFFR is a final order. WAC 388-14A-3110 describes when the notice becomes a final order.

(6) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-14A-3810 describes when the obligation under the NFFR can end sooner or later than age eighteen.

(7) If paternity has been established by an affidavit or acknowledgment of paternity, DCS attaches a copy of the acknowledgment, affidavit, or certificate of birth record information to the notice. A party wishing to challenge the acknowledgment or denial of paternity may only bring an action in court to rescind or challenge the acknowledgment or denial of paternity under RCW 26.26.330 and 26.26.335.

(8) If the parents filed a paternity affidavit or acknowledgment of paternity in another state, and by that state's law paternity is therefore conclusively established, DCS may serve a NFFR to establish a support obligation.

(9) A hearing on a NFFR is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The hearing is not for the purpose of setting a payment schedule on the support debt. The NCP has the burden of proving any defenses to liability.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-3115, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.160. 06-09-015, § 388-14A-3115, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 34.05.220(1), 74.08.-090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. 03-17-013, § 388-14A-3115, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.-090, 74.20A.055, 74.20A.056. 00-15-016 and 00-20-022, § 388-14A-3115, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-285.]

WAC 388-14A-3120 The notice and finding of parental responsibility is used to set child support when the father's duty of support is based upon an affidavit of paternity which is not a conclusive presumption of paternity. (1) A notice and finding of parental responsibility (NFPR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.056.

(2) The NFPR differs from a notice and finding of financial responsibility (NFFR) (see WAC 388-14A-3115) because the parties may request genetic testing to contest paternity after being served with a NFPR.

(3) DCS serves a NFPR when:

(a) An affidavit acknowledging paternity is on file with the center for health statistics and was filed before July 1, 1997; or

(b) An affidavit acknowledging paternity is on file with the vital records agency of another state and the laws of that state allow the parents to withdraw the affidavit or challenge paternity.

(4) DCS attaches a copy of the acknowledgment of paternity or certification of birth record information to the NFPR.

(5) The NFPR advises the noncustodial parent (NCP) and the custodial parent (who is either the mother or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFPR fully and fairly advises the parents of their rights and responsibilities under the NFPR. The NFPR warns the NCP and the custodial parent (CP) that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from,

the amount stated in the NFPR, if necessary for an accurate support order.

(6) The NFPR includes the information required by RCW 26.23.050, 74.20A.055, and 74.20A.056.

(7) The NFPR includes a provision that both parents are obligated to provide medical support, pursuant to RCW 26.09.105, 26.18.170 and 26.23.050. This requirement does not apply to the custodial parent when the custodial parent is not one of the parents of the child covered by the order.

(8) The NFPR includes a provision that apportions the share of uninsured medical expenses to both the mother and the father, pursuant to RCW 26.09.105, 26.18.170 and 26.23.050.

(9) The NFPR may include an obligation to provide support for day care expenses or special child-rearing expenses, pursuant to chapter 26.19 RCW.

(10) DCS may not assess an accrued support debt for a period longer than five years before the NFPR is served. This limitation does not apply to the extent that the NCP hid or left the state of Washington for the purpose of avoiding service.

(11) After service of the NFPR, the NCP and the CP must notify DCS of any change of address, or of any changes that may affect the support obligation.

(12) The NCP must make all support payments to the Washington state support registry after service of the NFPR. DCS does not give the NCP credit for payments made to any other party after service of the NFPR, except as provided by 388-14A-3375.

(13) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFPR is a final order. See WAC 388-14A-3110 for when the notice becomes a final order.

(14) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-14A-3810 describes when the obligation under the NFPR can end sooner or later than age eighteen.

(15) Either the NCP, or the mother, if she is also the CP, may request genetic tests. A mother who is not the CP may at any time request that DCS refer the case for paternity establishment in the superior court.

(16) DCS does not stop enforcement of the order unless DCS receives a timely request for hearing or a timely request for genetic tests. See WAC 388-14A-3110 for time limits. DCS does not refund any money collected under the notice if the NCP is later:

(a) Excluded from being the father by genetic tests; or

(b) Found not to be the father by a court of competent jurisdiction.

(17) If the NCP requested genetic tests and was not excluded as the father, he may request within twenty days from the date of service of the genetic tests in Washington, or sixty days from the date of service of the genetic tests outside of Washington:

(a) A hearing on the NFPR.

(b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

(18) If the NCP was not excluded as the father, the CP (or the mother, if she is also the CP), may within twenty days of the date of service of the genetic tests request:

(a) A hearing on the NFPR; or

(b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

(19) If the NCP is excluded by genetic testing, DCS may refer the case for paternity establishment in the superior court.

(20) A hearing on a NFPR is for the limited purpose of resolving the NCP's current support obligation, accrued support debt and amount of reimbursement to DCS for paternity-related costs. The hearing is not for the purpose of setting a payment schedule on the support debt. The NCP has the burden of proving any defenses to liability.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9, 08-12-029, § 388-14A-3120, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.160, 06-09-015, § 388-14A-3120, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 26.26.315, 26.26.320, 26.26.330, 26.26.335, 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 74.20A.310, 05-12-136, § 388-14A-3120, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.-310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199, 03-17-013, § 388-14A-3120, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3120, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-290.]

WAC 388-14A-3125 The notice and finding of medical responsibility is used to set a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services. (1) A notice and finding of medical responsibility (NFMR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support pursuant to chapter 74.20A RCW to establish and enforce a health insurance obligation.

(2) DCS may serve a NFMR when:

(a) The custodial parent (who is either a parent or the physical custodian of the child) or a dependent child receives or is certified eligible to receive medical assistance and is not receiving cash grant public assistance under 74.12 RCW; and

(b) The custodial parent has requested medical support enforcement services only and has asked DCS in writing not to collect monetary child support.

(3) The NFMR advises the NCP and the CP of the medical support obligation for the children named in the notice. The NFMR fully and fairly advises the parties of their rights and responsibilities under the NFMR.

(4) The NFMR warns the noncustodial parent and the custodial parent that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFMR, if necessary for an accurate support order.

(5) The NFMR includes:

(a) The information required by RCW 26.23.050;

(b) The noncustodial parent's health insurance obligation, pursuant to RCW 26.18.170;

(c) The maximum premium amount the noncustodial parent must pay; and

(d) The income basis used to calculate the maximum premium amount, pursuant to WAC 388-14A-3200.

(6) The income basis for an obligation established by DCS for a NFMR is not binding on any party in any later action to establish a cash child support obligation.

(7) After service of the NFMR, the noncustodial parent (NCP) and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(8) DCS may take enforcement action under RCW 26.18.170 and chapter 388-14A WAC without further notice when the NFMR is a final order. See WAC 388-14A-3110 for how a notice becomes a final order.

(9) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-14A-3810 describes when the obligation under the NFMR can end sooner or later than age eighteen.

(10) If the custodial parent applies for full enforcement services while a hearing on a NFMR is pending, DCS may, at any time before the hearing record is closed, convert the hearing to a hearing on a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115 or a notice and finding of parental responsibility (NFPR) under WAC 388-14A-3120. To convert the hearing, DCS serves a NFFR or NFPR on the parents and files a copy with the administrative law judge (ALJ). The ALJ may grant a continuance if a party requests additional time to respond to the claim for monetary child support.

(11) In a NFMR hearing, the ALJ must determine the:

(a) Basic support obligation, without deviations; and

(b) Maximum premium amount under chapter 26.19 RCW.

(12) A hearing on a NFMR is for the limited purpose of resolving the NCP's medical support responsibility. The NCP has the burden of proving defenses to liability.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 34.05.220(1), 74.20A.055, 74.20A.056, 03-20-072, § 388-14A-3125, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.-055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3125, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-215 and 388-11-295.]

WAC 388-14A-3130 What happens if a parent makes a timely request for hearing on a support establishment notice? (1) A timely request for hearing is an objection made within the time limits of WAC 388-14A-3110. For late (or untimely) hearing requests, see WAC 388-14A-3135.

(2) If either parent makes a timely request for hearing, the division of child support (DCS) submits the hearing request to the office of administrative hearings (OAH) for scheduling.

(3) OAH sends a notice of hearing by first class mail to all parties at their address last known to DCS, notifying each party of the date, time and place of the hearing. DCS, the noncustodial parent, and the custodial parent are all parties to the hearing.

(4) A timely request for hearing stops the support establishment notice from becoming a final order, so DCS cannot collect on the notice. However, in appropriate circumstances, the administrative law judge (ALJ) may enter a temporary support order under WAC 388-14A-3850.

(5) A hearing on an objection to a support establishment notice is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The NCP has the burden of proving any defenses to liability.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.-056, 02-06-098, § 388-14A-3130, filed 3/4/02, effective 4/4/02; 00-15-016 and 00-20-022, § 388-14A-3130, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-135 and 388-11-400.]

WAC 388-14A-3131 What happens if neither parent appears for the hearing? (1) If neither parent appears at the scheduled hearing after being sent a notice of hearing, the administrative law judge (ALJ) enters an order on default, declaring the support establishment notice's claim for support to be final and subject to collection action. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(2) As provided in WAC 388-14A-6125, an initial order on default is subject to collection action on the twenty-second day after the order was mailed by the office of administrative hearings, and a final default order is enforceable immediately upon entry.

(3) A parent that did not appear may petition to vacate the default order pursuant to WAC 388-14A-6150.

(a) If the ALJ vacates the order of default, the ALJ then conducts a full hearing on the merits of the NFFR, NFPR or NFMR. All parties may participate in the hearing.

(b) If the parent who did not appear at the hearing is unsuccessful in the motion to vacate the default order, the ALJ may treat the petition as a petition to modify the support order.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.-310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199, 03-17-013, § 388-14A-3131, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 01-24-081, § 388-14A-3131, filed 12/3/01, effective 1/3/02; 00-15-016 and 00-20-022, § 388-14A-3131, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-400 and 388-11-425.]

WAC 388-14A-3132 What happens if only one parent appears for the hearing? (1) If one parent appears at the hearing, but the other parent fails to appear after being sent a notice of hearing, the administrative law judge (ALJ) enters an order of default against the parent that did not appear. The hearing proceeds as described in WAC 388-14A-3140. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(2) The division of child support (DCS) and the parent that did appear may enter a consent order, but not an agreed settlement. The obligation in the consent order may be higher or lower, or different from, the terms set forth in the notice, without further notice to the nonappearing parent, if necessary for an accurate support order. The terms of the consent order become final when the order of default to the parent that did not appear becomes final, as provided in WAC 388-14A-6125.

(3) DCS and the parent that did appear may proceed to hearing. The ALJ may enter an initial decision setting an obligation which is higher or lower, or different from, the terms set forth in the notice, without further notice to the nonappearing parent, if necessary for an accurate support order. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(4) The parent that did not appear may petition to vacate the order of default pursuant to WAC 388-14A-6150.

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(5) If the ALJ vacates the order of default, the ALJ then conducts a full hearing on the merits of the notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR) or notice and finding of medical responsibility (NFMR). All parties may participate in the hearing.

(6) If the parent who did not appear at the hearing is unsuccessful in the motion to vacate the default order, the ALJ may treat the petition as a petition to modify the support order.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199, 03-17-013, § 388-14A-3132, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 01-24-081, § 388-14A-3132, filed 12/3/01, effective 1/3/02; 00-15-016 and 00-20-022, § 388-14A-3132, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-400 and 388-11-425.]

WAC 388-14A-3133 What happens when the non-custodial parent and the custodial parent both appear for the hearing? If both parents appear at the hearing:

(1) All parties may enter an agreed settlement or consent order. WAC 388-14A-3600 describes when an agreed settlement or consent order is a final order.

(2) All parties may proceed to hearing, after which the ALJ issues an order. The ALJ may enter an order setting an obligation which is higher or lower, or different from, the terms set forth in the notice, if necessary for an accurate support order. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(3) In a hearing under this section, the division of child support (DCS) proceeds first to document the support amount that DCS believes to be correct. Following DCS' presentation, the custodial parent (CP) and the noncustodial parent (NCP) may proceed in turn to show why the DCS position is wrong.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.-310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199, 03-17-013, § 388-14A-3133, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 00-15-016 and 00-20-022, § 388-14A-3133, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-400 and 388-11-425.]

WAC 388-14A-3135 Late hearings, or hearing on untimely objections to support establishment notices. (1)

For orders established before August 30, 1997, if the noncustodial parent did not timely object to the notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR), only the noncustodial parent may petition for a late hearing, pursuant to WAC 388-14A-3500.

(2) For orders established after August 30, 1997, if neither parent timely objected to the NFFR, NFPR, or NFMR, either the noncustodial parent or the custodial parent may petition for a late hearing, pursuant to WAC 388-14A-3500. See WAC 388-14A-3110 for the time limits for a timely hearing request.

(3) The division of child support (DCS) continues to enforce the order even if a late request for hearing is filed.

(4) If DCS receives the late hearing request within one year of the date of service of the notice, the parent requesting

the hearing is not required to show good cause to have a hearing on the merits of the notice.

(5) If DCS receives the late hearing request more than a year after the date of service of the notice, the parent requesting the hearing must show good cause why the hearing request was not timely. WAC 388-14A-1020 contains the definition of good cause.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 34.05.220(1), 74.20A.055, 74.20A.056. 03-20-072, § 388-14A-3135, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.-055, 74.20A.056. 00-15-016 and 00-20-022, § 388-14A-3135, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-400 and 388-11-425.]

WAC 388-14A-3140 What can happen at a hearing on a support establishment notice? (1) When a parent requests a hearing on a notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR), the hearing is limited to resolving the NCP's current and future support obligation and the accrued support debt. The hearing is not for the purpose of setting a payment schedule on the support debt.

(2) The noncustodial parent (NCP) has the burden of proving any defenses to liability. See WAC 388-14A-3370.

(3) Both the NCP and the custodial parent (CP) must show cause why the terms in the NFFR, NFPR, or NFMR are incorrect.

(4) The administrative law judge (ALJ) has authority to enter a support obligation that may be higher or lower than the amounts set forth in the NFFR, NFPR, or NFMR, including the support debt, current support, and the future support obligation. The ALJ may enter an order that differs from the terms stated in the notice, including different debt periods, if the obligation is supported by credible evidence presented by any party at the hearing, without further notice to any nonappearing party, if the ALJ finds that due process requirements have been met.

(5) The ALJ has no authority to determine custody or visitation issues, or to set a payment schedule for the arrears debt.

(6) When a party has advised the ALJ that they will participate by telephone, the ALJ attempts to contact that party on the record before beginning the proceeding or rules on a motion. The ALJ may not disclose to the other parties the telephone number of the location of the party appearing by phone.

(7) In certain cases, there is no "custodial parent" because the child or children are in foster care.

(a) If the NCP fails to appear for hearing, see WAC 388-14A-3131.

(b) If the NCP appears for hearing, see WAC 388-14A-3133.

(8) In certain cases, there can be two NCPs, called "joint NCPs." This happens when a husband and wife are jointly served a support establishment notice for a common child who is not residing in their home.

(a) If both NCPs fail to appear for hearing, see WAC 388-14A-3131;

(b) If both NCPs appear for hearing, see WAC 388-14A-3133; or

(c) One joint NCP may appear and represent the other joint NCP.

(9) When the CP asserts good cause level B (see WAC 388-422-0020), DCS notifies the CP that they will continue to receive documents, notices and orders. The CP may choose to participate at any time. Failure to appear at hearing results in a default order but does not result in a sanction for noncooperation under WAC 388-14A-2041.

(10) If any party appears for the hearing and elects to proceed, absent the granting of a continuance the ALJ hears the matter and enters an initial decision and order based on the evidence presented. The ALJ includes a party's failure to appear in the initial decision and order as an order of default against that party. The direct appeal rights of the party who failed to appear shall be limited to an appeal on the record made at the hearing.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.160. 06-09-015, § 388-14A-3140, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 34.05.220(1), 74.20A.055, 74.20A.056. 03-20-072, § 388-14A-3140, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. 00-15-016 and 00-20-022, § 388-14A-3140, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-400 and 388-11-425.]

WAC 388-14A-3200 How does DCS determine my support obligation? (1) The division of child support (DCS) determines support obligations using the Washington state child support schedule (the WSCSS), which is found in chapter 26.19 RCW, for the establishment and modification of support orders.

(2) See WAC 388-14A-8100 for rules on completing the worksheets under the WSCSS for cases where DCS is determining support for a child in foster care.

(3) DCS does not have statutory authority to set the child support obligations of both the noncustodial parent (NCP) and custodial parent (CP) in the same administrative proceeding, except that RCW 26.09.105, 26.18.170 and 26.23.050 provide that an administrative order that sets the NCP's child support obligation can also determine the CP's medical support obligation.

(a) DCS orders can not set off the support obligation of one parent against the other.

(b) Therefore, the method set forth in *Marriage of Arvey*, 77 Wn. App 817, 894 P.2d 1346 (1995), must not be applied when DCS determines a support obligation.

(4) The limitations in this section apply to DCS staff and to administrative law judges (ALJs) who are setting child support obligations.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-3200, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 34.05.220 (1)(a), 74.20A.055. 07-06-053, § 388-14A-3200, filed 3/2/07, effective 4/2/07. Statutory Authority: RCW 34.05.220(1), 74.08.-090, 74.20A.055, 74.20A.056. 06-16-073, § 388-14A-3200, filed 7/28/06, effective 8/28/06; 00-15-016 and 00-20-022, § 388-14A-3200, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-205.]

WAC 388-14A-3205 How does DCS calculate my income? (1) The division of child support (DCS) calculates a parent's income using the best available information, in the following order:

(a) Actual income;

(b) Estimated income, if DCS has:

(i) Incomplete information;

(ii) Information based on the prevailing wage in the parent's trade or profession; or

(iii) Information that is not current.

(c) Imputed income under RCW 26.19.071(6).

(2) In the absence of actual income information, DCS imputes full time earnings at the minimum wage to a TANF recipient. You may rebut the imputation of income if you are excused from being required to work while receiving TANF, because:

(a) You are either engaged in other qualifying WorkFirst activities which do not generate income, such as job search; or

(b) You are excused or exempt from being required to work in order to receive TANF, because of other barriers such as family violence or mental health issues.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-3205, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 34.05.220(1), 74.20A.055, 74.20A.056. 03-20-072, § 388-14A-3205, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. 00-15-016 and 00-20-022, § 388-14A-3205, filed 7/10/00 and 9/25/00, effective 11/6/00. Formerly WAC 388-11-205.]

WAC 388-14A-3275 The division of child support may amend an administrative notice at any time before a final administrative order is entered. (1) The division of child support (DCS) may orally amend a notice issued under this chapter at the hearing to conform to the evidence. When DCS amends a notice at the hearing:

(a) The administrative law judge (ALJ) may grant a continuance when necessary to give the parties additional time to present evidence and argument as to the amendment; and

(b) DCS must put the terms of the amendment in writing and provide a copy, in person or by regular mail to the last known address of the parties, and to the ALJ within a reasonable time after amending the notice.

(2) The amended notice does not generate a new hearing right.

(3) When DCS has obtained reliable information that the income basis of the notice is inaccurate, DCS amends a notice issued under WAC 388-14A-3115, 388-14A-3120, or 388-14A-3125 prior to seeking a default order for failure to appear. An amendment under this subsection must be made according to the terms of subsection (1) above.

(4) Subsection (3) of this section does not apply:

(a) To cases in which no one has requested a hearing; or

(b) After the ALJ has closed the hearing record.

(5) If DCS has amended the notice under this section and either the noncustodial parent or the custodial parent fail to appear at a rescheduled hearing date, the ALJ must enter a default order on the terms of the amended notice.

[Statutory Authority: RCW 74.08.090, 74.20A.055. 01-03-089, § 388-14A-3275, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-300.]

WAC 388-14A-3300 How does the division of child support require me to make my support payments to the Washington state support registry when my support order says to pay someone else? (1) If a support order requires the noncustodial parent (NCP) to pay support to anyone other than the Washington state support registry (WSSR), the division of child support (DCS) may serve a

notice on the NCP telling the NCP to make all future payments to the WSSR.

(2) DCS may serve a notice of support debt on a noncustodial parent (NCP) as provided in RCW 74.20A.040. See WAC 388-14A-3304.

(3) DCS may serve a notice of support owed on an NCP as provided in RCW 26.23.110. See WAC 388-14A-3310.

(4) When DCS serves a notice of support debt or a notice of support owed, DCS sends a notice to the payee under the order. See WAC 388-14A-3315.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d). 03-20-072, § 388-14A-3300, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-3300, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-3304 The division of child support may serve a notice of support debt and demand for payment when it is enforcing a support order issued in Washington state, a foreign court order or a foreign administrative order for support. (1) The division of child support (DCS) may serve a notice of support debt and demand for payment on a noncustodial parent (NCP) under RCW 74.20A.040 to provide notice that DCS is enforcing a support order entered in Washington state, a foreign court order or a foreign administrative order for support.

(a) A "foreign" order is one entered in a jurisdiction other than a Washington state court or administrative forum.

(b) DCS uses the notice of support debt and demand for payment when there is only one current child support order for the NCP and the children in the case.

(c) When there are multiple current support orders for the same obligor and children, DCS determines which order to enforce as provided under WAC 388-14A-3307.

(2) DCS serves a notice of support debt and demand for payment like a summons in a civil action or by certified mail, return receipt requested.

(3) In a notice of support debt and demand for payment, DCS includes the information required by RCW 74.20A.040, the amount of current and future support, accrued support debt, interest (if interest is being assessed under WAC 388-14A-7110), any health insurance coverage obligation, and any day care costs under the court or administrative order.

(4) After service of a notice of support debt and demand for payment, the NCP must make all support payments to the Washington state support registry. DCS does not credit payments made to any other party after service of a notice of support debt and demand for payment except as provided in WAC 388-14A-3375.

(5) A notice of support debt and demand for payment becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW, subject to the terms of the order, unless, within twenty days of service of the notice in Washington, the NCP:

(a) Files a request with DCS for a conference board under WAC 388-14A-6400. The effective date of a conference board request is the date DCS receives the request;

(b) Obtains a stay from the superior court; or

(c) Objects to either the validity of the foreign support order or the administrative enforcement of the foreign support order, in which case DCS proceeds with registration of the foreign support order under WAC 388-14A-7100.

(6) A notice of support debt and demand for payment served in another state becomes final according to WAC 388-14A-7200.

(7) Enforcement of the following are not stayed by a request for a conference board or hearing under this section or WAC 388-14A-6400:

(a) Current and future support stated in the order; and

(b) Any portion of the support debt that the NCP and custodial parent (CP) fail to claim is not owed.

(8) Following service of the notice of support debt and demand for payment on the NCP, DCS mails to the last known address of the CP and/or the payee under the order:

(a) A copy of the notice of support debt and demand for payment; and

(b) A notice to payee under WAC 388-14A-3315 regarding the payee's rights to contest the notice of support debt. The CP who is not the payee under the order has the same rights to contest the notice of support debt and demand for payment.

(9) If the NCP requests a conference board under subsection (5)(a) of this section, DCS mails a copy of the notice of conference board to the CP informing the CP of the CP's right to:

(a) Participate in the conference board; or

(b) Request a hearing under WAC 388-14A-3321 within twenty days of the date of a notice of conference board that was mailed to a Washington address. If the notice of conference board was mailed to an out-of-state address, the CP may request a hearing within sixty days of the date of the notice of conference board. The effective date of a hearing request is the date DCS receives the request.

(10) If the CP requests a hearing under subsection (9) of this section, DCS must:

(a) Stay enforcement of the notice of support debt and demand for payment except as required under subsection (6) of this section; and

(b) Notify the NCP of the hearing.

(11) If a CP requests a late hearing under subsection (8) of this section, the CP must show good cause for filing the late request.

(12) The NCP is limited to a conference board to contest the notice and may not request a hearing on a notice of support debt and demand for payment. However, if the CP requests a hearing, the NCP may participate in the hearing.

(13) A notice of support debt and demand for payment must fully and fairly inform the NCP of the rights and responsibilities in this section.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, 07-08-055, § 388-14A-3304, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 26.21.016, 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 26.23.110, and 74.20A.040, 05-07-059, § 388-14A-3304, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 01-03-089, § 388-14A-3304, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-435.]

WAC 388-14A-3305 What can I do if I disagree with a notice of support debt and demand for payment? Once the division of child support has served a notice of support debt and demand for payment, either party may disagree with the notice.

(1) If either party objects to the enforcement of a non-Washington support order, that party may request that DCS

register that order under chapter 26.21A RCW. DCS then serves a notice of support debt and registration as provided in WAC 388-14A-7110.

(2) If the noncustodial parent (NCP) objects to the amount of current support or the amount of support debt stated in the notice, the NCP may request a conference board under WAC 388-14A-6400.

(a) The custodial parent (CP) may participate in the conference board under this section.

(b) The CP may choose to convert the proceeding to an administrative hearing. The NCP may participate in a hearing held under this section.

(3) If the custodial parent objects to the amount of current support or the amount of support debt stated in the notice, the CP may request an administrative hearing. The NCP may participate in a hearing held under this section.

(4) See WAC 388-14A-3304 for a more full description of the hearing process on the notice of support debt and demand for payment.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310, 07-08-055, § 388-14A-3305, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-3306 Does a notice of support debt and demand for payment result in a final determination of support arrears? (1) After service of a notice of support debt and demand for payment as provided in WAC 388-14A-3304, the final administrative order determines the support debt as of the date of the order, and:

(a) The debt determination is not a final determination under the Uniform Interstate Family Support Act (UIFSA), chapter 26.21A RCW.

(b) Any party may request that a tribunal determine any amounts owed as interest on the support debt.

(2) The final administrative order comes about by:

(a) Operation of law if nobody objects to the notice;

(b) Agreed settlement or consent order under WAC 388-14A-3600;

(c) Final conference board decision under WAC 388-14A-6400;

(d) Final administrative order entered after hearing or a party's failure to appear for hearing.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310, 07-08-055, § 388-14A-3306, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-3307 How does the division of child support proceed when there are multiple child support orders for the same obligor and children? When more than one current child support order exists for the same obligor and children, the division of child support (DCS) may proceed as follows:

(1) Using the criteria listed in RCW 26.21A.130, DCS decides which child support order it should enforce and serves a notice of support debt and demand for payment under WAC 388-14A-3304.

(2) If DCS decides that a determination of controlling order under chapter 26.21A RCW is required, DCS serves a notice of support debt and registration as provided in WAC 388-14A-7100.

(3) Upon request, DCS may do a determination of controlling order (DCO).

(a) See WAC 388-14A-7305 for how you can ask for a DCO.

(b) See WAC 388-14A-7315 for how DCS decides whether or not to do a DCO.

(4) If DCS does a DCO and decides that a Washington order is the controlling order, DCS refers the case to superior court.

(5) If DCS does a DCO and decides that a non-Washington order is the controlling order, DCS serves a notice of support debt and registration as provided in WAC 388-14A-7325.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310, 07-08-055, § 388-14A-3307, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-3310 The division of child support serves a notice of support owed to establish a fixed dollar amount under an existing child support order. (1) The division of child support (DCS) may serve a notice of support owed on a noncustodial parent (NCP) under RCW 26.23.110 to establish a fixed dollar amount of monthly support and accrued support debt:

(a) If the support obligation under an order is not a fixed dollar amount; or

(b) To implement an adjustment or escalation provision of a court order.

(2) The notice of support owed may include day care costs and medical support if the court order provides for such costs. WAC 388-14A-3312 describes the use of a notice of support owed to collect unreimbursed medical expenses from either of the parties to a support order, no matter which one has custody of the child.

(3) DCS serves a notice of support owed on an NCP like a summons in a civil action or by certified mail, return receipt requested.

(4) Following service on the NCP, DCS mails a notice to payee under WAC 388-14A-3315.

(5) In a notice of support owed, DCS includes the information required by RCW 26.23.110, and:

(a) The factors stated in the order to calculate monthly support;

(b) Any other information not contained in the order that was used to calculate monthly support and the support debt; and

(c) Notice of the right to request an annual review of the order or a review on the date, if any, given in the order for an annual review.

(6) The NCP must make all support payments after service of a notice of support owed to the Washington state support registry. DCS does not credit payments made to any other party after service of a notice of support owed except as provided in WAC 388-14A-3375.

(7) A notice of support owed becomes final and subject to immediate income withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the NCP, within twenty days of service of the notice in Washington:

(a) Contacts DCS, and signs an agreed settlement;

(i) Files a request with DCS for a hearing under this section; or

(ii) Obtains a stay from the superior court.

(b) A notice of support owed served in another state becomes final according to WAC 388-14A-7200.

(8) DCS may enforce at any time:

(a) A fixed or minimum dollar amount for monthly support stated in the court order or by prior administrative order entered under this section;

(b) Any part of a support debt that has been reduced to a fixed dollar amount by a court or administrative order; and

(c) Any part of a support debt that neither party claims is incorrect.

(9) For the rules on a hearing on a notice of support owed, see WAC 388-14A-3320.

(10) A notice of support owed or a final administrative order issued under WAC 388-14A-3320 must inform the parties of the right to request an annual review of the order.

(11) If an NCP or custodial parent (CP) requests a late hearing, the party must show good cause for filing the late hearing request if it is filed more than one year after service of the notice of support owed.

(12) A notice of support owed fully and fairly informs the NCP of the rights and responsibilities in this section.

(13) For the purposes of this section, WAC 388-14A-3312, 388-14A-3315 and 388-14A-3320, the term "payee" includes "physical custodian," "custodial parent," or "party seeking reimbursement."

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-3310, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310 and 26.23.110, and 74.20A.040, 05-07-059, § 388-14A-3310, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 01-03-089, § 388-14A-3310, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-415.]

WAC 388-14A-3312 The division of child support serves a notice of support owed for unreimbursed medical expenses to establish a fixed dollar amount owed under a child support order. (1) The division of child support (DCS) may serve a notice of support owed for unreimbursed medical expenses under RCW 26.23.110 on either the noncustodial parent (NCP) or the custodial parent (CP) in order to collect the obligated parent's share of uninsured medical expenses owed to the party seeking reimbursement.

(2) Either the NCP or CP (if the CP is a party to the support order) may ask DCS to serve a notice of support owed for unreimbursed medical expenses on the other party to the support order, if that party is an obligated party under the support order.

(a) If the CP is not a party to the support order, DCS can not assist the CP in making a claim for unreimbursed medical expenses, but the CP may seek to recover such expenses by filing an action in court.

(b) DCS serves the notice if the party seeking reimbursement provides proof of payment of at least five hundred dollars in uninsured medical expenses.

(3) A notice of support owed for unreimbursed medical expenses:

(a) May be for a period of up to twenty-four consecutive months.

(b) May include only medical services provided after July 21, 2007.

(c) May not include months which were included in a prior notice of support owed for unreimbursed medical expenses or a prior judgment.

(d) Need not be for the twenty-four month period immediately following the period included in the prior notice of support owed for unreimbursed medical expenses.

(4) The party seeking reimbursement must ask DCS to serve a notice of support owed for unreimbursed medical expenses within two years of the expense being incurred.

(a) The fact that a claim for unreimbursed medical expenses is rejected by DCS does not mean that the parent cannot pursue reimbursement of those expenses by proceeding in court.

(b) If a parent obtains a judgment for unreimbursed medical expenses, DCS enforces the judgment.

(5) DCS does not serve a notice of support owed for unreimbursed medical expenses unless the party seeking reimbursement declares under penalty of perjury that he or she has asked the obligated party to pay his or her share of the medical expenses, or provides good cause for not asking the obligated party.

(a) If the medical expenses have been incurred within the last twelve months, this requirement is waived.

(b) If the obligated party denies having received notice that the other party was seeking reimbursement for medical expenses, the service of the notice of support owed for unreimbursed medical expenses constitutes the required notice.

(6) The NCP must apply for full child support enforcement services before the NCP may ask DCS to enforce the CP's medical support obligation.

(a) DCS opens a separate case to enforce a CP's medical support obligation.

(b) The case where DCS is enforcing the support order and collecting from the NCP is called the main case.

(c) The case where DCS is acting on NCP's request to enforce CP's medical support obligation is called the medical support case.

(7) DCS serves a notice of support owed on the obligated parent like a summons in a civil action or by certified mail, return receipt requested.

(8) Following service on the obligated parent, DCS mails a notice to the party seeking reimbursement under WAC 388-14A-3315.

(9) In a notice of support owed for unreimbursed medical expenses, DCS includes the information required by RCW 26.23.110, and:

(a) The factors stated in the order regarding medical support;

(b) A statement of uninsured medical expenses and a declaration by the parent seeking reimbursement; and

(c) Notice of the right to request an annual review of the order, as provided in WAC 388-14A-3318.

(10) A notice of support owed for unreimbursed medical expenses becomes final and subject to immediate income withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the obligated parent, within twenty days of service of the notice in Washington:

(a) Contacts DCS, and signs an agreed settlement;

(b) Files a request with DCS for a hearing under this section; or

(c) Obtains a stay from the superior court.

(11) A notice of support owed for unreimbursed medical expenses served in another state becomes final according to WAC 388-14A-7200.

(12) For the rules on a hearing on a notice of support owed for unreimbursed medical expenses, see WAC 388-14A-3320.

(13) A notice of support owed for unreimbursed medical expenses or a final administrative order issued under WAC 388-14A-3320 must inform the parties of the right to request an annual review of the order.

(14) If the obligated parent is the NCP, any amounts owing determined by the final administrative order are added to the debt on the main case.

(15) If the obligated parent is the CP, any amounts owing determined by the final administrative order are paid in the following order:

(a) Any amount owed by the CP to the NCP is applied as an offset to any nonassistance child support arrears owed by the NCP on the main case only; or

(b) If there is no debt owed to the CP on the main case, payment of the amount owed by the CP is in the form of a credit against the NCP's future child support obligation:

(i) Spread equally over a twelve-month period starting the month after the administrative order becomes final, but not to exceed ten percent of the current support amount; or

(ii) When the future support obligation will end under the terms of the order in less than twelve months, spread equally over the life of the order, but not to exceed ten percent of the current support amount.

(c) If the amount owed by the CP exceeds the amount that can be paid off using the methods specified in subsections (a) and (b) of this section, DCS uses the medical support case to collect the remaining amounts owed using the remedies available to DCS for collecting child support debts.

(16) If either the obligated parent or the parent seeking reimbursement requests a late hearing, that party must show good cause for filing the late hearing request if it is filed more than one year after service of the notice of support owed for unreimbursed medical expenses.

(17) A notice of support owed for unreimbursed medical expenses fully and fairly informs the obligated parent of the rights and responsibilities in this section.

(18) A notice of support owed for unreimbursed medical expenses under this section is subject to annual review as provided in WAC 388-14A-3318.

(19) If both CP and NCP request that DCS serve a notice of support owed for unreimbursed medical expenses on the other party, those notices remain separate and may not be combined.

(a) The office of administrative hearings (OAH) may schedule consecutive hearings but may not combine the matters under the same docket number.

(b) The administrative law judge (ALJ) must issue two separate administrative orders, one for each obligated parent.

(20) DCS does not serve a second or subsequent notice of support owed for unreimbursed medical expenses on an obligated parent until the party seeking reimbursement meets the conditions set forth in WAC 388-14A-3318.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-3312, filed 5/29/08, effective 7/1/08.]

WAC 388-14A-3315 When DCS serves a notice of support debt or notice of support owed or notice of support owed for unreimbursed medical expenses, we notify the other party to the child support order. (1) The division of child support (DCS) sends a notice to the payee under a Washington child support order or a foreign child support order when DCS receives proof of service on the noncustodial parent (NCP) of:

(a) A notice of support owed under WAC 388-14A-3310; or

(b) A notice of support owed for unreimbursed medical expenses under WAC 388-14A-3312; or

(c) A notice of support debt under WAC 388-14A-3304.

(2) DCS sends the notice to payee by first class mail to the last known address of the payee and encloses a copy of the notice served on the NCP.

(3) In a notice to payee, DCS informs the payee of the right to file a request with DCS for a hearing on a notice of support owed under WAC 388-14A-3310, a notice of support owed for unreimbursed medical expenses under WAC 388-14A-3312, or a notice of support debt under WAC 388-14A-3304 within twenty days of the date of a notice to payee that was mailed to a Washington address.

(4) If the notice to payee was mailed to an out-of-state address, the payee may request a hearing within sixty days of the date of the notice to payee.

(5) The effective date of a hearing request is the date DCS receives the request.

(6) When DCS serves a notice of support owed for unreimbursed medical expenses under WAC 388-14A-3312, DCS mails the notice to payee to the parent seeking reimbursement.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-3315, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 26.23.035, 34.05.220(1), 74.20A.310. 03-20-072, § 388-14A-3315, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310. 01-03-089, § 388-14A-3315, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-440.]

WAC 388-14A-3317 What is an annual review of a support order under RCW 26.23.110? (1) RCW 26.23.110 provides for an annual review of the support order which was previously the subject of a notice of support owed under that statute if the division of child support (DCS), the noncustodial parent (NCP), or the custodial parent (CP) requests a review.

(a) This type of annual review concerns the annual review that takes place after service of a notice of support owed under WAC 388-14A-3310.

(b) For the definition of an annual review of a support order under RCW 26.23.110 that takes place after service of a notice of support owed for unreimbursed medical expenses under WAC 388-14A-3312, see WAC 388-14A-3318.

(2) For purposes of chapter 388-14A WAC, an "annual review of a support order" is defined as:

(a) The collection by DCS of necessary information from CP and NCP;

(b) The service of a notice of support owed under WAC 388-14A-3310; and

(2009 Ed.)

(c) The determination of arrears and current support amount with an effective date which is at least twelve months after the date the last notice of support owed, or the last administrative order or decision based on a notice of support owed, became a final administrative order.

(3) A notice of support owed may be prepared and served sooner than twelve months after the date the last notice of support owed, or the last administrative order or decision based on a notice of support owed, became a final administrative order, but the amounts determined under the notice of support owed may not be effective sooner than twelve months after that date.

(4) Either CP or NCP may request an annual review of the support order, even though the statute mentions only the NCP.

(5) DCS may request an annual review of the support order but has no duty to do so.

(6) For the purpose of this section, the terms "payee" and "CP" are interchangeable, and can mean either the payee under the order or the person with whom the child resides the majority of the time.

(7) The twelve-month requirement for an annual review under this section runs separately from the twelve-month requirement for an annual review under WAC 388-14A-3318.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-3317, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 26.23.110, and 74.20A.-040. 05-07-059, § 388-14A-3317, filed 3/11/05, effective 4/11/05.]

WAC 388-14A-3318 What is an annual review of a notice of support owed under WAC 388-14A-3312? (1) RCW 26.23.110 provides for an annual review of the support order which was previously the subject of a notice of support owed under that statute if the noncustodial parent (NCP) or the custodial parent (CP) requests a review.

(2) For purposes of chapter 388-14A WAC, the following rules apply to an "annual review of a support order" for a notice of support owed for unreimbursed medical expenses served under WAC 388-14A-3312:

(a) Either the CP or the NCP may be the party seeking reimbursement.

(b) The party seeking reimbursement must provide proof of payment of at least five hundred dollars in uninsured medical expenses for services provided in the last twenty-four months.

(c) At least twelve months must have passed since:

(i) The date the last notice of support owed for unreimbursed medical expenses on behalf of the party seeking reimbursement became a final order; or

(ii) The last administrative order or decision based on a notice of support owed for unreimbursed medical expenses on behalf of that party became a final administrative order.

(3) In the event that DCS has served both a notice of support owed under WAC 388-14A-3310 and a notice of support owed for unreimbursed medical expenses under WAC 388-14A-3312 on the same case, each type of notice of support owed has its own twelve-month cycle for annual review.

(4) For purposes of this section, the twelve-month cycle for annual review runs separately for the NCP and for the CP, depending on which one is the party seeking reimbursement.

[Title 388 WAC—p. 263]

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-3318, filed 5/29/08, effective 7/1/08.]

WAC 388-14A-3320 What happens at a hearing on a notice of support owed? (1) A hearing on a notice of support owed is only for interpreting the order for support and any modifying orders and not for changing or deferring the support provisions of the order.

(2) A hearing on a notice of support owed served under WAC 388-14A-3310 is only to determine:

(a) The amount of monthly support as a fixed dollar amount;

(b) Any accrued arrears through the date of hearing; and

(c) If a condition precedent in the order to begin or adjust the support obligation was met.

(3) A hearing on a notice of support owed for unreimbursed medical expenses served under WAC 388-14A-3312 is only to determine:

(a) Whether the parent on whom the notice was served is obligated under the support order to pay for uninsured medical expenses for the children covered by the order;

(b) The total amount of uninsured medical expenses paid by the party seeking reimbursement;

(c) The obligated parent's share of the uninsured medical expenses;

(d) The amount, if any, the obligated parent has already paid to the party seeking reimbursement; and

(e) The amount owed by the obligated parent to the party seeking reimbursement for unreimbursed medical expenses.

(4) If the administrative law judge (ALJ) determines that the uninsured medical expenses claimed by the parent seeking reimbursement do not amount to at least five hundred dollars, the ALJ:

(a) May not dismiss the notice on this basis;

(b) Must make the determination listed in subsection (3) above.

(5) The hearing is not for the purpose of setting a payment schedule on the support debt.

(6) Either the noncustodial parent (NCP) or payee may request a hearing on a notice of support owed served under WAC 388-14A-3310.

(7) Either the obligated parent or the party seeking reimbursement may request a hearing on a notice of support owed for unreimbursed medical expenses served under WAC 388-14A-3312.

(8) The party who requested the hearing has the burden of proving any defenses to liability that apply under WAC 388-14A-3370 or that the amounts stated in the notice of support owed are incorrect.

(9) The office of administrative hearings (OAH) sends a notice of hearing to the NCP, to the division of child support (DCS), and to the custodial parent (CP). The NCP and the CP each may participate in the hearing as an independent party.

(10) If only one party appears and wishes to proceed with the hearing, the administrative law judge (ALJ) holds a hearing and issues an order based on the evidence presented or continues the hearing. See WAC 388-14A-6110 and 388-14A-6115 to determine if the ALJ enters an initial order or a final order.

(a) An order issued under this subsection includes an order of default against the nonappearing party and limits the

appeal rights of the nonappearing party to the record made at the hearing.

(b) If neither the NCP nor the CP appears or wishes to proceed with the hearing, the ALJ issues an order of default against both parties.

(11) If either party requests a late hearing on a notice of support owed, that party must show good cause for filing the late hearing request, as provided in WAC 388-14A-3500.

(12) For purposes of this section, the terms "payee" and "CP" are used interchangeably and can mean either the CP, the payee under the order or both, except that a CP who is not also the payee under the support order may not ask DCS to serve a notice of support owed for unreimbursed medical expenses under WAC 388-14A-3312.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-3320, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.160. 06-09-015, § 388-14A-3320, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 26.23.110, and 74.20A.040. 05-07-059, § 388-14A-3320, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-3320, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-3321 What happens if the custodial parent requests a hearing on a notice of support debt and demand for payment? (1) If the custodial parent (CP) requests a hearing on a notice of support debt and demand for payment (also called the "notice of support debt"), the hearing is for the limited purpose of determining the support debt under the order through the date of the hearing.

(2) The office of administrative hearings (OAH) sends a notice of hearing to the NCP, to the division of child support (DCS), and to the payee.

(a) The NCP and the payee each may participate in the hearing.

(b) "Participating in" or "proceeding with" the hearing may include signing a consent order or agreed settlement under WAC 388-14A-3600.

(3) If only one party appears and wishes to proceed with the hearing, the administrative law judge (ALJ) holds a hearing and issues an order based on the evidence presented or continues the hearing. See WAC 388-14A-6110 and 388-14A-6115 to determine if the ALJ enters an initial order or a final order.

(a) An order issued under this subsection includes an order of default against the nonappearing party and limits the appeal rights of the nonappearing party to the record made at the hearing.

(b) If neither the NCP nor the payee appears or wishes to proceed with the hearing, the ALJ issues an order of default against both parties.

(4) If the payee requests a late hearing on a notice of support debt, the payee must show good cause for filing the late hearing request.

(5) When DCS uses a notice of support debt to assess and collect interest on an out-of-state support order, see WAC 388-14A-7110.

(6) For the purpose of this section, the terms "payee" and "CP" are interchangeable, and can mean either the payee under the order or the person with whom the child resides the majority of the time.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310, 26.23.110, and 74.20A.040. 05-07-059, § 388-14A-3321, filed 3/11/05, effective 4/11/05.]

WAC 388-14A-3350 Are there any limits on how much back support the division of child support can seek to establish? (1) When no public assistance is being paid to the custodial parent (CP) and the children, the division of child support (DCS) starts the claim for support as of the date:

(a) DCS receives the application for nonassistance services if the CP applies directly to DCS for services; or

(b) Another state or Indian tribe received the application for nonassistance services or the actual date the other state or tribe requests that child support start, whichever is later, if the other state or Indian tribe requests DCS to establish a support order.

(2) When the children are receiving medicaid-only benefits, DCS starts the claim for support as of the date the medicaid benefits began. See WAC 388-14A-2005(4) to determine whether DCS seeks to establish medical support only for a particular case.

(3) This section does not limit in any way the right of the court to order payment for back support as provided in RCW 26.26.130 and 26.26.134 if the case requires paternity establishment.

(4) When another state or an Indian tribe is paying public assistance to the CP and children, DCS starts the claim for support as of the date specified by the other state or tribe.

(5) For the notice and finding of parental responsibility, WAC 388-14A-3120(9) limits the back support obligation.

(6) When the state of Washington is paying public assistance to the CP and/or the children, the following rules apply:

(a) For support obligations owed for months on or after September 1, 1979, DCS must exercise reasonable efforts to locate the noncustodial parent (NCP);

(b) DCS serves a notice and finding of financial or parental responsibility within sixty days of the date the state assumes responsibility for the support of a dependent child on whose behalf support is sought;

(c) If DCS does not serve the notice within sixty days, DCS loses the right to reimbursement of public assistance payments made after the sixtieth day and before the notice is served;

(d) DCS does not lose the right to reimbursement of public assistance payments for any period of time:

(i) During which DCS exercised reasonable efforts to locate the NCP; or

(ii) For sixty days after the date on which DCS received an acknowledgment of paternity for the child for whom the state has assumed responsibility, and paternity has not been established.

(7) The limitation in subsection (6) does not apply to:

(a) Cases in which the physical custodian is claiming good cause for not cooperating with the department; and

(b) Cases where parentage is an issue and:

(i) Has not been established by superior court order; or

(ii) Is not the subject of a presumption under RCW 26.26.320.

(8) DCS considers a prorated share of each monthly public assistance payment as paid on each day of the month.

(2009 Ed.)

[Statutory Authority: RCW 74.20A.310, 45 C.F.R. 302.31 and 302.33. 06-03-120, § 388-14A-3350, filed 1/17/06, effective 2/17/06. Statutory Authority: RCW 74.08.090, 74.20A.055, and 74.20A.310. 05-14-099, § 388-14A-3350, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 74.20A.055. 03-20-072, § 388-14A-3350, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 74.20A.-055. 01-03-089, § 388-14A-3350, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-045.]

WAC 388-14A-3370 What legal defenses are available to a noncustodial parent when DCS seeks to enforce a support obligation? (1) A noncustodial parent (NCP) who objects to a notice and finding of financial, parental, or medical responsibility has the burden of establishing defenses to liability. Defenses include, but are not limited to:

(a) Proof of payment;

(b) The existence of a superior court order, tribal court order, or administrative order that sets the NCP's support obligation or specifically relieves the NCP of a support obligation for the child(ren) named in the notice;

(c) The party is not a responsible parent as defined by RCW 74.20A.020(7);

(d) The amount requested in the notice is inconsistent with the Washington state child support schedule, chapter 26.19 RCW;

(e) Equitable estoppel, subject to WAC 388-14A-6500; or

(f) Any other matter constituting an avoidance or affirmative defense.

(2) A dependent child's or a custodial parent's ineligibility to receive public assistance is not a defense to the assessment of a support obligation.

(3) An NCP may be excused from providing support for a dependent child if the NCP is the legal custodian of the child and has been wrongfully deprived of physical custody of the child. The NCP may be excused only for any period during which the NCP was wrongfully deprived of custody. The NCP must establish that:

(a) A court of competent jurisdiction of any state has entered an order giving legal and physical custody of the child to the NCP;

(b) The custody order has not been modified, superseded, or dismissed;

(c) The child was taken or enticed from the NCP's physical custody and the NCP has not subsequently assented to deprivation. Proof of enticement requires more than a showing that the child is allowed to live without certain restrictions the NCP would impose; and

(d) Within a reasonable time after deprivation, the NCP exerted and continues to exert reasonable efforts to regain physical custody of the child.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. 03-17-013, § 388-14A-3370, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 74.08.090, 74.20A.055, 74.20A.056. 01-03-089, § 388-14A-3370, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-065.]

WAC 388-14A-3375 What kinds of credits does the division of child support give when establishing or enforcing an administrative support order? (1) After the noncustodial parent (NCP) has been advised of the requirement to make payments to the Washington state support registry

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(WSSR) by service of a support establishment notice, or by entry of a support order requiring payments to WSSR, the NCP may obtain credit against the support obligation only:

(a) By cash, check, electronic funds transfer, or money order payments through WSSR or payment of health insurance premiums; or

(b) As provided under subsections (3) and (6) of this section.

(2) The division of child support (DCS) allows credit against a NCP's support debt for family needs provided directly to a custodial parent (CP), a child, or provided through a vendor or third party only when the:

(a) Items are provided before service of the notice on the NCP;

(b) NCP proves the items provided were intended to satisfy the NCP's support obligation; and

(c) Items are food, clothing, shelter, or medical attendance directly related to the care, support, and maintenance of a child.

(3) After service of the notice, an NCP may obtain credit against the parent's current support obligation only when the NCP proves that the payments were made and:

(a) DCS determines there:

(i) Is no prejudice to:

(A) The CP, a child, or other person; or

(B) An agency entitled to receive the support payments.

(ii) Are special circumstances of an equitable nature justifying credit for payments.

(b) A court of competent jurisdiction determines credit should be granted after a hearing where all interested parties were given an opportunity to be heard.

(4) DCS does not allow credit for shelter payments made before service of the notice in an amount more than the greater of the:

(a) Shelter allocation in the public assistance standards for the period when payments were made; or

(b) One-half of the actual shelter payment.

(5) DCS does not allow credit for shelter payments made after service of the notice.

(6) DCS applies credits for dependent benefits allowed under RCW 26.18.190 as required by WAC 388-14A-4200.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 74.20A.055.03-20-072, § 388-14A-3375, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 74.20A.055.01-03-089, § 388-14A-3375, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-015 and 388-14-210.]

WAC 388-14A-3400 Are there limitations on how much of my income is available for child support? (1) There are two kinds of limitations based on your income when we set your child support obligation:

(a) The monthly support amount cannot exceed forty-five percent of your monthly net income, unless there are special circumstances as provided in chapter 26.19 RCW; and

(b) The monthly support amount cannot reduce your net monthly income below the one person need standard (WAC 388-478-0015), unless there are special circumstances as provided in chapter 26.19 RCW.

(2) RCW 74.20A.090 limits the amount that can be withheld from your wages for child support to fifty percent of your net monthly earnings.

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[Statutory Authority: RCW 74.08.090.01-03-089, § 388-14A-3400, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-205.]

WAC 388-14A-3500 A person must show good cause for filing a late request for hearing. (1) A person with a right to a hearing under this chapter may file a request for a late hearing after the period for requesting a timely hearing has passed. The effective date of a hearing request is the date the division of child support (DCS) receives the request.

(2) Filing a request for a late hearing does not stop:

(a) Collection and enforcement under chapters 26.18, 26.23, or 74.20A RCW;

(b) The effect of any qualified domestic relations order;

(c) Certification of the support debt to the Internal Revenue Service for an income tax refund offset; or

(d) Distribution upon receipt of moneys collected.

(3)(a) A person who files a late hearing request must show good cause for not filing a timely hearing request unless good cause is not required by the rule governing the notice that is objected to.

(b) If the administrative law judge (ALJ) finds good cause for filing a late hearing request, the ALJ:

(i) Issues a decision on the merits of the objection to the notice; and

(ii) Considers whether to order a stay of collection activities until such time as an initial decision or a temporary order under WAC 388-14A-3850(ff) is issued. Upon request, the ALJ must, based on the evidence presented at hearing, issue an order under WAC 388-14A-3850(ff), setting or denying temporary support pending the initial decision.

(c) If the ALJ does not find good cause for filing a late hearing request, the ALJ may issue a decision on modification of the current and future support obligation, if applicable, without a showing of a change of circumstances.

(4) If the ALJ finds good cause for filing a late hearing request, the division of child support (DCS) does not refund any excess amounts collected before the finding of good cause. The ALJ may issue a decision which gives credit against future support in the amount of the excess collections, so long as this does not:

(a) Create hardship to the children for whom support is sought; and

(b) Offset an overpayment of the obligation to the custodial parent (CP) against a debt owed to the department; or

(c) Offset an overpayment of the obligation to the department against a debt owed to the CP.

[Statutory Authority: RCW 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.-056.01-03-089, § 388-14A-3500, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-310.]

WAC 388-14A-3600 The parties may resolve any child support case by entering a consent order or an agreed settlement. (1) The division of child support (DCS) may enter a consent order or agreed settlement to finalize any dispute in which a party requests a hearing. DCS attempts to settle matters through agreement when possible.

(a) An agreed settlement is signed only by the parties to the dispute.

(b) A consent order must be signed by the parties and by an administrative law judge (ALJ) provided that:

(2009 Ed.)

(i) In a telephone hearing, the ALJ may sign on behalf of any party if that party gives their consent on the record; and

(ii) The ALJ approves a consent order without requiring testimony or a hearing, unless entry of the order would be unlawful.

(2) An agreed settlement or consent order is final and enforceable on:

(a) The date the last party signs the agreed settlement, if all parties signed the agreed settlement;

(b) The date the ALJ signs the consent order; or

(c) If the ALJ defaults one of the parties to the proceeding, the latest of the following dates:

(i) The date the ALJ signed the consent order;

(ii) The date the last party signed the agreed settlement;

or

(iii) The date the order of default is final. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(3) A party to a consent order or an agreed settlement may:

(a) Not petition for review of the settlement or order under WAC 388-02-0560;

(b) Petition for modification under WAC 388-14A-3925; and

(c) Petition to vacate the settlement or consent order under WAC 388-14A-3700. However, the ALJ may only vacate a settlement or consent order after making a finding of fraud by a party, or on any other basis that would result in manifest injustice.

(4) If a hearing has been scheduled, DCS files a copy of the agreed settlement or consent order with the office of administrative hearings (OAH), and OAH issues an order dismissing the hearing. There are no hearing rights on the order dismissing the hearing.

(5) An agreed settlement or consent order entered under this section must comply with the requirements of WAC 388-14A-6300 if the dispute concerns a notice and finding of financial responsibility or a notice and finding of parental responsibility or other notice or petition to determine the amount of a support obligation.

[Statutory Authority: RCW 26.23.050, 34.05.220, 74.08.090, 74.20A.310, 05-14-102, § 388-14A-3600, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199, 03-17-013, § 388-14A-3600, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 74.08.090, 34.05.220(1), 01-24-082, § 388-14A-3600, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.056, 01-03-089, § 388-14A-3600, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-150 and 388-11-430.]

WAC 388-14A-3700 When is it appropriate to vacate a default order? (1) If a party fails to appear at a hearing, the administrative law judge (ALJ) must, upon a showing of valid service, enter an initial decision and default order or proceed in the absence of the defaulting party as provided in WAC 388-14A-3131, 388-14A-3132, or 388-14A-3140.

(2) The ALJ must state in the decision that the:

(a) Support debt and the current support obligation stated in the notice are assessed, determined, and subject to collection action;

(b) Health insurance provisions of the notice are subject to direct enforcement action; and,

(c) Relief sought in the notice served by the division of child support is granted.

(3) Decisions and orders on default become final twenty-one days from the date of mailing under WAC 388-08-464 or chapter 388-02 WAC.

(4) Any party against whom the ALJ has entered an initial decision and order on default may petition the secretary or the secretary's designee for vacation of the default order, subject to the provisions, including time limits, of civil rule 60.

(5) DCS must:

(a) Request that the office of administrative hearings (OAH) schedule a hearing to determine whether or not the petitioner has good cause for vacating the default order; and

(b) Give any other parties to the hearing notice of the time and date of the hearing. OAH must send the notice to the last known address of the party.

(6) If, in a hearing under this section, the ALJ finds that the petitioner has good cause for vacating the default order, the ALJ:

(a) Must conduct a hearing on the merits of the petitioner's objection to the notice that was the basis for the hearing at which the petitioner failed to appear; and

(b) May stay any further collection to the extent provided for under the regulations authorizing the notice the parent originally objected to.

(7) The ALJ must apply civil rule 60 to determine whether the petitioner has good cause. Before vacating an order of default at the request of the NCP or CP, the ALJ must consider the prejudice to the non-DCS party that did appear for hearing.

[Statutory Authority: RCW 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.-056, 01-03-089, § 388-14A-3700, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-120.]

WAC 388-14A-3800 Once a support order is entered, can it be changed? (1) Only the court that entered the order can modify a support order entered by a superior court or tribal court. If the order specifically states how the amount of support may be adjusted, the division of child support (DCS) may bring an administrative action under RCW 26.23.110 and WAC 388-14A-3310.

(2) As provided in WAC 388-14A-3900, DCS may review any support order to determine whether DCS should petition to modify the support provisions of the order.

(3) Either DCS, the CP or the NCP may petition to modify an administrative order under WAC 388-14A-3925.

(4) Under appropriate circumstances, an administrative support order may be vacated. See WAC 388-14A-3700.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), chapter 26.19 RCW, RCW 34.05.220(1), 74.20A.055, 74.20A.056, 03-20-072, § 388-14A-3800, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.-090, chapter 26.19 RCW, 34.05.220(1), 74.20A.055, 74.20A.056, 01-03-089, § 388-14A-3800, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-140.]

WAC 388-14A-3810 Once a child support order is entered how long does the support obligation last? (1) A noncustodial parent's obligation to pay support under an administrative order continues until:

(a) A superior or tribal court order supersedes the order;

(b) The order is modified under WAC 388-14A-3925;

- (c) The child reaches eighteen years of age;
- (d) The child is emancipated;
- (e) The child marries;
- (f) The child becomes a member of the United States armed forces;
- (g) The child or the responsible parent die;
- (h) A responsible stepparent's marriage is dissolved;
- (i) The parties to the order marry or remarry, as provided in WAC 388-14A-3100(3); or
- (j) A superior court order terminates the responsible parent's liability as provided under RCW 26.16.205.

(2) As an exception to the above rule, a noncustodial parent's obligation to pay support under an administrative order continues for a dependent child over the age of eighteen if the child is under age nineteen, and participating full-time in a secondary school program or the same level of vocational or technical training, as defined in WAC 388-404-0005 (1)(b). However, if the child has already met the requirements to finish the educational program, the child is no longer considered to be dependent.

(3) A noncustodial parent's obligation to pay support under an administrative order may be temporarily suspended when the:

- (a) Noncustodial parent (NCP) resides with the child for whom support is sought for purposes other than visitation;
- (b) NCP reconciles with the child and the custodial parent; or
- (c) Child returns to the residence of the NCP from a foster care placement, for purposes other than visitation.

(4) When the NCP's obligation to pay current support on a case is suspended under subsection (3) of this section, the division of child support (DCS) informs the NCP that the obligation is suspended, in writing, sent by regular mail to the NCP's last known address.

(5) If circumstances causing an NCP's support obligation to be temporarily suspended change, the support obligation resumes. DCS sends the NCP a notice that the obligation to make current support payments has resumed.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.-056, 74.20A.310, 05-14-101, § 388-14A-3810, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199, 03-17-013, § 388-14A-3810, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-3810, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-155.]

WAC 388-14A-3850 When may someone ask for a temporary support order? (1) There are two times when a temporary support order is appropriate in the course of an administrative hearing:

(a) If in a hearing to establish a support obligation or to determine the amount due under an existing order, the administrative law judge (ALJ) postpones the hearing. A postponement is also called a continuance (see WAC 388-14A-3855); or

(b) If any party files a petition for review of an initial decision which establishes or determines a current support obligation (see WAC 388-14A-3860).

(2) For the purposes of this section and WAC 388-14A-3855 through 388-14A-3875, "a party" means the division of child support (DCS), the noncustodial parent, or the physical custodian of the child.

[Statutory Authority: RCW 74.20A.055 and 74.08.090, 00-09-076, § 388-14A-3850, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-210 and 388-11-315.]

WAC 388-14A-3855 How does a party request a temporary order when the hearing is continued? (1) A party may make a request that a scheduled hearing be postponed either prior to the date of the hearing, or on the date of the hearing.

(2) When the administrative law judge (ALJ) grants a continuance prior to the day of hearing, a party must request entry of a temporary support order at the time the ALJ rules on the request for continuance.

(3) When the ALJ grants a continuance on the day of hearing, a party must request entry of a temporary support order before the hearing is adjourned.

(4) When a party requests a temporary support order due to a continuance, the ALJ must either:

- (a) Conduct a temporary order hearing at the same time the ALJ hears the motion for continuance; or
- (b) Set a time and date within ten business days when the ALJ will hear testimony on the need for and amount of a temporary order.

(5) The ALJ may hear testimony by telephone conference call.

(6) The ALJ may allow the parties to present the evidence then available, and allow five working days from the date of the hearing for submission of additional documents or evidence.

[Statutory Authority: RCW 74.20A.055 and 74.08.090, 00-09-076, § 388-14A-3855, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-315.]

WAC 388-14A-3860 How does a party request a temporary order when a petition for review has been filed?

(1) If the temporary order is requested because of the filing of a petition for review, a party must request the temporary order within ten days of:

- (a) The date that party files the petition for review; or
- (b) The date that party receives notice that another party has filed a petition for review.

(2) The request must be made to the office of administrative hearings (OAH) office that entered the initial decision.

(3) The administrative law judge (ALJ) who entered the initial decision must hear the motion for temporary order. If that ALJ is not available, the chief ALJ must designate a substitute ALJ.

(4) The ALJ may enter a temporary order based on the record that was created at the hearing, or may set a telephone conference call hearing within ten working days.

(5) The ALJ may hear testimony by telephone conference call.

(6) The ALJ may allow the parties to present the evidence then available, and allow five working days from the date of the hearing for submission of additional documents or evidence.

[Statutory Authority: RCW 74.20A.055 and 74.08.090, 00-09-076, § 388-14A-3860, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-315.]

WAC 388-14A-3865 Duties of the administrative law judge when a party requests a temporary support order.

(1) An administrative law judge (ALJ) who hears a request for a temporary support order must:

- (a) Issue a written order which either:
 - (i) Determines the responsible parent's current and future support obligation beginning no later than the month following the hearing; or
 - (ii) Denies the request for a temporary support order.
- (b) Include in the temporary order:
 - (i) A statement that any amounts collected under the temporary order will be credited and will be offset against any debt established in the initial decision;
 - (ii) A statement that amounts collected will be distributed and may be subject to recovery under WAC 388-14A-5300 from the physical custodian; and
 - (iii) The information required by RCW 26.23.050 and 26.18.170.
- (c) Issue the temporary order within twenty calendar days of the date the request for temporary order is heard by the ALJ.

(2) If the temporary order is entered subsequent to a continuance, the ALJ must set a new hearing date within ninety days from the date of the date the ALJ hears the request for continuance;

(3) The ALJ must comply with the DSHS rules on child support and include a Washington state child support schedule worksheet when entering a temporary support order.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 74.20A.055. 03-20-072, § 388-14A-3865, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.20A.055 and 74.08.090. 00-09-076, § 388-14A-3865, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-315.]

WAC 388-14A-3870 When does a temporary support order end? (1) A temporary support order ends on the date an initial decision becomes a final order or on the date of a review decision, if any, whichever is later.

(2) If the parties settle all issues in the case by signing an agreed settlement or consent order, the temporary support order ends on the date the agreed settlement or consent order becomes a final order.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. 00-09-076, § 388-14A-3870, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-315.]

WAC 388-14A-3875 What if a party does not agree with a temporary support order? (1) A temporary support order or the denial of a TSO is not an initial decision subject to review under WAC 388-02-0560. This means that no party has the right to file a petition for review of a temporary support order.

(2) The terms of a temporary order are not binding on the administrative law judge (ALJ) who later enters the initial decision in the matter.

(3) The issuance of a temporary support order does not affect any party's right to ask for review of the initial decision subsequently entered in the matter.

[Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d) and 74.20A.055. 03-20-072, § 388-14A-3875, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.20A.055 and 74.08.090. 00-09-076, § 388-14A-3875, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-315.]

(2009 Ed.)

WAC 388-14A-3900 Does DCS review my support order to see if it should be modified? (1) When the division of child support (DCS) is providing support enforcement services under Title IV-D of the Social Security Act, DCS must:

- (a) Review a superior court or administrative order for child support to determine whether DCS will petition to modify the child support provisions of the order; or
- (b) Evaluate an interstate case to determine whether to refer the case to another state or an Indian tribe for review of the support order for modification.

(2) Recipients of payment services only under WAC 388-14A-2000(1) are not eligible for a review of their support order under this section until they have submitted an application for support enforcement services.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3900, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3901 Under what circumstances does DCS review a support order for modification? (1) DCS reviews orders for child support under WAC 388-14A-3900 when:

- (a) DCS has enough locate information to obtain personal service on both parties to the order; and
- (b) The department is paying public assistance or has determined that the children are eligible for medical assistance, and thirty-five months have passed since:

- (i) DCS last reviewed the order under this section;
- (ii) The order was last modified; or
- (iii) The order was entered.

(c) A party to the order, or another state's IV-D agency submits a request for review to DCS and thirty-five months have passed since:

- (i) DCS or another state's IV-D agency last reviewed the order under this section;
- (ii) The order was last modified; or
- (iii) The order was entered.

(2) DCS may refer a request for review to another state's IV-D agency for action.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3901, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3902 How does DCS notify me that my order is eligible for review for modification? (1) The division of child support (DCS) must:

- (a) Notify recipients of support enforcement services, that the review and modification process is available; and
- (b) Send notice of a pending review by regular mail to the last known address of the parties to the order thirty days before the review. The notice explains the parties':
 - (i) Rights in the review and modification process; and
 - (ii) Responsibility to submit:
 - (A) Completed Washington state child support schedule worksheets; and
 - (B) Income verification as required by the Washington state child support schedule, chapter 26.19 RCW.

(2) During the thirty days before conducting the review, DCS uses all appropriate procedures to obtain up to date income and asset information.

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[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3902, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3903 How does DCS decide whether to petition for modification of a support order? (1) The division of child support (DCS) petitions to modify a support order when DCS finds during the review that each of the following conditions are present:

- (a) The proposed change in child support based on the Washington state child support schedule:
 - (i) Is at least twenty-five percent above or below the current support obligation;
 - (ii) Is at least one hundred dollars per month above or below the current support obligation; and
 - (iii) Is at least a two thousand four hundred dollar change over the remaining life of the support order; or
 - (iv) Will provide enough income to:
 - (A) Make the family ineligible for public assistance if the noncustodial parent (NCP) pays the full amount due under the proposed order; or
 - (B) Allow a family, otherwise eligible for public assistance, to remain off of assistance.
- (b) The case meets the legal requirements for modification under RCW 26.09.170, 74.20A.059, or WAC 388-14A-3925.

(2) DCS may petition to modify the order without regard to subsection (1)(a) of this section when:

- (a) The order does not require the NCP to provide health insurance coverage for the children; and
- (b) Health insurance coverage is available through the NCP's employer or union at a reasonable cost; or
- (c) Both parties agree to an order modifying the support amount.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3903, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3904 How do I find out the results of DCS' review for modification? After reviewing a case under WAC 388-14A-3903, the division of child support (DCS) notifies the parties of:

- (1) The findings of the review by regular mail at the parties' last known address;
- (2) The parties' right to challenge the review findings; and
- (3) The appropriate forum and procedure for challenging the review findings.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3904, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3905 What if I don't agree with DCS' findings after review? (1) Except as provided under subsection (3) of this section, a party to the review process may contest DCS's review findings by requesting a modification conference within thirty days of the date of the notice of review findings.

[Title 388 WAC—p. 270]

(2) The modification conference is conducted by:

(a) DCS when the review findings indicate that the case is not appropriate for DCS to petition for modification under WAC 388-14A-3903;

(b) The county prosecutor, or the attorney general's office when DCS has referred the case to the prosecutor or attorney general's office as a result of a review conducted under this section.

(3) When DCS has petitioned for modification of:

(a) A superior court order, the prosecutor or attorney general's office may, in their discretion, allow the parties to contest the review findings in the modification proceeding, rather than a modification conference. The modification proceeding is the sole means to contest the review findings.

(b) An administrative order, the parties may contest the review findings in the modification proceeding. In this case, the modification proceeding is the sole means to contest the review findings.

(4) In a modification conference, DCS the prosecutor, or the attorney general's office:

- (a) Review all available income and asset information to determine if the review findings are correct; and
- (b) Advise the parties of the results of the modification conference.

(5) A modification conference is not an adjudicative proceeding under the administrative procedure act, chapter 34.05 RCW.

(6) This section does not limit the right of any party to petition for a modification of the support order independent from the review and modification process.

(7) The CP's refusal to accept a proposed agreed order modifying support does not constitute noncooperation for the purpose of WAC 388-14A-2075.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3905, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3906 Are there times when DCS does not review an order which would otherwise qualify for review? The division of child support (DCS) does not review an order under this section when the community services office (CSO) has notified DCS that the custodial parent (CP) has claimed good cause under WAC 388-422-0020, unless the CP requests the review.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3906, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3907 DCS uses the Washington state child support schedule for reviewing orders for modification. (1) DCS applies the Washington state child support schedule when reviewing support orders under this section. All deviations available under chapter 26.19 RCW are available in the review and modification process under this section.

(2) For the purpose of this section and WAC 388-14A-3900 through 388-14A-3906, the term "party" means a party to a superior court order, or a noncustodial parent or a custodial parent entitled to petition for modification under RCW 74.20A.059.

(2009 Ed.)

[Statutory Authority: RCW 74.08.090, chapter 26.19 RCW, 45 CFR 302.70, 45 CFR 303.7, 45 CFR 303.8. 01-03-089, § 388-14A-3907, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-143.]

WAC 388-14A-3925 Who can ask to modify an administrative support order? (1) The division of child support (DCS), the custodial parent (CP) or the noncustodial parent (NCP) may request a hearing to prospectively modify an administrative order for child support. The request must be in writing and must state:

- (a) Any circumstances that have changed;
- (b) Any relief requested; and
- (c) The proposed new support amount.

(2) The petitioning party must file the request for modification with DCS.

(3) DCS serves a copy of the request for modification and notice of hearing on all other parties by first class mail at their address last known to DCS.

(4) DCS, the administrative law judge (ALJ), or the department review judge:

(a) Prospectively modifies orders according to the terms of chapter 26.19 RCW and RCW 74.20A.059; and

(b) May only modify an order issued by a tribunal in another state according to the terms of RCW 26.21A.550.

(5) A request to add a requirement for the custodial parent (CP) to provide health insurance coverage, or to add a provision in the order to include the CP's share of medical expenses, is not by itself a sufficient basis for modification of the order.

(6) If the nonpetitioning party fails to appear at the hearing, the ALJ issues a default order based on the Washington state child support schedule and the worksheets submitted by the parties, considering the terms set out in the request for modification.

(7) If the petitioning party fails to appear at the hearing, the ALJ enters an order dismissing the petition for modification.

(8) If the petition for modification does not comply with the requirements of subsection (1)(a) and (b) of this section, the ALJ may:

(a) Dismiss the petition; or

(b) Continue the hearing to give the petitioning party time to amend according to WAC 388-14A-3275 or to complete the petition.

(9) The ALJ may set the effective date of modification as the date the order is issued, the date the request was made, or any time in between. If an effective date is not set in the order, the effective date is the date the modification order is entered.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-3925, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. 07-08-055, § 388-14A-3925, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. 02-06-098, § 388-14A-3925, filed 3/4/02, effective 4/4/02. Statutory Authority: RCW 74.08.090, 26.23.050, 74.20A.055, 74.20A.059. 01-03-089, § 388-14A-3925, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-140.]

(2009 Ed.)

PART D - HOW WE ENFORCE CHILD SUPPORT OBLIGATIONS

WAC 388-14A-4000 When may the division of child support take collection action against a noncustodial parent? (1) Chapters 26.18, 26.23, 74.20 and 74.20A RCW authorize the division of child support (DCS) to take actions enforcing and collecting support obligations.

(2) DCS may take collection action against the noncustodial parent's income and assets to collect a support debt even if the NCP is making payments under a support order, unless DCS agrees in writing to limit collection action.

(3) If the NCP fails to make the total support payment under an administrative order when it is due:

(a) The entire support debt becomes due in full; and

(b) The portion of the administrative order requiring periodic payments on the support debt is automatically vacated without modifying the order.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.33 (a)(5). 01-03-089, § 388-14A-4000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-170.]

WAC 388-14A-4010 Can I make the division of child support stop collection action against me? (1) Once a noncustodial parent (NCP) fails to make payments when due, an administrative law judge may not stop collection action by DCS.

(2) The NCP may contest collection action by:

(a) Filing an action in superior court under RCW 74.20A.200 or other applicable statutes; or

(b) Requesting a conference board under WAC 388-14A-6400.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-4010, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-4020 What collection tools does the division of child support use? The division of child support (DCS) uses any remedies available under state and federal law to enforce support obligations. These include, but are not limited to:

(1) Payroll deduction notice under RCW 26.23.060;

(2) Order to withhold and deliver under RCW 74.20A.-080;

(3) Wage assignment;

(4) License suspension (see WAC 388-14A-4500);

(5) The DCS most wanted internet site (see WAC 388-14A-4600);

(6) Federal income tax offset;

(7) Asset seizure;

(8) Liens;

(9) Medical insurance enrollment; and

(10) Contempt referral.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-4020, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-4030 How can the division of child support collect child support from my wages or other income source? (1) The division of child support (DCS) uses a payroll deduction, order to withhold and deliver or wage assignment to collect support when the noncustodial parent (NCP) has a source of income.

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(2) When an NCP does not have an identifiable employer or source of income, DCS uses any or all of the collection remedies available under chapters 26.23, 74.20 and 74.20A RCW.

(3) If the NCP's source of income is an Indian tribe or tribal enterprise, DCS may seek collection remedies through tribal court.

[Statutory Authority: RCW 74.08.090, 45 CFR 302.33(a)(5), 01-03-089, § 388-14A-4030, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-170.]

WAC 388-14A-4040 DCS can serve some collection actions by electronic service. (1) An employer, or any other person, firm, corporation or political subdivision, or any department of the state or federal government may agree with the division of child support (DCS) to accept electronic data transmission (EDT) as service of the following documents:

- (a) Notice of payroll deduction under RCW 26.23.060;
- (b) Order to withhold and deliver under RCW 74.20A.-080;
- (c) Assignment of earnings under RCW 74.20A.240;
- (d) Notice of enrollment or National Medical Support Notice (NMSN) under RCW 26.18.170 (2)(a)(iv);
- (e) Releases of any of these collection documents; and
- (f) Amendments in the amount to be withheld under any of these collection documents.

(2) Agreements for service by EDT must be in writing. The employer, person, firm, corporation, political subdivision or department must agree to accept EDT as:

- (a) Personal service of the withholding documents; and
- (b) A written document for the purposes of chapters 26.23 and 74.20A RCW.

(3) DCS provides the party accepting EDT with copies of the current forms listed in subsection (2) above, as well as any updates to those forms. If DCS fails to provide an updated form, this does not excuse noncompliance with withholding documents served under the EDT agreement.

(4) An agreement to accept service by EDT does not alter the rights, duties and responsibilities related to income withholding action under chapters 26.23, 74.20 or 74.20A.

[Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32, 04-17-119, § 388-14A-4040, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-4040, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-427.]

WAC 388-14A-4100 How does the division of child support enforce my obligation to provide health insurance for my children? (1) If a child support order requires the noncustodial parent (NCP) to provide health insurance for the children, the division of child support (DCS) attempts to enforce that requirement according to the terms of the order. The following subsections describe the different types of premium limitations that could apply to a support order.

(2) When DCS is enforcing a support order which contains a specific dollar limit for the cost of health insurance premiums or provides for coverage which is available at no cost to the NCP, DCS does not require the NCP to provide health insurance if coverage is not available within the limitations of the order.

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(3) When DCS is enforcing a support order entered on or after May 13, 1989, unless the support order specifies differently, the NCP must provide health insurance for dependent children if coverage is:

- (a) Available or becomes available through the NCP's employment or union; and
- (b) Available at a cost of not greater than twenty-five per cent of the NCP's basic support obligation.

(4) When DCS is enforcing a support order entered prior to May 13, 1989, unless the support order specifies differently, the NCP must provide health insurance for dependent children if coverage is available or becomes available through the NCP's employment or union:

- (a) For a maximum of twenty-five dollars per month, if the order specifies that the NCP must provide coverage only if it is available at a reasonable cost; or
- (b) For any premium amount whatsoever, if the order does not specify reasonable cost.

(5) DCS serves a notice of intent to enforce a health insurance obligation if the support order:

- (a) Requires the NCP either to provide health insurance coverage or prove that coverage is not available; and
- (b) Does not inform the NCP that failure to provide health insurance or prove it is not available may result in enforcement of the order without notice to the NCP.

(6) DCS serves the notice of intent to enforce a health insurance obligation on the NCP by certified mail, return receipt requested, or by personal service.

(7) The notice advises the NCP that the NCP must submit proof of coverage, proof that coverage is not available, or proof that the NCP has applied for coverage, within twenty days of the date of service of the notice.

(8) The notice advises the NCP that, if health insurance is not yet available, the NCP must immediately notify DCS if health insurance coverage becomes available through the NCP's employer or union.

(9) When DCS enforces an NCP's health insurance obligation, such enforcement may include asking the employer and the plan administrator to enroll the NCP in a health insurance plan available through the employer.

[Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32, 04-17-119, § 388-14A-4100, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055, 01-03-089, § 388-14A-4100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215 and 388-14-460.]

WAC 388-14A-4110 If my support order requires me to provide health insurance for my children, what do I have to do? (1) Once a support order is entered requiring health insurance, the obligated parent must take the following actions within twenty days:

- (a) Provide health insurance coverage; and
- (b) Provide proof of coverage to the division of child support (DCS), such as:
 - (i) The name of the insurer providing the health insurance coverage;
 - (ii) The names of the beneficiaries covered;
 - (iii) The policy number;
 - (iv) That coverage is current; and

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(v) The name and address of the obligated parent's employer.

(2) If health insurance coverage that is accessible to the children named in the order is available, the obligated parent must:

(a) Provide for coverage for the children without waiting for an open enrollment period, as provided under RCW 48.01.235 (4)(a); and

(b) Submit proof of coverage as outlined in subsection (1)(b) above.

(3) If health insurance is not immediately available to the obligated parent, as soon as health insurance becomes available, the obligated parent must:

(a) Provide for coverage for the children named in the order; and

(b) Submit proof of coverage as outlined in subsection (1)(b) above.

(4) Medical assistance provided by the department under chapter 74.09 RCW does not substitute for health insurance.

(5) See WAC 388-14A-4165 for a description of what happens when the combined total of a noncustodial parent's current support obligation, arrears payment and health insurance premiums to be withheld by the employer exceeds the fifty per cent limitation for withholding.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4110, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4110, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. 01-03-089, § 388-14A-4110, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215.]

WAC 388-14A-4112 When does the division of child support enforce a custodial parent's obligation to provide health insurance coverage? (1) A noncustodial parent (NCP) may file an application for full child support enforcement services and specifically request that the division of child support (DCS) enforce the health insurance obligation of the custodial parent (CP).

(2) DCS does not enforce a custodial parent's obligation to provide health insurance coverage when:

(a) The support order does not include a health insurance obligation for the CP.

(b) The NCP is already providing health insurance coverage for the children covered by the order.

(c) The amount that the CP would have to pay for the premium for health insurance exceeds the NCP's monthly support obligation for the children.

(d) The children are covered by health insurance provided by someone else.

(e) The children are receiving medicaid.

(f) The children are receiving TANF.

(g) The CP does not reside in Washington state.

(h) The CP is a tribal member living on or near the reservation.

(i) The CP is receiving child support enforcement services through a tribal IV-D program.

(3) If none of the conditions under subsection (2) exist, DCS may enforce the CP's obligation to provide health insurance coverage when the CP has health insurance available at a reasonable cost through the CP's employer or union.

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(4) A "reasonable cost" for health insurance coverage is defined as twenty-five percent of the basic support obligation for the children covered by the order, unless the support order provides a different limitation.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4112, filed 5/29/08, effective 7/1/08.]

WAC 388-14A-4115 Can my support order reduce my support obligation if I pay for health insurance? (1) Some support orders reduce the noncustodial parent's support obligation based on health insurance premiums paid by the NCP.

(2) An NCP is entitled to the reduction for premiums paid only if:

(a) NCP submits proof of coverage as provided in WAC 388-14A-4110 (1)(b); and

(b) NCP actually pays the required premium.

(3) If the NCP fails to submit proof or pay the premium, the division of child support (DCS) collects the NCP's adjusted basic support obligation without a reduction for health insurance premium payments.

[Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. 01-03-089, § 388-14A-4115, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215.]

WAC 388-14A-4119 How soon after a noncustodial parent is listed in the state directory of new hires must the division of child support send a National Medical Support Notice to the employer? The division of child support (DCS) must send a National Medical Support Notice (NMSN) to the employer of a noncustodial parent (NCP) within two business days of the date the NCP's information is entered into the state directory of new hires (SDNH).

[Statutory Authority: RCW 74.20A.310 and 45 C.F.R. 303.32, 45 C.F.R. 303.30, 45 C.F.R. 303.31. 05-08-060, § 388-14A-4119, filed 3/31/05, effective 5/1/05.]

WAC 388-14A-4120 DCS uses the National Medical Support Notice to enforce an obligation to provide health insurance coverage. (1) The division of child support (DCS) uses a notice of enrollment called the National Medical Support Notice (NMSN) to enforce an obligated parent's obligation to provide health insurance coverage under chapter 26.18 RCW.

(2) DCS sends the NMSN to the obligated parent's employer in one of the following ways:

(a) In the same manner as a summons in a civil action,

(b) By certified mail, return receipt requested,

(c) By regular mail, or

(d) By electronic means as provided in WAC 388-14A-4040 (1)(d).

(3) DCS sends the NMSN without notice to the obligated parent, who could be either the noncustodial parent (NCP) or the custodial parent (CP) when:

(a) A court or administrative order requires the obligated parent to provide insurance coverage for a dependent child;

(b) The obligated parent fails to provide health insurance (either by not covering the child or by letting the coverage lapse) or fails to provide proof of coverage;

(c) The requirements of RCW 26.23.050 are met; and

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(d) DCS has reason to believe that coverage is available through the obligated parent's employer or union.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4120, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4120, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. 01-03-089, § 388-14A-4120, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215 and 388-14-480.]

WAC 388-14A-4121 Can a Washington employer assume that every National Medical Support Notice that the employer receives is from the division of child support? (1) The National Medical Support Notice (NMSN) is a federally mandated form which is used by child support enforcement agencies all over the United States, not just the division of child support (DCS).

(2) Each NMSN form contains information advising the employer which child support enforcement agency sent the NMSN.

[Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4121, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4122 What kind of information is included in the National Medical Support Notice? The National Medical Support Notice (NMSN) and its cover letter advise the obligated parent's employer and the plan administrator that:

(1) The obligated parent is required to provide health insurance coverage for the children named in the notice;

(2) Information regarding the custodial parent and children, especially address information, is confidential and may not be released to anyone, including the noncustodial parent (NCP);

(3) Within twenty business days of the date on the notice, the employer must either:

(a) Respond to the NMSN by completing the response form and returning it to DCS; or

(b) Forward Part B of the NMSN to the plan administrator.

(4) The employer or plan administrator is required to enroll the children in a health insurance plan offered by the employer or the union if insurance the children can use is or will become available as provided in WAC 388-14A-4130;

(5) The employer or plan administrator must provide:

(a) Information about the health insurance plan and policy as requested in the notice; and

(b) Any necessary claim forms or membership cards as soon as they are available.

(6) The employer or union must withhold premiums from the obligated parent's net earnings if the obligated parent is required to pay part or all of the premiums for coverage under the health insurance plan.

(7) Noncompliance with the NMSN subjects the employer or union to a fine of up to one thousand dollars under RCW 26.18.180. See WAC 388-14A-4123 for a description of noncompliance penalties.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4122, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW

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74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4122, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4123 What can happen if the employer fails to comply with the terms of the National Medical Support Notice? (1) If an employer fails to comply with the terms of a National Medical Support Notice (NMSN) sent by the division of child support (DCS), the employer may be liable for a fine of up to one thousand dollars under RCW 74.20A.350.

(2) DCS may take action under RCW 74.20A.350 to impose fines if the employer fails to comply with the terms of the NMSN. For each failure to comply, DCS may assess a fine of:

(a) Two hundred dollars for the first month in which the employer or union fails to comply;

(b) Three hundred dollars for the second month of non-compliance; and

(c) Five hundred dollars for the third month of non-compliance.

(d) The maximum fine based on a single notice of enrollment is one thousand dollars.

[Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4123, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4124 Who are the parties involved with the National Medical Support Notice? (1) The National Medical Support Notice (NMSN) is a federally mandated form used by child support enforcement agencies to enforce an obligated parent's medical support obligation. The division of child support (DCS) uses the NMSN as provided in WAC 388-14A-4120.

(2) DCS sends an NMSN when there is a support order requiring the obligated parent to provide health insurance coverage for the children.

(3) DCS sends the NMSN to the obligated parent's employer.

(4) If the employer provides health insurance coverage, the employer forwards the NMSN to the appropriate plan administrator.

(5) The plan administrator is the entity which handles the ministerial functions for the group health plan maintained by the employer or a group health plan to which the employer contributes.

(6) In some cases, the employer performs the duties of the plan administrator.

(7) In some cases, the obligated parent's union either acts as or contracts with the plan administrator.

(8) The plan administrator sends coverage information to both DCS and the custodial parent (CP). In cases where the CP is the obligated parent, DCS sends coverage information to the noncustodial parent (NCP).

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4124, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4124, filed 8/17/04, effective 9/17/04.]

(2009 Ed.)

WAC 388-14A-4125 What must an employer do after receiving a National Medical Support Notice? (1) Within twenty business days after the date on the National Medical Support Notice (NMSN), the employer must either send Part B to the plan administrator or send the employer response to the division of child support (DCS).

(2) The employer need take no action beyond responding to the NMSN if:

(a) The employer does not maintain or contribute to plans providing dependent or family health care coverage;

(b) The employee is among a class of employees (for example, part-time or nonunion) that are not eligible for family health coverage under any group health plan maintained by the employer or to which the employer contributes; or

(c) The employee either is no longer, or never has been, employed by this employer.

(3) If subsection (2) of this section does not apply, the employer must respond to the NMSN and must:

(a) Forward Part B of the NMSN to the plan administrator of each group health plan identified by the employer to enroll the obligated parent's eligible children (see WAC 388-14A-4130 for what the plan administrator must do after receiving an NMSN); and

(b) When notified by the plan administrator that the children are enrolled:

(i) Withhold any employee contributions required for health insurance premiums and transfer those premiums to the appropriate plan; or

(ii) Notify DCS that enrollment cannot be completed because the noncustodial parent's net earnings are not high enough to allow withholding of child support and health insurance premiums; in this situation, the employer must notify DCS of the amount of the premium required to cover the children.

(c) When notified by the plan administrator that the obligated parent is subject to a waiting period, notify the plan administrator when the obligated parent is eligible to enroll in the plan, and that the NMSN requires the enrollment of the children named in the NMSN.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4125, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4125, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4126 What kind of help is available for an employer or plan administrator who has questions about the National Medical Support Notice? An employer or plan administrator who receives a National Medical Support Notice (NMSN) from the division of child support (DCS) may do one or more of the following to get help with the form:

(1) Visit the DCS internet web site at <http://www.dshs.wa.gov/dcs/employers.shtml>;

(2) Call the DCS Employer Hotline at 1-800-591-2760; or (3) Contact the DCS field office which issued the NMSN.

[Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4126, filed 8/17/04, effective 9/17/04.]

(2009 Ed.)

WAC 388-14A-4130 What must a plan administrator do after receiving a National Medical Support Notice from the division of child support? (1) A plan administrator who receives a National Medical Support Notice (NMSN) must respond to the NMSN within forty business days after the date on the NMSN.

(2) If the obligated parent and the children are to be enrolled in a health insurance plan, the plan administrator must:

(a) Notify the obligated parent, each child, and the custodial parent (CP) (if the obligated parent is not the CP) that coverage of the children is or will become available (notifying the CP is considered the same as notifying the child if they live at the same address); and

(b) If not previously provided, send the CP a description of the coverage available, including the effective date of coverage, a summary plan description and any forms or information necessary to start coverage, and information on how to submit claims for benefits.

(3) If there is more than one option available under the plan and the obligated parent is not yet enrolled, the plan administrator must:

(a) Provide to the division of child support (DCS) copies of applicable summary plan descriptions for available coverage, including the additional participant contribution necessary to obtain coverage for the children under each option and whether any option has a limited service area; and

(b) If the plan has a default option, enroll the children in the plan's default option if the plan administrator has not received DCS' election within twenty business days of the date the plan administrator returned the response to DCS; or

(c) If the plan does not have a default option, enroll the children in the option selected by DCS.

(4) If the obligated parent is subject to a waiting period that expires within ninety days from the date the plan administrator receives the NMSN, the plan administrator must enroll the children named in the NMSN immediately.

(5) If the obligated parent is subject to a waiting period that expires more than ninety days from the date the plan administrator receives the NMSN, the plan administrator must notify the employer, DCS, the obligated parent and the CP (if the obligated parent is not the CP) of the waiting period. When the waiting period has expired, the plan administrator must:

(a) Enroll the obligated parent and the children named in the NMSN, as provided in subsection (2) or (3) above; and

(b) Notify the employer of enrollment so that the employer may determine if the NCP's income is sufficient to withhold health insurance premiums, and then either withhold accordingly or notify DCS, as provided in WAC 388-14A-4125 (3)(b).

(6) If the obligated parent is subject to a waiting period whose duration is determined by a measure other than the passage of time (for example, the completion of a certain number of hours worked), the plan administrator must notify the employer, DCS, the obligated parent and the CP (if the CP is not the obligated parent) of the waiting period. When the waiting period has expired, the plan administrator must:

(a) Enroll the obligated parent and the children named in the NMSN, as provided in subsection (2) or (3) above; and

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(b) Notify the employer of enrollment so that the employer may determine if the obligated parent's income is sufficient to withhold health insurance premiums, and then either withhold accordingly or notify DCS, as provided in WAC 388-14A-4125 (3)(b).

(7) If the plan administrator determines that the NMSN does not constitute a qualified medical child support order as defined by ERISA, the plan administrator must:

(a) Notify DCS using the part of the NMSN called the plan administrator response; and

(b) Notify the obligated parent, the CP (if the CP is not the obligated parent) and the children of the specific reasons for the determination. A copy of the plan administrator response is considered sufficient notice under this section.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4130, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4130, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 74.08.090, 26.18.170, 26.18.180, 74.20A.055. 01-03-089, § 388-14A-4130, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-215.]

WAC 388-14A-4135 What must the plan administrator do when the obligated parent has health insurance but the children are not included in the coverage? (1) If the obligated parent is enrolled in a health insurance plan through the employer but has not enrolled the children named in the National Medical Support Notice (NMSN), the plan administrator must follow the steps outlined in WAC 388-14A-4130(2) and:

(a) Enroll the child(ren) named in the NMSN under the obligated parent's health insurance plan; and

(b) Notify the employer and the division of child support (DCS) that the child(ren) have been enrolled.

(2) Under RCW 48.01.235 (4)(a), the plan administrator must enroll a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions.

(3) WAC 388-14A-4145 discusses what the plan administrator must do if the obligated parent's health insurance plan is not accessible to the children.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4135, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4135, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4140 What must the plan administrator do when the obligated parent is eligible for health insurance but is not yet enrolled? (1) If the obligated parent is eligible for health insurance through the employer but has not enrolled on his or her own, the plan administrator must proceed under WAC 388-14A-4130(3) and:

(a) Enroll the obligated parent and the children in the least expensive plan which provides accessible coverage for the children named in the National Medical Support Notice (NMSN); and

(b) Notify the employer and the division of child support (DCS) that the obligated parent and the children have been enrolled.

(2) The plan administrator notifies DCS of all health insurance plans for which the obligated parent is eligible, and notifies DCS which plan is the default option.

(3) If DCS does not specify otherwise within twenty business days of the date the plan administrator responds to DCS, the plan administrator must enroll the obligated parent and the children in the default plan.

(4) Under RCW 48.01.235 (4)(a), the plan administrator must enroll, under the family coverage, a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions. In order to obtain coverage for the children, the plan administrator must enroll an otherwise eligible obligated parent without regard to any enrollment season restrictions.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4140, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4140, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4143 What must the plan administrator do when the employer provides health insurance but the obligated parent is not yet eligible for coverage? If the obligated parent is subject to a waiting period before being eligible for coverage under a health insurance plan provided by the employer, the plan administrator must proceed as follows:

(1) If the obligated parent is subject to a waiting period that expires ninety days or less from the date of receipt of the National Medical Support Notice (NMSN), see WAC 388-14A-4130(4);

(2) If the obligated parent is subject to a waiting period that expires more than ninety days from the date of receipt of the NMSN, see WAC 388-14A-4130(5); and

(3) If the obligated parent is subject to a waiting period whose duration is determined by a measure other than the passage of time, see WAC 388-14A-4130(6).

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4143, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4143, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4145 What must the plan administrator do when the insurance plan in which the obligated parent is enrolled does not provide coverage which is accessible to the children? (1) If more than one insurance plan is offered by the employer or union, and each plan may be extended to cover the child, then the plan administrator must enroll the children named in the national medical support notice (NMSN) in the plan in which the obligated parent is enrolled.

(2) If the obligated parent's plan does not provide coverage which is accessible to the child, the plan administrator:

(a) May give the obligated parent the opportunity to change plans so that obligated parent and the children may be enrolled in a plan which provides accessible coverage for the children; but

(b) Is not required to change the obligated parent's plan to one which provides accessible coverage for the children.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4145, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW

74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4145, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4150 What must the plan administrator do when the obligated parent has more than one family? (1) When an obligated parent has a health insurance obligation for more than one family, the division of child support (DCS) sends one National Medical Support Notice (NMSN) for each family to the obligated parent's employer.

(2) If the obligated parent is already enrolled in a health insurance plan, the plan administrator must attempt to enroll all children named in all of the NMSNs in the obligated parent's plan.

(3) If the obligated parent is not already enrolled in a health insurance plan, and the employer offers a health insurance plan which would cover all children named in all of the NMSNs, the plan administrator must enroll the children in that plan. See WAC 388-14A-4140.

(4) If the employer offers only one health insurance plan, or multiple plans which would cover some, but not all of the children named in the NMSNs, the plan administrator must so notify DCS.

(5) DCS chooses the appropriate health insurance plan by considering the following factors:

- (a) The wishes of the custodial parent of each family;
 - (b) The premium limits set by the support orders;
 - (c) The relative ages of all the children;
 - (d) How many of the obligated parent's children live in Washington and how many live elsewhere;
 - (e) How many of the obligated parent's children receive medicaid;
 - (f) How many of the obligated parent's children are already covered by private health insurance;
 - (g) Which plan covers the most children; and
 - (h) Other factors as may be developed in DCS policy.
- (6) The factors listed in subsection (5) are not exclusive, nor are they equally weighted.

(7) Nothing in this section requires the plan administrator to take action to change the obligated parent's plan unless the obligated parent requests a change.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4150, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4150, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4160 Are there any limits on the amount an obligated parent may be required to pay for health insurance premiums? (1) The National Medical Support Notice (NMSN) advises the employer of any limitations on the amount an obligated parent may be required to pay for health insurance premiums to cover the children.

(2) Often the support order which contains the health insurance obligation determines the limitation on premium amounts, or states that there is no limitation. See WAC 388-14A-4100 for a discussion of premium limitation amounts.

(3) The premium limitation amount stated in the NMSN:

- (a) Describes the premium amount required to cover the children named in the notice; and

- (b) Does not include any amounts required to cover the obligated parent.

(2009 Ed.)

(4) Even if the medical insurance premium is within the limits set by the order or by WAC 388-14A-4100, the fifty percent limitation on withholding found in RCW 26.23.060 (3) still applies. See WAC 388-14A-4165 for a description of what happens when the fifty percent limitation is exceeded.

(5) When calculating the fifty percent limitation for withholding purposes:

- (a) The premium attributable to coverage for the children is always included in this calculation; but

- (b) The premium attributable to coverage for the obligated parent is included only when DCS requires the employer or plan administrator to enroll the obligated parent in a health insurance plan in order to obtain coverage for the obligated parent's children. See also WAC 388-14A-4165(3).

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4160, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4160, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4165 What happens when a noncustodial parent does not earn enough to pay child support plus the health insurance premium? (1) Under RCW 26.23.060(3), a payroll deduction may not exceed fifty percent of the noncustodial parent's disposable earnings in each pay period.

(2) When the division of child support (DCS) enforces a child support obligation through an income withholding action and also enforces a health insurance obligation, the noncustodial parent's employer often must withhold amounts for:

- (a) Current child support;
- (b) Child support arrears; and
- (c) Health insurance premiums.

(3) When the employer or plan administrator must enroll the noncustodial parent (NCP) in a health insurance plan in order to enroll the children (see WAC 388-14A-4140), the premium amount for the NCP's coverage is included in the amounts to withhold under subsection (2) above. If the NCP is already enrolled in a plan, the premium amount for the NCP's coverage is not included the amounts to withhold under that subsection.

(4) If the combined amounts for current support, support arrears and health insurance premiums are more than fifty percent of the noncustodial parent's disposable earnings, the employer must notify DCS immediately.

(5) In certain circumstances, DCS may adjust the amount to be withheld for support arrears so that the total amount withheld does not exceed fifty percent of the noncustodial parent's disposable earnings.

(6) If the noncustodial parent's current support obligation plus health insurance premiums exceeds fifty percent of the noncustodial parent's disposable earnings, DCS:

- (a) Enforces the child support obligation through income withholding; but
- (b) Is not able to enforce the noncustodial parent's health insurance obligation at that time.

[Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4165, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4170 How long does a National Medical Support Notice or other notice of enrollment remain in effect? (1) The National Medical Support Notice (NMSN) is a Qualified Medical Child Support Order.

(2) The NMSN or earlier notice of enrollment served by the division of child support (DCS) remains in effect until:

- (a) DCS withdraws the notice in writing; or
- (b) Health insurance coverage is no longer available through the employer or union.

[Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4170, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4175 Is an employer required to notify the division of child support when insurance coverage for the children ends? (1) Once the division of child support (DCS) has notified an employer that a parent is obligated by a support order to provide health insurance coverage for the children named in the order, the National Medical Support Notice (NMSN) or other notice of enrollment remains in effect as specified in WAC 388-14A-4170.

(2) If coverage for the children is terminated, the employer must notify DCS within thirty days of the date coverage ends.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4175, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.20A.310, and 26.18.170, 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998, 45 C.F.R. 303.31, and 45 C.F.R. 303.32. 04-17-119, § 388-14A-4175, filed 8/17/04, effective 9/17/04.]

WAC 388-14A-4180 When must the division of child support communicate with the DSHS health and recovery services administration? (1) The division of child support (DCS) must inform the DSHS health and recovery services administration (HRSA) of the existence of a new or modified court or administrative order for child support when the order includes a requirement for medical support. HRSA is the part of DSHS which provides services for the state of Washington under Title XIX of the federal Social Security Act.

(2) DCS must provide HRSA with the following information:

- (a) Title IV-A case number, Title IV-E foster care case number, medicaid number or the individual's Social Security number;
- (b) Name of the obligated parent;
- (c) Social Security number of the obligated parent;
- (d) Name and Social Security number of the child(ren) named in the order;
- (e) Home address of the obligated parent;
- (f) Name and address of the obligated parent's employer;
- (g) Information regarding the obligated parent's health insurance policy; and
- (h) Whether the child(ren) named in the order are covered by the policy.

(3) DCS must periodically communicate with HRSA to determine if there have been any lapses (stops and starts) in the obligated parent's health insurance coverage for medicaid applicants.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-4180, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW

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74.20A.310 and 45 C.F.R. 303.32, 45 C.F.R. 303.30, 45 C.F.R. 303.31. 05-08-060, § 388-14A-4180, filed 3/31/05, effective 5/1/05.]

WAC 388-14A-4200 Do I get credit for dependent disability payments paid on my behalf to my children? (1) When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of a noncustodial parent (NCP), the division of child support (DCS) treats the amount of compensation the department or self-insurer pays on behalf of the child or children as if the NCP paid the compensation toward the NCP's child support obligations.

(2) When the social security administration pays Social Security disability dependency benefits, retirement benefits, or survivors insurance benefits on behalf of or on account of the child or children of an NCP who is a disabled person, a retired person, or a deceased person, DCS treats the amount of benefits paid for the child or children as if the NCP paid the benefits toward the NCP's child support obligation for the period for which benefits are paid.

(3) Under no circumstances does the NCP have a right to reimbursement of any compensation paid under subsection (1) or (2) of this section.

(4) The NCP gets credit only for payments made to the custodial parent or the state. The NCP does not get credit for dependent payments made to the NCP.

[Statutory Authority: RCW 74.08.090, 26.18.190, 74.20A.055. 01-03-089, § 388-14A-4200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-280.]

WAC 388-14A-4300 What can I do if I think I'm paying more than the custodial parent is spending for day care or other special expenses for my child? (1) A noncustodial parent (NCP) who has paid child support under a court or administrative order and believes that day care or special child rearing expenses were not actually incurred in the amount of the order may file an application for an administrative hearing to determine if an overpayment of at least twenty per cent has occurred and how the overpayment should be reimbursed.

(a) A petition for reimbursement may cover a twelve-month period; and

(b) The twelve-month period may be:

- (i) A calendar year; or
- (ii) The twelve-month period following the anniversary date of the support order; or
- (iii) The twelve-month period following an adjudication under this section.

(c) Twelve-month periods under this section may not overlap.

(2) The application must be in writing and at a minimum state:

- (a) The twelve-month time period to be considered;
- (b) The date of the order requiring the payment of day care or special child rearing expenses;
- (c) The amounts required by the court or administrative order for day care or special child rearing expenses for that time period;

(d) The amounts actually paid by the NCP for that time period;

(e) The total amount of day care or special child rearing expenses which the NCP claims the custodial parent (CP) actually incurred for that time period;

(f) The NCP's proportionate share of the expenses actually incurred; and

(g) The amount of reimbursement for overpayment to which the NCP claims to be entitled for that time period.

(3) The effective date of a hearing request is the date DCS receives the written request.

(4) WAC 388-14A-4300 through 388-14A-4304 apply only to amounts paid during the twelve-month period ending May 31, 1996 or later.

[Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310. 01-03-089, § 388-14A-4300, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4301 Can I file a petition for reimbursement if I do not receive full support enforcement services? The division of child support (DCS) considers a petition for reimbursement or an application for hearing under WAC 388-14A-4300 to be an application for full support enforcement services if there is not already an open support enforcement case.

[Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310. 01-03-089, § 388-14A-4301, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4302 Who participates in a hearing on petition for reimbursement? (1) The division of child support (DCS) sends notice of a hearing under this subsection to the noncustodial (NCP) and to the custodial parent (CP).

(2) The NCP and the CP participate in the hearing as independent parties with the same procedural rights.

[Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310. 01-03-089, § 388-14A-4302, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4303 What happens at a hearing on petition for reimbursement? (1) The noncustodial parent (NCP) has the burden of proving the amounts actually paid by the NCP under the order.

(2) The custodial parent (CP) has the burden of proving the amounts actually incurred for day care and special child rearing expenses.

(3) The CP is not required to provide the address of the day care provider unless the administrative law judge (ALJ) finds that the information may be disclosed under the standards set forth in WAC 388-14A-2105 for the disclosure of the address of the CP.

(4) If the NCP fails to appear for the hearing, upon proof of service of the notice of hearing the ALJ issues an order of default against the NCP and dismisses the petition for reimbursement.

(5) If the CP fails to appear for the hearing, upon proof of service of the notice of hearing the ALJ issues an order of default against the CP and holds a hearing on the merits of the petition for reimbursement.

(6) A hearing under this subsection is for the limited purpose of determining whether the amount paid by the NCP exceeds the NCP's proportionate share of the amount actually incurred for day care and special child rearing expenses.

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(a) If the ALJ determines that the overpayment amounts to twenty percent or more of the NCP's share of annual day care and special child rearing expenses, the ALJ enters an order stating:

(i) The twelve-month time period in question;

(ii) The amount of the overpayment; and

(iii) The method by which the overpayment shall be reimbursed by the CP.

(b) If the ALJ determines that the overpayment amounts to less than twenty percent of the NCP's share of annual day care and child rearing expenses, the ALJ enters an order stating:

(i) Whether the NCP has overpaid or underpaid the day care and special child rearing expenses;

(ii) If an overpayment has occurred, by what percentage of the annual proportionate share; and

(iii) That reimbursement under this section is denied for that twelve-month period.

[Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310. 01-03-089, § 388-14A-4303, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4304 What happens if the judge determines that I have paid too much for day care and special expenses? (1) If at a hearing under WAC 388-14A-4303, the administrative law judge (ALJ) decides that the custodial parent (CP) has not incurred costs in the amount paid by the noncustodial parent (NCP), any ordered overpayment reimbursement may be applied as an offset to any non-assistance child support arrears owed by the NCP on that case only. If there is no nonassistance debt owed on the case, the reimbursement must be in the form of a credit against the NCP's future child support obligation:

(a) Spread equally over a twelve-month period starting the month after the administrative order becomes final; or

(b) When the future support obligation will end under the terms of the order in less than twelve months, spread equally over the life of the order; or

(c) With the consent of the CP, in the form of a direct reimbursement by the CP to the NCP.

(2) The NCP may not pay more than his or her proportionate share of day care or other special child rearing expenses in advance and then deduct the overpayment from future support transfer payments unless:

(a) Specifically agreed to by the CP; and

(b) Specifically agreed to in writing by DCS for periods when the CP or the dependent child receives public assistance.

[Statutory Authority: RCW 26.19.080, 34.05.220, 74.08.090, 74.20A.310. 05-07-087, § 388-14A-4304, filed 3/16/05, effective 4/16/05. Statutory Authority: RCW 74.08.090, 34.05.220, 26.23.035, 74.20A.310. 01-03-089, § 388-14A-4304, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-376.]

WAC 388-14A-4500 What is the division of child support's license suspension program? (1) RCW 74.20A.-320 provides that, in some circumstances, the division of child support (DCS) may certify for license suspension a noncustodial parent (NCP) who is not in compliance with a child support order. The statute calls the NCP the responsible parent.

[Title 388 WAC—p. 279]

(a) "Certify" means to notify the department of licensing or other state licensing entities that the NCP is not in compliance with a child support order and to ask them to take appropriate action against licenses held by the NCP. Before DCS can certify an NCP, DCS serves a notice on the NCP as described in WAC 388-14A-4505 and 388-14A-4510. This notice is called the notice of noncompliance and intent to suspend licenses, and is sometimes called the notice of noncompliance.

(b) "Responsible parent" is defined in 388-14A-1020. The responsible parent is also called the "noncustodial parent."

(2) "Noncompliance with a child support order" is defined in RCW 74.20A.020(18) and in WAC 388-14A-4510.

(3) When DCS certifies the NCP, the department of licensing or other licensing entities take action to deny, suspend, or refuse to renew the NCP's license, according to the terms of RCW 74.20A.320 (8) and (12).

(4) This section and sections WAC 388-14A-4505 through 388-14A-4530 cover the DCS license suspension program.

(5) DCS may certify an NCP who is not in compliance with a child support order to the department of licensing or any appropriate licensing entity. In determining which licensing entity receives the certification, DCS considers:

(a) The number and kind of licenses held by the parent; and

(b) The effect that suspension of a particular license will have in motivating the parent to pay support or to contact DCS to make appropriate arrangements for other relief.

(6) DCS may certify a parent to any licensing agency through which it believes the parent has obtained a license. DCS may certify a parent to as many licensing agencies as DCS feels necessary to accomplish the goals of the license suspension program.

(7) In certain circumstances spelled out in WAC 388-14A-4510 (2) and (3), DCS may serve the notice of noncompliance on a noncustodial parent but may stay the commencement of the twenty-day objection period in WAC 388-14A-4505 (4)(b).

[Statutory Authority: RCW 74.20A.320. 03-18-114, § 388-14A-4500, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090, 74.20A.-320. 01-03-089, § 388-14A-4500, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-510.]

WAC 388-14A-4505 The notice of noncompliance and intent to suspend licenses. (1) Before certifying a noncustodial parent (NCP) for noncompliance, the division of child support (DCS) must serve the NCP with a notice of noncompliance and intent to suspend licenses. This notice tells the NCP that DCS intends to submit the NCP's name to the department of licensing and any other appropriate licensing entity as a licensee who is not in compliance with a child support order.

(2) DCS must serve the notice by certified mail, return receipt requested. If DCS is unable to serve the notice by certified mail, DCS must serve the notice by personal service, as provided in RCW 4.28.080.

[Title 388 WAC—p. 280]

(3) The notice must include a copy of the NCP's child support order and must contain the address and phone number of the DCS office which issued the notice.

(4) The notice must contain the information required by RCW 74.20A.320(2), telling the NCP that:

(a) The NCP may request an administrative hearing, but that the hearing is limited in scope (see WAC 388-14A-4530);

(b) DCS will certify the NCP unless the NCP makes a request for hearing within twenty calendar days of the date of service of the notice, except when a longer period of time is given, as provided in WAC 388-14A-4510 (2) or (3);

(c) The NCP may avoid certification by agreeing to make timely payments of current support and agreeing to a reasonable payment schedule on the support debt;

(d) Certification by DCS will result in suspension or nonrenewal of the NCP's license by the licensing entity until DCS issues a release stating that the NCP is in compliance with the child support order;

(e) Suspension of a license may affect the NCP's insurance coverage, depending on the terms of any policy;

(f) Filing a petition to modify the support obligation may stay (or put a hold on) the certification process; and

(g) Even after certification, the NCP may obtain a release from certification by complying with the support order.

[Statutory Authority: RCW 74.20A.320. 03-18-114, § 388-14A-4505, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-4505, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-520.]

WAC 388-14A-4510 Who is subject to the DCS license suspension program? (1) The division of child support (DCS) may serve a notice of noncompliance on a noncustodial parent (NCP) who is not in compliance with a child support order when:

(a) The NCP is required to pay child support under a court order or administrative order;

(b) The NCP is at least six months in arrears; and

(c) The NCP is not currently making payments to the Washington state support registry under a wage withholding action issued by DCS.

(2) DCS may serve a notice of noncompliance on an NCP who meets the criteria of subsection (1) above, even if the NCP is in jail or prison. Unless the NCP has other resources available while in jail or prison, DCS stays the commencement of the twenty-day objection period in WAC 388-14A-4505 (4)(b) until the NCP has been out of jail or prison for thirty days.

(3) DCS may serve a notice of noncompliance on an NCP who meets the criteria of subsection (1) above, even if the NCP is a public assistance recipient. DCS stays the commencement of the twenty-day objection period in WAC 388-14A-4505 (4)(b) until the thirty days after the NCP's cash assistance grant is terminated.

(4) "Noncompliance with a child support order" for the purposes of the license suspension program means a NCP has:

(a) Accumulated a support debt, also called an arrearage or arrears, totaling more than six months of child support payments;

(2009 Ed.)

(b) Failed to make payments under a written agreement with DCS towards a support debt in an amount that is more than six months' worth of payments; or

(c) Failed to make payments required by a court order or administrative order towards a support debt in an amount that is more than six months' worth of payments.

(5) There is no minimum dollar amount for the six months of arrears. The following are examples of when a NCP is at least six months in arrears:

(a) The child support order requires monthly payments of five hundred dollars. The NCP has not made a single payment since the order was entered seven months ago. This NCP is at least six months in arrears;

(b) The child support order requires monthly payments of one hundred dollars. The NCP has paid for the last few months, but owes a back debt of over six hundred dollars. This NCP is at least six months in arrears;

(c) The NCP owes a support debt according to a judgment, which requires payments of one hundred dollars per month. The NCP has not made payment for eight months. This NCP is at least six months in arrears; or

(d) The child support order required monthly payments of two hundred dollars, but the child is over eighteen so no current support is owed. However, the NCP has a debt of over twelve hundred dollars. This NCP is at least six months in arrears.

(6) For the purposes of the license suspension program, a NCP is in compliance with the child support order when the amount owed in arrears is less than six months' worth of support.

[Statutory Authority: RCW 74.20A.320, 03-18-114, § 388-14A-4510, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090, 74.20A.-320, 01-03-089, § 388-14A-4510, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-530.]

WAC 388-14A-4515 How do I avoid having my license suspended for failure to pay child support? (1) After service of the notice of noncompliance, DCS stays certification action if the noncustodial parent (NCP) takes the following action within twenty days of service of the notice:

(a) Requests an administrative hearing under WAC 388-14A-4530; or

(b) Contacts DCS to negotiate a reasonable payment schedule on the arrears and agrees to make timely payments of current support.

(i) The stay for negotiation may last a maximum of thirty calendar days after the NCP contacts DCS; and

(ii) If no payment schedule has been agreed to in writing after thirty calendar days have passed, DCS may proceed with certification of noncompliance;

(iii) A reasonable payment schedule is described in WAC 388-14A-4520, below; and

(iv) The NCP may request a conference board review under WAC 388-14A-6400 if the NCP feels that DCS has not negotiated in good faith.

(2) If the NCP files a court or administrative action to modify the child support obligation, DCS stays the certification action.

(3) The stay for modification action may not exceed six months unless DCS finds good cause to extend the stay.

(2009 Ed.)

(4) The NCP must notify DCS that a modification proceeding is pending and must provide a copy of the motion or request for modification to DCS.

(5) A stay of certification does not require DCS to withdraw the notice of noncompliance.

[Statutory Authority: RCW 74.20A.320, 03-18-114, § 388-14A-4515, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090, 74.20A.-320, 01-03-089, § 388-14A-4515, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-540.]

WAC 388-14A-4520 Signing a repayment agreement may avoid certification for noncompliance. (1) If a noncustodial parent (NCP) signs a repayment agreement, DCS stays the certification action. The NCP must agree to pay current support in a timely manner and make regular payments on the support debt.

(2) The repayment agreement must state that if the NCP fails to make payments under the terms of the agreement, DCS may resume certification action.

(3) The signing of a repayment agreement does not require DCS to withdraw the notice of noncompliance.

(4) In setting the repayment amount, DCS must take into account the financial situation of the NCP and the needs of all children who rely on the NCP for support. The NCP must supply sufficient financial information to allow DCS to analyze and document the NCP's financial situation and requirements, including normal living expenses and emergencies.

(5) A reasonable monthly arrears payment is defined as a percentage of the NCP's "adjusted net income," which is the NCP's net monthly income minus any current support obligation. The following table sets forth the suggested monthly payments on arrears:

Monthly adjusted net income (ANI)	Monthly arrears payment = Percentage of ANI
\$1,000 or less	2%
\$1,001 to \$1,200	3%
\$1,201 to \$1,500	4%
\$1,501 to \$1,900	5%
\$1,901 to \$2,400	6%
\$2,401 to \$3,000	7%
\$3,001 or more	8%

(6) Examples of how to calculate the arrears payment are as follows:

(a) Monthly net income	=	\$1,500
Current support	=	\$300
Adjusted net income	=	\$1,200
Arrears payment = 3% of ANI (\$1,200)	=	\$36
(b) Monthly net income	=	\$3,100
Current support	=	\$-0-
Adjusted net income	=	\$3,100
Arrears payment = 8% of ANI (\$3,100)	=	\$248

(7) The NCP must document any factors which make the NCP eligible for an arrears payment less than the amount shown in the table in subsection (5). Such factors include, but are not limited to:

- (a) Special needs children, or
- (b) Uninsured medical expenses.

(8) The custodial parent and/or DCS must document any factors which make the NCP eligible for an arrears payment

higher than the amount shown in the table in subsection (5). Such factors include, but are not limited to the factors listed in RCW 26.19.075 for deviation from the standard calculation for child support obligations.

(9) If the NCP signs a repayment agreement under this section under the circumstances spelled out in WAC 388-14A-4510 (2) or (3), the NCP may make voluntary payments but DCS does not resume certification action until thirty days after NCP is released or stops receiving public assistance.

[Statutory Authority: RCW 74.20A.320. 03-18-114, § 388-14A-4520, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090, 74.20A.-320. 01-03-089, § 388-14A-4520, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-550.]

WAC 388-14A-4525 How to obtain a release of certification for noncompliance. (1) After DCS has certified a noncustodial parent (NCP) to a licensing entity, the NCP may obtain a release from DCS by taking the following actions:

(a) Paying the support debt in full; or

(b) Signing a repayment agreement under WAC 388-14A-4520 and paying the first installment due under the agreement. Signing a repayment agreement does not require DCS to withdraw the notice of noncompliance.

(2) DCS must provide a copy of the release to any licensing entity to which DCS has certified the NCP.

(3) The NCP must comply with any requirements of the licensing entity to get the license reinstated or reissued.

[Statutory Authority: RCW 74.20A.320. 03-18-114, § 388-14A-4525, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090, 74.20A.-320. 01-03-089, § 388-14A-4525, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-560.]

WAC 388-14A-4530 Administrative hearings regarding license suspension are limited in scope. (1) An administrative hearing on a notice of noncompliance under WAC 388-14A-4505 is limited to the following issues:

(a) Whether the person named in the child support order is the noncustodial parent (NCP);

(b) Whether the NCP is required to pay child support under a child support order; and

(c) Whether the NCP is at least six months in arrears.

(2) The administrative law judge (ALJ) is not required to calculate the outstanding support debt beyond determining whether the NCP is at least six months in arrears. Any debt calculation shall not be binding on the department or the NCP beyond the determination that there is at least six months of arrears.

(3) If the NCP requests a hearing on the notice, DCS stays the certification process until the hearing results in a finding that the NCP is not in compliance with the order, or that DCS is authorized to certify the NCP.

(4) If the NCP requests a hearing on the notice of noncompliance under the circumstances spelled out in WAC 388-14A-4510 (2) and (3), DCS asks the office of administrative hearings to schedule a hearing. If the hearing results in a finding that the NCP is not in compliance with the order, or that DCS is authorized to certify the NCP, DCS stays the certification process until thirty days after the NCP is released or stops receiving cash public assistance.

[Statutory Authority: RCW 74.20A.320. 03-18-114, § 388-14A-4530, filed 9/2/03, effective 10/15/03. Statutory Authority: RCW 74.08.090, 74.20A.-

[Title 388 WAC—p. 282]

320. 01-03-089, § 388-14A-4530, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-570.]

WAC 388-14A-4600 What is the division of child support's DCS most wanted internet site? (1) The division of child support (DCS) maintains the DCS most wanted internet site in an effort to:

(a) Locate noncustodial parents in order to establish or enforce a child support obligation; and

(b) Collect unpaid child support from noncustodial parents who have a support obligation.

(2) Anyone who has information concerning a noncustodial parent (NCP) is encouraged to provide that information to DCS.

[Statutory Authority: RCW 74.08.090, 26.23.120(2). 01-03-089, § 388-14A-4600, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-320.]

WAC 388-14A-4605 Whose picture can go on the division of child support's DCS most wanted internet site? (1) If the child's custodial parent (CP) requests DCS to post the NCP to the DCS most wanted internet site (also called the "site"), the CP must:

(a) Have an open full support enforcement services case with DCS;

(b) Give written permission to DCS to post the NCP on the site; and

(c) Provide a photograph of the NCP.

(2) Only the NCP's photograph appears on the site. If the CP submits a group photograph, DCS edits out everyone except the NCP.

(3) DCS may post an NCP to the site when the NCP has made no payments in at least six months (intercepted IRS refunds are not considered to be payments for purposes of this section) and owes at least five thousand dollars in back child support.

(4) DCS may post an NCP to the site when DCS has been unable to locate the NCP after trying other means for at least twelve months, and:

(a) There is a valid support order; or

(b) There is a valid paternity affidavit filed for a child on the case, or

(c) The NCP is:

(i) The mother of the child(ren) on the case; or

(ii) The presumed father under RCW 26.26.320.

(5) If the NCP has more than one open DCS case, all custodial parents must provide written consent to the posting.

[Statutory Authority: RCW 26.23.120(2) and 74.08.090. 06-03-026, § 388-14A-4605, filed 1/6/06, effective 2/6/06. Statutory Authority: RCW 74.08.-090, 34.05.310 (4)(d) and 26.23.120(2). 03-20-072, § 388-14A-4605, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 26.23.120(2), 74.08.090. 01-24-083, § 388-14A-4605, filed 12/3/01, effective 1/3/02; 01-03-089, § 388-14A-4605, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-325.]

WAC 388-14A-4610 How does a noncustodial parent avoid being posted on the DCS most wanted internet site?

(1) DCS mails a letter to the noncustodial parent's last known mailing address by first class mail before posting a noncustodial parent (NCP) on the site. The letter advises the NCP:

(a) Who cannot be located, to provide DCS with a current address and employer information.

(b) Who owes back support, to:

- (i) Pay the back support debt in full; or
- (ii) Sign a repayment agreement with DCS and make the first payment under that agreement.

(2) If the NCP does not comply within twenty days of the date on the letter, DCS may post the NCP to the site.

(3) If the NCP wishes to dispute the amount of the support debt, the NCP may request a conference board review under WAC 388-14A-6400. Such a request does not stay (stop) DCS from posting the NCP to the site.

(4) If the NCP files a court or administrative action to vacate or modify the support obligation, DCS stays the posting of the NCP to the site for up to six months. If DCS finds good cause, DCS may extend the stay.

(5) If the NCP enters into a repayment agreement, but then misses a payment under the agreement, DCS may post the NCP to the site without further notice to the NCP.

[Statutory Authority: RCW 74.08.090, 26.23.120(2), 01-03-089, § 388-14A-4610, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-330.]

WAC 388-14A-4615 When does DCS remove a non-custodial parent from the DCS most wanted internet site?

(1) DCS must remove the noncustodial parent (NCP) from the site if:

- (a) The NCP pays the back support debt in full;
- (b) The NCP files a court or administrative action to modify or vacate the support obligation (subject to the limitations in WAC 388-14A-3700);
- (c) The NCP enters into a repayment agreement and makes the first payment under that agreement (subject to the limitations in WAC 388-14A-4520);
- (d) The CP withdraws permission for the posting.

(2) DCS may remove an NCP from the site even if the NCP has not complied with the requirements of this section.

(3) If an NCP receives a warning letter for locate purposes only, DCS must remove the NCP who provides a current address and employment information.

[Statutory Authority: RCW 74.08.090, 26.23.120(2), 01-03-089, § 388-14A-4615, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-335.]

WAC 388-14A-4620 What information does the division of child support post to the DCS most wanted internet site?

(1) DCS may post to the site any information about the noncustodial parent (NCP) which may aid in locating the NCP or collecting child support from the NCP, such as:

- (a) Full name and aliases;
- (b) Photograph;
- (c) Physical description;
- (d) Birth date;
- (e) Last known address;
- (f) Usual occupation;
- (g) Number and ages of children;
- (h) Amount of back support owed; and
- (i) Ongoing monthly support obligation, if any.

(2) DCS does not post the names or photographs of the CP or the children.

[Statutory Authority: RCW 74.08.090, 26.23.120(2), 01-03-089, § 388-14A-4620, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-340.]

WAC 388-14A-4700 How do I ask the division of child support to prorate a child support obligation? (1) As a general rule, if support is owed for any day of a given month, the entire monthly support obligation is owed for that month.

(2) Either party to a support order may request that the division of child support (DCS) prorate the monthly obligation under a child support order. The request must state the reason why the party is requesting proration of the monthly obligation.

(3) This request may be made in writing or orally, in person or by phone.

(4) DCS' response may be made in writing or orally, in person or by phone.

(5) This rule and WAC 388-14A-4705 through 388-14A-4715 apply only to the enforcement of a support obligation, not to the establishment of an obligation.

[Statutory Authority: RCW 34.05.330, 26.21.016, 26.23.030, 74.08.090, and 74.20.040, 06-06-077, § 388-14A-4700, filed 2/28/06, effective 3/31/06.]

WAC 388-14A-4705 When does the division of child support prorate a monthly support obligation?

The division of child support (DCS) may prorate a monthly support obligation under the following circumstances:

(1) An order is entered terminating the noncustodial parent's (NCP's) support obligation and the order specifies that the NCP's obligation should be prorated;

(2) A superior or tribal court order is entered requiring that support for a given month be prorated; or

(3) When a conference board convened under WAC 388-14A-6400 decides that support for a given month should be prorated.

[Statutory Authority: RCW 34.05.330, 26.21.016, 26.23.030, 74.08.090, and 74.20.040, 06-06-077, § 388-14A-4705, filed 2/28/06, effective 3/31/06.]

WAC 388-14A-4710 When does the division of child support not prorate a monthly support obligation?

(1) Unless a case fits the criteria outlined in WAC 388-14A-4705, the division of child support (DCS) does not prorate a monthly support obligation.

(2) When a support order provides that the noncustodial parent's support obligation for a particular child terminates as of the child's birthday or graduation date, the entire monthly support obligation is owed, no matter what day of the month the birthday or graduation falls on.

(3) If a conference board convened under WAC 388-14A-6400 decides that support for a given month should not be prorated, DCS does not prorate for that month.

[Statutory Authority: RCW 34.05.330, 26.21.016, 26.23.030, 74.08.090, and 74.20.040, 06-06-077, § 388-14A-4710, filed 2/28/06, effective 3/31/06.]

WAC 388-14A-4715 What can I do if I don't agree with DCS' decision on whether or not to prorate support?

(1) If the noncustodial parent (NCP) or custodial parent (CP) asks the division of child support (DCS) to prorate support, DCS advises the parties of its decision whether to prorate or not to prorate support for a given month.

(2) If the NCP or the CP disagrees with DCS' decision, the aggrieved party may request a conference board under WAC 388-14A-6400.

(3) Either the NCP or the CP may proceed in superior court to seek an order stating whether support should be pro-rated.

[Statutory Authority: RCW 34.05.330, 26.21.016, 26.23.030, 74.08.090, and 74.20.040. 06-06-077, § 388-14A-4715, filed 2/28/06, effective 3/31/06.]

PART E - DISTRIBUTION ISSUES

WAC 388-14A-5000 How does the division of child support distribute support payments? (1) Under state and federal law, the division of child support (DCS) distributes support money it collects or receives to the:

(a) Department when the department provides or has provided public assistance payments for the support of the family;

(b) Payee under the order, or to the custodial parent (CP) of the child according to WAC 388-14A-5050;

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services;

(d) Indian tribe which has a TANF program, child support program and/or a cooperative agreement regarding the delivery of child support services;

(e) Person or entity making the payment when DCS is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) DCS distributes support based on the date of collection. DCS considers the date of collection to be the date that DCS receives the payment, no matter when the payment was withheld from the noncustodial parent (NCP).

(3) If DCS is unable to distribute support money because the location of the family or person is unknown, it must exercise reasonable efforts to locate the family or person. When the family or person cannot be located, DCS handles the money in accordance with chapter 63.29 RCW, the Uniform Unclaimed Property Act.

(4) WAC 388-14A-5000 and sections WAC 388-14A-5001 through 388-14A-5008 contain the rules for distribution of support money by DCS.

(5) DCS changes the distribution rules based on changes in federal statutes and regulations.

(6) DCS uses the fee retained under WAC 388-14A-2200 to offset the fee amount charged by the federal government for IV-D cases that meet the fee criteria in WAC 388-14A-2200(1).

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-5000, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5). 05-06-014, § 388-14A-5000, filed 2/22/05, effective 3/25/05. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 26.23.035, 74.20A.057, 74.20A.310. 03-20-072, § 388-14A-5000, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. 01-03-089, § 388-14A-5000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-250, 388-14-270, and 388-14-273.]

WAC 388-14A-5001 What procedures does DCS follow to distribute support payments? When distributing support money, the division of child support (DCS) does the following:

(1) Records payments in exact amounts of dollars and cents;

(2) Distributes support money within two days of the date DCS receives the money, unless DCS is unable to distribute the payment for one or more of the following reasons:

(a) The location of the payee is unknown;

(b) DCS does not have sufficient information to identify the accounts against which or to which it should apply the money;

(c) An action is pending before a court or agency which has jurisdiction over the issue to determine whether support money is owed or how DCS should distribute the money.

(d) DCS receives prepaid support money and is holding for distribution in future months under subsection (2)(e) of this section;

(e) DCS mails a notice of intent to distribute support money to the custodial parent (CP) under WAC 388-14A-5050;

(f) DCS may hold funds and not issue a check to the family for amounts under one dollar. DCS must give credit for the payment, but may delay disbursement of that amount until a future payment is received which increases the amount of the payment to the family to at least one dollar. If no future payments are received which increase the payment to the family of at least one dollar, DCS transfers the amount to the department of revenue under RCW 63.29.130. This subsection does not apply to disbursements which can be made by electronic funds transfer (EFT), or to refunds of intercepted federal income tax refunds; or

(g) Other circumstances exist which make a proper and timely distribution of the money impossible through no fault or lack of diligence of DCS.

(3) Distribute support money based on the date DCS receives the money, except as provided under WAC 388-14A-5005. DCS distributes support based on the date of collection. DCS considers the date of collection to be the date that DCS receives the payment, no matter when the payment was withheld from the noncustodial parent (NCP).

[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5). 05-06-014, § 388-14A-5001, filed 2/22/05, effective 3/25/05. Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.310, 42 U.S.C. 666(a)14. 01-24-078, § 388-14A-5001, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.-057, 74.20A.310. 01-03-089, § 388-14A-5001, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270 and 388-14-273.]

WAC 388-14A-5002 How does DCS distribute support money in a nonassistance case? (1) A nonassistance case is one where the family has never received a cash public assistance grant.

(2) The division of child support (DCS) applies support money within each Title IV-D nonassistance case:

(a) First, to satisfy the current support obligation for the month DCS received the money;

(b) Second, to the noncustodial parent's support debts owed to the family;

(c) Third, to prepaid support as provided for under WAC 388-14A-5008.

(3) After DCS disburses at least five hundred dollars to the family on a case in a federal fiscal year, DCS may retain a twenty-five dollar annual fee for that case from a custodial parent who has never received AFDC, TANF or Tribal TANF. DCS gives the noncustodial parent credit against the child support debt for the amount retained for the fee.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-5002, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. 01-03-089, § 388-14A-5002, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5003 How does DCS distribute money in an assistance case? (1) An assistance case is one where the family is currently receiving a cash public assistance grant.

(2) The division of child support (DCS) applies support money within each Title IV-D assistance case:

(a) First, to satisfy the current support obligation for the month DCS received the money (this money is kept by the state under WAC 388-14A-2035);

(b) Second, to satisfy support debts which are permanently assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family (this money is kept by the state under WAC 388-14A-2035);

(c) Third, to satisfy support debts which are temporarily assigned to the department to reimburse the cumulative amount of assistance paid to the family (this money is kept by the state under WAC 388-14A-2035);

(d) Fourth, to satisfy support debts which exceed the cumulative amount of unreimbursed assistance which has been paid to the family (this money goes to the family);

(e) Fifth, to prepaid support as provided for under WAC 388-14A-5008.

[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.310, 42 U.S.C. 666(a)14. 01-24-078, § 388-14A-5003, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. 01-03-089, § 388-14A-5003, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5004 How does DCS distribute money in a former assistance case? (1) A former assistance case is one where the family is not currently receiving a cash public assistance grant, but has at some time in the past.

(2) The division of child support (DCS) applies support money within each Title IV-D former-assistance case:

(a) First, to satisfy the current support obligation for the month DCS received the money;

(b) Second, to satisfy support debts which accrued after the family's most recent period of assistance;

(c) Third, to satisfy support debts which are temporarily assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

(d) Fourth, to satisfy support debts which are permanently assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

(e) Fifth, to satisfy support debts which exceed the cumulative amount of unreimbursed assistance which has been paid to the family; and

(f) Sixth, to prepaid support as provided for under WAC 388-14A-5008.

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[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. 01-03-089, § 388-14A-5004, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5005 How does DCS distribute intercepted federal income tax refunds? (1) The division of child support (DCS) applies intercepted federal income tax refunds in accordance with 42 U.S.C. Sec. 657, as follows:

(a) First, to support debts which are permanently assigned to the department to reimburse public assistance payments; and

(b) Second, to support debts which are temporarily assigned to the department to reimburse public assistance payments; and

(c) Third, to support debts that are not assigned to the department; and

(d) To support debts only, not to current and future support obligations. DCS must refund any excess to the noncustodial parent (NCP).

(2) DCS may retain the twenty-five dollar annual fee required under the federal deficit reduction act of 2005 and RCW 74.20.040 from federal income tax refunds applied to nonassistance support debts.

(3) When the Secretary of the Treasury, through the federal Office of Child Support Enforcement (OCSE), notifies DCS that a payment on behalf of an NCP is from an intercepted refund based on a joint return, DCS follows the procedures set forth in WAC 388-14A-5010.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-5005, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5). 05-06-014, § 388-14A-5005, filed 2/22/05, effective 3/25/05. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. 01-03-089, § 388-14A-5005, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5006 How does DCS distribute support money when the paying parent has more than one case? Except as provided in WAC 388-14A-5005, when the NCP has more than one Title IV-D case, the division of child support (DCS) distributes support money:

(1) First, to the current support obligation on each Title IV-D case, in proportion to the amount of the current support order on each case; and

(2) Second, to the total of the support debts whether owed to the family or to the department for the reimbursement of public assistance on each Title IV-D case, in proportion to the amount of support debt owed by the NCP on each case; and

(3) Third, within each Title IV-D case according to WAC 388-14A-5002 or 388-14A-5003.

[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.310, 42 U.S.C. 666(a)14. 01-24-078, § 388-14A-5006, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310. 01-03-089, § 388-14A-5006, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5007 If the paying parent has more than one case, can DCS apply support money to only one specific case? (1) The division of child support (DCS) applies amounts to a support debt owed for one family or household and distributes the amounts accordingly, rather

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than make a proportionate distribution between support debts owned to different families, when:

(a) Proportionate distribution is administratively inefficient; or

(b) The collection resulted from the sale or disposition of a specific piece of property against which a court awarded the custodial parent (CP) a judgment lien for child support; or

(c) The collection is the result of a contempt order which provides that DCS must distribute the amounts to a particular case.

(2) If the collection is the result of an automated enforcement of interstate (AEI) transaction under RCW 74.20A.188, DCS applies the payment as provided in WAC 388-14A-5006, even if the requesting state wants the payment applied to a specific case.

[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A.310, 42 U.S.C. 666(a)14, 01-24-078, § 388-14A-5007, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5007, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5008 Can the noncustodial parent prepay support? (1) If the division of child support (DCS) receives or collects support money representing payment on the required support obligation for future months, DCS must:

(a) Apply the support money to future months only if the support debt is paid in full;

(b) Distribute the support money on a monthly basis when payments become due in the future; and

(c) Mail a notice to the last known address of the person entitled to receive support money.

(2) The notice in subsection (1)(c) above informs the person entitled to receive support money that:

(a) DCS received prepaid support money;

(b) DCS intends to distribute the prepaid money as support payments become due in the future; and

(c) The person may request a conference board under WAC 388-14A-6400 to determine if DCS should immediately distribute the prepaid support money.

(d) DCS does not mail the notice referred to in subsection (1)(c) of this section if the prepaid support is equal to or less than one month's support obligation.

[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5), 05-06-014, § 388-14A-5008, filed 2/22/05, effective 3/25/05. Statutory Authority: RCW 74.08.090, 34.05.310 (4)(d), 26.23.035, 74.20A.057, 74.20A.310, 03-20-072, § 388-14A-5008, filed 9/29/03, effective 10/30/03. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5008, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270.]

WAC 388-14A-5009 What happens when an employer or other entity overcollects support from the noncustodial parent based on a DCS withholding order?

(1) When an employer or other entity overcollects support from a noncustodial parent (NCP) based on a withholding order issued by the division of child support (DCS), DCS evaluates what to do with the overpayment on a case by case basis.

(2) Depending on the facts of the case and the wishes of the NCP, DCS may take one of the following actions:

(a) Refund the excess money to the NCP upon request;

(b) Hold the excess money in suspense to be applied to the next month's support obligation; or

(c) Any other action which comports with the requirements of this chapter and the federal regulations concerning distribution of support payments.

[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5), 05-06-014, § 388-14A-5009, filed 2/22/05, effective 3/25/05.]

WAC 388-14A-5010 How does the division of child support handle intercepted federal income tax refunds from a joint return?

(1) The division of child support (DCS) collects child support arrears through the interception of federal income tax refunds. This section deals with the issues that arise when the Secretary of the Treasury intercepts a refund based on a joint tax return filed by a noncustodial parent (NCP) and the NCP's spouse who does not owe child support.

(2) When the Secretary of the Treasury, through the federal Office of Child Support Enforcement (OCSE), notifies DCS that a payment on behalf of an NCP is from an intercepted refund based on a joint return, DCS may delay distribution of that payment for up to six months in case the NCP's spouse is entitled to a share of the federal income tax refund.

(3) DCS distributes fifty percent of the payment according to WAC 388-14A-5005.

(4) DCS holds the other fifty percent of the payment in suspense until the earlier of the following:

(a) DCS is notified by OCSE or the Secretary of the Treasury whether DCS must pay back the unobligated spouse's portion of the refund; or

(b) For a period not to exceed six months from notification of the offset.

(5) When DCS holds part of a payment under subsection (4) of this section, DCS applies the remainder of the payment to the NCP's back support obligations if DCS is not required to return the unobligated spouse's portion of the refund. The CP may:

(a) Request that DCS apply the payment to the NCP's back support obligation sooner upon a showing of hardship to the CP; and

(b) Request a conference board if the CP disagrees with DCS' denial of a hardship claim.

[Statutory Authority: RCW 26.23.035, 74.08.090, 74.20A.310, and 45 C.F.R. 303.72 (h)(5), 05-06-014, § 388-14A-5010, filed 2/22/05, effective 3/25/05.]

WAC 388-14A-5050 When does DCS send a notice of intent to distribute support money?

(1) The division of child support (DCS) may distribute support money to a custodial parent (CP) who is not the payee under the support order if the CP signs a sworn statement that:

(a) The CP has physical custody of and is caring for the child; and

(b) The CP is not wrongfully depriving the payee of physical custody.

(2) Before DCS begins distributing support money to a CP who is not the payee under the support order, DCS sends the payee under the support order and the noncustodial parent (NCP) a notice of intent to distribute support money and a

copy of the sworn statement of the CP to their last known addresses by first class mail. The notice states:

(a) DCS intends to distribute support money collected under the support order to the CP; and

(b) The name of the CP.

(3) DCS distributes support money to the CP when the notice of intent to distribute support money becomes final.

(a) A notice of intent to distribute support money served in the state of Washington becomes final unless the payee under the support order, within twenty days of the date of mailing of the notice, files a request with DCS for a hearing under subsection (4) of this section. The effective date of a hearing request is the date DCS receives the request.

(b) A notice of intent to distribute support money served in another state becomes final according to WAC 388-14A-7200.

(4) A hearing on a notice of intent to distribute support money is for the limited purpose of resolving who is entitled to receive the support money.

(5) A copy of the notice of any hearing scheduled under this section must be mailed to the alleged CP at the CP's last known address. The notice advises the CP of the right to participate in the proceeding as a witness or observer.

(6) The payee under the support order may file a late hearing request on a notice of intent to distribute support money.

(a) The payee under the support order does not need to show good cause for filing a late hearing request.

(b) DCS may not reimburse the payee under the support order for amounts DCS sent to the CP before the administrative order on a late hearing request becomes final.

(7) The payee under the support order must give DCS and the CP notice of any judicial proceeding to contest a notice of intent to distribute support money.

(8) If the support order is a court order, DCS files a copy of the notice of intent to distribute support money or the final administrative order entered on a notice of intent to distribute support money with the clerk of the court where the support order was entered.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5050, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270 and 388-14-271.]

WAC 388-14A-5100 What kind of distribution notice does the division of child support send? (1) The division of child support (DCS) mails a distribution notice once each month, or more often, to the last known address of a person for whom it received support during the month, except as provided under subsection (6) of this section.

(2) DCS includes the following information in the notice:

(a) The amount of support money DCS received and the date of collection;

(b) A description of how DCS allocated the support money between current support and the support debt and any fees required by state or federal law; and

(c) The amount DCS claims as reimbursement for public assistance paid, if applicable.

(3) The person to whom a distribution notice is sent may file a request for a hearing under subsection (4) of this section within ninety days of the date of the notice to contest how

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DCS distributed the support money, and must make specific objections to the distribution notice. The effective date of a hearing request is the date DCS receives the request.

(4) A hearing under this section is for the limited purpose of determining if DCS correctly distributed the support money described in the contested notice.

(a) There is no hearing right regarding fees that have been charged on a case.

(b) If a custodial parent (CP) wants to request a hardship waiver of the fee, the CP may request a conference board under WAC 388-14A-6400.

(5) A person who requests a late hearing must show good cause for being late.

(6) This section does not require DCS to send a notice to a recipient of payment services only.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-5100, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-270 and 388-14-274.]

WAC 388-14A-5200 What is a "total versus total" notice? (1) The division of child support (DCS) identifies cases needing a "total versus total" calculation, which compares amounts of public assistance paid to the family with amounts of support collected and uncollected support debt. DCS performs a total versus total calculation upon the request of the custodial parent (CP) or a DCS field office, usually only after the assistance grant has ended.

(a) The total versus total calculation allocates the uncollected support debt between the state and the CP, based on the amounts of public assistance paid to the family.

(b) The total versus total calculation indicates the amounts of support paid by each noncustodial parent (NCP) and how DCS distributed the support.

(c) DCS may at any time review a case to determine if a total versus total calculation is appropriate.

(2) When DCS completes a total versus total calculation at the request of the CP, DCS mails a total versus total notice to the last known address of the former assistance recipient.

(3) The person to whom DCS sends a total versus total notice may, within ninety days of the date of the notice, file a request for a conference board under WAC 388-14A-6400 to contest the distribution of support money and the allocation of uncollected support debt. The person must state specific objections to the total versus total notice. The effective date of a request conference board is the date DCS receives the request.

[Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-276.]

WAC 388-14A-5300 How does the division of child support recover a support payment which has already been distributed? (1) The division of child support (DCS) may serve a notice to recover a support payment on the person who received the payment when DCS:

(a) Distributed the money in error;

(b) Distributed the money based on a check that is later dishonored;

(c) Is required to refund or return the money to the person or entity that made the payment; or

(d) Distributed money under a support order that was later modified so as to create an overpayment.

(2) DCS serves a notice to recover a support payment like a summons in a civil action or by certified mail, return receipt requested.

(3) In the notice, DCS must identify the support payment DCS seeks to recover.

(4) DCS may take action to enforce the notice to recover a support payment without further notice once the notice becomes final.

(a) A notice to recover a support payment becomes final unless the person who received the payment requests a hearing under subsection (5) of this section within twenty days of service of the notice to recover a support payment in Washington. The effective date of a hearing request is the date DCS receives the request.

(b) A notice to recover a support payment may be served in another state to recover a payment disbursed by DCS under RCW 26.21A.290. A notice to recover a support payment served in another state becomes final according to WAC 388-14A-7200.

(5) A hearing on a notice to recover a support payment is for the limited purpose of resolving the existence and amount of the debt DCS is entitled to recover.

(6) A person who files a late request for a hearing on a notice to recover a support payment must show good cause for being late.

(7) In nonassistance cases and payment services only cases, DCS may recover a support payment under a final administrative order on a notice to recover a support payment by retaining ten percent of current support and one hundred percent of amounts collected on arrears in addition to any other remedy authorized by law.

(8) If a public assistance recipient receives a support payment directly from a noncustodial parent (NCP) and fails to remit it to DCS as required, DCS recovers the money as retained support under WAC 388-14A-5500.

(9) DCS may enforce the notice to recover a support payment as provided in subsection (7), or may act according to RCW 74.20A.270 as deemed appropriate.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, 07-08-055, § 388-14A-5300, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310, 01-03-089, § 388-14A-5300, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-272.]

WAC 388-14A-5400 How does the division of child support tell the custodial parent when DCS adjusts the amount of debt owed on the case? (1) The division of child support (DCS) mails a debt adjustment notice to the payee under a court order within thirty days of the date DCS reduces the amount of the court-ordered support debt it intends to collect if that reduction was due to:

(a) A mathematical error in the debt calculation;

(b) A typographical error in the stated debt;

(c) Proof that DCS should have suspended the support obligation for all or part of the time period involved in the calculation; or

(d) Proof the noncustodial parent (NCP) made payments that DCS had not previously credited against the support debt.

(2) The debt adjustment notice must contain the following information:

(a) The amount of the reduction;

(b) The reason DCS reduced the support debt, as provided under subsection (1) of this section;

(c) The name of the NCP and a statement that the NCP may attend and participate as an independent party in any hearing requested by the payee under this section; and

(d) A statement that DCS continues to provide support enforcement services whether or not the payee objects to the debt adjustment notice.

(3) A debt adjustment notice served in Washington becomes final unless the payee, within twenty days of service of the notice in Washington, files a request with DCS for a hearing under subsection (4) of this section. The effective date of a hearing request is the date DCS receives the request.

(4) A debt adjustment notice served in another state becomes final according to WAC 388-14A-7200.

(5) A hearing under this section is for the limited purpose of determining if DCS correctly reduced the support debt as stated in the notice of debt adjustment.

(6) A payee who requests a late hearing must show good cause for filing a late hearing request if it is filed more than one year after the date of the notice of debt adjustment.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-5400, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-450.]

WAC 388-14A-5500 How does the division of child support collect support debts owed by someone other than a noncustodial parent? (1) Sections 17 and 18, chapter 171, Laws of 1979 ex. sess. (RCW 74.20.320 and 74.20A.-270), provide that a custodian of children or other person who receives support money which money was paid, in whole or in part, toward a support obligation under 42 U.S.C. 602 (a)(26)(A), sections 17 and 22, chapter 171, Laws of 1979 ex. sess., or RCW 74.20A.030 must remit that money to the division of child support (DCS) within eight days of receipt, and is indebted to the department for this amount of money.

(2) By not remitting support money described in subsection (1) of this section, a custodial parent (CP) or other person makes, without the necessity of signing any document, an irrevocable assignment to the department of an equal amount of any support debt not already assigned to the department, but owing to the CP or other person, or an equal amount of any support debt which may accrue in the future. DCS may use the collection procedures of chapter 74.20A RCW to collect this assigned delinquency, to satisfy a debt owed under subsection (1) of this section.

(3) DCS may also make a set-off to pay the debt under subsection (1) of this section from support money in DCS' possession or in the possession of a county clerk or other forwarding agent if that money was paid to satisfy a support delinquency.

(4) DCS may take action alternatively or simultaneously under subsections (1), (2) and (3) of this section but the department may not collect and retain more money than the debt described under subsection (1) of this section, refunding the excess, without deducting fees, to the CP.

(5) DCS must give the CP or other person an account of actions taken under subsections (2) or (3) of this section.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-5500, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-5505 DCS uses a notice of retained support to claim a debt owed to DCS. The division of child support (DCS) serves a notice of retained support setting forth:

(1) The amount of support money claimed by the department as property of the department by assignment, subrogation or by operation of law or legal process under chapter 74.20A RCW;

(2) The legal basis for the claim of ownership by the department;

(3) A description of the person, firm, corporation, association, or political subdivision who is or has been in possession of the support moneys together with enough detail to identify the amounts in issue;

(4) A statement that, effective with the date of service of the notice, the department will impound and hold in trust all money not yet disbursed or spent and all similar money received in the future, pending answer to the notice and any hearing which is requested;

(5) A statement that the notice must be answered, under oath and in writing, within twenty days of the date of service of the notice;

(6) A statement that the answer to the notice must include true answers to the questions in the notice and must either acknowledge the department's right to the money or request an administrative hearing to determine ownership of the money;

(7) A statement that the burden of proof in a hearing on a notice of retained support debt under this section is on the department to establish ownership of the support money claimed;

(8) A statement that, if the person, firm, corporation, association, or political subdivision or officer or agent thereof does not answer or make a request for hearing in a timely manner, the department's claim will be assessed and determined and subject to collection action as a support debt according to chapter 74.20A RCW; and

(9) A statement that the department may collect a support debt, as assessed and determined, and that the property of the debtor, without further advance notice or hearing, is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt. The department may not take collection action against a recipient of public assistance during the period of time the recipient remains on assistance except as provided in RCW 74.20A.-270 and WAC 388-14A-2040.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-5505, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-090.]

WAC 388-14A-5510 How does DCS serve a notice of retained support? The division of child support (DCS) serves the notice of retained support on the person, firm, corporation, association, or political subdivision or any officer or agent thereof in the manner prescribed for the service of a summons in a civil action, or by certified mail, return receipt requested. The receipt is *prima facie* evidence of service.

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[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-5510, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-030.]

WAC 388-14A-5515 What happens if I don't respond to a notice of retained support or request a hearing? (1)

After service of a notice of retained support under WAC 388-14A-5510, if the person, firm, corporation, association, or political subdivision or any officer or agent thereof fails to answer in a timely manner, the claim of the department is final and subject to collection action as a support debt according to chapter 74.20A RCW.

(2) To be timely, a hearing request or response must be received by the division of child support within twenty days of service of the notice.

[Statutory Authority: RCW 74.08.090, 34.05.220, 01-03-089, § 388-14A-5515, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-040 and 388-13-110.]

WAC 388-14A-5520 What happens if I make a timely objection to a notice of retained support? (1) Any

debtor who objects to all or any part of a notice of retained support may, within twenty days from the date of service of the notice, file an application for an administrative hearing. An objection under this section is the same thing as a general denial of liability to the department.

(2) The notice of retained support does not become final until there is a final administrative order.

(3) If the objection is timely, the department serves the notice of hearing on the appellant or the appellant's representative by first class mail.

(4) The department must notify the appellant that it is the appellant's responsibility to notify the department of the appellant's mailing address at the time the application is filed and also of any change of address after filing the application. Mailing by first class mail to the last address provided by the appellant constitutes service under chapters 74.20A and 34.05 RCW.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.-056, 02-06-098, § 388-14A-5520, filed 3/4/02, effective 4/4/02. Statutory Authority: RCW 74.08.090, 34.05.220, 01-03-089, § 388-14A-5520, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-060.]

WAC 388-14A-5525 What happens at the hearing on a notice of retained support? (1) An administrative hearing

on a notice of retained support is limited to the determination of the ownership of the amounts claimed in the notice or the reasonableness of a repayment agreement offered to a public assistance recipient for recovering child support under RCW 74.20A.270 and WAC 388-14A-5505.

(2) The department has the burden of proof to establish ownership of the support money claimed, including but not limited to amounts not yet disbursed or spent.

(3) The administrative law judge (ALJ) must allow the division of child support (DCS) to orally amend the notice of retained support at the hearing to conform to the evidence. The ALJ may grant a continuance, if necessary, to allow the debtor additional time to present evidence or argument in response to the amendment.

(4) The ALJ serves a copy of the initial decision on DCS and the debtor or the debtor's representative by first class mail to the last address provided by each party.

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(5) If the debtor fails to appear at the hearing, the ALJ, upon a showing of valid service of the notice of retained support, enters an initial decision and order declaring that the amount of the support money claimed in the notice, is subject to collection action under chapter 74.20A RCW.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 02-06-098, § 388-14A-5525, filed 3/4/02, effective 4/4/02. Statutory Authority: RCW 74.08.090, 34.05.220, 01-03-089, § 388-14A-5525, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-070 and 388-13-110.]

WAC 388-14A-5530 Can I request a late hearing on a notice of retained support? (1) Within one year from the date the division of child support (DCS) serves a notice of retained support, the person, firm, corporation, association, political subdivision or any officer or agent thereof may petition DCS for a hearing, upon a showing of any of the grounds listed in RCW 4.72.010 or CR 60.

(2) A copy of the objection must be served by first class mail on the district field office of DCS.

(3) The filing of the petition does not stay any collection action that DCS has taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending final decision of the secretary or the secretary's designee or the courts on an appeal made under chapter 34.05 RCW.

(4) Any money held or taken by collection action before any such stay and any support money claimed by the department, including amounts to be received in the future, to which the department may have a claim, must be held in trust pending the final decision and appeal, if any, to be disbursed in accordance with the final decision.

(5) If someone files a petition for a hearing, the department serves the notice of hearing on the appellant, the appellant's attorney, or other designated representative by first class mail.

(6) The department notifies the appellant that the appellant must notify the department of the appellant's mailing address at the time the petition is filed and also of any change of address after filing the petition. Mailing by first class mail to the last address provided by the appellant constitutes service under chapters 74.20A and 34.05 RCW.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 02-06-098, § 388-14A-5530, filed 3/4/02, effective 4/4/02. Statutory Authority: RCW 74.08.090, 34.05.220, 01-03-089, § 388-14A-5530, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-050.]

WAC 388-14A-5535 How does DCS collect a debt established on a notice of retained support? The division of child support (DCS) may take action under chapter 74.20A RCW to collect debts determined under WAC 388-14A-5505.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-5535, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-085.]

WAC 388-14A-5540 Can I just acknowledge that I owe money to the division of child support? If you answer the notice of retained support acknowledging that the department owns the support payments in question, the division of child support (DCS) may take collection action under chapter

74.20A RCW if you fail to pay the debt within twenty-one days of the date DCS receives the answer.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-5540, filed 1/17/01, effective 2/17/01. Formerly WAC 388-13-100.]

PART F - HEARINGS AND CONFERENCE BOARDS

WAC 388-14A-6000 Which statutes and regulations govern the division of child support's hearing process? (1) Hearings under this chapter are governed by:

(a) The Administrative Procedure Act, chapter 34.05 RCW, RCW 74.20A.055; and

(b) Chapter 388-02 WAC.

(2) If any provision in this chapter conflicts with or is inconsistent with chapter 388-02 WAC, the provision in this chapter governs.

[Statutory Authority: RCW 74.08.090, 34.05.220, 01-03-089, § 388-14A-6000, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-180 and 388-13-120.]

WAC 388-14A-6100 The division of child support accepts oral requests for hearing or conference board. (1) Except for the instances listed in subsections (8) and (9), the division of child support (DCS) accepts either a written or an oral request for hearing or conference board, even though other sections of this chapter or the relevant statutes may provide that objections and hearing requests should be in writing.

(2) The subject matter of the objection determines whether the matter is set as a conference board or hearing, unless there is a specific request for an administrative hearing under chapter 34.05 RCW.

(3) DCS processes oral and written requests for hearing in the same manner.

(4) An oral request for hearing is complete if it contains enough information to identify the person making the request, the DCS action, and the case or cases involved in the hearing request.

(5) The effective date of an oral request for hearing is the date that someone makes a complete oral request for hearing, to any DCS representative in person or by leaving a message on the automated voice mail system of any DCS field office.

(6) When making an oral request, you do not need to specify whether you want a hearing under chapter 34.05 RCW or a conference board under WAC 388-14A-6400.

(7) You can make an oral request for hearing or conference board on behalf of another person, if you have written authorization to act on their behalf. The effective date of an oral request for hearing or conference board made on behalf of another person is the later of the date of the complete oral request for hearing or the date that DCS receives the written authorization.

(8) There are two types of hearing requests which must be in writing:

(a) A petition for prospective modification under WAC 388-14A-3925; and

(b) A petition for reimbursement for day care expenses under WAC 388-14A-4300.

(9) You must also make the following requests in writing:

(a) A request for a determination of controlling order under the Uniform Interstate Family Support Act (UIFSA), chapter 26.21A RCW, as described in WAC 388-14A-7305; and

(b) An objection to the determination of controlling order contained in a notice of support debt and registration issued by DCS under WAC 388-14A-7325. WAC 388-14A-7335 describes how to make this objection.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, 07-08-055, § 388-14A-6100, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 74.08.090, 34.05.220, 01-03-089, § 388-14A-6100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-500.]

WAC 388-14A-6105 What is the difference between an initial order and a final order in a hearing involving the division of child support? (1) In an administrative hearing involving the DSHS division of child support (DCS), the administrative law judge (ALJ) enters either an initial order, which is subject to review, or a final order, which is not subject to review.

(2) The terms "initial order," "final order" and "review" are defined in WAC 388-02-0010, and those definitions are repeated here for ease of reference:

(a) "**Initial order**" is a hearing decision made by an ALJ that may be reviewed by a review judge pursuant to WAC 388-02-0215(4). An initial order is sometimes called an "**initial decision**."

(b) "**Final order**" means an order that is the final DSHS decision.

(c) "**Review**" means the act of reviewing initial orders and making the final agency decision as provided by RCW 34.05.464.

(3) WAC 388-14A-6110 and 388-14A-6115 describe how to determine what kind of order is entered. Whether the ALJ enters an initial order or a final order does not depend on the date the hearing is held or the date the order is entered.

(4) WAC 388-14A-6120 describes what you can do if you disagree with an initial order or final order.

(5) WAC 388-14A-6125 describes when DCS may take enforcement action on an initial order or final order.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.-310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199, 03-17-013, § 388-14A-6105, filed 8/12/03, effective 9/12/03.]

WAC 388-14A-6110 When must an ALJ enter an initial order in a DCS hearing proceeding? An administrative law judge (ALJ) must enter an initial order in a division of child support (DCS) hearing proceeding if:

(1) The case involves the disclosure of a party's address under WAC 388-14A-2114 through 388-14A-2140;

(2) A custodial parent (CP) or noncustodial parent (NCP) files a hearing request before November 15, 2002;

(3) A CP or NCP files a petition for modification with DCS or the office of administrative hearings (OAH) before November 15, 2002; or

(4) DCS petitions for modification of an administrative order, and either the NCP or the CP is served with the notice of hearing before November 15, 2002.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.-310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302,

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and 2002 c 199, 03-17-013, § 388-14A-6110, filed 8/12/03, effective 9/12/03.]

WAC 388-14A-6115 When must an ALJ enter a final order in a DCS hearing proceeding? Except for cases regarding address disclosure under WAC 388-14A-2114 through 388-14A-2140, an administrative law judge (ALJ) must enter a final order in a DCS hearing proceeding if:

(1) A custodial parent (CP) or noncustodial parent (NCP) files a hearing request on or after November 15, 2002;

(2) An NCP or CP files a petition for modification with DCS or the office of administrative hearings (OAH) on or after November 15, 2002;

(3) DCS petitions for modification of an administrative order, and neither the NCP nor the CP is served before November 15, 2002.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.-310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199, 03-17-013, § 388-14A-6115, filed 8/12/03, effective 9/12/03.]

WAC 388-14A-6120 What can I do if I do not agree with an initial order or final order entered by an administrative law judge? (1) Except for the DCS representative, any party to an initial order entered by an administrative law judge (ALJ) has the right to request review pursuant to chapter 388-02 WAC.

(2) No party may request administrative review of a final order entered by an ALJ.

(3) Any party to an initial order or a final order may petition to vacate an order of dismissal or default, pursuant to WAC 388-14A-3700 and 388-14A-6150.

(4) Any party to an initial order or final order may request correction of a clerical error in the order, pursuant to WAC 388-02-0540 through 388-02-0555.

(5) Any party to a final order may request reconsideration of the order, pursuant to WAC 388-02-0605 through 388-02-0635.

(6) Except for the DCS representative, any party to a final order may petition for judicial review, pursuant to RCW 34.05.510 through 34.05.598. You do not need to request reconsideration of the order before you petition for judicial review.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.-310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199, 03-17-013, § 388-14A-6120, filed 8/12/03, effective 9/12/03.]

WAC 388-14A-6125 When does an initial order or final order entered by an ALJ become enforceable? (1) If no party requests review within twenty-one days of the date OAH mailed an initial order, the DSHS division of child support (DCS) may take enforcement action on the twenty-second day after OAH mailed the order.

(2) DCS may take enforcement action on a final order immediately upon entry of the order.

(a) Even if a party files a request for reconsideration, a request to correct a clerical error, a petition to vacate, or a petition for judicial review, DCS does not stop enforcement of the order.

(b) To stop DCS from enforcing a final order, you must obtain a court order staying (stopping) enforcement of the order.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.056, 74.20A.-310, 26.26.315, 26.26.320, 26.26.330, 26.26.335, 74.20A.055, 2002 c 302, and 2002 c 199. 03-17-013, § 388-14A-6125, filed 8/12/03, effective 9/12/03.]

WAC 388-14A-6150 What can I do if there was a default order entered against me in an administrative hearing? (1) Any party against whom the administrative law judge (ALJ) has entered an initial decision and order on default may petition the DSHS board of appeals for vacation of the default order, subject to the provisions, including time limits, of civil rule 60.

(2) Specific rules on administrative support establishment notices are in WAC 388-14A-3700.

(3) Upon receipt of a request to vacate a default order, the department must ask the office of administrative hearings (OAH) to:

(a) Schedule a hearing to determine whether or not the petitioner has good cause for vacating the default order; and

(b) Give any other parties to the hearing notice of the time and date of the hearing. The notice is sent to the party's last known address.

(4) In a hearing under this section, the ALJ must first determine if the petitioner has good cause for vacating the default order by applying civil rule 60 to determine whether the petition has good cause, in making this determination, the ALJ must consider the following factors:

(a) Whether there is substantial evidence to support a prima facie defense to the notice which was the subject of the hearing;

(b) Whether the petitioner's failure to appear at the hearing was due to mistake, inadvertance, surprise or excusable neglect;

(c) Whether the petition to vacate has been brought in a timely manner; and

(d) Whether vacating the initial decision would result in a substantial hardship to the parent who did appear for hearing.

(5) If the ALJ finds good cause to vacate the default order, the ALJ:

(a) Must conduct a hearing on the merits of the petitioner's objection to the notice that was the basis for the hearing at which the petitioner failed to appear; and

(b) May stay any further collection to the extent provided for under the rules governing the notice the party originally objected to.

(6) If the parent who did not appear at the hearing is unsuccessful in the motion to vacate the default order, the ALJ may treat the petition as a petition to modify the support order.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.-056. 01-24-081, § 388-14A-6150, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6200 What remedies are available to contest the division of child support's seizure of my bank account? (1) If the division of child support (DCS) takes collection action against a bank account, safe deposit box, or other property held by a bank, credit union or savings and

loan (collectively, "the account"), the noncustodial parent (NCP) or the joint owner of record of the account may contest the action in a hearing.

(2) The effective date of a hearing request or objection is the date DCS receives the request.

(3) The NCP or the joint owner must file the objection within twenty days of the date DCS mailed a copy of the order to withhold and deliver to the NCP's last known address.

(4) The NCP or joint owner of record must state in the objection the facts supporting the allegation by the NCP or the joint owner that the account, or a portion of the account is exempt from satisfaction of the NCP's child support obligation.

(5) If either the NCP or the joint owner of record objects to the collection action, DCS schedules a hearing solely for the purpose of determining whether or not one of the following exemptions applies to the account attached by the order to withhold and deliver:

(a) Pursuant to RCW 26.16.200 and 74.20A.120, the property or funds in the community bank account, joint bank account, or safe deposit box, or a portion of the property or funds which can be identified as the earnings of the NCP's spouse who does not owe a support obligation to the NCP's child or children, are exempt from satisfaction of the child support obligation of the NCP.

(b) The funds in a bank account, or a portion of those funds can be identified as TANF, GA-U, GA-X, SSI benefits, or other kinds of funds which are legally exempt from collection action; or

(c) The funds or property attached by the order to withhold and deliver which can be identified as being solely owned by the joint owner of record of the bank account or safe deposit box who does not owe a child support obligation to the child or children of the NCP, are exempt from satisfaction of the NCP's child support obligation.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 CFR 303.106. 01-24-079, § 388-14A-6200, filed 12/3/01, effective 1/3/02; 01-03-089, § 388-14A-6200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-390.]

WAC 388-14A-6205 What happens at a hearing on an objection to seizure of a bank account? (1) If either the noncustodial parent (NCP) or the joint owner of record objects to a division of child support (DCS) collection action against a bank account, DCS schedules a hearing solely for the purpose of determining whether or not one of the following exemptions applies to the funds in the bank account, or to the other property attached by the order to withhold and deliver:

(a) Pursuant to RCW 26.16.200 and 74.20A.120, the property or funds in the community bank account, joint bank account, or safe deposit box, or a portion of the property or funds which can be identified as the earnings of the NCP's spouse who does not owe a support obligation to the NCP's child or children, are exempt from satisfaction of the child support obligation of the NCP.

(b) The funds in the bank account, or a portion of those funds can be identified as TANF, GA-U, GA-X, SSI benefits, or other kinds of funds which are legally exempt from collection action; or

(c) The funds or property attached by the order to withhold and deliver can be identified as being solely owned by the joint owner of record of the bank account or safe deposit box who does not owe a child support obligation to the child or children of the NCP and are exempt from satisfaction of the NCP's child support obligation.

(2) The person challenging the collection action has the burden of tracing the funds and proving the property or funds in the bank account, or property in a safe deposit box, are exempt from satisfaction of the NCP's child support obligation.

(3) The administrative law judge (ALJ) is limited to the determination of whether the funds in the bank account, or the other property attached by the order to withhold and deliver is exempt from satisfaction of the NCP's child support obligation.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 CFR 303.106. 01-24-079, § 388-14A-6205, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6210 What happens to the seized money once an objection is filed? The division of child support (DCS) holds money or property withheld as a result of collection action taken against a bank account or safe deposit box and delivered to DCS at the time of an objection, pending the final administrative order or during any appeal to the courts.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 CFR 303.106. 01-24-079, § 388-14A-6210, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6215 What happens if the judge decides the seized money was exempt? If the final decision of the department or courts on appeal is that the division of child support (DCS) has caused money or property that is exempt from satisfaction of the NCP's child support obligation to be withheld by the bank or delivered to the department, DCS must:

- (1) Promptly release the order to withhold and deliver; or
- (2) Refund the proportionate share of the funds having been identified as being exempt. The department is not liable for any interest accrued on any money withheld under RCW 74.20A.080.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 C.F.R. 303.106. 01-24-079, § 388-14A-6215, filed 12/3/01, effective 1/3/02.]

WAC 388-14A-6220 What remedies are available to contest the division of child support's seizure of my DOC inmate account? If the division of child support (DCS) takes collection action against the inmate account of a noncustodial parent (NCP) who is an inmate of a department of corrections (DOC) facility, the NCP may contest the seizure of the inmate account in the same way an NCP could challenge a bank account seizure, as provided in WAC 388-14A-6200 through 388-14A-6215.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 45 C.F.R. 303.106. 01-24-079, § 388-14A-6220, filed 12/3/01, effective 1/3/02.]

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WAC 388-14A-6300 Duty of the administrative law judge in a hearing to determine the amount of a support obligation. (1) A support order entered under this chapter must conform to the requirements set forth in RCW 26.09.-105 and 26.18.170, and in RCW 26.23.050 (3) and (5). The administrative law judge (ALJ) must comply with the DSHS rules on child support and include a Washington state child support schedule worksheet when entering a support order.

(2) In hearings held under this chapter to contest a notice and finding of financial responsibility or a notice and finding of parental responsibility or other notice or petition, the ALJ must determine:

(a) The noncustodial parent's obligation to provide support under RCW 74.20A.057;

(b) The names and dates of birth of the children covered by the support order;

(c) The net monthly income of the noncustodial parent (NCP) and any custodial parent (CP);

(d) The NCP's share of the basic support obligation and any adjustments to that share, according to his or her circumstances;

(e) If requested by a party, the NCP's share of any special child-rearing expenses in a sum certain amount per month;

(f) A statement that either or both parents are obligated to provide medical support under RCW 26.09.105 and 26.18.170, including but not limited to the following:

(i) A requirement that either or both parents are obligated to provide health insurance coverage for the child covered by the support order if coverage that can be extended to cover the child is or becomes available through the parent's employment or union;

(ii) Notice that if proof of health insurance coverage or proof that the coverage is unavailable is not provided to DCS within twenty days, DCS may seek direct enforcement through the obligated parent's employer or union without further notice to the parent; and

(iii) The reasons for not ordering health insurance coverage if the order fails to require such coverage;

(g) A provision which determines the mother and the father's proportionate share of uninsured medical expenses;

(h) The NCP's accrued debt and order payments toward the debt in a monthly amount to be determined by the division of child support (DCS);

(i) The NCP's current and future monthly support obligation as a per month per child amount and order payments in that amount; and

(j) The NCP's total current and future support obligation as a sum certain and order payments in that amount.

(3) Having made the determinations required in subsection (2) above, the ALJ must order the NCP to make payments to the Washington state support registry (WSSR).

(4) The ALJ must allow DCS to orally amend the notice at the hearing to conform to the evidence. The ALJ may grant a continuance, when necessary, to allow the NCP or the CP additional time to present rebutting evidence or argument as to the amendment.

(5) The ALJ may not require DCS to produce or obtain information, documents, or witnesses to assist the NCP or CP in proof of defenses to liability. However, this rule does not apply to relevant, nonconfidential information or documents that DCS has in its possession.

(6) In a hearing held on a notice issued under WAC 388-14A-3312, the ALJ must determine the amount owed by the obligated parent to the other for unreimbursed medical expenses.

(a) The ALJ does not specify how the amount owed by the obligated parent should be paid.

(b) In the event that DCS has served a notice under WAC 388-14A-3312 on both the NCP and the CP, the ALJ must issue a separate administrative order for each notice issued, and may not set off the debts against each other.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-6300, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 34.05.220 (1)(a), 74.20A.055, 07-06-053, § 388-14A-6300, filed 3/2/07, effective 4/2/07. Statutory Authority: RCW 34.05.220(1), 74.08.-090, 74.20A.160, 06-09-015, § 388-14A-6300, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 26.23.050, 34.05.220, 74.08.090, 74.20A.310, 05-14-102, § 388-14A-6300, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 74.08.090, 26.23.050, 34.05.220, 74.20A.055, 74.20A.056, 45 CFR 303.11, 45 CFR 303.100, 01-03-089, § 388-14A-6300, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-100 and 388-11-210.]

WAC 388-14A-6400 The division of child support's grievance and dispute resolution method is called a conference board. (1) The division of child support (DCS) provides conference boards for the resolution of complaints and problems regarding DCS cases, and for granting exceptional or extraordinary relief. A conference board is an informal review of case actions and of the circumstances of the parties and children related to a child support case.

(a) The term conference board can mean either of the following, depending on the context:

(i) The process itself, including the review and any meeting convened; or

(ii) The DCS staff who make up the panel which convenes the hearing and makes factual and legal determinations.

(b) A conference board chair is an attorney employed by DCS in the conference board unit. In accordance with section WAC 388-14A-6415, the conference board chair reviews a case, and:

(i) Issues a decision without a hearing, or

(ii) Sets a hearing to take statements from interested parties before reaching a decision.

(2) A person who disagrees with any DCS action related to establishing, enforcing or modifying a support order may ask for a conference board.

(3) DCS uses the conference board process to:

(a) Help resolve complaints and problems over agency actions;

(b) Determine when hardship in the paying parent's household, as defined in RCW 74.20A.160, justifies the release of collection action or the refund of a support payment;

(c) Determine when hardship in the custodial parent's household justifies the waiver of any required fee;

(d) Set a repayment rate on a support debt; and

(e) Determine when it is appropriate to write off support debts owed to the department based on:

(i) Hardship to the paying parent or that parent's household;

(ii) Settlement by compromise of disputed claims;

(iii) Probable costs of collection in excess of the support debt; or

(iv) An error or legal defect that reduces the possibility of collection.

(4) A conference board is not a formal hearing under the administrative procedure act, chapter 34.05 RCW.

(5) A conference board does not replace any formal hearing right created by chapters 388-14A WAC, or by chapters 26.23, 74.20 or 74.20A RCW.

(6) This section and WAC 388-14A-6405 through 388-14A-6415 govern the conference board process in DCS cases.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-6400, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 01-03-089, § 388-14A-6400, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-385.]

WAC 388-14A-6405 How to apply for a conference board. (1) A person may request a conference board, orally or in writing, at any division of child support (DCS) office.

(2) Oral requests for conference boards are governed by WAC 388-14A-6100.

(3) DCS may start conference board proceedings in appropriate circumstances.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 01-03-089, § 388-14A-6405, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-386.]

WAC 388-14A-6410 Explanation of the conference board process. (1) An applicant for a conference board must make reasonable efforts to resolve the dispute with division of child support (DCS) staff before the conference board can act in the case.

(2) A conference board chair reviews each application to determine appropriate action:

(a) If there are questions of both law and fact or if the dispute involves only facts, the chair may schedule a conference board hearing to gather evidence;

(b) If the factual dispute would not provide a basis on which the conference board could grant relief, even if all facts were resolved in favor of the applicant, the chair may issue a decision without a hearing; or

(c) If the dispute can be resolved as a matter of law without relying upon disputed facts, the conference board chair may issue a decision without scheduling a hearing.

(3) If the conference board chair schedules a hearing, the conference board is made up of the conference board chair and staff from the DCS field office which handles the child support case, if needed.

(a) At the hearing, the conference board makes determinations of relevant disputed facts. Decisions on factual issues are made by a majority of the conference board.

(b) Decisions on issues of law are made by the conference board chair alone.

(c) The DCS worker regularly assigned to a case may not be part of a conference board dealing with that case.

(4) The conference board chair prepares a decision, if necessary, and provides that decision to the parties to the conference board, and to the DCS staff responsible for the case.

(5) The director of DCS, or a person designated by the director, may review conference board decisions, and may

alter, amend, vacate or remand decisions that are inconsistent with Washington law or DCS policy, or are grossly unfair.

[Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310. 01-03-089, § 388-14A-6410, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-387.]

WAC 388-14A-6415 Scope of authority of conference board chair defined. The conference board chair has the authority to:

- (1) Subpoena witnesses and documents, administer oaths and take testimony;
- (2) Grant relief by setting payment plans, writing off debt owed to the department, waiving fees, or refunding collected money;
- (3) Adjust support debts based on evidence gathered during the conference board process;
- (4) Direct distribution of collected support; and
- (5) Take any action consistent with Washington law and DCS policy to resolve disputes, grant relief or address issues of equity.

[Statutory Authority: 2007 c 143, §§ 1, 2, 3, 4, 5, 7, 8, and 9. 08-12-029, § 388-14A-6415, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310. 01-03-089, § 388-14A-6415, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-388.]

WAC 388-14A-6500 Can I use equitable estoppel as a defense in a hearing with the division of child support?

(1) Equitable estoppel is available in adjudicative proceedings conducted under this chapter.

(2) When a party raises, or the facts indicate, a claim that equitable estoppel applies to a party to the proceeding, the administrative law judge (ALJ) must:

(a) Consider equitable estoppel according to the precedents set by reported Washington state appellate case law, where not contrary to public policy; and

(b) Enter findings of fact and conclusions of law sufficient to determine if the elements of equitable estoppel are met and apply.

(3) The party asserting, or benefitting from, equitable estoppel must prove each element of that defense by clear, cogent and convincing evidence.

(4) The ALJ must consider on the record whether a continuance is necessary to allow the parties to prepare to argue equitable estoppel when:

(a) A party raises equitable estoppel; or

(b) The facts presented require consideration of equitable estoppel.

(5) When the ALJ orders a continuance under subsection (4) of this section, the ALJ enters an initial decision and order for current support if:

(a) Current support is an issue in the proceeding; and

(b) The claim for current support is unaffected by the equitable estoppel defense.

(6) The defense of equitable estoppel is not available to a party when the:

(a) Party raises the defense against the department's claim for reimbursement of public assistance; and

(b) Act or representation forming the basis for an estoppel claim:

(i) Was made by a current or former public assistance recipient;

(2009 Ed.)

(ii) Was made on or after the effective date of the assignment of support rights; and

(iii) Purported to waive, satisfy, or discharge a support obligation assigned to the department.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-6500, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-067.]

PART G - INTERSTATE ISSUES

WAC 388-14A-7100 The division of child support may register an order from another state for enforcement or modification. (1) A support enforcement agency, or a party to a child support order or an income-withholding order for support issued by a tribunal of another state, may register the order in this state for enforcement pursuant to chapter 26.21A RCW.

(a) At the option of the division of child support (DCS), the support order or income-withholding order may be registered with the superior court pursuant to RCW 26.21A.505 or it may be registered with the administrative tribunal according to subsection (2) of this section. Either method of registration is valid.

(b) A support order or income-withholding order issued in another state is registered when the order is filed with the registering tribunal of this state.

(c) DCS may enforce a registered order issued in another state in the same manner and subject to the same procedures as an order issued by a tribunal of this state.

(d) DCS may assess and collect interest on amounts owed under support orders entered or established in a jurisdiction other than the state of Washington as provided in WAC 388-14A-7110.

(e) DCS may notify the parties that it is enforcing a non-Washington support order using the notice of support debt and demand for payment under WAC 388-14A-3304 or using the notice of support debt and registration as provided in this section and in WAC 388-14A-7110. Either method of notice is valid.

(2) DCS must give notice to the nonregistering party when it administratively registers a support order or income-withholding order issued in another state. DCS gives this notice with the Notice of Support Debt and Registration (NOSDR).

(a) The notice must inform the nonregistering party:

(i) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(ii) That if a party wants a hearing to contest the validity or enforcement of the registered order, the party must request a hearing within twenty days after service of the notice on the nonregistering party within Washington state. If the nonregistering party was served with the notice outside of Washington state, the party has sixty days after service of the notice to request a hearing to contest the validity or enforcement of the registered order;

(iii) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted;

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(iv) Of the amount of any alleged arrearages, including interest, if interest is being assessed under WAC 388-14A-7110; and

(v) Whether DCS has made a determination of controlling order under chapter 26.21A RCW, as described in WAC 388-14A-7325.

(b) The notice must be:

(i) Served on the nonregistering party by certified or registered mail or by any means of personal service authorized by the laws of the state of Washington; and

(ii) Served on the registering party by first class mail at the last known address; and

(iii) Accompanied by a copy of the registered order and any documents and relevant information accompanying the order submitted by the registering party.

(c) The effective date of a request for hearing to contest the validity or enforcement of the registered order is the date DCS receives the request.

(3) A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state may register the order in this state according to RCW 26.21A.540 through 26.21A.550.

(a) The order must be registered as provided in subsection (1)(a) if the order has not yet been registered.

(b) A petition for modification may be filed at the same time as a request for registration, or later. The petition must specify the grounds for modification.

(c) DCS may enforce a child support order of another state registered for purposes of modification, as if a tribunal of this state had issued the order, but the registered order may be modified only if the requirements of RCW 26.21A.550 are met.

(4) Interpretation of the registered order is governed by RCW 26.21A.515.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, 07-08-055, § 388-14A-7100, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 26.21.016, 05-07-059, § 388-14A-7100, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 74.08.090, 26.23.035, 34.05.220, 74.20A.310, 01-03-089, § 388-14A-7100, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-260 and 388-14-495.]

WAC 388-14A-7110 The division of child support may assess and collect interest on amounts owed under support orders entered or established in a jurisdiction other than Washington state. (1) The division of child support (DCS) may accept an interstate request to assess and collect interest when:

(a) The request is from:

(i) Another state's IV-D agency;

(ii) An Indian tribe;

(iii) A foreign country which has entered into a reciprocal agreement with the United States of America or with the state of Washington; or

(iv) A custodial parent (CP) or noncustodial parent (NCP) who resides outside of Washington state who has filed a petition under the Uniform Interstate Family Support Act (UIFSA), chapter 26.21A RCW.

(b) The party requesting that DCS assess and collect interest provides a calculation of the interest claimed which has been certified by a IV-D agency or a certified public accountant (CPA); and

(c) The support order was entered or established in a jurisdiction other than Washington state.

(2) When a foreign support order has been submitted for enforcement under UIFSA, DCS may, at its option, either:

(a) Use the notice of support debt and demand for payment to assess and collect interest on an out-of-state support order. See WAC 388-14A-3304 for the rules regarding the notice of support debt and demand for payment; or

(b) Use a notice of support debt and registration to assess and collect interest on the foreign order. See WAC 388-14A-7100 for the rules regarding registration of a foreign order.

(3) When an out of state order has been submitted for registration for enforcement and modification under UIFSA, DCS uses a notice of support debt and registration to assess and collect interest on the out of state order. See WAC 388-14A-7100 for the rules regarding registration of a foreign support order.

(4) Any hearing held on a notice of support debt and registration which includes a claim for interest is conducted in accordance with WAC 388-14A-7125 and 388-14A-7115.

(a) WAC 388-14A-7135 describes the procedures for confirmation of the registered order.

(b) WAC 388-14A-7135 describes the effect of confirmation of the registered order.

(5) At any time after the notice of support debt and registration becomes a final administrative order, DCS may update the amount of interest as provided in WAC 388-14A-7120.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310, 07-08-055, § 388-14A-7110, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 26.21.016, 05-07-059, § 388-14A-7110, filed 3/11/05, effective 4/11/05.]

WAC 388-14A-7115 Are there special rules for a hearing on a notice seeking to assess and collect interest on a support order? (1) When the division of child support serves a notice of support debt and demand for payment or a notice of support debt and registration under WAC 388-14A-7110(2) and the notice becomes the subject of a hearing, this section applies to a determination of interest.

(2) The calculation of the amount of interest which has been certified by a IV-D agency or a CPA must be accepted as evidence at a hearing on a notice of support debt and demand for payment or on a notice of support debt and registration.

(a) Such certified calculation is prima facie evidence of the amount of interest owed by the NCP.

(b) Any party challenging the certified calculation has the burden of proving that the amount of interest claimed is incorrect.

(3) A party challenging the certified calculation may challenge the calculation for one or more of the following reasons:

(a) The amount of principal is incorrect because credit was not given for payments made;

(b) The amount of principal is incorrect because credit was given for payments which were not actually made; or

(c) The interest calculation was not properly done according to the law of the state issuing the order.

(4) If the administrative law judge (ALJ) finds that the party challenging the interest calculation has shown that the amount of principal is incorrect, the ALJ:

- (a) Enters an order stating the correct amount of principal;
- (b) Orders the party which submitted the original interest calculation to:
 - (i) Recalculate or have recalculated the interest based on the new principal amount; and
 - (ii) Submit the new certified calculation to the ALJ within a reasonable amount of time; and
- (c) After receiving the new certified calculation, enters an order determining the amount of debt, including interest, for the period claimed in the notice.

(5) If the ALJ orders a new certified calculation, DCS may enforce any amounts of principal the ALJ found to be due and owing under the support order while the administrative order under subsection (4)(c) of this section is pending.

(6) A claim that the interest calculation was not properly done must be supported by an interest calculation which is certified by a IV-D agency or a certified public accountant (CPA). The ALJ then determines which calculation is best supported by the evidence.

(7) The division of child support does not perform certified interest calculations for use in a hearing under this section.

[Statutory Authority: RCW 26.21.016. 05-07-059, § 388-14A-7115, filed 3/11/05, effective 4/11/05.]

WAC 388-14A-7117 Are there special rules for a conference board on a notice seeking to assess and collect interest on a support order? (1) When the division of child support serves a notice of support debt and demand for payment or a notice of support debt and registration under WAC 388-14A-7110(2) and the notice becomes the subject of a conference board under WAC 388-14A-6400, this section applies to a determination of interest.

(2) The calculation of the amount of interest which has been certified by a IV-D agency or a CPA must be accepted as evidence at a conference board on a notice of support debt and demand for payment or on a notice of support debt and registration.

(a) Such certified calculation is prima facie evidence of the amount of interest owed by the NCP.

(b) Any party challenging the certified calculation has the burden of proving that the amount of interest claimed is incorrect.

(3) A party challenging the certified calculation may challenge the calculation for one or more of the following reasons:

- (a) The amount of principal is incorrect because credit was not given for payment made;
- (b) The amount of principal is incorrect because credit was given for payments which were not actually made; or
- (c) The interest calculation was not properly done.

(4) If the conference board determines that the amount of principal is incorrect, the conference board may request that the IV-D agency or a certified public accountant that performed the initial calculation provide a new calculation based on the new principal amount.

(2009 Ed.)

(5) DCS may collect undisputed amounts of principal while the final conference board decision is pending.

(6) A claim that the interest calculation was not properly done must be supported by an interest calculation which is certified by a IV-D agency or a certified public accountant. The conference board then determines which calculation is best supported by the evidence.

(7) The division of child support does not perform certified interest calculations for use in a conference board under this section.

(8) The conference board issues a decision, based on the evidence, determining the debt amount, including interest, for the period claimed in the notice.

[Statutory Authority: RCW 26.21.016. 05-07-059, § 388-14A-7117, filed 3/11/05, effective 4/11/05.]

WAC 388-14A-7120 When does DCS update the interest assessed on a case? (1) When the division of child support (DCS) accepts an interstate case for assessment of interest under WAC 388-14A-7110(1), DCS may, at any time after service of a notice of support debt and registration or a notice of support debt and demand for payment, update the amount of interest assessed on the case.

(2) To notify the parties to the order that DCS has updated the amount of interest, DCS uses a form called the Updated Interest Calculation Letter.

(a) The updated interest calculation letter is based upon a calculation of interest which has been certified by a IV-D agency or certified public accountant (CPA).

(b) DCS sends the updated interest calculation letter to the noncustodial parent (NCP), by first class mail to the NCP's last known address.

(3) The updated interest calculation letter advises the NCP of:

(a) The new, updated amount of interest owed for the arrears period; and

(b) The updated total amount of support owed, including interest.

(4) An NCP who objects to an updated interest calculation letter may request a conference board under WAC 388-14A-6400 to dispute the terms of the letter.

(5) The calculation of the amount of interest which has been certified by a IV-D agency or CPA must be accepted as evidence at a conference board on an updated interest calculation letter.

(a) The certified calculation is prima facie evidence of the amount of interest owed by the NCP.

(b) Any party challenging the certified calculation has the burden of proving that the amount of interest claimed is incorrect.

[Statutory Authority: RCW 26.21.016. 05-07-059, § 388-14A-7120, filed 3/11/05, effective 4/11/05.]

WAC 388-14A-7125 What happens at a hearing on a notice of support debt and registration? A hearing under this section is for the limited purpose of determining if the nonregistering party can prove one or more of the defenses listed in RCW 26.21A.530(1).

(1) If the contesting party presents evidence establishing a full or partial defense under RCW 26.21A.530(1), the presiding officer may:

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- (a) Stay enforcement of the registered order;
- (b) Continue the proceeding to allow the parties to gather additional relevant evidence; or
- (c) Issue other appropriate orders.

(2) DCS may enforce an uncontested portion of the registered order by all remedies available under the law of this state.

(3) If the contesting party does not establish a defense under RCW 26.21A.530(1) to the validity or enforcement of the order, the presiding officer must issue an order confirming the registered order.

(4) The custodial parent (CP) or payee of the order may participate as a party to any hearing under this section.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310. 07-08-055, § 388-14A-7125, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7135 What is the effect of confirmation of a registered order on the finality of the support debt calculation? (1) Except as provided below in subsections (2) and (3) of this section, confirmation of a registered order precludes further contest of the order with respect to any matter that could have been asserted at the time of registration. Confirmation may occur:

(a) By operation of law upon failure to contest registration; or

(b) By order of the administrative law judge (ALJ).

(2) Confirmation of a registered order that does not include interest does not relieve the noncustodial parent (NCP) of any interest that may have accrued or may accrue under the confirmed order.

(a) If interest is later assessed, the NCP or the custodial parent (CP) may not dispute the confirmed amount of the support debt.

(b) The NCP or CP may dispute the amount of interest due and owing on that confirmed amount by requesting a conference board under WAC 388-14A-6400.

(3) Confirmation of a registered order that does include interest confirms only the amount of debt, including interest, that is due and owing for the indicated time periods. Such confirmation does not relieve the NCP of any interest that may have accrued or may accrue for any other time period.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310. 07-08-055, § 388-14A-7135, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7200 DCS can serve notices in other states under the Uniform Interstate Family Support Act.

(1) Except as specified in WAC 388-14A-3105, where grounds for personal jurisdiction exist under RCW 26.21A.-100 or other Washington law, the division of child support (DCS) may serve the following legal actions in another state by certified mail, return receipt requested or by personal service, under chapter 26.21A RCW:

(a) A notice and finding of financial responsibility under WAC 388-14A-3115; and

(b) A notice and finding of parental responsibility under WAC 388-14A-3120;

(c) A notice of paternity test costs under WAC 388-14A-8300; or

(d) An affidavit of birth costs under WAC 388-14A-3555.

(2) A notice and finding of financial responsibility, a notice of paternity test costs, or an affidavit of birth costs becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the noncustodial parent (NCP), within sixty days of service in another state:

(a) Contacts DCS and signs an agreed settlement or consent order; or

(b) Files a written request for a hearing under:

(i) WAC 388-14A-3115 for a notice and finding of financial responsibility;

(ii) WAC 388-14A-3555 for an affidavit of birth costs; or

(iii) WAC 388-14A-8300 for a notice of paternity test costs.

(3) The effective date of a hearing request is the date DCS receives the hearing request.

(4) A notice and finding of parental responsibility becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the NCP, within sixty days of service in another state:

(a) Contacts DCS and signs an agreed settlement or consent order;

(b) Files a written request for a hearing under WAC 388-14A-3120 with DCS; or

(c) Files a written request for paternity testing under WAC 388-14A-8300 to determine if he is the natural father of the dependent child named in the notice and cooperates in the testing. A request for a hearing or paternity testing is filed on the date the request is received by DCS.

(5) If the results of paternity tests requested under subsection (4) of this section do not exclude the NCP as the natural father of the dependent child, the notice and finding of parental responsibility becomes final and subject to immediate wage withholding without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the NCP, within sixty days of service of the paternity test costs in another state:

(a) Contacts DCS and signs an agreed settlement or consent order; or

(b) Files a written request for a hearing under WAC 388-14A-3120.

(6) Administrative law judges and parties must conduct administrative hearings on notices served in another state under this section under the special rules of evidence and procedure in chapter 26.21A RCW and according to chapter 34.05 RCW.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. 07-08-055, § 388-14A-7200, filed 3/29/07, effective 4/29/07. Statutory Authority: RCW 74.08.090, 34.05.220, 74.20A.055, 74.20A.056. 01-03-089, § 388-14A-7200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-305 and 388-14-260.]

WAC 388-14A-7305 How do I ask DCS to do a determination of controlling order? (1) When there are multiple current support orders covering the same obligor and the same children, a party to a support order may request that the division of child support (DCS) make a determination of con-

trolling order under the Uniform Interstate Family Support Act, chapter 26.21A RCW.

(2) A request for a determination of controlling order may be made at any time, unless there has already been a determination of controlling order for the same obligor and children.

(3) DCS can provide a form which contains all the required elements for a request for determination of controlling order. A request for a determination of controlling order:

(a) Must be in writing;

(b) Must contain copies of any child support orders known to the requesting party. DCS waives this requirement if DCS has a true copy of the order on file; and

(c) State the reason the requesting party thinks DCS is enforcing the wrong order.

(4) A request for determination of controlling order does not constitute a petition for modification of a support order.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310. 07-08-055, § 388-14A-7305, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7315 When might DCS deny a request for a determination of controlling order? (1) The division of child support (DCS) may deny a request for determination of controlling order made by a party to a child support order or another state's IV-D agency for the following reasons:

(a) There is only one support order for the obligor and the children;

(b) There is no current support owing under any existing support order for the obligor and the children; or

(c) There has already been a determination of controlling order performed for the obligor and the children.

(2) The denial of a request for determination of controlling order does not:

(a) Stop the party or other state's IV-D agency from bringing an action in superior court.

(b) Give rise to a right to administrative hearing.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310. 07-08-055, § 388-14A-7315, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7325 How does DCS notify the parties of its determination of the controlling order? (1) When the division of child support (DCS) decides that a determination of controlling order is required, DCS reviews the multiple child support orders for the same obligor and children to determine which order should be enforced.

(a) If DCS decides that the order that should be enforced is a Washington order, we immediately refer the matter to the superior court for a determination of controlling order proceeding under chapter 26.21A RCW.

(b) If we decide that the order that should be enforced is an order which was not entered in the state of Washington, DCS follows the procedures set out in subsections (2) through (4) of this section.

(2) DCS serves a notice of support debt and registration (NOSDR) as provided in WAC 388-14A-7100. DCS serves the NOSDR on the obligor, the obligee, and on all identified interested parties. The NOSDR includes a determination of controlling order.

(2009 Ed.)

(3) DCS serves the notice on the nonrequesting party by certified mail, return receipt requested, or by personal service.

(4) DCS serves the notice on the requesting party and other interested parties by first class mail to the last known address.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310. 07-08-055, § 388-14A-7325, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7335 What happens if someone objects to DCS' proposed determination of controlling order? (1) If any party objects to the proposed determination of controlling order issued under WAC 388-14A-7325, that objection must be in writing and signed under penalty of perjury. The division of child support (DCS) provides an objection form with the notice. The objection must contain:

(a) The reason the party objects to the determination of controlling order. Examples of reasons to object include, but are not limited to:

(i) There is another order that was not considered in making the determination;

(ii) The alleged controlling order has been vacated, suspended or modified by a later order, which is attached to the objection;

(iii) The issuing tribunal lacked personal jurisdiction over the nonpetitioning party;

(iv) The order was obtained by fraud; or

(v) Any other legal defense available under chapter 26.21A RCW.

(b) A copy of the order which the party believes should be the controlling order, if that order was not included with the notice.

(c) A statement of facts in support of the party's objection.

(2) DCS refers the objection to the prosecuting attorney or attorney general to bring an action for determination of controlling order under RCW 26.21A.130 in the superior court.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310. 07-08-055, § 388-14A-7335, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7345 What is the effect of a determination of controlling order on the finality of the debt calculation? As provided in RCW 26.21A.130, the final order in a proceeding for determination of controlling order operates as a final determination of the total amount of consolidated arrears and accrued interest, if any, under all of the support orders.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310. 07-08-055, § 388-14A-7345, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7400 What can I do if I want to contest an interstate order to withhold income served on my employer? (1) RCW 26.21A.425 provides that a noncustodial parent (NCP) may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state.

[Title 388 WAC—p. 299]

(2) Acting as an administrative tribunal under chapter 26.21A RCW, the division of child support (DCS) does not have the authority to quash income-withholding orders.

(3) An NCP who seeks to contest an income-withholding order as described in subsection (1) must seek relief in the superior court under RCW 26.18.140.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310. 07-08-055, § 388-14A-7400, filed 3/29/07, effective 4/29/07.]

WAC 388-14A-7500 What can I do if I am concerned about the release of my personal information in an interstate referral? (1) When the division of child support (DCS) refers a case to another state, DCS must provide personal information regarding the parties to that other state. DCS notifies the party residing in Washington that we are preparing to refer your case and that we must release your personal information.

(2) If you believe that it would be dangerous for DCS to release your personal information to the other state, you may make a request for nondisclosure of your personal information under RCW 26.21A.255.

(3) The way DCS handles your request for nondisclosure depends on what version of the Uniform Interstate Family Support Act (UIFSA) has been adopted by the state where DCS is referring your case.

(a) The state may have enacted a version of UIFSA which is similar to the version enacted by the state of Washington as chapter 26.21A RCW (known as "UIFSA 2001"); or

(b) The state may have enacted a version of UIFSA which is similar to the version which was formerly enacted by the state of Washington as chapter 26.21 RCW (known as "UIFSA 1996").

(4) If DCS is making a referral to another state which has enacted UIFSA 2001:

(a) DCS must disclose your personal information to the other state.

(b) DCS sends to the other state a declaration for nondisclosure of information which you have signed under penalty of perjury.

(c) The other state must seal your personal information and may not disclose that information to the other party or to the public unless a tribunal orders disclosure of the information in the interest of justice, after a hearing in which the tribunal considers your (or your child's) health, safety and liberty.

(5) If DCS is making a referral to another state which has enacted UIFSA 1996:

(a) DCS holds a conference board under WAC 388-14A-6400.

(b) If the conference board finds that your (or your child's) health, safety or liberty would be unreasonably put at risk by the disclosure of the information, the conference board issues a nondisclosure finding.

(c) DCS does not disclose your personal information to the other state, and instead provides the other state with the nondisclosure finding.

[Statutory Authority: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, 74.20A.310. 07-08-055, § 388-14A-7500, filed 3/29/07, effective 4/29/07.]

PART H - MISCELLANEOUS

WAC 388-14A-8100 Are there special rules for setting child support for children in foster care? (1) Child support obligations for children in foster care are set according to the Washington state child support schedule (the WSCSS), found in chapter 26.19 RCW.

(2) When a child or children are placed in foster care, DCS may use the administrative process to set a support obligation:

(a) As a joint obligation for married parents who reside together;

(b) As two separate obligations for parents who do not reside together; or

(c) For just one parent, if:

(i) There is already a court or administrative order setting the support obligation of the other parent;

(ii) The other parent is dead; or

(iii) The other parent is unknown.

(3) When setting a support obligation for only one parent, DCS follows the procedure set out in WAC 388-14A-8125.

(4) When setting a joint support obligation for parents who are married and residing together, DCS follows the procedures set out in WAC 388-14A-8130.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056. 06-16-073, § 388-14A-8100, filed 7/28/06, effective 8/28/06. Statutory Authority: RCW 13.34.160(3), 13.34.270(7), 74.08.090, 74.13.-031(11), 74.13.350, 74.20A.030(4), and 74.20A.310. 05-12-135, § 388-14A-8100, filed 6/1/05, effective 7/2/05. Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-8100, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-8105 Does the cost of care affect how much child support I pay when my child is in foster care?

(1) Child support obligations for children in foster care are set according to chapter 26.19 RCW, without regard to how much the department is expending in foster care funds.

(2) The administrative law judge or review judge may not limit the noncustodial parent's support obligation to the amount the department expends each month for foster care.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-8105, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-8110 What happens to the money if current support is higher than the cost of care?

(1) When the division of child support (DCS) collects child support from the parent(s) of a child in foster care, DCS sends the amounts collected to the division of child and family services (DCFS), which administers foster care funds.

(2) DCFS and its office of accounting services (OAS) apply child support payments collected by DCS.

(3) DCFS and/or OAS deposits in a trust account for the child any child support payments which they don't use to reimburse foster care expenses.

[Statutory Authority: RCW 74.08.090. 01-03-089, § 388-14A-8110, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-8120 Are there special rules for collection in foster care cases?

(1) Whenever the department provides residential care ("foster care") for a dependent child or children, the noncustodial parent (NCP) or parents (NCPs)

satisfy their obligation to support the child or children by paying to the department the amount specified in a court order or administrative order, if a support order exists.

(2) The division of child support (DCS) takes action under the provisions of chapters 74.20 and 74.20A RCW and this chapter to enforce and collect support obligations owed for children receiving foster care services.

(3) If, during a month when a child is in foster care, the NCP is the "head of household" with other dependent children in the home, DCS does not collect and retain a support payment if:

(a) The household's income is below the need standard for temporary assistance for needy families (TANF) (see WAC 388-478-0015); or

(b) Collection of support would reduce the household's income below the need standard.

(4) The NCP's support obligation for the child or children in foster care continues to accrue during any month DCS is prevented from collecting and retaining support payments under this section.

(5) If the department has collected support payments from the head of household during the months which qualify under section (3), the NCP may request a conference board in accordance with WAC 388-14A-6400.

(6) The NCP must prove at the conference board that the income of the household was below or was reduced below the need standard during the months DCS collected payments.

(7) If the conference board determines that DCS has collected support payments from the head of household that the department is not entitled to retain according to this section, DCS must promptly refund, without interest, any support payments, or the portion of a payment which reduced the income of the household below the need standard.

(8) This section does not apply to payments collected prior to August 23, 1983.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-8120, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-395.]

WAC 388-14A-8125 How does DCS complete the WSCSS worksheets when setting the child support obligation for one parent of a child in foster care? (1) When the division of child support (DCS) is setting a support obligation for only one parent, DCS follows the steps set out in this section.

(2) The noncustodial parent (NCP) for whom DCS is setting support is called the party NCP, because that parent is a party to the administrative action.

(3) The parent for whom DCS is not setting support is called the nonparty NCP, because that parent is not a party to the administrative action.

(4) DCS completes a Washington state child support schedule (WSCSS) worksheet using income information for both the party NCP and for the nonparty NCP, instead of setting support based solely on the income of the party NCP.

(5) DCS uses the best available information regarding the income of both the party NCP and the nonparty NCP, as provided in WAC 388-14A-3205.

(6) DCS does not include the income of a nonparty NCP in the worksheets if:

(a) Paternity has not been established for the child;

(b) The nonparty NCP's parental rights have been terminated; or

(c) The nonparty NCP is known but deceased.

(7) DCS determines the support obligation of the party NCP without regard to:

(a) The amount of the nonparty NCP's support obligation for the same child or children; or

(b) The cost of foster care placement, as provided in WAC 388-14A-8105.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.-056, 06-16-073, § 388-14A-8125, filed 7/28/06, effective 8/28/06.]

WAC 388-14A-8130 How does DCS complete the WSCSS worksheets when setting a joint child support obligation when the parents of a child in foster care are married and residing together? (1) When the division of child support (DCS) is setting a joint support obligation for married parents who reside together, DCS follows the steps set out in this section for completing the worksheets under the Washington state child support schedule (WSCSS).

(2) DCS calculates each parent's income under the rules set out in WAC 388-14A-3205, and then calculates the income of the marital community by combining both parents' income in the "Father" column of the worksheet and does not put any income in the "Mother" column.

(3) DCS calculates the joint support obligation using the limitations contained in RCW 26.19.065:

(a) The joint child support obligation may not exceed forty-five percent of the net income of the marital community except for good cause.

(b) Even with the need standard limitation, there is a presumptive minimum obligation of twenty-five dollars per month per child.

(c) DCS or the administrative law judge (ALJ) may find reasons for deviation and must support those reasons with appropriate findings of fact in the support order.

(4) The support obligation in the "Father" column of the WSCSS worksheet is the joint support obligation of the parents. The support obligation in the "Mother" column of the WSCSS worksheet is irrelevant for purposes of this particular support calculation.

(5) DCS determines the joint support obligation of the parents without regard to the cost of foster care placement, as provided in WAC 388-14A-8105.

[Statutory Authority: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.-056, 06-16-073, § 388-14A-8130, filed 7/28/06, effective 8/28/06.]

WAC 388-14A-8200 All Washington employers must report new hires to the Washington state support registry. (1) RCW 26.23.040 requires all employers doing business in the state of Washington to comply with the employer reporting requirements regarding new hires.

(2) The minimum information that an employer must report is the employee's name, date of birth, social security number and date of hire.

(3) An employer who submits a copy of the employee's completed W-4 form complies with the filing requirements of RCW 26.23.040(3).

(4) An employer may choose to voluntarily report the other statutory elements.

[Statutory Authority: RCW 74.08.090, 26.23.040, 01-03-089, § 388-14A-8200, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-490.]

WAC 388-14A-8300 Who pays for genetic testing when paternity is an issue? (1) As provided in WAC 388-14A-3120(14), the noncustodial parent (NCP) and/or the mother of the child may request genetic testing, also called paternity tests, after the service of a notice and finding of parental responsibility.

(2) After receiving a request for paternity tests, the division of child support (DCS) must:

(a) Arrange and pay for the genetic testing, except as provided in subsection (6) of this section, with a laboratory under contract with the department; and

(b) Notify the NCP and the mother of the time and place to appear to give blood samples.

(3) After DCS receives the test results, DCS must:

(a) Mail a notice of the test results to the:

(i) NCP's last known address by certified mail, return receipt requested; and

(ii) Mother's and/or custodial parent's last known address by first class mail.

(b) Notify the NCP:

(i) Of the costs of the tests;

(ii) That an administrative order entered as a result of the notice and finding of parental responsibility will include the cost of the tests; and

(iii) That DCS may take collection action to collect the genetic testing costs twenty days after the date the NCP receives notice in Washington, or within the time specified in WAC 388-14A-7200, of the test results if the NCP fails to:

(A) Request either a hearing on the issue of reimbursement to DCS for genetic testing costs under WAC 388-14A-3120 or the initiation of a parentage action in superior court; or

(B) Negotiate an agreed settlement.

(iv) If the notice was served in another state, DCS may take collection action according to WAC 388-14A-7200.

(4) When the genetic tests do not exclude the NCP from being the father, the NCP must reimburse the department for the costs of the tests.

(5) When the paternity tests exclude the NCP from being the father, DCS must:

(a) File a copy of the results with the state center for health statistics;

(b) Withdraw the notice and finding of parental responsibility; and

(c) Request the dismissal of any pending action based on the notice and finding of parental responsibility.

(6) RCW 74.20A.056 does not require DCS to arrange or pay for genetic testing when:

(a) Such tests were previously conducted; or

(b) A court order establishing paternity has been entered.

[Statutory Authority: RCW 74.08.090, 74.20A.055, 74.20A.056, 01-03-089, § 388-14A-8300, filed 1/17/01, effective 2/17/01. Formerly WAC 388-11-048 and 388-11-220.]

WAC 388-14A-8400 Does the division of child support have the right to approve my child support order before the court enters it? (1) If the department is providing or has provided cash assistance to the family, parties to a

court order must give the division of child support (DCS) twenty calendar days prior notice of the entry of any final order and five days prior notice of the entry of any temporary order in any proceeding involving child support or maintenance, because the department has a financial interest based on an assignment of support rights under RCW 74.20.330 or the state has a subrogated interest under RCW 74.20A.030.

(2) Either party may serve notice on DCS, by personal service on, or mailing by any form of mail requiring a return receipt to, the office of the attorney general.

(3) If you don't give sufficient notice before entering the support order, DCS may ask the prosecuting attorney or attorney general to vacate the terms of the support order.

(4) DCS or the department are not entitled to terms for a party's failure to serve the department within the time requirements for this section, unless the department proves that the party knew that the department had an assignment of support rights or a subrogated interest and that the failure to serve the department was intentional.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-8400, filed 1/17/01, effective 2/17/01.]

WAC 388-14A-8500 Can the division of child support issue subpoenas? (1) The division of child support (DCS) issues subpoenas requiring the production of documents or records, or appearance of witnesses, under RCW 34.05.588 and 74.04.290.

(2) Compliance with DCS subpoenas is enforced under RCW 34.05.588 and 74.20A.350.

[Statutory Authority: RCW 74.08.090, 01-03-089, § 388-14A-8500, filed 1/17/01, effective 2/17/01. Formerly WAC 388-14-220.]

WAC 388-14A-8600 Does the division of child support enforce interest on unpaid support arrears? (1) Under RCW 26.23.030(2), the division of child support (DCS) has the authority to assess and collect interest on unpaid child support that has accrued under any support order entered into the Washington state support registry (WSSR).

(2) DCS does not assess or collect interest on administrative or court orders for support entered in the state of Washington unless the amount of interest has been reduced to a judgment.

(3) DCS may assess and collect interest on support orders entered outside of Washington state as provided in WAC 388-14A-7110.

(4) DCS may update the interest assessed on a case as provided in WAC 388-14A-7120.

[Statutory Authority: RCW 26.21.016, 05-07-059, § 388-14A-8600, filed 3/11/05, effective 4/11/05.]

Chapter 388-15 WAC CHILD PROTECTIVE SERVICES

WAC

PART A—PROGRAM DESCRIPTION

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388-15-009	What is child abuse or neglect?
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388-15-013	Who may receive child protective services?
388-15-017	What is the responsibility of CPS regarding reports of abuse or neglect?

388-15-021	How does CPS respond to reports of alleged child abuse or neglect?		045 (Order 1697), § 388-15-020, filed 8/28/81; 81-10-013 (Order 1645), § 388-15-020, filed 4/27/81; 81-01-087 (Order 1581), § 388-15-020, filed 12/19/80; 80-02-049 (Order 1477), § 388-15-020, filed 1/16/80; 79-01-041 (Order 1360), § 388-15-020, filed 12/21/78; 78-09-098 (Order 1335), § 388-15-020, filed 9/1/78. Statutory Authority: RCW 43.20A.550, 78-04-004 (Order 1276), § 388-15-020, filed 3/2/78; Order 1238, § 388-15-020, filed 8/31/77; Order 1204, § 388-15-020, filed 4/1/77; Order 1171, § 388-15-020, filed 11/24/76; Order 1147, § 388-15-020, filed 8/26/76; Order 1124, § 388-15-020, filed 6/9/76; Order 1120, § 388-15-020, filed 5/13/76; Order 1088, § 388-15-020, filed 1/29/76.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-15-025	What special requirements must CPS follow for Indian children?		
388-15-029	What information may CPS share with mandated reporters?		
388-15-033	When will CPS involve local community resources?		
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388-15-041	When will CPS involve the juvenile court?		
388-15-045	What are the department's responsibilities regarding notification of the parent or legal custodian in child protective services cases?		
388-15-049	When must the department notify the parent, guardian or legal custodian of allegations of child abuse or neglect made against them?		
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388-15-057	What limitations does the department have on the disclosure of case information?		
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388-15-065	Does CPS have to notify the alleged perpetrator of the results of CPS investigation?		
388-15-069	How does CPS notify the alleged perpetrator of the finding?	388-15-100	Services offered by the economic and social services office of the bureau of social services. [Order 1088, § 388-15-100, filed 1/19/76.] Repealed by Order 1238, filed 8/31/77.
388-15-073	What information must be in the CPS finding notice?		
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388-15-081	Can an alleged perpetrator challenge a CPS finding of child abuse or neglect?	388-15-110	Information and referral services. [Statutory Authority: RCW 74.08.090, 84-15-059 (Order 2125), § 388-15-110, filed 7/18/84; 82-11-095 (Order 1811), § 388-15-110, filed 5/19/82; Order 1238, § 388-15-110, filed 8/31/77; Order 1088, § 388-15-110, filed 1/19/76.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.-090 and 1997 c 409 § 209.
388-15-085	How does an alleged perpetrator challenge a founded CPS finding?		
388-15-089	What happens if the alleged perpetrator does not request CPS to review the founded CPS finding within twenty days?		
388-15-093	What happens after the alleged perpetrator requests CPS to review the founded CPS finding of child abuse or neglect?	388-15-120	Adult protective services. [Statutory Authority: RCW 74.08.090, chapters 74.34 and 26.44 RCW and 42 USC 1397 and 3058, 97-21-108, § 388-15-120, filed 10/20/97, effective 11/20/97. Statutory Authority: RCW 74.08.090, 91-01-096 (Order 3116), § 388-15-120, filed 12/18/90, effective 1/18/91; 86-20-017 (Order 2426), § 388-15-120, filed 9/22/86; 85-13-059 (Order 2239), § 388-15-120, filed 6/18/85; 84-17-071 (Order 2141), § 388-15-120, filed 8/15/84; 80-16-025 (Order 1562), § 388-15-120, filed 10/30/80. Statutory Authority: RCW 43.20A.550, 78-04-004 (Order 1276), § 388-15-120, filed 3/2/78; Order 1238, § 388-15-120, filed 8/31/77; Order 1088, § 388-15-120, filed 1/19/76.] Repealed by 00-03-029, filed 1/11/00, effective 2/11/00. Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9).
388-15-097	How does CPS notify the alleged perpetrator of the results of the CPS management review?		
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388-15-109	What laws and rules will control the administrative hearings held regarding the founded CPS findings?		
388-15-113	What effect does a petition for dependency have on an administrative hearing?		
388-15-117	What factors must the ALJ consider in order for the alleged abused and/or neglected child to testify at the administrative hearing?		
388-15-121	Are there issues the ALJ may not rule upon during an administrative hearing regarding a founded CPS finding?	388-15-130	Child protective services—Authority. [Statutory Authority: RCW 74.15.030, 89-07-024 (Order 2773), § 388-15-130, filed 3/8/89. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-15-130, filed 9/10/79. Statutory Authority: RCW 74.08.090, 78-09-098 (Order 1335), § 388-15-130, filed 9/1/78; Order 1238, § 388-15-130, filed 8/31/77; Order 1088, § 388-15-130, filed 1/19/76.] Repealed by 02-15-098 and 02-17-045, filed 7/16/02 and 8/14/02, effective 2/10/03. Statutory Authority: RCW 74.13.031, 74.04.-050, and chapter 26.44 RCW.
388-15-125	Are the administrative hearings open to the public?		
388-15-129	How does the ALJ make a decision regarding the founded CPS finding?		
388-15-133	How will the appellant be notified of the ALJ's decision?		
388-15-135	What if the appellant or the department disagrees with the decision?		
388-15-141	What happens if the ALJ rules against the department?		
388-15-240	Family planning.		
388-15-400	Services to individuals released from mental hospitals or in danger of requiring commitment to such institutions.	388-15-131	Child protective services—Special requirements for Indian children. [Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-15-131, filed 9/10/79; Order 1255, § 388-15-131, filed 12/1/77.] Repealed by 02-15-098 and 02-17-045, filed 7/16/02 and 8/14/02, effective 2/10/03. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW.
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
388-15-010	Definition of service goals. [Statutory Authority: RCW 74.08.090, 81-20-063 (Order 1708), § 388-15-010, filed 10/5/81; 78-09-098 (Order 1335), § 388-15-010, filed 9/1/78; Order 1238, § 388-15-010, filed 8/31/77; Order 1088, § 388-15-010, filed 1/19/76.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.	388-15-132	Child protective services—Acceptance of reports—Eligibility for services and limits to authority. [Statutory Authority: RCW 26.44.050 and 26.44.070, 93-13-021 (Order 3567), § 388-15-132, filed 6/9/93, effective 7/10/93. Statutory Authority: RCW 74.15.030, 89-07-024 (Order 2773), § 388-15-132, filed 3/8/89. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-15-132, filed 9/10/79; Order 1238, § 388-15-132, filed 8/31/77.] Repealed by 02-15-098 and 02-17-045, filed 7/16/02 and 8/14/02, effective

- 2/10/03. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW.
- 388-15-134 Child protective services—Notification. [Statutory Authority: RCW 74.15.030, 97-13-002, § 388-15-134, filed 6/4/97, effective 7/5/97; 89-07-024 (Order 2773), § 388-15-134, filed 3/8/89. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-15-134, filed 9/10/79; Order 1238, § 388-15-134, filed 8/31/77.] Repealed by 02-15-098 and 02-17-045, filed 7/16/02 and 8/14/02, effective 2/10/03. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW.
- 388-15-136 Central registry—Duty to maintain. [Statutory Authority: 1987 c 206, 87-23-057 and 87-24-039 (Orders 2561 and 2561A), § 388-15-136, filed 11/18/87 and 11/25/87. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-15-136, filed 9/10/79; Order 1238, § 388-15-136, filed 8/31/77.] Repealed by 93-13-021 (Order 3567), filed 6/9/93, effective 7/10/93. Statutory Authority: RCW 26.44.050 and 26.44.070.
- 388-15-137 Central registry—Reports. [Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-15-137, filed 9/10/79; Order 1238, § 388-15-137, filed 8/31/77.] Repealed by 87-23-057 and 87-24-039 (Orders 2561 and 2561A), filed 11/18/87 and 11/25/87. Statutory Authority: 1987 c 206.
- 388-15-138 Central registry—Information—Release—Dissemination—Expungement. [Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-15-138, filed 9/10/79; Order 1238, § 388-15-138, filed 8/31/77.] Repealed by 87-23-057 and 87-24-039 (Orders 2561 and 2561A), filed 11/18/87 and 11/25/87. Statutory Authority: 1987 c 206.
- 388-15-139 Central registry—Eligibility—Procedures and criteria. [Order 1238, § 388-15-139, filed 8/31/77.] Repealed by 87-23-057 and 87-24-039 (Orders 2561 and 2561A), filed 11/18/87 and 11/25/87. Statutory Authority: 1987 c 206.
- 388-15-140 Residential services. [Statutory Authority: RCW 74.08.044, 79-09-039 (Order 1425), § 388-15-140, filed 8/17/79; Order 1238, § 388-15-140, filed 8/31/77; Order 1147, § 388-15-140, filed 8/26/76; Order 1088, § 388-15-140, filed 1/19/76.] Repealed by 86-16-019 (Order 2392), filed 7/28/86. Statutory Authority: RCW 74.08.044.
- 388-15-145 Residential care discharge allowance. [Statutory Authority: RCW 74.42.450 and 74.08.090, 96-09-035 (Order 3962), § 388-15-145, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.08.090, 86-10-021 (Order 2367), § 388-15-145, filed 5/1/86; 79-12-028 (Order 1456), § 388-15-145, filed 11/16/79.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-150 Child foster care. [Order 1238, § 388-15-150, filed 8/31/77; Order 1088, § 388-15-150, filed 1/19/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-15-160 Adoption services. [Order 1238, § 388-15-160, filed 8/31/77; Order 1088, § 388-15-160, filed 1/19/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-15-170 Definitions. [Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903, 98-22-008, § 388-15-170, filed 10/22/98, effective 11/22/98. Statutory Authority: RCW 74.12.340 and 45 CFR Part 98.41 Child Care and Development Block Grant, 93-10-021 (Order 3535), § 388-15-170, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.12.340 and 45 CFR 98.20, 98.30, 98.43 and 98.45; and 45 CFR 257.21, 257.30, 257.31 and 257.41, 92-11-062 (Order 3393), § 388-15-170, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090, 88-24-023 (Order 2732), § 388-15-170, filed 12/2/88; 86-12-051 (Order 2387), § 388-15-170, filed 6/3/86; 86-03-078 (Order 2333), § 388-15-170, filed 1/22/86; 83-02-028 (Order 1931), § 388-15-170, filed 12/29/82. Statutory Authority: RCW 43.20A.550, 82-14-048 (Order 1839), § 388-15-170, filed 6/30/82. Statutory Authority: RCW 74.08.090, 82-01-051 (Order 1735), § 388-15-170, filed 12/16/81; 81-10-034 (Order 1650), § 388-15-170, filed 4/29/81; 80-15-010 (Order 1552), § 388-15-170, filed 10/6/80. Statutory Authority: RCW 43.20A.550, 78-04-004 (Order 1276), § 388-15-170, filed 3/2/78; Order 1238, § 388-15-170, filed 8/31/77; Order 1204, § 388-15-170, filed 4/1/77; Order 1147, § 388-15-170, filed 8/26/76; Order 1124, § 388-15-170, filed 6/9/76; Order 1120, § 388-15-170, filed 5/13/76; Order 1088, § 388-15-170, filed 1/19/76.] Decodedified by 99-15-076, filed 7/20/99, effective 7/20/99. Recodified as 388-165-110.
- 388-15-171 Subsidized child care for teen parents. [Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903, 98-22-008, § 388-15-171, filed 10/22/98, effective 11/22/98.] Decodedified by 99-15-076, filed 7/20/99, effective 7/20/99. Recodified as 388-165-120.
- 388-15-172 Day care participation. [Statutory Authority: RCW 74.08.090, 80-15-010 (Order 1552), § 388-15-172, filed 10/6/80. Statutory Authority: RCW 43.20A.550, 78-07-021 (Order 1306), § 388-15-172, filed 6/15/78.] Repealed by 82-04-074 (Order 1757), filed 2/3/82. Statutory Authority: RCW 74.08.090.
- 388-15-173 Parent participation day care. [Statutory Authority: RCW 74.08.090, 82-14-046 (Order 1837), § 388-15-173, filed 6/30/82.] Repealed by 86-03-078 (Order 2333), filed 1/22/86. Statutory Authority: RCW 74.08.090.
- 388-15-174 Subsidized child care for seasonal workers. [Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903, 98-22-008, § 388-15-174, filed 10/22/98, effective 11/22/98.] Decodedified by 99-19-087, filed 9/17/99, effective 9/17/99.
- 388-15-175 Child care for child protective services (CPS) and child welfare services (CWS). [Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903, 98-22-008, § 388-15-175, filed 10/22/98, effective 11/22/98.] Decodedified by 99-15-076, filed 7/20/99, effective 7/20/99. Recodified as 388-165-140.
- 388-15-176 In-home/relative child care. [Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903, 98-22-008, § 388-15-176, filed 10/22/98, effective 11/22/98.] Decodedified by 99-15-076, filed 7/20/99, effective 7/20/99. Recodified as 388-165-235.
- 388-15-180 Migrant day care services. [Order 1088, § 388-15-180, filed 1/19/76.] Repealed by Order 1147, filed 8/26/76.
- 388-15-190 Day care for the aged—Age 60 and over. [Order 1238, § 388-15-190, filed 8/31/77; Order 1088, § 388-15-190, filed 1/19/76.] Repealed by 97-18-052, filed 8/28/97, effective 9/28/97. Statutory Authority: RCW 74.08.090 and 1997 c 409 § 209.
- 388-15-192 Long-term care services—Estate recovery procedures. [Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-192, filed 9/28/95, effective 10/29/95.] Repealed by 97-18-052, filed 8/28/97, effective 9/28/97. Statutory Authority: RCW 74.08.090 and 1997 c 409 § 209.
- 388-15-194 Home and community services—Nursing services. [Statutory Authority: RCW 74.09.520 and 74.08.090, 98-20-022, § 388-15-194, filed 9/25/98, effective 10/26/98. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-194, filed 9/28/95, effective 10/29/95.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. Later promulgation, see chapter 388-71 WAC.
- 388-15-196 Individual providers and home care agency providers. [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050, 99-03-041, § 388-15-196, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51, 98-18-037, § 388-15-196, filed 8/27/98, effective 9/27/98. Statutory Authority: RCW 74.04.050, 74.08.090, 74.39A.005, 74.39A.007, 74.39A.050 and 74.39A.070, 97-16-106, § 388-15-196, filed 8/6/97, effective 9/6/97. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5, 96-20-093, § 388-15-196, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-196, filed 9/28/95, effective 10/29/95.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19600 How do I apply to be an individual provider of an adult client? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050, 99-03-041, § 388-15-

- 19600, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19600, filed 8/27/98, effective 9/27/98.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19610 What requirements must an adult client's individual provider or a home care agency provider meet? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050. 99-03-041, § 388-15-19610, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19610, filed 8/27/98, effective 9/27/98.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19620 How do I get paid as an individual provider? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050. 99-03-041, § 388-15-19620, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19620, filed 8/27/98, effective 9/27/98.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19630 Under what conditions will the department deny payment to an individual provider or a home care agency provider? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050. 99-03-041, § 388-15-19630, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19630, filed 8/27/98, effective 9/27/98.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19640 Does the individual provider or the home care agency provider have responsibilities in addition to the service plan? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050. 99-03-041, § 388-15-19640, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19640, filed 8/27/98, effective 9/27/98.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19650 What are the educational requirements for an individual provider or a home care agency provider? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050. 99-03-041, § 388-15-19650, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19650, filed 8/27/98, effective 9/27/98.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19660 Do all individual providers or home care agency providers have to take the fundamentals of caregiving training? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050. 99-03-041, § 388-15-19660, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19660, filed 8/27/98, effective 9/27/98.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19670 Are there special rules about training for parents who are the individual providers of division of developmental disabilities (DDD) adult children? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050. 99-03-041, § 388-15-19670, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19670, filed 8/27/98, effective 9/27/98.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-19680 Are there special rules about training for parents who are the individual providers of non-DDD adult children? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842 and 74.39A.050. 99-03-041, § 388-15-19680, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710, 42 C.F.R. 1002.210 and 42 C.F.R. 431.51. 98-18-037, § 388-15-19680, filed 8/27/98, effective 9/27/98.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-198 Home and community services—Client and provider responsibilities. [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-198, filed 10/1/96, effective 11/1/96.] Repealed by 00-03-043, filed 1/13/00, effective 2/13/00. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830.
- 388-15-200 Health support services. [Order 1238, § 388-15-200, filed 8/31/77; Order 1147, § 388-15-200, filed 8/26/76; Order 1088, § 388-15-200, filed 1/19/76.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-201 Long-term care functional eligibility. [Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3). 98-19-055, § 388-15-201, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030. 98-04-026, § 388-15-201, filed 1/28/98, effective 2/28/98.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-202 Long-term care services—Definitions. [Statutory Authority: RCW 74.09.520. 97-20-066, § 388-15-202, filed 9/25/97, effective 10/1/97. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-202, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-202, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.09.520, 74.39.005, 74.08.043 and 74.08.545. 93-06-042 (Order 3501), § 388-15-202, filed 2/24/93, effective 3/27/93.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. Later promulgation, see chapter 388-71 WAC.
- 388-15-203 Long-term care services—Assessment of task self-performance and determination of required assistance. [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-203, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-203, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.09.520, 74.39.005, 74.08.043 and 74.08.545. 93-06-042 (Order 3501), § 388-15-203, filed 2/24/93, effective 3/27/93.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. Later promulgation, see chapter 388-71 WAC.
- 388-15-204 Home and community services—Reassessment. [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-204, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-204, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.09.520, 74.39.005, 74.08.043 and 74.08.545. 93-06-042 (Order 3501), § 388-15-204, filed 2/24/93, effective 3/27/93.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. Later promulgation, see chapter 388-71 WAC.

- 388-15-205 Long-term care services—Service plan development. [Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-205, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.09.520, 74.39.005, 74.08.043 and 74.08.545. 93-06-042 (Order 3501), § 388-15-205, filed 2/24/93, effective 3/27/93.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. Later promulgation, see chapter 388-71 WAC.
- 388-15-206 Volunteer chore services. [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39-030 and 1996 c 302 § 5. 96-20-093, § 388-15-206, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-206, filed 9/28/95, effective 10/29/95.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-207 Chore personal care services for adults—Legal basis—Purpose—Goals. [Statutory Authority: RCW 74.08-090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-207, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-207, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 90-15-029 (Order 3041), § 388-15-207, filed 7/13/90, effective 8/13/90; 89-18-026 (Order 2852), § 388-15-207, filed 8/29/89, effective 9/29/89; 88-17-064 (Order 2674), § 388-15-207, filed 8/17/88; 88-06-088 (Order 2605), § 388-15-207, filed 3/2/88; 81-18-045 (Order 1697), § 388-15-207, filed 8/28/81; 81-06-063 (Order 1618), § 388-15-207, filed 3/4/81.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-208 Definitions. [Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-208, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-08-011 (Order 3152), § 388-15-208, filed 3/26/91, effective 4/26/91; 90-15-029 (Order 3041), § 388-15-208, filed 7/13/90, effective 8/13/90; 89-13-084 (Order 2815), § 388-15-208, filed 6/21/89; 88-17-064 (Order 2674), § 388-15-208, filed 8/17/88; 88-06-088 (Order 2605), § 388-15-208, filed 3/2/88; 86-12-040 (Order 2383), § 388-15-208, filed 5/30/86; 84-22-017 (Order 2165), § 388-15-208, filed 10/31/84; 83-14-029 (Order 1977), § 388-15-208, filed 6/30/83; 82-23-056 (Order 1904), § 388-15-208, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-208, filed 8/28/81; 81-11-044 (Order 1652), § 388-15-208, filed 5/20/81; 81-06-063 (Order 1618), § 388-15-208, filed 3/4/81.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-209 Chore personal care services—Eligibility. [Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3). 98-19-055, § 388-15-209, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08-090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030. 98-04-026, § 388-15-209, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39-010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-209, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-209, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-209, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-08-011 (Order 3152), § 388-15-209, filed 3/26/91, effective 4/26/91; 90-15-029 (Order 3041), § 388-15-209, filed 7/13/90, effective 8/13/90; 89-18-026 (Order 2852), § 388-15-209, filed 8/29/89, effective 9/29/89; 88-17-064 (Order 2674), § 388-15-209, filed 8/17/88; 88-06-088 (Order 2605), § 388-15-209, filed 3/2/88. Statutory Authority: ESHB 1221. 87-22-013 (Order 2550), § 388-15-209, filed 10/26/87. Statutory Authority: RCW 74.08.090. 86-12-040 (Order 2383), § 388-15-209, filed 5/30/86; 84-22-017 (Order 2165), § 388-15-209, filed 10/31/84; 83-21-007 (Order 2028), § 388-15-209, filed 10/6/83; 82-23-056 (Order 1904), § 388-15-209, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-209, filed 8/28/81; 81-06-063 (Order 1618), § 388-15-209, filed 3/4/81.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-210 Chore services for adults and families. [Order 1238, § 388-15-210, filed 8/31/77; Order 1147, § 388-15-210, filed 8/26/76; Order 1124, § 388-15-210, filed 6/9/76; Order 1088, § 388-15-210, filed 1/19/76.] Repealed by 81-06-063 (Order 1618), filed 3/4/81. Statutory Authority: RCW 74.08.090.
- 388-15-211 Chore services for families. [Order 1238, § 388-15-211, filed 8/31/77.] Repealed by 81-06-063 (Order 1618), filed 3/4/81. Statutory Authority: RCW 74.08.090.
- 388-15-212 Service determination. [Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-212, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-08-011 (Order 3152), § 388-15-212, filed 3/26/91, effective 4/26/91; 90-15-029 (Order 3041), § 388-15-212, filed 7/13/90, effective 8/13/90; 89-13-084 (Order 2815), § 388-15-212, filed 6/21/89; 88-17-064 (Order 2674), § 388-15-212, filed 8/17/88; 88-06-088 (Order 2605), § 388-15-212, filed 3/2/88. Statutory Authority: ESHB 1221. 87-22-013 (Order 2550), § 388-15-212, filed 10/26/87. Statutory Authority: RCW 74.08.090. 86-12-040 (Order 2383), § 388-15-212, filed 5/30/86; 84-22-017 (Order 2165), § 388-15-212, filed 10/31/84; 83-21-007 (Order 2028), § 388-15-212, filed 10/6/83; 82-23-056 (Order 1904), § 388-15-212, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-212, filed 8/28/81; 81-11-044 (Order 1652), § 388-15-212, filed 5/20/81; 81-06-063 (Order 1618), § 388-15-212, filed 3/4/81; 79-01-042 (Order 1361), § 388-15-212, filed 12/21/78.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-213 Payment. [Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-213, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 90-15-029 (Order 3041), § 388-15-213, filed 7/13/90, effective 8/13/90; 88-17-064 (Order 2674), § 388-15-213, filed 8/17/88; 88-06-088 (Order 2605), § 388-15-213, filed 3/2/88. Statutory Authority: ESHB 1221. 87-22-013 (Order 2550), § 388-15-213, filed 10/26/87. Statutory Authority: RCW 74.08.090. 86-08-085 (Order 2361), § 388-15-213, filed 4/2/86; 84-22-017 (Order 2165), § 388-15-213, filed 10/31/84; 83-21-007 (Order 2028), § 388-15-213, filed 10/6/83; 82-23-056 (Order 1904), § 388-15-213, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-213, filed 8/28/81; 81-06-063 (Order 1618), § 388-15-213, filed 3/4/81; Order 1238, § 388-15-213, filed 8/31/77.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-214 Chore personal care services—Budget control. [Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-214, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.545. 94-10-025 (Order 3730), § 388-15-214, filed 4/27/94, effective 5/28/94. Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-214, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 90-15-029 (Order 3041), § 388-15-214, filed 7/13/90, effective 8/13/90; 88-19-031 (Order 2693), § 388-15-214, filed 9/12/88; 88-06-088 (Order 2605), § 388-15-214, filed 3/2/88.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-215 Chore personal care services—Program limitations. [Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-215, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-215, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-08-011 (Order 3152), § 388-15-215, filed 3/26/91, effective 4/26/91; 90-15-029 (Order 3041), § 388-15-215, filed 7/13/90, effective 8/13/90; 89-18-026 (Order 2852), § 388-15-215, filed 8/29/89, effective 9/29/89; 88-11-062 (Order 2625), § 388-15-215, filed 5/17/88; 85-22-021 (Order 2298), § 388-15-215, filed 10/30/85; 84-22-017 (Order 2165), § 388-15-215, filed 10/31/84; 83-21-007 (Order 2028), § 388-15-215, filed 10/6/83; 82-23-056 (Order 1904), § 388-15-215, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-215, filed 8/28/81; 81-06-063 (Order 1618), § 388-15-215, filed 3/4/81; Order 1238, §

- 388-15-215, filed 8/31/77.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-216 Chore personal care services—Grandfathered clients. [Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-216, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-216, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-08-011 (Order 3152), § 388-15-216, filed 3/26/91, effective 4/26/91; 90-15-029 (Order 3041), § 388-15-216, filed 7/13/90, effective 8/13/90; 89-18-026 (Order 2852), § 388-15-216, filed 8/29/89, effective 9/29/89.] Repealed by 98-14-052, filed 6/26/98, effective 7/27/98. Statutory Authority: RCW 74.08.090.
- 388-15-217 Chore personal care services for employed disabled adults. [Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-217, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 90-15-029 (Order 3041), § 388-15-217, filed 7/13/90, effective 8/13/90; 89-18-026 (Order 2852), § 388-15-217, filed 8/29/89, effective 9/29/89; 88-11-062 (Order 2625), § 388-15-217, filed 5/17/88; 83-21-007 (Order 2028), § 388-15-217, filed 10/6/83; 82-23-056 (Order 1904), § 388-15-217, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-217, filed 8/28/81; 81-03-075 (Order 1589), § 388-15-217, filed 1/21/81.] Repealed by 95-23-032 (Order 3919), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-219 Chore personal care service—Payment and client participation. [Statutory Authority: RCW 74.08.090, 74.09.-520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-219, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.-520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-219, filed 9/28/95, effective 10/29/95.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-220 Homemaker services. [Statutory Authority: RCW 74.08.090. 81-17-024 (Order 1689), § 388-15-220, filed 8/12/81; 80-15-003 (Order 1551), § 388-15-220, filed 10/2/80; Order 1238, § 388-15-220, filed 8/31/77; Order 1088, § 388-15-220, filed 1/19/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-15-222 Chore personal care services—Employed disabled—Incentive income and resource exemption. [Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3). 98-19-055, § 388-15-222, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.-090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030. 98-04-026, § 388-15-222, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-222, filed 9/28/95, effective 10/29/95.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-230 Employment oriented casework. [Order 1238, § 388-15-230, filed 8/31/77; Order 1165, § 388-15-230, filed 10/27/76; Order 1105, § 388-15-230, filed 3/11/76.] Repealed by 79-03-013 (Order 1368), filed 2/15/79. Statutory Authority: RCW 74.08.090.
- 388-15-250 School age parent services. [Order 1124, § 388-15-250, filed 6/9/76; Order 1088, § 388-15-250, filed 1/19/76.] Repealed by Order 1147, filed 8/26/76.
- 388-15-260 Home delivered meals. [Order 1088, § 388-15-260, filed 1/19/76.] Repealed by Order 1147, filed 8/26/76.
- 388-15-270 Services to the blind. [Order 1088, § 388-15-270, filed 1/19/76.] Repealed by Order 1238, filed 8/31/77.
- 388-15-280 Library services to the blind and physically handicapped. [Order 1088, § 388-15-280, filed 1/19/76.] Repealed by Order 1124, filed 6/9/76.
- 388-15-290 Juvenile delinquency prevention services. [Order 1238, § 388-15-290, filed 8/31/77; Order 1088, § 388-15-290, filed 1/19/76.] Repealed by 81-20-063 (Order 1708), filed 10/5/81. Statutory Authority: RCW 74.08.090.
- 388-15-300 Developmental disabilities case services. [Order 1238, § 388-15-300, filed 8/31/77; Order 1088, § 388-15-300, filed 1/19/76.] Repealed by 98-02-058, filed 1/6/98, effective 2/6/98. Statutory Authority: RCW 74.09.290 and 74.08.090.
- 388-15-310 Developmental disabilities home (aid) services. [Order 1238, § 388-15-310, filed 8/31/77; Order 1088, § 388-15-310, filed 1/19/76.] Repealed by 98-02-058, filed 1/6/98, effective 2/6/98. Statutory Authority: RCW 74.09.290 and 74.08.090.
- 388-15-320 Developmental center services. [Order 1238, § 388-15-320, filed 8/31/77; Order 1088, § 388-15-320, filed 1/19/76.] Repealed by 98-02-058, filed 1/6/98, effective 2/6/98. Statutory Authority: RCW 74.09.290 and 74.08.090.
- 388-15-330 Sheltered workshops. [Order 1238, § 388-15-330, filed 8/31/77; Order 1088, § 388-15-330, filed 1/19/76.] Repealed by 98-02-058, filed 1/6/98, effective 2/6/98. Statutory Authority: RCW 74.09.290 and 74.08.090.
- 388-15-340 Alcoholism treatment. [Order 1238, § 388-15-340, filed 8/31/77; Order 1088, § 388-15-340, filed 1/19/76.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.-090 and 1997 c 409 § 209.
- 388-15-350 Mental health. [Order 1124, § 388-15-350, filed 6/9/76; Order 1088, § 388-15-350, filed 1/19/76.] Repealed by Order 1238, filed 8/31/77.
- 388-15-360 Refugee assistance. [Statutory Authority: RCW 43.20A.550. 82-02-032 (Order 1742), § 388-15-360, filed 12/31/81; 81-17-027 (Order 1692), § 388-15-360, filed 8/12/81; 78-04-004 (Order 1276), § 388-15-360, filed 3/2/78; Order 1238, § 388-15-360, filed 8/31/77; Order 1204, § 388-15-360, filed 4/1/77; Order 1147, § 388-15-360, filed 8/26/76; Order 1124, § 388-15-360, filed 6/9/76.] Repealed by 00-22-085, filed 10/31/00, effective 12/1/00. Statutory Authority: RCW 74.08.090.
- 388-15-500 Redetermination of service eligibility. [Order 1238, § 388-15-500, filed 8/31/77; Order 1088, § 388-15-500, filed 1/19/76.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.-210, 74.08.090 and 1997 c 409 § 209.
- 388-15-548 Residential services. [Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-548, filed 7/28/86.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-550 Service delivery. [Order 1238, § 388-15-550, filed 8/31/77; Order 1147, § 388-15-550, filed 8/26/76; Order 1124, § 388-15-550, filed 6/9/76; Order 1088, § 388-15-550, filed 1/19/76.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-15-551 Adult family home—Authority to purchase care—Standards. [Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-551, filed 7/28/86; 79-09-039 (Order 1425), § 388-15-551, filed 8/17/79.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-552 Adult family home—Eligible persons. [Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-552, filed 7/28/86; 83-21-008 (Order 2029), § 388-15-552, filed 10/6/83; 79-09-039 (Order 1425), § 388-15-552, filed 8/17/79.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-553 Adult family home—Determination of need. [Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-553, filed 7/28/86; 79-09-039 (Order 1425), § 388-15-553, filed 8/17/79.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-554 Adult family home—Placement in facility. [Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-554, filed 7/28/86; 79-09-039 (Order 1425), § 388-15-554, filed 8/17/79.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-555 Adult family home—Payments—Standards—Procedures. [Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-555, filed 7/28/86; 79-09-039 (Order 1425), § 388-15-555, filed 8/17/79.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-560 Congregate care—Definition—Authority to purchase care—Standards. [Statutory Authority: RCW 74.08.-044. 86-16-019 (Order 2392), § 388-15-560, filed 7/28/86; 81-01-077 (Order 1579), § 388-15-560, filed 12/17/80; Order 1238, § 388-15-560, filed 8/31/77.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-562 Congregate care—Eligible persons. [Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-562, filed 7/28/86; 82-10-064 (Order 1805), § 388-15-562, filed 5/5/82; 81-01-077 (Order 1579), § 388-15-562, filed 12/17/80; Order 1238, § 388-15-562, filed 8/31/77.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.

- 388-15-563 Congregate care—Residents of other states. [Statutory Authority: RCW 74.08.044, 81-01-077 (Order 1579), § 388-15-563, filed 12/17/80.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-564 Congregate care—Determination of need. [Statutory Authority: RCW 74.08.044, 86-16-019 (Order 2392), § 388-15-564, filed 7/28/86; Order 1238, § 388-15-564, filed 8/31/77.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-566 Congregate care—Placement in facility. [Statutory Authority: RCW 74.08.044, 86-16-019 (Order 2392), § 388-15-566, filed 7/28/86; 81-01-077 (Order 1579), § 388-15-566, filed 12/17/80; Order 1238, § 388-15-566, filed 8/31/77.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-568 Congregate care—Payment—Standards—Procedures. [Statutory Authority: RCW 74.08.044, 86-16-019 (Order 2392), § 388-15-568, filed 7/28/86; 82-10-064 (Order 1805), § 388-15-568, filed 5/5/82; Order 1238, § 388-15-568, filed 8/31/77.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-570 Family reconciliation services. [Statutory Authority: RCW 74.08.090, 82-01-040 (Order 1732), § 388-15-570, filed 12/16/81; 81-20-063 (Order 1708), § 388-15-570, filed 10/5/81. Statutory Authority: RCW 74.08.-090 and 1979 c 155, 79-10-026 (Order 1431), § 388-15-570, filed 9/10/79. Statutory Authority: RCW 74.08.-090, 78-09-098 (Order 1335), § 388-15-570, filed 9/1/78; Order 1238, § 388-15-570, filed 8/31/77.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-15-580 Support services. [Order 1238, § 388-15-580, filed 8/31/77.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
- 388-15-600 Community options program entry system (COPEs)—Purpose—Legal basis. [Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-600, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.04.057 and 74.08.090, 93-13-135 (Order 3577), § 388-15-600, filed 6/23/93, effective 7/24/93. Statutory Authority: 1987 1st ex.s. c 7, 87-23-054 (Order 2558), § 388-15-600, filed 11/18/87. Statutory Authority: RCW 74.08.090, 86-11-024 (Order 2377), § 388-15-600, filed 5/14/86; 83-08-024 (Order 1954), § 388-15-600, filed 3/30/83.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-610 COPEs—Eligibility. [Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3), 98-19-055, § 388-15-610, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.090, 74.09.-035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030, 98-04-026, § 388-15-610, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.-030 and 1996 c 302 § 5, 96-20-093, § 388-15-610, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-610, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.04.057 and 74.08.090, 93-13-135 (Order 3577), § 388-15-610, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.09.500, 92-20-013 (Order 3460), § 388-15-610, filed 9/24/92, effective 10/25/92. Statutory Authority: RCW 74.08.090, 90-15-019 (Order 3039), § 388-15-610, filed 7/12/90, effective 8/12/90. Statutory Authority: 1987 1st ex.s. c 7, 87-23-054 (Order 2558), § 388-15-610, filed 11/18/87. Statutory Authority: RCW 74.08.090, 86-11-024 (Order 2377), § 388-15-610, filed 5/14/86. Statutory Authority: RCW 74.08.044, 84-12-038 (Order 2101), § 388-15-610, filed 5/30/84. Statutory Authority: RCW 74.08.090, 83-08-024 (Order 1954), § 388-15-610, filed 3/30/83.] Repealed by 00-13-077, filed 6/19/00, effective 7/20/00. Statutory Authority: RCW 74.39A.030.
- 388-15-615 COPEs—Program restrictions. [Statutory Authority: RCW 74.04.057 and 74.08.090, 93-13-135 (Order 3577), § 388-15-615, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.09.500, 92-18-041 (Order 3445), § 388-15-615, filed 8/27/92, effective 9/27/92.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-620 COPEs—Services. [Statutory Authority: RCW 74.08.-090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5, 96-20-093, § 388-15-620, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.-090, 74.09.520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-620, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.04.057 and 74.08.090, 93-13-135 (Order 3577), § 388-15-620, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090, 90-15-019 (Order 3039), § 388-15-620, filed 7/12/90, effective 8/12/90. Statutory Authority: 1987 1st ex.s. c 7, 87-23-054 (Order 2558), § 388-15-620, filed 11/18/87. Statutory Authority: RCW 74.08.090, 86-11-024 (Order 2377), § 388-15-620, filed 5/14/86; 85-18-067 (Order 2281), § 388-15-620, filed 9/4/85. Statutory Authority: RCW 74.08.044, 84-12-038 (Order 2101), § 388-15-620, filed 5/30/84. Statutory Authority: RCW 74.08.090, 83-08-024 (Order 1954), § 388-15-620, filed 3/30/83.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-630 COPEs—Payment procedures. [Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-630, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.04.-057 and 74.08.090, 93-13-135 (Order 3577), § 388-15-630, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090, 90-15-019 (Order 3039), § 388-15-630, filed 7/12/90, effective 8/12/90. Statutory Authority: 1987 1st ex.s. c 7, 87-23-054 (Order 2558), § 388-15-630, filed 11/18/87. Statutory Authority: RCW 74.08.090, 86-11-024 (Order 2377), § 388-15-630, filed 5/14/86; 85-18-067 (Order 2281), § 388-15-630, filed 9/4/85. Statutory Authority: RCW 74.08.044, 84-12-038 (Order 2101), § 388-15-630, filed 5/30/84. Statutory Authority: RCW 74.08.090, 83-08-024 (Order 1954), § 388-15-630, filed 3/30/83.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-650 Purpose. [Statutory Authority: RCW 74.39A.007 and 74.08.090, 99-12-072, § 388-15-650, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-651 Definitions. [Statutory Authority: RCW 74.39A.007 and 74.08.090, 99-12-072, § 388-15-651, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-652 Adult day care (COPEs level I). [Statutory Authority: RCW 74.39A.007 and 74.08.090, 99-12-072, § 388-15-652, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-653 Adult day health (level II). [Statutory Authority: RCW 74.39A.007 and 74.08.090, 99-12-072, § 388-15-653, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-654 Plan of care. [Statutory Authority: RCW 74.39A.007 and 74.08.090, 99-12-072, § 388-15-654, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-655 Title XIX adult day health certification and monitoring. [Statutory Authority: RCW 74.39A.007 and 74.08.090, 99-12-072, § 388-15-655, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-656 Administration and organization. [Statutory Authority: RCW 74.39A.007 and 74.08.090, 99-12-072, § 388-15-656, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory

- Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-657 Staffing. [Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-657, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-658 Personnel requirements. [Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-658, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-659 Facility. [Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-659, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-660 Coordination of services. [Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-660, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-661 Clients in residential care or nursing facility care settings. [Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-661, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-662 Expenditures not to exceed. [Statutory Authority: RCW 74.39A.007 and 74.08.090. 99-12-072, § 388-15-662, filed 5/27/99, effective 6/27/99.] Repealed by 03-06-024, filed 2/24/03, effective 7/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. Later promulgation, see chapter 388-71 WAC.
- 388-15-690 Respite care services—Definitions. [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.-010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-690, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.44 [74.08.044]. 88-03-020 (Order 2570), § 388-15-690, filed 1/12/88.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-695 Respite care services—Caregiver eligibility. [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-695, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.44 [74.08.044]. 88-03-020 (Order 2570), § 388-15-695, filed 1/12/88.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-700 Respite care services—Distribution of cost. [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-700, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.44 [74.08.044]. 88-03-020 (Order 2570), § 388-15-700, filed 1/12/88.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-705 Respite care services—Rates of payment. [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-705, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.44 [74.08.044]. 88-03-020 (Order 2570), § 388-15-705, filed 1/12/88.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-710 Respite care services—Service priorities. [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-710, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.44 [74.08.044]. 88-03-020 (Order 2570), § 388-15-710, filed 1/12/88.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-715 Respite care services—Service priority categories. [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5. 96-20-093, § 388-15-715, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.44 [74.08.-044]. 88-03-020 (Order 2570), § 388-15-715, filed 1/12/88.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-810 Medicaid personal care services—Legal basis—Purpose. [Statutory Authority: RCW 74.08.090. 89-18-029 (Order 2856), § 388-15-810, filed 8/29/89, effective 9/29/89.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-820 Medicaid personal care services—Definitions. [Statutory Authority: RCW 74.08.090 and 74.09.520, OBRA '93 and c 21, Laws of 1994 amending RCW 74.09.520, Thurston Co. Superior Court Cause #93-2-1817-4. 94-21-042 (Order 3796), § 388-15-820, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.09.-520. 93-10-023 (Order 3538), § 388-15-820, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090. 91-21-026 (Order 3264), § 388-15-820, filed 10/8/91, effective 11/8/91; 90-06-038 (Order 2950), § 388-15-820, filed 3/1/90, effective 4/1/90; 89-18-029 (Order 2856), § 388-15-820, filed 8/29/89, effective 9/29/89.] Repealed by 95-23-032 (Order 3919), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-830 Medicaid personal care services—Eligibility. [Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 § 205 (1)(c) and 206(3). 98-19-055, § 388-15-830, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.-090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030. 98-04-026, § 388-15-830, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18. 95-20-041 (Order 3904), § 388-15-830, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.-090 and 74.09.520, OBRA '93 and c 21, Laws of 1994 amending RCW 74.09.520, Thurston Co. Superior Court Cause #93-2-1817-4. 94-21-042 (Order 3796), § 388-15-830, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-830, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090. 89-18-029 (Order 2856), § 388-15-830, filed 8/29/89, effective 9/29/89.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.
- 388-15-840 Medicaid personal care services—Assessment—Authorization. [Statutory Authority: RCW 74.08.090 and 74.09.520, OBRA '93 and c 21, Laws of 1994 amending RCW 74.09.520, Thurston Co. Superior Court Cause #93-2-1817-4. 94-21-042 (Order 3796), § 388-15-840, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-840, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090. 91-21-026 (Order 3264), § 388-15-840, filed 10/8/91, effective 11/8/91; 89-18-029 (Order 2856), § 388-15-840, filed 8/29/89, effective 9/29/89.] Repealed by 95-23-032 (Order 3919), filed 11/8/95, effective 12/9/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-850 Medicaid personal care services—Nurse oversight. [Statutory Authority: RCW 74.08.090 and 74.09.520, OBRA '93 and c 21, Laws of 1994 amending RCW 74.09.520, Thurston Co. Superior Court Cause #93-2-1817-4. 94-21-042 (Order 3796), § 388-15-850, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-850, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090. 91-21-026 (Order 3264), § 388-15-850, filed 10/8/91, effective 11/8/91; 89-18-029 (Order 2856), § 388-15-850, filed 8/29/89, effective 9/29/89.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.
- 388-15-860 Medicaid personal care services—Personal care aide qualifications. [Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-860, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.-090. 91-21-026 (Order 3264), § 388-15-860, filed 10/8/91, effective 11/8/91; 89-18-029 (Order 2856), § 388-15-860, filed 8/29/89, effective 9/29/89.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.

388-15-870 Medicaid personal care services—Service provision system. [Statutory Authority: RCW 74.09.520, 93-10-023 (Order 3538), § 388-15-870, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090, 91-21-026 (Order 3264), § 388-15-870, filed 10/8/91, effective 11/8/91; 90-06-038 (Order 2950), § 388-15-870, filed 3/1/90, effective 4/1/90; 89-18-029 (Order 2856), § 388-15-870, filed 8/29/89, effective 9/29/89.] Repealed by 95-20-041 (Order 3904), filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18.

388-15-880 Medicaid personal care services—Payment procedures. [Statutory Authority: RCW 74.08.090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030, 98-04-026, § 388-15-880, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5, 96-20-093, § 388-15-880, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09.520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-880, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.09-520, 93-10-023 (Order 3538), § 388-15-880, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090, 91-21-026 (Order 3264), § 388-15-880, filed 10/8/91, effective 11/8/91; 90-06-038 (Order 2950), § 388-15-880, filed 3/1/90, effective 4/1/90; 89-18-029 (Order 2856), § 388-15-880, filed 8/29/89, effective 9/29/89.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.

388-15-890 Medicaid personal care services—Program limitations. [Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3), 98-19-055, § 388-15-890, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030, 98-04-026, § 388-15-890, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030 and 1996 c 302 § 5, 96-20-093, § 388-15-890, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 74.08.090, 74.09-520 and 1995 1st sp.s. c 18, 95-20-041 (Order 3904), § 388-15-890, filed 9/28/95, effective 10/29/95. Statutory Authority: RCW 74.09.520, 93-10-023 (Order 3538), § 388-15-890, filed 4/28/93, effective 5/29/93.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.

388-15-895 Termination of services. [Statutory Authority: RCW 74.39A.120, 74.39A.030, 74.09.520, 74.39A.110, [74.39A.]130 and 1998 c 346 §§ 205 (1)(c) and 206(3), 98-19-055, § 388-15-895, filed 9/15/98, effective 10/16/98. Statutory Authority: RCW 74.08.090, 74.09.035, [74.09.]520, [74.09.]530, 74.39A.110, [74.39A.]120 and [74.39A.]030, 98-04-026, § 388-15-895, filed 1/28/98, effective 2/28/98.] Repealed by 00-04-056, filed 1/28/00, effective 2/28/00.

388-15-900 Authority. [Statutory Authority: RCW 74.39A.010, 95-15-011 (Order 3864), § 388-15-900, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045 (Order 3979), filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040.

388-15-905 Assisted living services. [Statutory Authority: RCW 74.39A.010, 95-15-011 (Order 3864), § 388-15-905, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.-080, 74.39A.170, 18.88A.210-240 and 70.129.040.

388-15-910 Definitions. [Statutory Authority: RCW 74.39A.010, 95-15-011 (Order 3864), § 388-15-910, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.-010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.-170, 18.88A.210-240 and 70.129.040.

388-15-915 Facility structural requirements. [Statutory Authority: RCW 74.39A.010, 95-15-011 (Order 3864), § 388-15-915, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.-080, 74.39A.170, 18.88A.210-240 and 70.129.040.

388-15-920 Service requirements. [Statutory Authority: RCW 74.39A.010, 95-15-011 (Order 3864), § 388-15-920, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority:

RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.-080, 74.39A.170, 18.88A.210-240 and 70.129.040.

388-15-925 External or additional services coordinated by the contractor. [Statutory Authority: RCW 74.39A.010, 95-15-011 (Order 3864), § 388-15-925, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040.

388-15-935 Contract application process. [Statutory Authority: RCW 74.39A.010, 95-15-011 (Order 3864), § 388-15-935, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.-170, 18.88A.210-240 and 70.129.040.

388-15-940 Change of parties to the contract. [Statutory Authority: RCW 74.39A.010, 95-15-011 (Order 3864), § 388-15-940, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.-080, 74.39A.170, 18.88A.210-240 and 70.129.040.

388-15-945 Client eligibility. [Statutory Authority: RCW 74-39A.010, 95-15-011 (Order 3864), § 388-15-945, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.-080, 74.39A.170, 18.88A.210-240 and 70.129.040.

388-15-950 Relocation criteria. [Statutory Authority: RCW 74.39A.010, 95-15-011 (Order 3864), § 388-15-950, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.-080, 74.39A.170, 18.88A.210-240 and 70.129.040.

388-15-955 Assisted living services contract payment procedures. [Statutory Authority: RCW 74.39A.010, 95-15-011 (Order 3864), § 388-15-955, filed 7/7/95, effective 8/7/95.] Repealed by 96-11-045, filed 5/8/96, effective 6/8/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-240 and 70.129.040.

PART A—PROGRAM DESCRIPTION

WAC 388-15-001 What is the child protective services program? (1) Child protective services (CPS) means those services provided by the department of social and health services designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports (RCW 26.44.020 (12) and (16)).

(2) CPS may include the following:

- (a) Investigation of reports of alleged child abuse or neglect.
- (b) Assessment of risk of abuse or neglect to children.
- (c) Provision of and/or referral to services to remedy conditions that endanger the health, safety, and welfare of children.
- (d) Referral to law enforcement when there are allegations that a crime against a child (RCW 26.44.030(4) and 74.13.031(3)) might have been committed.
- (e) Out of home placement and petitions to courts when necessary to ensure the safety of children.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-001, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-005 What definitions apply to these rules? The following definitions apply to this chapter.

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child as defined in RCW 26.44.020 and this chapter.

"Administrative hearing" means a hearing held before an administrative law judge and conducted according to chapter 34.05 RCW and chapter 388-02 WAC.

"Administrative law judge (ALJ)" is an impartial decision-maker who presides at an administrative hearing. The office of administrative hearings, which is a state agency but not part of DSHS, employs the ALJs.

"Alleged perpetrator" means the person identified in a CPS referral as being responsible for the alleged child abuse or neglect.

"Alternative response system" means a contracted provider in a local community that responds to accepted CPS referrals that are rated low or moderately low risk at the time of intake.

"Appellant" means a person who requests an administrative hearing to appeal a CPS finding.

"Child protection team (CPT)" means a multidisciplinary group of persons with at least four persons from professions that provide services to abused or neglected children and/or parents of such children. The CPT provides confidential case staffing and consultation to children's administration.

"Child protective services (CPS)" means the section of the children's administration responsible for responding to allegations of child abuse or neglect.

"Children's administration (CA)" means the cluster of programs within DSHS that is responsible for the provision of child protective, child welfare, foster care licensing, group care licensing, and other services to children and their families.

"Department" or **"DSHS"** means the Washington state department of social and health services.

"Department of early learning (DEL)" means the Washington state agency responsible for licensing child care homes and child care facilities.

"Division of children and family services (DCFS)" means the division of children's administration that provides child protective, child welfare, and support services to children and their families.

"Division of licensed resources (DLR)" means the division of children's administration responsible for licensing group care and foster care facilities, and responding to allegations of abuse or neglect in such facilities.

"Finding" means the final decision made by a CPS social worker after an investigation regarding alleged child abuse or neglect.

"Founded" means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did occur.

"Inconclusive" means the determination following an investigation by CPS, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur. Beginning October 1, 2008 the department will no longer make inconclusive findings, but shall retain such findings made prior to that date as provided in these rules.

"Mandated reporter" means a person required to report alleged child abuse or neglect as defined in RCW 26.44.030.

"Preponderance of evidence" means the evidence presented in a hearing indicates more likely than not child abuse or neglect did occur.

"Screened-out report" means a report of alleged child abuse or neglect that the department had determined does not rise to the level of credible report of abuse or neglect and is not referred for investigation.

"Unfounded" means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did not occur or there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 08-18-040, § 388-15-005, filed 8/28/08, effective 10/1/08; 02-15-098 and 02-17-045, § 388-15-005, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-009 What is child abuse or neglect?

Child abuse or neglect means the injury, sexual abuse, or sexual exploitation of a child by any person under circumstances which indicate that the child's health, welfare, or safety is harmed, or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(1) Physical abuse means the nonaccidental infliction of physical injury or physical mistreatment on a child. Physical abuse includes, but is not limited to, such actions as:

- (a) Throwing, kicking, burning, or cutting a child;
- (b) Striking a child with a closed fist;
- (c) Shaking a child under age three;
- (d) Interfering with a child's breathing;
- (e) Threatening a child with a deadly weapon;

(f) Doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks or which is injurious to the child's health, welfare or safety.

(2) Physical discipline of a child, including the reasonable use of corporal punishment, is not considered abuse when it is reasonable and moderate and is inflicted by a parent or guardian for the purposes of restraining or correcting the child. The age, size, and condition of the child, and the location of any inflicted injury shall be considered in determining whether the bodily harm is reasonable or moderate. Other factors may include the developmental level of the child and the nature of the child's misconduct. A parent's belief that it is necessary to punish a child does not justify or permit the use of excessive, immoderate or unreasonable force against the child.

(3) Sexual abuse means committing or allowing to be committed any sexual offense against a child as defined in the criminal code. The intentional touching, either directly or through the clothing, of the sexual or other intimate parts of a child or allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the person touching the child, the child, or a third party. A parent or guardian of a child, a person authorized by the parent or guardian to provide child-care for the child, or a person providing medically recognized services for the child, may touch a child in the sexual or other

intimate parts for the purposes of providing hygiene, child care, and medical treatment or diagnosis.

(4) Sexual exploitation includes, but is not limited to, such actions as allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in:

(a) Prostitution;

(b) Sexually explicit, obscene or pornographic activity to be photographed, filmed, or electronically reproduced or transmitted; or

(c) Sexually explicit, obscene or pornographic activity as part of a live performance, or for the benefit or sexual gratification of another person.

(5) Negligent treatment or maltreatment means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, on the part of a child's parent, legal custodian, guardian, or caregiver that shows a serious disregard of the consequences to the child of such magnitude that it creates a clear and present danger to the child's health, welfare, or safety. A child does not have to suffer actual damage or physical or emotional harm to be in circumstances which create a clear and present danger to the child's health, welfare, or safety. Negligent treatment or maltreatment includes, but is not limited, to:

(a) Failure to provide adequate food, shelter, clothing, supervision, or health care necessary for a child's health, welfare, or safety. Poverty and/or homelessness do not constitute negligent treatment or maltreatment in and of themselves;

(b) Actions, failures to act, or omissions that result in injury to or which create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child; or

(c) The cumulative effects of a pattern of conduct, behavior or inaction by a parent or guardian in providing for the physical, emotional and developmental needs of a child's, or the effects of chronic failure on the part of a parent or guardian to perform basic parental functions, obligations, and duties, when the result is to cause injury or create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child.

[Statutory Authority: RCW 74.08.090, 74.04.050, 74.13.031, chapter 26.44 RCW, and 2005 c 512. 07-14-011, § 388-15-009, filed 6/22/07, effective 7/23/07. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-009, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-011 What is child abandonment? (1) A Parent or guardian abandons a child when the parent or guardian is responsible for the care, education, or support of a child and:

(a) Deserts the child in any manner whatever with the intent to abandon the child;

(b) Leaves a child without the means or ability to obtain one or more of the basic necessities of life such as food, water, shelter, clothing, hygiene, and medically necessary health care; or

(c) Forgoes for an extended period of time parental rights, functions, duties and obligations despite an ability to exercise such rights, duties, and obligations.

(2) Abandonment of a child by a parent may be established by conduct on the part of a parent or guardian that demonstrates a substantial lack of regard for the rights,

duties, and obligations of the parent or guardian or for the health, welfare, and safety of the child. Criminal activity or incarceration of a parent or guardian does not constitute abandonment in and of themselves, but a pattern of criminal activity or repeated or long-term incarceration may constitute abandonment of a child.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-011, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-013 Who may receive child protective services? Children and families may receive child protective services when there is an allegation that a child has been abused or neglected:

(1) By a parent, legal custodian, or guardian of the child; or

(2) In a DSHS licensed, certified, or state-operated facility; or

(3) By persons or agencies subject to licensing under chapter 74.15 RCW, including individuals employed by or volunteers of such facilities.

[Statutory Authority: RCW 74.13.031, 74.04.050 and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-013, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-017 What is the responsibility of CPS regarding reports of abuse or neglect? (1) CPS must record a report from any source alleging child abuse or neglect.

(2) CPS must determine whether alleged incidents or conditions meet the definitions of child abuse or neglect in this chapter or in chapter 26.44 RCW.

(3) CPS must assess or investigate all reports of alleged child abuse or neglect that meet the definitions of child abuse or neglect contained in this chapter or in chapter 26.44 RCW.

(4) CPS must investigate anonymous reports only as provided in RCW 26.44.030(15).

(5) CPS must maintain a record of reports received that are not investigated because they do not meet the definitions of child abuse or neglect as defined in RCW or this chapter.

(6) CPS must report to law enforcement per RCW 26.44.030(4) and 74.13.031.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-017, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-021 How does CPS respond to reports of alleged child abuse or neglect? (1) CPS must assess all reports that meet the definition of child abuse or neglect using a risk assessment process to determine level of risk and response time.

(2) CPS must provide an in-person response to alleged victims and must attempt an in-person response to the alleged perpetrator of child abuse and neglect in referrals assessed at moderate to high risk.

(3) CPS may refer reports assessed at low to moderately low risk to an alternative response system.

(4) CPS may interview a child, outside the presence of the parent, without prior parental notification or consent (RCW 26.44.030(10)).

(5) Unless the child objects, CPS must make reasonable efforts to have a third party present at the interview so long as

the third party does not jeopardize the investigation (RCW 26.44.030).

(6) CPS may photograph the alleged child victim to document the physical condition of the child (RCW 26.44.050).

(7) CPS must establish in procedure, timelines for the completion of investigations and standards for written findings.

[Statutory Authority: RCW 74.13.031, 74.04.050 and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-021, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-025 What special requirements must CPS follow for Indian children? (1) These special requirements apply to children defined as Indians in WAC 388-70-091.

(2) The DCFS social worker shall document in case records efforts to keep Indian families together and to avoid separating the Indian child from his parents, relatives, tribe or cultural heritage as per RCW 26.44.010 and WAC 388-70-093.

(3) In alleged child abuse and neglect situations, the DCFS social worker shall document in case records, efforts to utilize staff and services particularly capable of meeting the special needs of Indian children and their families, in consultation with the child's tribe and/or local Indian child welfare advisory committee per WAC 388-70-600 through 388-70-640.

(4) The DCFS social worker shall promptly advise the tribal council and the local Indian child welfare advisory committee that a child affiliated with the tribe is the victim of substantiated child abuse or neglect. The provisions of RCW 26.44.070, WAC 377-70-640, limiting who has access to confidential information, shall be followed in all cases.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-025, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-029 What information may CPS share with mandated reporters? (1) CPS in the conduct of ongoing case planning and consultation with those persons or agencies required to report alleged child abuse or neglect under RCW 26.44.030 and with consultants designated by CPS, may share otherwise confidential information with such persons, agencies, and consultants if the confidential information is pertinent to cases currently receiving child protective services.

(2) When CPS receives a report of alleged child abuse or neglect, mandated reporters, as identified in RCW 26.44.030, and their employees must provide upon request by CPS, all relevant records in their possession related to the child (RCW 26.44.030).

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-029, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-033 When will CPS involve local community resources? (1) CPS may use local community resources to respond to reports of abuse or neglect when the department's assessment of risk determines that a community response is in the best interest of the child and family.

(2009 Ed.)

(2) CPS may involve local community resources in the planning and provision of services to help remedy conditions that contribute to the abuse or neglect of children.

(3) CPS must have community based child protective teams (CPT) available for staffing and consultation regarding cases of child abuse or neglect. CPS must present cases for staffing with the CPT in accordance with executive order 95-04 and department procedures.

(4) There are special requirements for staffing Indian children cases with the local Indian child welfare advisory committee (WAC 388-70-600).

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-033, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-037 Under what circumstances may CPS place a child in out-of-home care? (1) When CPS determines that a child is at risk of serious harm in the care of the parent, legal custodian, or guardian CPS may seek an out-of-home placement for the child. Before placing a child in out-of-home care one of the following must be in place:

(a) A court order directing that the child be placed in out-of-home care (RCW 13.34.050); or

(b) A law enforcement officer placing the child in protective custody (RCW 26.44.050); or

(c) A physician or hospital administrator detaining a child and CPS assuming custody until a court hearing is held (RCW 26.44.056); or

(d) A voluntary placement agreement signed by the child's parent, guardian, or legal custodian. Voluntary placements of Indian children must comply with RCW 13.34.245.

(2) CPS must attempt to place the child with a relative willing and available to care for the child, unless there is reasonable cause to believe that the health, safety and welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered (RCW 13.34.060). If a relative appears suitable and competent with good character to provide adequate care, the background check of a relative shall be completed as soon as possible after the child is placed (RCW 74.15.030).

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-037, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-041 When will CPS involve the juvenile court? CPS may file a dependency petition with the juvenile court when CPS determines that court intervention is necessary for protection of the child.

(1) CPS must file a dependency petition with the juvenile court when a child is to remain in out of home care beyond seventy-two hours (excluding Saturdays, Sundays, and holidays) unless the child's parent or legal custodian signs a voluntary placement agreement.

(2) CPS must make reasonable efforts to notify both parents, guardians, and any legal custodian(s) that a dependency petition has been filed. The notice must inform these parties of the date, time, and location of the initial shelter care hearing and of the parent(s) and any legal custodian's legal rights. If the court has entered an order for the out-of-home placement of the child, a hearing shall be held within seventy-two hours, excluding Saturdays, Sundays, and holidays.

[Title 388 WAC—p. 313]

(3) Whenever CPS assumes custody of a child from law enforcement, and places the child in out of home care, a court hearing must be held within seventy-two hours from the time the child is taken into protective custody, excluding Saturdays, Sundays and holidays.

(4) Whenever CPS assumes custody from a physician or a hospital administrator and places the child in out-of-home care, a court hearing must be held within seventy-two hours from the time CPS assumes custody of the child, excluding Saturdays, Sundays, and holidays.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-041, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-045 What are the department's responsibilities regarding notification of the parent or legal custodian in child protective services cases? CPS must notify the parent, guardian, or legal custodian of a child at the earliest possible point that will not jeopardize the investigation or the safety or protection of the child when:

(1) CPS is investigating a report alleging an act or acts of child abuse or neglect, and:

(a) The child is alleged to be the victim; and/or

(b) CPS interviews a child in relation to an alleged act of child abuse or neglect.

(2) CPS takes a child into custody pursuant to a court order issued under RCW 13.34.050.

(3) CPS receives custody of a child from law enforcement pursuant to RCW 26.44.050.

(4) CPS files a dependency petition.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-045, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-049 When must the department notify the parent, guardian or legal custodian of allegations of child abuse or neglect made against them? The department must notify the parent, guardian or legal custodian of a child of the allegations of child abuse or neglect made against that person at the initial point of contact with that person, in a manner consistent with the laws maintaining the confidentiality of the persons making the allegations. Investigations of child abuse and neglect should be conducted in a manner that will not jeopardize the safety or protection of the child or the integrity of the investigation process.

[Statutory Authority: RCW 74.08.090, 74.04.050, 74.13.031, chapter 26.44 RCW, and 2005 c 512. 07-14-011, § 388-15-049, filed 6/22/07, effective 7/23/07. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-049, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-053 What steps must the department take to provide an opportunity for the parent(s), guardian, or legal custodian(s) to review case information? To provide an opportunity for the parent(s), guardian, or legal custodian(s) to review case information, CPS must give such person the opportunity to read or obtain relevant parts of the case record, provided the person or persons have requested access to the information and the law does not otherwise prohibit such access (RCW 13.50.100).

[Title 388 WAC—p. 314]

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-053, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-057 What limitations does the department have on the disclosure of case information? Information obtained by CPS is confidential pursuant to federal and state law. The department may only disclose case record information as permitted by applicable statutes and the provisions of chapter 388-01 WAC.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-057, filed 7/16/02 and 8/14/02, effective 2/10/03.]

PART B—NOTIFICATION AND APPEAL OF FINDINGS

WAC 388-15-061 What is the purpose of these rules? The purpose of these rules is to describe:

(1) The procedures for notifying the alleged perpetrator of any findings made by a CPS social worker in an investigation of suspected child abuse or neglect; and

(2) The process for challenging a founded CPS finding of child abuse or neglect (RCW 26.44.100 and 26.44.125).

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-061, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-065 Does CPS have to notify the alleged perpetrator of the results of CPS investigation? CPS has the duty to notify the alleged perpetrator in writing of any finding made by CPS in any investigation of suspected child abuse and/or neglect.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-065, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-069 How does CPS notify the alleged perpetrator of the finding? (1) CPS notifies the alleged perpetrator of the finding by sending the CPS finding notice via certified mail, return receipt requested, to the last known address. CPS must make a reasonable, good faith effort to determine the last known address or location of the alleged perpetrator.

(2) In cases where certified mailing may not be either possible or advisable, the CPS social worker may personally deliver or have served the CPS finding notice to the alleged perpetrator.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-069, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-073 What information must be in the CPS finding notice? The CPS finding notice must inform the alleged perpetrator of the department's investigative finding, including the legal basis for the findings and sufficient factual information to apprise the alleged perpetrator of the date and nature of the founded reports. The notice must also contain the following:

(1) The alleged perpetrator may submit to CPS a written response regarding the CPS finding. If a response is submitted, CPS must file this response in the department's records.

(2009 Ed.)

(2) Information in the department's records may be considered in later investigations or proceedings relating to child protection or child custody.

(3) Founded CPS findings may be considered in determining:

(a) If an alleged perpetrator is qualified to be licensed to care for children or vulnerable adults;

(b) If an alleged perpetrator is qualified to be employed by a child care agency or facility;

(c) If an alleged perpetrator may be authorized or funded by the department to provide care or services to children or vulnerable adults.

(4) The alleged perpetrator's right to challenge a founded CPS finding.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-073, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-077 What happens to unfounded CPS findings? (1) Beginning October 1, 2008 the department will no longer make inconclusive findings, but shall retain and destroy such findings made prior to that date as provided in these rules.

(2) An unfounded, screened out or inconclusive allegation of child abuse or neglect may not be disclosed to a child placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

(3) At the end of three years from the receipt of a screened-out report that alleged child abuse or neglect, the department must destroy its records relating to that report.

(4) At the end of six years from the date of the completion of an investigation of a report of child abuse or neglect, the department must destroy records relating to unfounded or inconclusive reports, unless a prior or subsequent founded report has been received regarding the child who is the subject of the report, a sibling or half-sibling of the child, or a parent, guardian, or legal custodian of the child, before records are destroyed.

(5) The department shall retain records relating to founded reports of child abuse and neglect as required by DSHS records retention policies. If dependency is established under chapter 13.34 RCW as to a child who is subject of a report of child abuse or neglect, all records relating to the child or the child's parent, guardian, or legal custodian, including any screened-out, unfounded or inconclusive reports not destroyed prior to the establishment of dependency or received after dependency was established, shall be retained as required by DSHS records retention policies regarding dependency records.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 08-18-040, § 388-15-077, filed 8/28/08, effective 10/1/08; 02-15-098 and 02-17-045, § 388-15-077, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-081 Can an alleged perpetrator challenge a CPS finding of child abuse or neglect? A person named as an alleged perpetrator in a founded CPS report made on or after October 1, 1998, may challenge that finding.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-081, filed 7/16/02 and 8/14/02, effective 2/10/03.]

(2009 Ed.)

WAC 388-15-085 How does an alleged perpetrator challenge a founded CPS finding? (1) In order to challenge a founded CPS finding, the alleged perpetrator must make a written request for CPS to review the founded CPS finding of child abuse or neglect. The CPS finding notice must provide the information regarding all steps necessary to request a review.

(2) The request must be provided to the same CPS office that sent the CPS finding notice within twenty calendar days from the date the alleged perpetrator receives the CPS finding notice (RCW 26.44.125).

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-085, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-089 What happens if the alleged perpetrator does not request CPS to review the founded CPS finding within twenty days? (1) If the alleged perpetrator does not submit a written request within twenty calendar days for CPS to review the founded CPS finding, no further review or challenge of the finding may occur.

(2) If the department has exercised reasonable, good faith efforts to provide notice of the CPS finding to the alleged perpetrator, the alleged perpetrator shall not have further opportunity to request a review of the finding beyond thirty days from the time the notice was sent.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-089, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-093 What happens after the alleged perpetrator requests CPS to review the founded CPS finding of child abuse or neglect? (1) CPS management level staff or their designees who were not involved in the decision making process will review the founded CPS finding of child abuse or neglect. The management staff will consider the following information:

(a) CPS records;

(b) CPS summary reports; and

(c) Any written information the alleged perpetrator may have submitted regarding the founded CPS finding of abuse and/or neglect.

(2) Management staff may also meet with the CPS social worker and/or CPS supervisor to discuss the investigation/finding. After review of all this information, management staff decides if the founded CPS finding is correct or if it should be changed.

(3) Management staff must complete their review of the founded CPS finding within sixty calendar days from the date CPS received the written request for review.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-093, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-097 How does CPS notify the alleged perpetrator of the results of the CPS management review? CPS will notify the alleged perpetrator in writing of the results of the CPS management review. CPS will send this notice to the last known address of the alleged perpetrator by certified mail, return receipt requested. The notice of the

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CPS management review decision will also contain information regarding how to request a hearing.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-097, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-101 What happens if CPS management staff changes the founded CPS finding? If CPS management staff changes the founded CPS finding, CPS notifies the alleged perpetrator that the department has changed the finding to either inconclusive or unfounded. CPS management staff or their designee must correct the department's records to show the changed finding.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-101, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-105 What happens if CPS management staff does not change the founded CPS finding? (1) If CPS management staff does not change the founded CPS finding, the alleged perpetrator has the right to further challenge that finding by requesting an administrative hearing.

(2) The request for a hearing must be in writing and sent to the Office of Administrative Hearings. WAC 388-02-0025 lists the current address.

(3) The office of administrative hearings must receive the written request for a hearing within thirty days from the date that the person requesting the hearing receives the CPS management review decision.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-105, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-109 What laws and rules will control the administrative hearings held regarding the founded CPS findings? Chapter 34.05 RCW, RCW 26.44.100 and 26.44.125, chapter 388-02 WAC, and the provisions of this chapter govern any administrative hearing regarding a founded CPS finding. In the event of a conflict between the provisions of this chapter and chapter 388-02 WAC, the provisions of this chapter must prevail.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-109, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-113 What effect does a petition for dependency have on an administrative hearing? (1) If a dependency petition, based on chapter 13.34 RCW, regarding the alleged abuse or neglect has been filed, the administrative hearing must be stayed (postponed) until the superior court has entered an order and findings regarding the dependency petition.

(2) The ALJ must consider any superior court dependency findings and order relating to the alleged abuse or neglect.

(3) If the superior court has entered findings that the alleged perpetrator was the person responsible for the alleged child abuse or neglect, the ALJ must uphold the CPS finding. The ALJ must reiterate the court ruling and incorporate that ruling in the decision issued by the ALJ.

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[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-113, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-117 What factors must the ALJ consider in order for the alleged abused and/or neglected child to testify at the administrative hearing? (1) The ALJ must give special consideration to any request by a party for the alleged abused or neglected child to testify in order to protect the physical and emotional well being of the child. For the protection of the child, the ALJ must determine:

(a) If compelling reasons exist to have the child testify. If compelling reasons do exist, the ALJ must consider alternative methods to in-person testimony by the child. Such methods may include, but are not limited to, having the child testify by telephone or videotape; or

(b) If the rights of a party (either the appellant or DSHS) would be prejudiced by not having the child testify in person. If a party's rights would be prejudiced, the ALJ must consider other methods to hear the child's testimony without having the child directly confront the alleged perpetrator.

(2) If the child does testify at the hearing, the ALJ must include a written finding in the administrative hearing decision regarding the compelling reasons for the child's testimony and what alternative methods to in-person testimony the ALJ considered.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-117, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-121 Are there issues the ALJ may not rule upon during an administrative hearing regarding a founded CPS finding? In any administrative hearing regarding a founded CPS finding, an ALJ may not rule upon the department's decisions regarding the following:

- (1) Placement of the alleged abused or neglected child;
- (2) Risk assessments used in making placement decisions regarding the alleged abused and/or neglected child; or
- (3) Service plans for the alleged perpetrator and/or alleged abused or neglected child.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-121, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-125 Are the administrative hearings open to the public? Based on RCW 26.44.125, any administrative hearing regarding founded CPS findings is confidential and must not be open to the public.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-125, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-129 How does the ALJ make a decision regarding the founded CPS finding? (1) The ALJ must decide if a preponderance of the evidence in the hearing record supports a determination that the alleged perpetrator committed an act of abuse or neglect of a child.

(2) If the ALJ determines that a preponderance of the evidence in the hearing record supports the founded CPS finding, the ALJ must uphold the finding.

(3) If the ALJ determines that the founded CPS finding is not supported by a preponderance of the evidence in the hear-

ing record, the ALJ must remand the matter to the department for a change of the finding consistent with the ruling of the ALJ.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-129, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-133 How will the appellant be notified of the ALJ's decision? After the administrative hearing, the ALJ will send a written decision to the appellant and the department.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-133, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-135 What if the appellant or the department disagrees with the decision? If the appellant or the department disagrees with the ALJ's decision, either party may challenge this decision according to the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-135, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-141 What happens if the ALJ rules against the department? If the department challenges the ALJ's decision, the department will not change the finding in the department's records and the finding will remain in effect pending the final decision from the department's challenge. If the department does not challenge the ALJ's decision, the department will correct the finding in the department's records consistent with the ALJ's decision.

[Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. 02-15-098 and 02-17-045, § 388-15-141, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 388-15-240 Family planning. (1) Family planning services are those services which enable individuals including minors and handicapped persons, to make choices regarding the number and spacing of children. These services include outreach, information, referral, support services (such as transportation and child care), counseling, education, medical care and follow-up. Family planning medical services include physical examinations, lab tests, diagnosis, treatment, surgical procedures as appropriate, drugs, supplies, devices furnished, prescribed by or under the supervision of a physician.

(2) Goals for family planning shall be limited to those specified in WAC 388-15-010 (1)(a) through (e). Also see WAC 388-15-010(2).

(3) Family planning is a federally mandated service offered to all appropriate persons in the aid to families of dependent children program and also to any appropriate individual who meets the state's financial eligibility requirements (including anyone who within three months has been an applicant for or a recipient of AFDC (see WAC 388-15-020 (1)(e)(i))). Services will be provided promptly to all of the foregoing individuals who voluntarily request such services.

[Order 1238, § 388-15-240, filed 8/31/77; Order 1204, § 388-15-240, filed 4/1/77; Order 1147, § 388-15-240, filed 8/26/76; Order 1088, § 388-15-240, filed 1/19/76.]

(2009 Ed.)

WAC 388-15-400 Services to individuals released from mental hospitals or in danger of requiring commitment to such institutions. (1) These services are those services necessary to enable eligible individuals age 65 or over to remain in the community in lieu of care in a mental hospital, or upon release from a mental hospital, to return to and live in the community. Services may also be provided to recipients of AFDC who are being released from mental institutions.

(2) Necessary adult services shall be provided to beneficiaries of SSI, recipients of Title XIX, and other individuals whose income does not exceed the standard in WAC 388-15-020 who:

(a) Are released from a mental hospital, or

(b) Need alternate care to continue to live in the community.

(3) Services provided to accomplish the objective to assist the recipient to maintain or be restored to the greatest possible degree of independent functioning and self help shall be any appropriate adult services described in WAC 388-15-100 through 388-15-400.

(4) Services to be provided to accomplish this objective for recipients of AFDC age 21 or under being released from mental institutions shall be any appropriate family or children's service described in WAC 388-15-100 through 388-15-400.

(5) See also chapter 388-95 WAC.

[Order 1088, § 388-15-400, filed 1/19/76.]

Chapter 388-22 WAC

DETERMINING AND VERIFYING ELIGIBILITY—DEFINITIONS

WAC

388-22-030 Definitions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-22-010 Principles in determining eligibility. [Regulation 5.10, filed 7/27/67; Regulation 5.10, filed 1/24/64.] Repealed by Order 529, filed 3/31/71, effective 5/1/71.

388-22-020 Verifying eligibility and reeligibility. [Order 1016, § 388-22-020, filed 4/1/75; Order 943, § 388-22-020, filed 6/28/74; Order 871, § 388-22-020, filed 11/20/73; Order 529, § 388-22-020, filed 3/31/71, effective 5/1/71; Order 266, § 388-22-020, filed 12/5/67; Regulation 5.20, filed 7/27/67; Regulation 5.20, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

WAC 388-22-030 Definitions. This section contains definitions of words and phrases extensively used in the department's rules concerning the financial aid programs. This section provides a central location for definitions while eliminating the need to repeat the same in each WAC chapter. Related definitions are grouped under the key word.

For medical assistance-Title XIX and medical services (fully state-financed) program definitions, see chapter 388-80 WAC. For food stamp program definitions, see chapter 388-49 WAC.

(1) "Adequate consideration" means the reasonable value of the goods or services received in exchange for transferred property approximates the reasonable value of the property transferred.

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(2) "Adult" means a person eighteen years of age or older.

(3) "Applicant" means any member of an assistance unit by or for whom a request for assistance has been made.

(4) "Application" means a written request for financial assistance or a written or oral request for medical or social service, provided by the department of social and health services, made by a person in the person's own behalf or in behalf of another person.

(5) "Assistance unit" means a person or group of persons required to be included together when determining eligibility for an assistance program.

(6) "Authorization" means an official approval of a departmental action.

(a) "Authorization date" means the date the prescribed form authorizing assistance is signed.

(b) "Authorization of grant" means attesting the applicant's eligibility for assistance and giving authority to make payment accordingly.

(7) "Automobile" means a motorized vehicle.

(8) "Board and room" means a living arrangement where a person purchases food, shelter, and household maintenance from one vendor.

(9) "Boarding home" means a place where a person purchases food, shelter, and household maintenance on a board and room basis.

(10) "CFR" means the code of federal regulations established by the federal government.

(11) "Cash savings" means money which is not classified as income.

(12) "Certification date" means the date the worker certifies changes in a client's case and authorizes a change in grant.

(13) "Child" or "minor child" means a person under eighteen years of age.

(14) "Chore services" means household, yard, and/or personal care services which assist a person in the person's own home.

(15) "Client" means an applicant and/or recipient of financial, medical, and/or social services.

(16) "Continuing assistance" means payments to persons who are eligible for and receive regular monthly grants on a prepayment basis.

(17) "Dependent child" means a child who is not self-supporting, married, or a member of the armed forces of the United States. Receiving public assistance does not constitute self-support.

(18) "Disability." See WAC 388-93-025.

(19) "Disaster assistance" means a financial grant or temporary housing for eligible victims of an emergency or major disaster as declared by the governor or president.

(20) "Effective date" means the date eligibility for a grant begins, changes, or ends.

(21) "Encumbrances" means any mortgage, claim, lien, charge or other legally enforceable liability, such as past due taxes, attached to and binding on property.

(22) "Energy costs" means space heat, lighting, water heating, and other household energy consumption.

(23) "Entitlement" means any form of benefit, such as compensation, insurance, pension retirement, military,

bonus, allotment, allowance payable in cash or in-kind in which a client may have a claim or interest.

(24) "Equity" means quick-sale value less encumbrances.

(25) "Estate" means all real and personal property that a deceased person has a right to or interest in as of the date of death.

(26) "Exception to policy" means a waiver by the secretary's designee to a department policy for a specific client experiencing an undue hardship because of the policy. The waiver may not be contrary to law.

(27) "Fair hearing" means an administrative proceeding to hear and decide a client appeal of a department action or decision.

(28) "Federal aid" means the assistance grant programs funded in part by the United States government.

(29) "Food stamp program" means the program administered by the department in cooperation with the U.S. Department of Agriculture to certify eligible households to receive food coupons used to buy food.

(30) "Funeral" means the care of the remains of a deceased person with, appropriate services including necessary costs of, needed facilities, a lot or cremation, and the customary memorial marking of a grave.

(31) "General assistance" means state-funded assistance to an eligible pregnant or incapacitated person who is not eligible for or not receiving federal aid assistance.

(32) "Grant" means an entitlement awarded to a client and paid by state warrants redeemable at par.

(a) "Grant adjustment" means postpayment of the difference between the amount a client was eligible for in a given period and the amount already paid.

(b) "Initial grant" means the payment due from date of eligibility to the date of the first regular grant.

(c) "Minimum grant" means ten dollars, unless a court decision requires payment of a smaller amount, or the grant would have exceeded ten dollars prior to applying a mandatory overpayment deduction.

(d) "One-time grant" means a payment supplementing or replacing a regular grant.

(e) "Regular grant" means the monthly prepayment of assistance on a continuing basis.

(33) "Grantee" means the person or persons to or for whom assistance is paid.

(34) "House" means a separate structure of one or more rooms.

(35) "Household maintenance and operations" means household supplies, housewares, linens, sewing supplies, household management, laundry, banking, and telephone.

(36) "Income" means any appreciable gain in real or personal property (cash or in-kind) received by a client during the month for which eligibility is determined, and that can be applied toward the needs of the assistance unit.

(a) "Cash income" means income in the form of money, bank notes, checks or any other readily liquidated form.

(b) "Disregarded income" means income which is taken into consideration, but is disregarded in part or entirely when determining need.

(c) "Earned income" means income in cash or in-kind earned as wages, salary, commissions, or profit from activi-

ties in which the person is engaged as a self-employed person or as an employee.

(d) "Earned income in-kind" means income in a noncash form received by an assistance unit in lieu of wages, salary, commissions, or profit from activities in which the person is engaged as a self-employed person or as an employee. For grant programs income in-kind shall be evaluated in terms of its cash equivalent under WAC 388-28-600.

(e) "Exempt income" means net income which is not taken into consideration when determining need.

(f) "Net income" means gross income less allowable disregards.

(g) "Nonexempt income" means income which is taken into consideration when determining need.

(h) "Recurrent income" means income which can be predicted to occur at regular intervals.

(i) "Self-produced income" means income from the sale of an item made by a client for personal use. The client has not purchased the item, received it as a gift, or earned it in lieu of wages prior to its sale. For grant programs, self-produced income shall be treated as self-employment income.

(37) "Incapacity" (see WAC 388-24-065 for AFDC and WAC 388-37-030 and 388-37-032 for GA-U).

(38) "Inquiry" means a request for information about the department and/or the services offered by the department.

(39) "Institution" means a treatment facility within which a person receives professional care specific to that facility.

(a) "Institution-medical" provides medical, nursing or convalescent care by professional personnel.

(b) "Institution-private" is operated by nongovernmental authority by private interests.

(c) "Institution-public" is supported by public funds and administered by a governmental agency.

(d) "Institutional services" are those items and services furnished to a person in a particular institution.

(e) "Nursing home" means a public facility or private licensed facility certified by the department to provide skilled nursing and/or intermediate care.

(40) "Intentional overpayment" means a public assistance financial or medical payment, in whole or part, issued on behalf of an assistance unit when:

(a) The unit was ineligible for such payment; and

(b) The assistance was issued due to:

(i) A deliberate, willful act or omission by an assistance unit member; and

(ii) Intent by the assistance unit member to deceive the department with respect to any material fact, condition, or circumstance which affects eligibility or need.

(41) "Joint account" means a numbered account within a financial institution which is registered to two or more parties and is accessible to each party for withdrawal of a cash resource. See WAC 388-28-430 (2)(a).

(42) "Living in own home" means a living arrangement other than a boarding home, hospital, nursing home, or other institution.

(43) "Marketable securities" means stocks, bonds, mortgages, and all other forms of negotiable securities.

(44) "Minor" means a person under eighteen years of age.

(45) "Need" is the difference between the assistance unit's financial requirements, by departmental standards, and the value of all nonexempt net income and resources received by or available to the assistance unit.

(46) "Need under normal conditions of living" means the Washington state gross median income adjusted for family size as promulgated by the secretary of HEW, under the authority granted by Title XX of the Social Security Act minus other income during a period of time when not receiving public assistance.

(47) "Overpayment" means any assistance paid to an assistance unit where:

(a) Eligibility for the payment did not exist; or

(b) Assistance paid was in excess of need.

(48) "Payee" means the person in whose name a warrant or check is issued.

(49) "Permanent and total disability" means the inability to do any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to result in death or which has lasted or is expected to last for at least twelve consecutive months.

(50) "Property" means all resources and/or income possessed by a client.

(a) "Personal property" means any form of property which is not real property.

(b) "Real property" is land, buildings thereon and fixtures permanently attached to such buildings. Growing crops are included. Any structure used as a dwelling shall be considered as real property.

(c) "Transfer of property" means a conveyance of title to, or any interest in, property from one party to another through a bill of sale, deed, or any other instrument conveying the interest in property.

(d) "Used and useful property" means property which currently serves a practical purpose for a client.

(51) "Protective payment" means a grant payment to a person on behalf of an eligible recipient.

(52) "Psychiatric facility" means an institution legally qualified to administer psychiatric inpatient treatment.

(53) "Public assistance" means public aid to persons in need thereof for any cause including services, medical care, assistance grants, disbursing orders, and work relief.

(54) "Recipient" means any person within an assistance unit receiving assistance.

(55) "Reinstate" means an authorization to resume payment of a grant from the category in which payment was previously suspended.

(56) "Requirement" means an item of maintenance or a service recognized by the department as essential to the welfare of an individual.

(a) "Additional requirement" means a requirement which is essential for some clients under specified conditions. See WAC 388-29-150 through 388-29-270.

(b) "Basic requirements" means the needs essential to all persons; food, clothing, personal maintenance and necessary incidentals, shelter, and household maintenance.

(57) "Resource" means an asset, tangible or intangible, owned by or available to a client which can be applied toward meeting financial need, either directly or by conversion into money or its equivalent. Any resource obtained on or after

the first of the month in which eligibility is determined is called "income."

(a) "Exempt resource" is a resource which by policy is not considered in computing financial need.

(b) "Nonexempt resource" means a resource which is not exempt, and the value of which is used to determine financial need.

(58) "Restitution" means repayment to the state of assistance paid contrary to law.

(59) "Separate property" means real or personal property which was acquired by either spouse before marriage, or as a result of gift or inheritance, or was acquired and paid for entirely out of income from separate property.

(60) "Statements in support of application" means any form or document required under department regulations.

(61) "Suspension" means a temporary discontinuance of a grant payment.

(62) "Terminate" means discontinuance of payment or suspension status.

(63) "Transfer" means reassignment of a case record from one CSO to another in accordance with a client's change of residence.

(64) "Underpayment" means the amount of public assistance financial payment an eligible assistance unit did not receive, but to which the assistance unit was otherwise entitled.

(65) "Unmarried parents" means a man and a woman not legally married who are the natural parents of the same child.

(66) "Value" means the worth of an item in money or goods at a certain time.

(a) "Ceiling value" means the limitation established by the department on the gross market value of nonexempt property.

(b) "Fair market value" means the price at which a seller willing, but not required to sell, might sell to a purchaser, willing but not required to purchase.

(c) "Quick-sale value" or "forced-sale value" is the value at which property can be converted into cash almost immediately, and without waiting for "the best offer."

(67) "Vendor payment" means an authorized payment to a person, corporation, or agency for goods furnished or services rendered to an individual eligible for public assistance.

(68) "Vocational training" means an organized curriculum in a school, training unit, or training program under recognized sponsorship with a specific vocational training objective.

(69) "Warrant" means the state treasurer's warrant issued in payment of a grant.

(70) "Warrant register" means the list of warrants issued specifying payee's name, amount of payment, warrant number, and for each AFDC payment the number of matchable persons whose need is met by the grant.

(a) "Regular warrant register" means the list of regular grants paid.

(b) "Supplemental warrant register" means the list of initial, adjusting, and one-time grants paid.

[Statutory Authority: RCW 74.04.050, 74.08.090 and 45 CFR 233.20 (a)(3)(iv), (a)(6)(iii) and (a)(6)(v)(B). 94-08-022 (Order 3719), § 388-22-030, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.04.050, 92-24-041 (Order 3483), § 388-22-030, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 74.04.005, 92-10-050 (Order 3381), § 388-22-030, filed 5/5/92, effective 7/1/92. Statutory Authority: RCW 74.08.090, 89-

11-102 (Order 2801), § 388-22-030, filed 5/24/89; 80-09-021 (Order 1521), § 388-22-030, filed 7/9/80; 78-10-036 (Order 1338), § 388-22-030, filed 9/18/78; Order 1131, § 388-22-030, filed 7/8/76; Order 1058, § 388-22-030, filed 10/1/75; Order 745, § 388-22-030, filed 12/7/72; Order 648, § 338-22-030, filed 2/9/72; Order 617, § 388-22-030, filed 10/27/71; Order 529, § 388-22-030, filed 3/31/71, effective 5/1/71; Order 353, § 388-22-030, filed 5/29/69; Regulation 5.30, filed 6/14/66; Regulation 5.30, filed 1/24/64.]

Chapter 388-25 WAC

CHILD WELFARE SERVICES—FOSTER CARE

WAC

PART A: GENERAL

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PART B: PLACEMENT AUTHORIZATION AND PAYMENT

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STATE SUPPLEMENTARY PAYMENT PROGRAM

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-25-0230	Are adoption support cases exempt from referral to the division of child support (DCS) for collection? [Statutory Authority: RCW 74.13.031, 01-08-047, § 388-25-0230, filed 3/30/01, effective 4/30/01.] Repealed by 05-06-091, filed 3/1/05, effective 4/1/05. Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.020.
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PART A: GENERAL

WAC 388-25-0005 What is the legal basis for the foster care program? RCW 74.13.020 authorizes the department to provide foster care placement services.

[Statutory Authority: RCW 74.13.031, 01-08-047, § 388-25-0005, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0010 What definitions apply to the foster care program? The following definitions are important:

"Alcohol affected infant" means a child age birth through twelve months who was exposed to alcohol in utero and may demonstrate physical, behavioral, or cognitive signs that may be attributed to alcohol exposure.

"Behavior rehabilitation services" (BRS) is a comprehensive program of positive behavioral support and environmental structure in a supervised group or family living setting. Resources are designed to modify a child's behavior or to appropriately care for a child's intensive medical condition. Services are tailored to each client's needs and offered in the least restrictive setting possible.

"Child placing agency" means a private licensed or certified agency that places a child or children for temporary care, continued care, or for adoption.

"Children's administration" (CA) means the cluster of programs within the department of social and health services responsible for the provision of child welfare, child protective, child care licensing, and other services to children and their families.

"Crisis residential center" (CRC) means a secure or semi-secure facility established under chapter 74.13 RCW.

"Department" means the department of social and health services (DSHS).

"Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

"Division of children and family services" (DCFS) is the division of children's administration that provides child welfare, child protective, family reconciliation, and support services to children in need of protection and their families.

"Division of licensed resources" (DLR) is the division of children's administration responsible for licensing or certifying child care homes and facilities under the authority of chapter 74.15 RCW.

"Drug affected infant" means a child age birth through twelve months who was exposed to drugs or substances in utero and demonstrates physical, behavioral, or cognitive signs that can be attributed to exposure to drugs or substances.

"Early and periodic screening, diagnosis and treatment" (EPSDT), also known as "healthy kids," is a federal program for preventive health care for children and teens served by medicaid. The physical/well child examination helps find health problems early and enables the child to receive treatment for concerns identified in the examination.

"Foster care" means twenty-four-hour per day temporary substitute care for the child placed away from the child's parents or guardians and for whom the department or a licensed or certified child placing agency has placement and care responsibility. This includes but is not limited to placements in foster family homes, foster homes of relatives, licensed group homes, emergency shelters, staffed residential facilities, and preadoptive homes, regardless of whether the department licenses the home or facility and/or makes payments for care of the child.

"Foster care services" for the department include:

- (1) The determination of needs of the child;
- (2) The determination of need for foster care;
- (3) The placement of the child in the type of foster care setting that best meets the child's needs;
- (4) The referral of a child to a private child placement agency or institution to meet the child's specific needs;
- (5) Medical services according to the rules of the department's medical program;
- (6) Reimbursement for the care of a child in a licensed family foster home;
- (7) The purchase of care from a licensed private child placing agency, behavioral rehabilitation services provider, or maternity home;
- (8) Supervision of the foster care placement by direct supervision through departmental social work services; or indirect supervision through evaluation of periodic reports from private child placing agencies, rehabilitation services providers, or maternity homes with which the department has contractual arrangements.

"Foster home or foster family home" means person(s) regularly providing care on a twenty-four-hour basis to one or more children in the person's home.

"Group care" means a twenty-four-hour facility licensed or certified under chapter 388-148 WAC for more than six children. The facility provides the basic needs for food, shelter, and supervision. The facility also provides therapeutic services required for the successful reunification of children with the children's family resource or the achievement of an alternate permanent living arrangement.

"Independent living services" means the program services and activities established and implemented by the department to assist youth sixteen years or older in preparing to live on their own after leaving foster care.

"Overpayment" means any money paid by the department for services or goods not rendered, delivered, or autho-

rized or where the department paid too much for services or goods or services rendered, delivered, or authorized.

"Regional support network" is an administrative body which oversees the funding for provision of public mental health services.

"Relative" means a person who is related as defined in RCW 74.15.020 (2)(a).

"Responsible parent" means a birth parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity that has been filed with the state office of vital statistics.

"Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, lives outdoors or in another unsafe location not intended for use as housing.

"Staffed residential home" means a licensed home providing twenty-four-hour care for six or fewer children or expectant mothers. The home may employ staff to care for children or expectant mothers.

"Shelter care" means the legal status of a child at entry in foster care prior to a disposition hearing before the court.

"Vendor" means an individual or corporation that provides goods or services to or for clients of the department and that controls operational decisions.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0010, filed 3/30/01, effective 4/30/01.]

PART B: PLACEMENT AUTHORIZATION AND PAYMENT

WAC 388-25-0015 What are the department's placement priorities? Within the limits of available financial resources, the department provides placement services to children according to the following ordered priorities:

(1) The department must place children who urgently need protection from child abuse or neglect (CA/N) if the department has legal authority for placement consistent with WAC 388-25-0025.

(2) The department may place children whose mental, emotional, behavioral or physical needs present a risk to their safety and resources do not exist within the family to provide for those needs.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0015, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0018 What is the agency's goal as to the maximum number of children who remain in foster care in excess of twenty-four months? The placement goal for the foster care program is to limit the number of all children who remain in care in excess of twenty-four months to no more than thirty-five percent of the foster care population.

[Statutory Authority: RCW 34.05.353 and 74.13.055. 03-14-062, § 388-25-0018, filed 6/25/03, effective 7/26/03.]

WAC 388-25-0020 What are the department's limitations on placement? Children's administration (CA) social workers must place only those children who meet the criteria for child protective services (CPS), family reconciliation ser-

vices (FRS), or child welfare services as defined in RCW 74.13.020. Children in situations outlined below do not meet those criteria:

(1) Children whom the CA social worker determines, after assessment, will not be helped in out-of-home care.

(2) Youths ages twelve through seventeen years of age in conflict with their parents and who have not received family reconciliation services, except families receiving adoption support that have already received extensive counseling services.

(3) Youths ages twelve through seventeen years of age whose family has received family reconciliation services and parents are unwilling to have the youths at home solely due to misbehavior.

(4) Youths for whom the primary placement issue is community protection, including sexual predators covered by the sexually aggressive youth (SAY) statute, RCW 74.13.-075.

(5) Youths who are unwilling to live in the home of parents who are willing to have them at home, when this is the only presenting problem.

(6) Youths who have a mental illness and are a danger to themselves or others as defined by a mental health professional (see chapter 71.34 RCW).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0020, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0025 When may the department or a child placing agency authorize foster care placement? The department or a child placing agency may place a child in foster care only under the following circumstances:

(1) The child has been placed in temporary residential care after having been taken into custody under chapter 13.32A RCW, Family Reconciliation Act, to alleviate personal or family situations that present an imminent threat to the health or stability of the child or family.

(2) The child, the child's parent(s), or the department has filed a petition requesting out-of-home placement for the child pursuant to RCW 13.32A.120 or 13.32A.140:

(a) Placement has been approved after a fact finding hearing under RCW 13.32A.170; or

(b) A child has been admitted directly to placement in a crisis residential center (CRC), and the parents have been notified of the child's whereabouts, physical and emotional condition, and the circumstances surrounding the child's placement.

(3) A child has been placed in shelter care under one of the following circumstances:

(a) The child has been taken into custody by law enforcement or through a hospital administrative hold and placed in shelter care; or

(b) A petition has been filed with the juvenile court alleging that the child is dependent; that the child's health, safety, and welfare will be seriously endangered if not taken into custody; and the juvenile court enters an order placing the child in shelter care (see RCW 13.34.050 and 13.34.060).

(4) A juvenile court has made a determination of dependency for a child and has issued a disposition order under RCW 13.34.130 that removes the child from the child's home.

(5) A juvenile court has terminated the parent and child relationship as provided in chapter 13.34 RCW and has placed the custody of the child with the department or with a licensed or certified child placing agency.

(6) The child's parent(s) or persons legally responsible to sign a consent for voluntary placement that demonstrates agreement with an out-of-home placement as described in RCW 74.13.031.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0025, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0030 When may the department serve a child through a behavior rehabilitation services program? (1) The department may serve a child through the behavior rehabilitation services (BRS) program only when the CA social worker has assessed the child's and family's needs and determined that rehabilitative services are necessary and that this is the most appropriate placement for the child.

(2) The department may only provide financial support for a child's BRS placement when the CA social worker has determined this level of care is necessary, the placement is in a licensed or certified home or facility, the provider meets the department's qualifications, and the department has contracted with the provider for that service.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0030, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0035 What is the department's authority to remove a child from a behavior rehabilitation services placement? The department has the authority to remove the child after at least seventy-two hours notice to the child care provider. The department may waive notice in emergency situations or when a court has issued an order changing a child's placement.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0035, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0040 How long may a child served by the department remain in out-of-home placement before a court hearing is held? Within seventy-two hours after a child enters care, a shelter care hearing must be held. Saturdays, Sundays and holidays are excluded in the seventy-two-hour requirement. A court order must be obtained to keep a child in shelter care for longer than thirty days.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0040, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0045 Under what circumstances may a parent sign a consent for voluntary placement of a child in foster care with the department? (1) If alternative placement resources, including social supports in the family home, have been considered and eliminated; and

(2) The department agrees that the child needs to be placed; then

(3) A child's parent may sign a consent for voluntary placement of a child in foster care (if the child is Native American refer to the Indian Child Welfare Act):

[Title 388 WAC—p. 324]

(a) If the child and a parent cannot agree to the child's return home but do agree to the child's placement out of the home; or

(b) When a parent is unable to care for a child.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0045, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0050 What must a parent do to place the child in foster care with the department? A child's parent may sign a Voluntary Placement Agreement (VPA), DSHS 09-004B(X), to voluntarily place a child in foster care. The consent for voluntary placement must agree with child welfare services as described under RCW 74.13.031. The consent becomes valid when signed by a representative of children's administration.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0050, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0055 How long may a voluntary placement last with the department? A voluntary placement must last no longer than one hundred eighty days. By the end of one hundred eighty days, the child must return to the child's parent or guardian unless the juvenile court has made a judicial determination that:

(1) Return to the parent or guardian is contrary to the welfare of the child; and

(2) Continued placement in foster care is in the best interest of the child.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0055, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0060 May the department grant an exception to the length of stay in voluntary placement? (1) The DCFS regional administrator or the regional administrator's designee may grant exceptions to the one hundred eighty-day limit on voluntary placements only:

(a) If the department conducts an administrative review fulfilling the requirements of title 42, United States Code (USC), chapter 675, section 475, and the review chairperson recommends continuation of voluntary placement; and

(b) If a specific date within six months is scheduled for the child to return home; or

(c) The child is seventeen years of age or older.

(2) Exceptions which cause the child to remain in care for longer than twelve months require a court review hearing that meets the dispositional and permanency plan hearing requirements of 42 USC 675, section 475.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0060, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0065 What are the department's placement procedures for an infant residing in foster care with the infant's teen parent? (1) When a teen parent and infant reside in the same facility, the infant's "home" is considered to be the infant's parent's home. Maintenance payments for the teen parent must be increased to provide for the maintenance of the infant. A legal authorization-to-be-placed is not required in order to include an amount sufficient for the infant's maintenance or to issue medical coupons for the infant.

(2) For protection of the infant, a dependency order placing the child in temporary custody of the department may be appropriate. Even if dependency is established, a legal authorization-to-be placed must be obtained to keep the infant in out-of-home care should the teen parent placement setting change so as not to include the infant.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0065, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0070 When does the department authorize foster care payments? The CA social worker authorizes foster care payments when:

(1) The CA social worker documents the need for the type and level of foster care; and

(2) The social worker has documentation showing the department's authority for the placement of the child in foster care as required by WAC 388-25-0025.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0070, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0075 To whom does the department make payment for foster care? (1) The department makes foster care payments only to persons and agencies the department has appropriately licensed and approved, or, if not subject to licensing, the department has certified as meeting the department's licensing requirements, or:

(a) If in another state, persons or agencies meeting the requirements of that state; or

(b) If in a tribal program, persons or agencies meeting the requirements of that tribal program.

(2) The department makes payment for out-of-state foster care placements only after approval from the two state offices involved (see WAC 388-25-0440).

(3) The department may make foster care payments to licensed or certified foster parents and to persons granted dependency guardianship, if the dependency guardians are licensed or certified as foster parents (see RCW 13.34.234).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0075, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0080 Are dependency guardians who are licensed foster parents able to receive payment from more than one source? (1) When the child is eligible for foster care payments and Social Security Act, Title XVI, Supplemental Security Income (SSI) payments, or Social Security Act, Title II, Survivor's Benefits, Veterans' Administration (VA) benefits, or other sources of income, the dependency guardian may choose one payment source or the other, but not more than one.

(2) If the dependency guardian chooses to receive foster care payments rather than SSI payments or another source in behalf of the child, the department places SSI benefits or the other cited benefit in an account the department may use to meet the cost of care or special needs of the child in accordance with RCW 74.13.060.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0080, filed 3/30/01, effective 4/30/01.]

(2009 Ed.)

WAC 388-25-0085 What happens if the dependency guardian receives payments from more than one source? If the dependency guardian has received payment from SSI or another source as well as foster care, an overpayment has occurred. The department must recover the foster care payments made to the dependency guardian for those months for which the dependency guardian also received SSI or other benefits, as well as foster care payments, in behalf of the child.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0085, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0090 What are the department's expectations for foster care providers to whom the department makes reimbursement for services? (1) Foster care providers are responsible for:

(a) Protecting and nurturing children in a safe, healthy environment that provides positive support and supervision for the child in care;

(b) Taking the child to a physician or nurse practitioner to complete an EPSDT (early and periodic screening, diagnosis and treatment) examination. EPSDT exams must be scheduled within one month of initial placement and annually thereafter.

(c) Reporting to the social worker the fact that an EPSDT examination took place and if the examination showed that further treatment is needed.

(d) Observing and sharing information about the child's behavior, school and medical status, response to parental visits, and the child's growth and development with persons designated by the assigned CA social worker (see chapter 388-148 WAC).

(e) Meeting the developmental needs of the child by:

(i) Teaching age appropriate skills;

(ii) Supporting cultural identity;

(iii) Helping the child attach to caring adults;

(iv) Building self esteem;

(v) Encouraging and modeling positive social relationships and responsibilities;

(vi) Supporting intellectual and educational growth;

(f) Supporting the permanent plan for the child;

(g) Participating as a member of the child's treatment team by taking part in the development of the service plan for the child and providing relevant information about the child's progress for court hearings;

(h) Providing assistance to the social worker, when working with the biological parents is part of the service plan, by assisting in family visitation and modeling effective parenting behavior for the family.

(2) Therapeutic foster care and rehabilitative service providers are responsible for additional therapeutic services as defined in their service agreements or contracts with the department.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0090, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0095 What are the requirements for release of foster parents' care records? Foster parent care records may be disclosed upon request in accordance with RCW 42.17.260.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0095, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0100 What are the department's responsibilities regarding financial assistance to support children in the department's foster homes and child placing agency foster homes? (1) The department pays only for placements and plans the department has approved.

(2) The department has final responsibility for determining initial and ongoing eligibility for financial support.

(3) Payment for children served through the behavior rehabilitation services program is limited to those children who are ages six to eighteen.

(4) The department maintains control and oversight of placements and payments through written agreements with the child placing agencies, quarterly reports, and planning meetings with the agency or facility.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0100, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0105 What is the effective date for payment of foster care? (1) The department begins foster care payment for a child on the date the department or its authorized designee places the child in the licensed foster home.

(2) The department pays for each night a child resides in foster care.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0105, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0110 What is the effective date for termination of foster care payments? (1) The department ends payment on the day before the child actually leaves the foster home or facility. The department does not pay for the last day that a child is in a foster care home or facility.

(2) The department terminates family foster care payments for children in family foster care effective the date:

(a) The child no longer needs foster care; or

(b) The child no longer resides in foster care except as provided in WAC 388-25-0180; or

(c) The child reaches the age of eighteen. If the child continues to attend, but has not finished, high school or an equivalent educational program at the age of eighteen and has a need for continued family foster care services, the department may continue payments until the date the child completes the high school program or equivalent educational or vocational program. The department must not extend payments for a youth in care beyond age twenty.

(3) The department must terminate foster care payments for children in the behavior rehabilitative services program effective the date:

(a) The child no longer needs rehabilitative services; or

(b) The child is no longer served through contracted rehabilitative services program except as provided in WAC 388-25-0030; or

(c) The child reaches the age of eighteen and continues to attend, but has not finished, high school or an equivalent educational program and has a need for continued rehabilitative treatment services, the department may continue payments until the date the youth completes the high school program or equivalent educational or vocational program. The

department must not extend payments for a youth in care beyond age twenty.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0110, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0115 What are the department's general standards for family foster care reimbursement? (1) The standards of payment explained in WAC 388-25-0120 through 388-25-0215 are the basis for the reimbursement rates the department provides for care of children placed in licensed foster care under the department's direct supervision and those children under the supervision of child placing agencies.

(2) The CA social worker must determine the payment plan for all types of family foster care through a review of the needs and resources of each child and the activities of the foster parent which meet those needs.

(3) The CA social worker must discuss any plan above the basic foster care rate with the foster parent so that the foster parent knows:

(a) The basis for payment;

(b) Any increased expectations of the foster parent for service delivery or participation in the case plan for the child; and

(c) The amount included for each item of the child's care.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0115, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0120 What is the department's reimbursement schedule for regular family foster care? (1) The foster care basic rate reimburses the foster parent for costs incurred in the care of the child for room and board, clothing, and personal incidentals. The amount of reimbursement varies according to the age of the child.

(2) The department's children's administration may approve exceptions to the basic rates.

(3) To determine the payment rates, the department considers the child's birth date to be the first day of the month in which the child's birthday occurs.

(4) The standard reimbursement rate allowed is limited to the scheduled rate in existence for the time period(s) in which the child was placed in the foster home.

(5) The department's foster care reimbursement rates are as follows:

Effective Date*

July 2000

Age	0-5	6-11	12 & Older
Totals**	\$351.31	\$426.81	\$499.95

*Schedule will be updated to comply with mandated changes.

**Totals include room and board, clothing allowance, and personal incidentals.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0120, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0125 When may the department authorize a clothing allowance for a child in out-of-home care? When the department or a contracted child placing agency places a child in foster care or, at other times, the social worker may authorize a clothing allowance to supplement a

child's clothing supply, when necessary. This allowance may not exceed two hundred dollars unless authorized by the DCFS regional administrator or the regional administrator's designee. The allowance must be based on the needs of the child and be provided within available funds. Clothing purchased becomes the property of the child and will be sent with the child if placement changes.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0125, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0130 What are the standards for use and reimbursement of receiving home care? The department or a child placing agency uses receiving homes to place a child in a licensed family foster home on a temporary, emergent, or interim basis to provide sufficient time for the development of a plan. This planning includes the involvement of the child, the child's parent(s), and the child's extended family whenever possible.

(1) A DCFS regional administrator must designate family foster homes which are to receive child placements twenty-four hours per day. These homes provide care for children on a temporary, emergent, or interim basis as regular or specialized receiving homes.

(2) If the regional administrator designates a receiving home to be available on a twenty-four-hour basis, the regional administrator must specify this designation in a written agreement with the foster parent. Regular foster homes may also agree to accept children on an emergent basis.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0130, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0135 What are the types of receiving homes and what children are served in them? There are two types of receiving homes: Regular and specialized. Each type of home provides the following services:

(1) Regular receiving homes for children age birth through age seventeen; and

(2) Specialized receiving homes for children who require more intensive supervision than normally provided to children in foster care. The child may require more intensive supervision due to behavioral problems, developmental disability, emotional disturbance, erratic and unpredictable behavior or medical condition (not on personal care or medically intensive DDD program).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0135, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0140 Who decides on the number of receiving homes needed in an area? Each DCFS regional administrator must decide on the number of receiving homes needed for the regional administrators' respective geographical areas.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0140, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0145 How long may a child stay in a receiving home? (1) The department limits a child's maximum length of stay in a receiving home:

(a) Maximum length of stay for regular receiving homes is thirty consecutive days per placement;

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(b) Maximum length of stay for specialized receiving homes is fifteen-consecutive days per placement.

(2) The DCFS regional administrator or the administrator's designee may approve extensions of a child's stay in a licensed family foster home paid at a receiving care rate beyond the limits contained in subsection (1) of this section.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0145, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0150 What are the rates for reimbursement to receiving home providers? The current reimbursement rates, effective July 1, 2000, to receiving homes are:

Type of Home	Monthly Retention Fee - Per Bed	Daily Rate per Child in Care
Regular receiving (all ages)	\$51.12	\$19.06
Special receiving, ages 12-17	\$102.99	\$26.08

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0150, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0155 How are rates authorized for reimbursement to receiving home providers? (1) The DCFS regional administrator or the administrator's designee may authorize payments in excess of the standard for individual child-specific situations. The department may, within available funds, purchase clothing and personal incidentals for the child in receiving home care as needed.

(2) The department does not pay the receiving home rate if the child is expected to stay in this placement for longer than thirty days.

(3) The department may make reimbursement for assessment and interim care through the behavior rehabilitative services program.

(4) The department may, at the direction of the DCFS regional administrator or designee, use qualified, contracted behavior rehabilitative services to provide assessment or interim care for children and youth requiring that level of care as determined by the CA social worker. Unless the department and the provider make an alternate agreement, the department must pay for contracted rehabilitative services at the facility's contracted daily rate for interim or assessment care.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0155, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0160 What are the reimbursement standards for payments above the basic foster care rate?

(1) In addition to the basic rate for regular family foster care specified in this chapter, the department may reimburse an additional amount for the specialized care of a child with special needs.

(2) For the child to be eligible for payment above the basic rate, the department's social worker must assess the child's behaviors, intellectual functioning, and/or physical disabilities and determine, with the child's foster parent or prospective foster parent, what services the foster parent will provide to meet the child's special needs.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0160, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0170 What other services and reimbursements may be provided for the support of children placed in foster care by the department? (1) The department may provide additional support services and reimbursements to meet specific needs of the child in care or of the family foster home provider. The department must approve all services and reimbursement amounts in advance of the service being provided. Services are subject to the availability of funds.

(2) Additional services may include the following:

(a) **Receiving home contracted and noncontracted respite** - This service for receiving homes includes child care, relief care, extra supervision for special activities, as well as basic respite care. Respite is subject to the availability of respite homes. Respite contracted but not available will be reimbursed to the regular foster parent.

(b) **Receiving home transportation** - This service reimburses receiving home parents for selected transportation costs, such as demands for training or special appointments for a child in care. The department makes direct payment to the receiving home parent.

(c) **Receiving home contracted support services** - These services are intended to enhance the capacity of regular and specialized receiving homes by increasing the skills of the provider to provide a stable emergency placement. The services include consultation for obtaining resources, training, case conferences, and visits to a child's parents' home by the receiving home provider.

(d) **Receiving home ancillary support services** - These services are reimbursements for activities or items enabling receiving homes to provide extra services to youth in care. Examples of such supports include craft items, recreational materials, and tickets to events.

(e) **Hourly or daily foster care respite** - Respite care by the hour or day for receiving and regular foster homes. The department may reimburse foster parents for relief supervision or additional supervision for special activities. The department defines "day" as either an eight-hour period or a block of time, up to twenty-four hours, paid as an eight-hour day. "Light" is defined as care provision that is not significantly different from that required by a child in the general population. However, the child may require some additional attention or assistance. The appropriate rate is determined after assessing the child's care requirement as either "light" or "heavy." "Heavy" is defined as care that requires the caregiver to provide intensive attention or total assistance. Regular intervention is needed to meet the needs of the child. Children having areas of need that are "light" in one area and "heavy" in another are assessed as "moderate."

(f) **Hourly or daily agency foster care respite** - Respite care by the hour or day for receiving and ongoing foster homes. Care may be child specific or related to all the children in the foster home. The department reimburses agencies for purchase of relief supervision and additional supervision for special activities.

(g) **Foster care clothing and personal incidentals** - The monthly rate that the department may reimburse to defray the cost of clothing and personal items for children in selected circumstances when the department is not paying for the child's board and room. The department makes reimbursement to the foster home or facility.

(h) **Foster care personal incidentals** - An amount to reimburse foster parents for purchase of personal items needed by a child in receiving care.

(i) **Foster care medical services** - Reimbursement arranged and made for medical services not covered by the department's regular health insurance program (e.g., orthodontia or corrective surgery) for a child in foster care placement.

(j) **Foster care physical examination/report** - This medical service is used after the decision to place the child has been made and if the child is ineligible for an EPSDT examination or does not have private medical insurance. The service includes arranging and making payment for a physical examination and/or report necessary for a child in or needing foster care placement.

(k) **Foster care psychological evaluation and report** - The department may arrange for this service and make payment to a psychologist, psychiatrist, or other appropriate person for an evaluation of a child, parent, or foster parent. The department authorizes this service to assist in preventing a foster care placement or making an appropriate placement to implement a permanent plan.

(l) **Foster care psychological treatment and report** - The department arranges this service and makes payment to a psychologist, a psychiatrist, or other appropriate person for treatment of a child and/or parent(s) necessary to assist in preventing out-of-home placement, making an appropriate out-of-home placement, or implementing a permanent plan. This service includes a written report of the treatment goals, progress and outcomes.

(m) **Foster care transportation** - Reimbursement for the cost of transportation by car and associated expenses incurred by or on behalf of a child in foster care, receiving family reconciliation services (FRS), adoption services, or for return of a runaway. The department makes reimbursement directly to a vendor or to a foster parent.

(n) **Foster care business account transportation** - Reimbursement for the cost of air and rail transportation and associated expenses incurred by or on behalf of a child in foster care, receiving family reconciliation services (FRS), adoption services, or for return of a runaway. The department makes reimbursement directly to a vendor and charges expenses to the business transportation account (BTA).

(o) **Parent-child visitation** - Transportation and visitation services for children in out-of-home care. Services include:

- (i) Transportation to and from scheduled visits;
- (ii) Monitoring and supervision of family visits; and
- (iii) Reports regarding the nature and progress of visits and the parent/child interaction.

(3) The rates for the specialized services described in this section are contained in the following table. The rates are effective July 1, 2000.

Specialized Services and Reimbursement Rates		
Receiving Care Service	Rating*	Per Hour
Receiving home contracted and non-	Light	\$5.84
contracted respite	Moderate	\$5.98
	Heavy	\$6.25
Receiving home transportation	Amount authorized	
Receiving home contracted support ser-	Contracted amount	
vices		

Receiving home ancillary support services	Amount authorized	
Receiving Foster Care Service	Rating*	Per Hour
Hourly foster care respite	Light	\$6.39
	Moderate	\$5.53
	Heavy	\$6.84
Daily foster care respite	Light	\$49.97
	Moderate	\$52.15
	Heavy	\$54.65
*To determine rating for child's care requirements in physical/medical and behavior/psychological areas: Rating of light in both areas = light Rating of light in one area and heavy in the other area = moderate Rating of heavy in both areas = heavy		
Foster care clothing/monthly (for children not in a paid placement)	Age	7/1/2000
	0-11	\$37.13
	12 & older	\$44.14
Foster care personal incidentals (one time payment)	Age	7/1/2000
	0-5	\$50.65
	6-11	\$55.10
	12 & older	\$59.13
Foster care medical services	Amount authorized	
Foster care physical examination by health care practitioner	\$8.50 - \$25.00 (one time payment)	
Foster care psychological evaluation/report	Up to \$105.00 per unit of service	
Foster care transportation	Up to \$1,000.00	
Foster care business transportation account transportation	Up to \$1,000.00	
Foster care psychological treatment/report	Up to \$1100.00 per unit of service	
Parent-child visitation	As contracted	

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0170, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0175 Under what circumstances may the department provide foster care for educational purposes? (1) The department may provide licensed foster care for a child with physical or mental disabilities when requested by a school district and in concurrence with the wishes of the parents, in accordance with WAC 388-25-0030.

(2) The department will not make the payment when the only need for foster care arises from the need for an education. The department will only pay the cost of foster care when one of the conditions of WAC 388-25-0030 applies.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0175, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0180 Under what circumstances may the department provide reimbursement for foster care if the child is temporarily absent from the foster home or facility? (1) When a child is temporarily absent from a foster home or a facility to which the department is paying the cost of placement, the department may pay for the actual number of days absent, if the number of consecutive days of absence does not go over fifteen days within a thirty-day period. The care provider must notify the DCFS social worker of the absence and whether the absence is planned or unplanned.

(2) The following requirements apply to planned absences:
(a) The care provider must notify the DCFS social worker at least three days in advance of any planned absence. The notification must include the following information:
(i) Child's name;
(ii) The address the child will visit;
(iii) The reason for the visit;

(a) The care provider must notify the DCFS social worker at least three days in advance of any planned absence. The notification must include the following information:
(i) Child's name;
(ii) The address the child will visit;
(iii) The reason for the visit;

(iv) The planned beginning and ending dates of absence; and

(v) A statement as to whether or not the foster care provider will hold the child's unoccupied bed for the child's return to the home or facility.

(b) A private agency must report the frequency, duration, and reasons for visits to the responsible DCFS social worker or local office in the child's quarterly progress report prepared by the private agency.

(c) When there is a planned temporary absence of a child from a foster family home supervised by DCFS, the assigned social worker will participate in the plan.

(3) The following requirements apply to unplanned absence of children from out-of-home care:

(a) The foster care provider must notify the supervising DCFS social worker by the next working day or within eight hours following the child's unplanned absence. Notification may be by a telephone call to the DCFS social worker or the worker's supervisor. The written notification must provide the following information:

- (i) Child's name, age, and home address;
- (ii) Date and time the child left the premises;
- (iii) A statement as to whether the foster care provider is willing to accept the child back into the home or facility; and
- (iv) A statement as to whether or not the foster care provider will hold the child's unoccupied bed for the child's return to the home or facility.

(b) If the foster care provider is willing to accept the child back and holds a vacant bed for the child, the department may continue payment for fifteen days from the date of the child's departure.

(c) The foster care provider must notify the DCFS social worker or local office of the date of the child's return.

(4) In addition to the preceding requirements, the department places the following limitations on the payments for temporary absences of children from foster care:

(a) A child's cumulative total of forty-five days of absence within a six-month period is the maximum allowable for payment unless the DCFS regional administrator or the administrator's designee approves an exception request.

(b) The social worker must provide adequate justification of unusual circumstances to support a request for extension of the consecutive fifteen-day and cumulative forty-five-day limitations.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0180, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0185 May the department consider foster care payments to the foster family in determining eligibility for public assistance? When the department or a child placing agency places a child in foster care with a family receiving public assistance under 42 U.S.C. 601, et seq., the department must not consider payment received by the family for the foster child in determining the family's eligibility for public assistance. The department makes payments, including special or exceptional payments, for the child's board, clothing and personal incidentals.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0185, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0190 What are the department's standards for making foster care payment to a relative providing care to the child served by department? (1) A relative caregiver, licensed or certified as a family foster home under chapter 74.15 RCW and eligible for temporary assistance for needy families (TANF) in behalf of the child, may select either foster care or TANF payments in behalf of the child, but not both.

(2) A relative caretaker who is not related to the specified degree defined in RCW 74.15.020 by blood, marriage, or legal adoption may receive foster care payments in behalf of the child if licensed as a foster family home under chapter 74.15 RCW.

(3) A relative caretaker who is not licensed or certified for foster care may apply for TANF.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0190, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0195 How does the department make reimbursement for foster care for a child served by the department who moves out-of-state with the foster family? (1) A child may join a foster family in a move out-of-state only if this move supports achieving a permanency goal as outlined in the child's case plan.

(2) The department and the foster parent must follow CA requirements when a foster child and the licensed foster family moves out-of-state. This may include obtaining permission of the court before the move.

(3) When the foster family moves to another state, the department must arrange with the other state or local social service agency to license and supervise the home and the placement (see chapter 26.34 RCW). The department does not need to make such arrangements for supervision when the family leaves this state during a vacation.

(a) Before the foster family moves from Washington to the new state, the social worker or the foster parent may request a foster home license application from the new state.

(b) If the department and the foster parent are unable to obtain an application for license before the foster family leaves Washington, the foster parent must, upon arrival in the new state of residence, contact the local foster home licensing agency in the new state to apply for a license in that state.

(4) When the foster family moves to another state with a child in the department's custody, the child's DCFS social worker must submit necessary interstate compact on the placement of children (ICPC) application forms to the department's ICPC program manager. The social worker must do this as soon as the foster family has a new residence or address in the new state. The ICPC request must ask that the new state license the family as a foster home and provide ongoing supervision of the child in care.

(5) The department continues payments at the department's current rates until the other state fully licenses the home. After receiving a copy of the foster family home license from the other state, the DCFS supervising social worker authorizes payment at the receiving state's rates (see WAC 388-25-0195).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0195, filed 3/30/01, effective 4/30/01.]

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WAC 388-25-0200 What payment procedures must the department follow for children placed across state borders? (1) When the department places a child into a new placement with a family residing and licensed in another state, the DCFS social worker must obtain the payment rates from that state. Following receipt of the other state's rates, the department will pay that state's rates in accordance with ICPC procedures when:

- (a) Those rates are higher than Washington's rates; and
- (b) The other state identifies its rates to the department.

(2) When the child welfare department in another state places a child, who is a resident of the state of Washington, in foster care the department makes foster care payments at the rate requested by that state.

(3) The CA ICPC program manager must approve out-of-state placement before the department makes payment for foster care.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0200, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0205 How does the department treat the earnings of a child in foster care? The department does not include the earnings of a child in out-of-home care when considering if a child is eligible for a particular funding source nor when determining a child's possible participation in the cost of care.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0205, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0210 How does the department treat resources and unearned income of a child in foster care?

(1) Unearned income includes Supplemental Security Income (SSI), Retirement, Survivors and Disability Insurance (RSDI), veteran's benefits, railroad retirement benefits, inheritances, or any other payments for which the child is eligible, unless specifically exempted by the terms and conditions of the receipt of the income. The department must use income not exempted to cover the child's cost of care, except for resources held in trust for an American Indian child.

(2) Any person, agency or court that receives payments on behalf of a child in out-of-home care must send the payments to the department's division of child support.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0210, filed 3/30/01, effective 4/30/01.]

PART C: PARENTAL SUPPORT OBLIGATION

WAC 388-25-0215 What is the parents' obligation to support their child in foster care? Parents of children in foster care must provide financial support for their child in accordance with rules contained in chapter 388-14A WAC.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0215, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0220 Who has authority to recommend or negotiate amounts for parental participation in the cost of foster care? (1) The department's division of child support determines the amount of parental financial support, except when stated in a superior court order. Chapter 74.20A RCW and chapter 388-14A WAC provide the authority and

procedures for the division of child support to collect financial support from the parent to pay for a child in foster care.

(2) Only the division of child support may recommend to the court, on behalf of the department, to establish, raise, lower, release, or forgive support payments for a child placed in foster care. No other agency or staff may make agreements with parent(s) or their representatives regarding this matter.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0220, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0225 What cases must be referred to the division of child support (DCS)? Each case where the department participates in the payment of foster care must be referred to the division of child support, except when:

(1) Collection would not be cost effective, including placements of seventy-two hours or less;

(2) Collection is exempt by law; or

(3) A child with developmental disabilities is eligible for admission to or discharged from a residential habilitation center as defined by RCW 71A.10.020(8), unless the child is placed as a result of an action taken under chapter 13.34 RCW.

[Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.-020. 05-06-091, § 388-25-0225, filed 3/1/05, effective 4/1/05. Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0225, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0226 Does children's administration refer foster care cases to the division of child support where good cause exists? The children's administration must refer to the division of child support foster care cases in which sufficient good cause exists to not pursue collection or establish support or paternity.

[Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.-020. 05-06-091, § 388-25-0226, filed 3/1/05, effective 4/1/05.]

WAC 388-25-0227 What constitutes good cause for not pursuing the collection or establishment of child support or paternity? Children's administration uses the following criteria to determine whether sufficient good cause exists for requesting that DCS not pursue collection or establish child support or paternity on foster care cases:

(1) It is not in the child's best interest;

(2) The parent or other legally obligated person, or the parent or other person's child, spouse, or spouse's child was the victim of the offense for which the child was committed to the custody of the juvenile rehabilitation administration (JRA) and the child is being placed directly into foster care from a JRA facility until this placement episode closes;

(3) Adoption proceedings for the child are pending in court or the custodial parent is being helped by a private or public agency to decide if the child will be placed for adoption;

(4) The child was conceived as a result of incest or rape and establishing paternity would not be in the child's best interest;

(5) The juvenile or tribal court in the dependency proceeding finds that the parents will be unable to comply with an agreed reunification plan with the child due to the financial hardship caused by paying child support. The social worker also may determine that financial hardship caused by

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paying child support will delay or prevent family reunification; or

(6) The custodial parent and/or the child may be placed in danger as a result of the presence of or potential for domestic abuse perpetrated by the person that the division of child support would be pursuing for collection action.

[Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.-020. 05-06-091, § 388-25-0227, filed 3/1/05, effective 4/1/05.]

WAC 388-25-0228 Does the division of child support pursue collection or establish child support or paternity on cases in which good cause has been determined? If children's administration determines that there is good cause the division of child support does not pursue collection or establish support or paternity on a foster care case.

[Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.-020. 05-06-091, § 388-25-0228, filed 3/1/05, effective 4/1/05.]

WAC 388-25-0229 Who may request a good cause determination? The department or a parent, including an adoptive parent or legal guardian, may initiate a request for good cause determination at any time.

[Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.-020. 05-06-091, § 388-25-0229, filed 3/1/05, effective 4/1/05.]

WAC 388-25-0231 When may a good cause determination be requested? A request for determination of good cause may be made at any time.

[Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.-020. 05-06-091, § 388-25-0231, filed 3/1/05, effective 4/1/05.]

WAC 388-25-0235 To whom must parents' send child support payments for their child in foster care? The parents must make all payments for the benefit of the child and/or the costs for a child in out-of-home care to the division of child support, unless a court order directs payment through a clerk of the court. A clerk of the court must send payments, under a court order, to the division of child support.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0235, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0240 Under what circumstances must child care judgment and limited power of attorney for parental support payments be assigned to the department? (1) The department must advise any person or agency having custody of the child that court ordered child support payments are to be received by the department under RCW 74.20A.030 and 74.20A.250.

(2) The person or agency having custody must acknowledge this transferred right to the department by execution of an assignment of judgment and limited power of attorney, which must remain in effect as long as the child receives foster care assistance.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0240, filed 3/30/01, effective 4/30/01.]

PART D: VETERANS' BENEFITS

WAC 388-25-0245 Who receives veterans' benefits for children in foster care? By agreement with the regional

[Title 388 WAC—p. 331]

office of the veterans' administration, the department may receive benefits on behalf of children who have been placed by court order under the department's supervision or custody.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0245, filed 3/30/01, effective 4/30/01.]

PART E: ADMINISTRATIVE HEARINGS

WAC 388-25-0250 What limitations exist on administrative hearings regarding foster care payments? The foster care provider, the licensed or certified child placement or care agency, and the parents are not entitled to request an administrative hearing to dispute established rates. Chapters 34.05 and 43.20A RCW, chapters 388-01 and 388-148 WAC, and this chapter provide specific rights to administrative hearings.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0250, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0255 What standards must the department apply to contracted and noncontracted service providers and vendors when the department has identified an overpayment to the provider or vendor? (1) RCW 43.20B.675 provides that all vendors have the right to request a hearing if they have a bona fide overpayment dispute. The department must offer a prehearing conference to all clients and vendors that request an administrative hearing.

(2) Contracted and noncontracted service providers may seek dispute resolution through these rules, under the Administrative Procedure Act and RCW 43.20B.675, with respect to overpayments. However, the following limitations apply:

(a) The right of vendors to seek an administrative hearing to contest alleged overpayments applies only to overpayments for goods or services provided on or after July 1, 1998.

(b) These procedures do not create a right to a hearing where no dispute right previously existed except as provided in RCW 43.20B.675.

(c) These rules limit disputes for foster family and child day care providers to alleged overpayments. Homes and facilities licensed under chapter 74.15 RCW may appeal adverse licensing actions under the provisions of chapter 388-148 or 388-155 WAC, as applicable.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0255, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0260 Do vendor overpayment rules in this chapter also apply to adoptive parents? Adoptive parents who receive assistance through the adoption support program are not vendors within the meaning of the law and do not fall within the scope of this chapter.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0260, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0265 Are there time limitations on identifying and recovering an overpayment? There is no time limit on identifying and initiating recovery of overpayments.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0265, filed 3/30/01, effective 4/30/01.]

[Title 388 WAC—p. 332]

WAC 388-25-0270 May overpayments be waived or forgiven? Children's administration employees do not have authority to forgive or waive overpayments nor to offset overpayments from future payments. All such authority rests with the department's office of financial recovery (OFR). Designated CA staff may mediate a disputed payment with the vendor, but final approval for any negotiated proposed settlement rests with OFR.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0270, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0275 Do other governmental organizations have the right to an adjudicative hearing? Governmental organizations, including Indian Tribes, with an inter-local agreement with the department do not have the right to an adjudicative hearing through the office of administrative hearings (OAH). The disputes process described in the agreement between the entity and the department governs the resolution process.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0275, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0280 What steps must a provider or vendor take when requesting an administrative hearing in regards to an overpayment? A provider or vendor must follow the procedure indicated on the department's Vendor Overpayment Notice, DSHS 18-398A(X), dated 07/1998.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0280, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0285 When is payment due on an overpayment? When a vendor files a timely and complete request for an administrative hearing, payment on the overpayment is not due on the amount contested until the office of administrative hearings or its designee makes a final decision about the vendor's liability and any amount due.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0285, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0290 Which is the deciding authority if another WAC rule or the provisions of the Administrative Procedure Act conflict with the information in this chapter? The Administrative Procedure Act, chapter 34.05 RCW, chapter 388-02 WAC, and this chapter govern the proceeding. The provisions in this chapter govern if a conflict exists in chapter 388-02 WAC. Chapter 34.05 RCW is the overall governing authority.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0290, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0295 Who establishes guidelines to identify overpayments and to mediate overpayment disputes? (1) Each DCFS regional administrator, division of licensed resources (DLR) regional manager, or CA division director, as applicable, must establish procedures to provide for consistency in the handling of provider or vendor disputes in accordance with the children's administration prehearing procedures and this chapter.

(2) Staff at the following organizational levels will handle disputes:

(a) The DCFS regional administrator is responsible for the dispute resolution process for:

(i) All payments authorized by local office social workers;

(ii) All payments authorized under regionally managed contracts and service agreements.

(b) Regional staff are responsible for the following activities to resolve disputes:

(i) Prehearing conferences;

(ii) Mediation activities;

(iii) Administrative hearings for payments authorized in local offices; and

(iv) Administrative hearings for regionally managed contracts.

(c) For CA child care subsidy program payment disputes, DLR office of child care policy (OCCP) headquarters staff is responsible for:

(i) Prehearing conferences;

(ii) Mediation activities; and

(iii) Administrative hearings.

(d) Assigned CA division of program and policy development or office of foster care licensing (OFCL) headquarters staff, as applicable, will handle disputes arising from headquarters-managed contracts and service agreements. These staff will handle:

(i) Prehearing conferences;

(ii) Mediation activities; and

(iii) Administrative hearings.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0295, filed 3/30/01, effective 4/30/01.]

PART F: FOSTER PARENT LIABILITY FUND

WAC 388-25-0300 What is the foster parent liability fund? (1) The foster parent liability fund authorized under RCW 74.14B.080 allows for insurance coverage for foster parents licensed under chapter 74.15 RCW. The coverage includes personal injury and property damage caused by foster parents or foster children that occurred while the children were in foster care.

(2) Such insurance covers acts of ordinary negligence but does not cover illegal conduct or bad faith acts taken by foster parents in providing foster care. Moneys paid from liability insurance for any claim are limited to the amount by which the claim exceeds the amount available to the claimant from any valid and collectible liability insurance.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0300, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0305 What is the period of coverage for foster parent liability fund? Coverage under the foster parent liability fund is for valid claims arising out of occurrences on or after July 1, 1991.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0305, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0310 Who is eligible for coverage under the foster parent liability fund? A person eligible for foster parent liability fund coverage must be licensed or certified by the department or a child placing agency under chapter 74.15 RCW to provide foster family care.

(2009 Ed.)

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0310, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0315 What are the limits of coverage under the foster parent liability fund? The limits of coverage under the foster parent liability are:

(1) Up to twenty-five thousand dollars per occurrence. "Occurrence" means, for purposes of this chapter, the incident which led to the claim.

(2) The claim must be for a third party personal injury or property damage arising from a foster parent's act or omission in the good faith provision of family foster care and supervision of a foster child.

(3) The department must not make a payment of claims from this liability fund if the foster parent is not liable to the third party or the foster child's birth or adoptive parent or guardian because of any:

(a) Immunities;

(b) Limitations; or

(c) Exclusions provided by law.

(4) The foster parent must, first, exhaust all monetary resources available from another valid and collectible liability insurance before seeking payment from this liability fund. Coverage under this foster parent liability fund must be in excess of any other available liability insurance.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0315, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0320 The department excludes what claims from coverage under the foster parent liability fund? The department excludes the following claims from coverage under the foster parent liability fund:

(1) Claims arising as a result of a foster parent's illegal conduct or bad faith acts in providing family foster care. Such conduct or act includes but is not limited to:

(a) Loss arising out of a dishonest, fraudulent, criminal, or intentional act or omission;

(b) Loss arising out of licentious, immoral, or sexual behavior;

(c) Loss occurring because the foster parent provided a foster child with an alcoholic beverage or controlled substance, other than medication prescribed for the foster child in the amounts prescribed by a physician or other licensed or authorized medical practitioner;

(d) A judgment against the foster parent based on alienation of affection.

(2) Claims based on an occurrence not arising from the family foster care relationship. This includes a foster child's act occurring while the child was temporarily assigned outside the jurisdiction of the foster parent.

(3) Claims for a bodily injury or property damage arising out of the operation or use of any motor vehicle, aircraft, or water craft owned by, operated by, rented to, or loaned to any foster parent; or

(4) Claims for an injury or damage from an occurrence before July 1, 1991.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0320, filed 3/30/01, effective 4/30/01.]

[Title 388 WAC—p. 333]

WAC 388-25-0325 What if there are multiple claims for one occurrence under the foster parent liability fund? The twenty-five thousand dollar limitation per occurrence must apply regardless of whether there are multiple claims arising from the same occurrence. The department will consider a claim by one or more foster parents occupying the same household a single claim.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0325, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0330 May another source be used to recover on the same claim paid by the liability fund? (1) If the liability fund pays for a claim, the foster parent must transfer to the department the foster parent's rights of recovery against any person or organization against whom the foster parent may have a legal claim.

(2) The foster parent must sign and deliver to the department any documents necessary to transfer such foster parent's rights to the state.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0330, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0335 What are the department's authority and the foster parent's responsibilities regarding investigation of claims? (1) The department may conduct an investigation of any foster parent liability fund claim.

(2) The foster parent must fully cooperate with the department for any liability fund claims filed against the foster parent.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0335, filed 3/30/01, effective 4/30/01.]

PART G: FOSTER PARENTS PROPERTY DAMAGE REIMBURSEMENT

WAC 388-25-0340 What are the department's responsibilities and limitations for reimbursement for damage or loss caused by a child in family foster care? (1) Within available funds and subject to the conditions in this chapter, the department must reimburse family foster care providers who incur property damages, losses, and emergency medical treatment expenses that are caused by the foster child or respite care child during placement in the foster family's home.

(2) For occurrences on or after October 1, 1999, the department must reimburse the foster parent for the replacement value of any property covered under and subject to the limitations of this chapter (see RCW 74.13.335).

(3) For occurrences before October 1, 1999, the department will reimburse the depreciated value of any property covered under and subject to the limitations of the this chapter.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0340, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0345 What are the eligibility requirements for reimbursements to foster parents for damages? Foster parents are eligible for reimbursement if the foster parents are:

(1) Licensed by DSHS or certified by a child-placing agency and licensed by the department under chapter 74.15 RCW; and

(2) Providing approved DSHS-funded foster care to children in the care, custody, and supervision of DSHS or a licensed child placing agency; or

(3) Providing department-approved and funded respite care to children.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0345, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0350 What are the department's reimbursement limitations? The following reimbursement limitations apply for claims:

(1) The **PER OCCURRENCE/TOTAL** amount the department will pay as the result of any one occurrence must not exceed:

(a) Five thousand dollars for all property damages and losses; or

(b) One thousand dollars for all personal bodily injuries regardless of the number of foster parents or their household members who sustain property damages, losses, or personal bodily injuries.

(2) **PROPERTY DAMAGE ITEMS** are limited to the repair/cleaning cost or the replacement value. The department pays replacement value if the item cannot be repaired or cleaned as substantiated by a detailed retailer estimate or if the repair cost goes over the replacement value of the item. The department may request the final repair bill from foster parents for payment made from estimates provided for purposes of recovery.

(3) **PROPERTY LOSS ITEMS** are limited to the replacement value as substantiated by the original purchase receipt, if available, and two replacement estimates or replacement purchase receipt.

(4) **PERSONAL BODILY INJURY** claims are limited to the costs incurred for receiving emergency medical treatment services that is not payable or required to be provided under workmen's compensation, or disability benefits law, or under any similar law, or provided under a personal/business medical plan.

(5) For **POLICY DEDUCTIBLES**, foster parents must disclose if their property damages or losses were paid or will be paid under their homeowner, automobile, or other personal/business insurance policy. The department will then limit reimbursement to the policy deductible.

(6) **DENTAL EXPENSES** are limited to costs not payable under a dental plan. The department will pay comparable replacement of dental appliances up to the maximum per occurrence.

(7) **VISION EXPENSES** are limited to costs not payable under a medical plan.

(8) **LABOR EXPENSES** are limited to out-of-pocket costs (materials), incurred by foster parents and substantiated by a retailer. Items requiring installation are to be considered reimbursable expense.

(9) **VETERINARY EXPENSES** are limited to initial treatment expense incurred immediately following an occurrence up to five hundred dollars. Initial treatment expense is defined as emergent care and diagnosis. The department pays replacement value for a property loss sustained not to exceed

the substantiated value of the animal or maximum per occurrence, whichever is less.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0350, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0355 What types of claims are specifically excluded from reimbursement? The department specifically excludes the following from reimbursement:

(1) Claims resulting from giving alcoholic beverage or other illegal substance, including tobacco products, to a foster child or respite care child for whatever reason.

(2) Claims resulting from violation of any statute, ordinance, or regulation by the foster child or respite care child.

(3) Claims resulting from failure of the foster parent to give directions, instructions, or to provide proper or adequate supervision to the foster child or respite care child.

(4) Claims resulting from the sexual abuse, or licentious, immoral, or other sexual behavior between foster children and/or respite care children or initiated by a foster parent.

(5) Follow-up medical treatment expenses incurred by foster parents or their household member for a personal bodily injury sustained as a result of an action of the foster/respite care child.

(6) Claims for items which belong to the foster child or respite care child.

(7) Claims resulting from acts of foster children that occur while the child is on a temporary planned, unplanned, or voluntary absence from the foster home.

(8) Claims for lost wages.

(9) Claims for property damages, losses, and emergency medical treatment costs arising out of an act of the foster/respite child, with or without the permission of the foster parent, related to the ownership, operation, or maintenance of any owned motor vehicle, including surface, air, or water.

(10) Claims filed by any person other than the foster parent or their household member.

(11) Claims for unsubstantiated property damages or losses alleged to have been caused by the foster child or respite care child.

(12) Claims not received by the department's office of risk management (ORM) within a year after the date of occurrence, regardless of the reason for the delay in filing the claim.

(13) Property damages or loss of items that do not depreciate, including but not limited to antiques, heirlooms, jewelry, figurines, and coin collections.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0355, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0360 What is the procedure for filing a claim? (1) Within thirty days of an occurrence of property damage, loss, or emergency medical treatment, the foster parent must:

(a) Request from the child's social worker a Foster Parent Reimbursement Plan Claim, DSHS 18-400(X) (Rev. 6/96) to file a claim;

(b) Submit the completed claim with all requested information plus any required substantiating documentation;

(2) The claimant must include a statement documenting the reasons for the delay in filing the claim on claims filed more than thirty days after an occurrence.

(2009 Ed.)

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0360, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0365 Which office within the department determines damage reimbursement? The department's office of risk management determines whether a claim will be paid.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0365, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0370 How are exception requests made? Written requests for exceptions to the terms, limitations, and exclusions specified in the foster parent reimbursement plan must be made to the ORM, Risk Management Administrator, P.O. Box 45844, Mailstop 45844, Olympia, WA 98504-5844. The request must include the justification for the request and alternatives explored. ORM staff will discuss and review requests for exceptions with the CA foster care program manager. Staff in the CA division of program and policy development make final decisions on exceptions.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0370, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0375 What claims may the department deny? The department must deny any claim in which any material fact or circumstance of a property damage, loss, or personal bodily injury is misrepresented or willfully concealed by the foster parent. The department is entitled to recover any payments made in these cases. Claims found to be fraudulent involving theft or collusion are subject to criminal investigation.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0375, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0380 What must a foster parent do to have a denied claim reconsidered? The foster parent must submit a request for reconsideration in writing within thirty days of the previous decision to the claims program manager, DSHS Office of Risk Management (ORM), P.O. Box 45844, Mailstop 45844, Olympia, WA 98504-5844. The request must include information or documentation not previously provided. All determinations made by the risk management administrator are final and do not constitute a basis for requesting or obtaining an administrative fair hearing.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0380, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0385 Will the department investigate claims? The foster parent must permit the department, upon request, to inspect the damaged property. The department retains the authority to have an inspector of its choice make a damage estimate when, and as often, as the department may require.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0385, filed 3/30/01, effective 4/30/01.]

PART H: FOSTER PARENT TRAINING

WAC 388-25-0390 What are the training requirements for licensed foster parents? See chapter 388-148 WAC for required training for licensed foster parents.

[Title 388 WAC—p. 335]

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0390, filed 3/30/01, effective 4/30/01.]

PART I: JUVENILE RECORDS

WAC 388-25-0395 What are the department's responsibilities for management of juvenile records? The department must comply with the requirements of chapter 13.50 RCW for management of juvenile records. The department's responsibilities for management of those records are:

- (1) To maintain accurate information and remove or correct false or inaccurate information;
- (2) To take reasonable steps to ensure the security of records and to prevent tampering;
- (3) To make every effort to ensure the completeness of records, including action taken by other agencies with respect to matters in its files; and
- (4) To facilitate inquiries concerning access to records.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0395, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0400 To whom may the department release records? Subject to review the department may release records to the following persons:

- (1) Other participants in the juvenile justice or care system only when an investigation or case involving the juvenile is being pursued by the other participants or when that participant is assigned the responsibility of supervising the juvenile. "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of family and children's ombudsman, the department and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;
- (2) A contracting agency or service provider of the department that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombudsman information or records relating to the provision of services to a juvenile who is dependent under chapter 13.34 RCW. The department may provide these records without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen, unless otherwise prohibited by law;
- (3) A juvenile, a juvenile's parents, the juvenile's attorney, and the juvenile's parent's attorney;
- (4) Any person who has reasonable cause to believe information concerning that person is included in the record;
- (5) A clinic, hospital, or agency which has the subject person under care or treatment;
- (6) Individuals or agencies engaged in legitimate research for educational, scientific, or public purposes when permission is granted by the court.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0400, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0405 Under what circumstances may the department exclude or deny information from release unless authorized by law or court order? The department

may withhold the following information unless authorized or ordered by the court:

- (1) Information determined by the department to likely cause severe psychological or physical harm to the juvenile or the juvenile's parents;
- (2) Information obtained in connection with provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency. Such information may not be disclosed to the juvenile's parents without the informed consent of the juvenile.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0405, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0410 What may a juvenile or the juvenile's parent do if the department denies access to information? (1) A juvenile or the juvenile's parent may file a motion in juvenile court requesting access to the records.

- (2) The person making the motion must give reasonable notice of the motion to all parties.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0410, filed 3/30/01, effective 4/30/01.]

PART J: CHILD PLACING AGENCIES

WAC 388-25-0415 What are the department's expectations for child placing agencies (CPA) to which the department makes reimbursement for services or administrative costs? (1) The department requires that the child placing agency (CPA) be licensed or certified under chapter 74.15 RCW and have a contract with the department for the provision of child placement and related services.

- (2) The CPA must document the services provided in a format described by the department in the contract.
- (3) When the department agrees to place a child with a CPA, the licensed or certified agency must maintain the license of the foster family home and provide support services to the foster parents. The department will only place and pay for services with an agency with which the department has a contract. The agency must provide payment to the foster family in accordance with this chapter.
- (4) The department requires that private agencies bringing children from other countries for adoption remain financially responsible for the child's placement costs if the adoption is not finalized, disrupts prior to finalization, or until the child reaches age eighteen.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0415, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0420 What steps must the department take when a child whose case management responsibility remains with the department is placed in a home certified by a CPA? (1) The DCFS social worker follows regionally designated procedures for accessing services and sharing responsibility for utilizing child placing agency foster homes.

- (2) The CPA and the DCFS social worker must sign a DSHS Private Child Placing Agency Agreement/Child in Foster Care, DSHS 15-190(X). The agreement designates which agency is responsible for case management services, support activities, and specific parts of the service plan while

the child is placed in the CPA foster home. The agency representative and the department social worker must review and revise the agreement by mutual agreement at the request of either party.

(3) The CPA must provide the assigned DCFS social worker with quarterly progress reports for each child placed in homes certified by the CPA.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0420, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0425 What activities must a child placing agency provide in order to receive payment from the department? The CPA must undertake the following activities to receive payment from the department:

(1) Accept referrals of children and families from the department and negotiate a child-specific written service agreement with the department;

(2) Provide child and family case management and support activities as agreed;

(3) Document the case management and support activities as described in the contract between the department and the CPA;

(4) Provide adequate quarterly progress reports to the assigned social worker for each child whose placement or other services the department financially supports.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0425, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0430 Under what conditions and how much will the department reimburse to child placing agencies licensed or certified under chapter 74.15 RCW to provide care to children? (1) The CPA representative must discuss with the department social worker for the child the roles of the agency and the department in the placement, permanency planning, and supervision of the child. The agency representative and the department social worker must also discuss services the department or the agency will provide to the child's parents and extended family.

(2) The CPA must maintain the documentation required by contract to demonstrate all services provided to children in care and for whom the department makes payment.

(3) The department will pay a monthly administrative fee to a CPA if the agency, in addition to supervision of the child, provides services to the child or the child's family.

(4) If the department wants to borrow a CPA-certified home for placement of a child, the department pays the agency for the use of the CPA's foster home with approval of the agency. The department pays the borrowed home fee described in the contract between the department and the agency.

(5) The department will pay a set monthly fee to a child placing agency for a borrowed home if the agency provides supervision services only to the child and no services to the child's family. The department pays this fee only to enable the agency to maintain the foster care license and to provide any related licensing training and support services. This activity includes maintenance of a foster care license for foster parent dependency guardianships in the agency-certified home. The following conditions also apply:

(a) The department may pay for a maximum of two borrowed beds in one foster home.

(2009 Ed.)

(b) If one CPA borrows a bed from another CPA, the department will pay only one service fee to one agency for the child. The two private agencies and the department will mutually identify and agree upon the agency the department will pay.

(6) The department may enter into contracts with CPAs to provide intensive treatment and supervision services to children with behavioral, emotional, medical, or developmental disabilities. The department will assess the needs of the child, assign a service level, and pay the rate provided in the contract.

(7) Before making payment for care of a child, the department must determine initial and ongoing eligibility for financial support, approve the placement, and approve the case plan for care of the child and services to the family. The department will document this approval through written agreements, documentary reports, and supervisory conferences with the CPA.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0430, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0435 What steps may the department take if a child placing agency does not meet the requirements of this chapter? (1) In addition to any sanctions included in the department's contract with the CPA, the DCFS social worker must stop payment of the agency administrative fees in accordance with department procedures if the department does not receive the child's report in the time frame stipulated in WAC 388-25-0425.

(2) The DCFS social worker must inform the regional licenser and contracts coordinator when there are continuing problems with reports.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0435, filed 3/30/01, effective 4/30/01.]

PART K: INTERSTATE PLACEMENTS

WAC 388-25-0440 What are the department's obligations regarding children placed by the department between states? The department must comply with the interstate compact on the placement of children (ICPC) in the interstate placement of children (see chapter 26.34 RCW).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0440, filed 3/30/01, effective 4/30/01.]

PART L: RELATIVE PLACEMENT

WAC 388-25-0445 Under what circumstances does the department choose a relative as the placement for a child in need of out-of-home care? (1) When the department determines that a child needs to be placed outside the home, the department must search for appropriate relatives to care for the child before considering nonrelative placements. See RCW 74.15.020 for the definition of "relative."

(2) The department reviews and determines the following when selecting a relative placement:

(a) The child would be comfortable living with the relative;

(b) The relative has a potential relationship with the child;

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(c) The relative is capable of caring for the child and is willing to cooperate with the permanency plan for the child;

(d) The relative is able to provide a safe home for the child;

(e) Each child has his or her own bed or crib if the child remains in the home beyond thirty days.

(3) The department may consider nonrelated family members as potential resources, if these family members become licensed to provide foster care (see RCW 74.15.030).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0445, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0450 Under what circumstances may a relative not be considered as a placement option for a child? The department may exclude relatives who have criminal histories as included in the Adoption and Safe Families Act (ASFA) regulations.

(1) If the department finds that, based on a criminal records check, a court of competent jurisdiction has determined that the relative or a member of the household has been convicted of a felony involving:

(a) Child abuse or neglect;

(b) Spousal abuse;

(c) A crime against a child or children (including child pornography); or

(d) Crimes involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(2) The department may not approve a relative placement if the department finds the relative, or a member of the household, has, within the last five years, been convicted of a felony involving:

(a) Physical assault;

(b) Battery; or

(c) A drug related offense.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0450, filed 3/30/01, effective 4/30/01.]

WAC 388-25-0455 What sources of financial support are available to a relative caring for a child that the department has placed in the relative's home? (1) For relatives needing financial support to care for the child, the social worker may assist the family to apply for temporary assistance for needy families (TANF) through the department's local community services office (CSO).

(2) Relatives who are licensed as foster parents may choose to receive foster care payments. The relative must not receive TANF benefits in behalf of the child in care while at the same time receiving foster care payments (see RCW 74.15.030).

(3) A relative who is not a licensed foster parent at the time of placement may apply to become a foster parent as described in chapter 388-148 WAC.

(4) The relative caring for the child in out-of-home placement may apply to be the representative payee for Supplemental Security Income (SSI) or Social Security Administration benefits for the related child living with the relative. However, if the child is a dependent of the state of Washington with custody assigned to the department by the court, the department will usually remain the payee in behalf of the child until the dependency is dismissed.

[Title 388 WAC—p. 338]

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0455, filed 3/30/01, effective 4/30/01.]

FAMILY SUPPORTS AND RELATIONSHIPS

WAC 388-25-0460 How does the department treat relatives of specified degree with legally free children? (1)

The department acknowledges a continuing relationship between relatives of specified degree and children who are legally free where the relatives choose to continue a relationship with the child and the continuing relationship is in the best interest of the child (see RCW 74.15.020 for the definition of relative of specified degree).

(2) Relatives of specified degree remain legal relatives when a child becomes legally free if those relatives wish to maintain a relationship with the child and the assigned social worker determines the continuing relationship is in the best interest of the child.

(3) Department staff must treat relatives of specified degree as the department treats all relatives under the rules of ICPC and the foster care and foster family home licensing programs.

The rights of the affected relatives of specified degree do not extend beyond adoption of the child except through an open adoption agreement (see RCW 26.33.295).

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-25-0460, filed 3/30/01, effective 4/30/01.]

STATE SUPPLEMENTARY PAYMENT PROGRAM

WAC 388-25-1000 What is the state supplementary payment (SSP) that is administered by the children's administration (CA)? The children's administration state supplementary payment (CA/SSP) is a state-paid cash assistance program for specific eligible foster children with the children's administration. The CA/SSP program may be discontinued at any time and for any reason, and is limited to the funds available to children's administration for such payments. Receipt of a CA/SSP payment in any month does not guarantee payment for subsequent months even if all eligibility criteria remain met.

[Statutory Authority: RCW 74.04.050, 74.04.600, 74.04.620, 74.13.031, and 2002 c 371. 07-23-004, § 388-25-1000, filed 11/8/07, effective 12/9/07. Statutory Authority: RCW 74.04.050, 2002 c 371, RCW 74.04.600 and 74.13.031. 05-11-016, § 388-25-1000, filed 5/9/05, effective 6/9/05.]

WAC 388-25-1010 What are the eligibility requirements for the CA/SSP program? To be eligible to receive CA/SSP, you must meet all of the following eligibility requirements:

(1) Be a child who has entered foster care (Title 45 CFR 1355.20);

(2) Already receive Supplemental Security Income (SSI) benefits or have recently received notice of an award for such benefits; and

(3) Receive behavior rehabilitation services (BRS) for out-of-home placement services for all or part of a month; and

(4) Not receive foster care maintenance payments under Title IV-E of the Social Security Act (42 U.S.C. 670).

(2009 Ed.)

[Statutory Authority: RCW 74.04.050, 74.04.600, 74.04.620, 74.13.031, and 2002 c 371, 07-23-004, § 388-25-1010, filed 11/8/07, effective 12/9/07. Statutory Authority: RCW 74.04.050, 2002 c 371, RCW 74.04.600 and 74.13.031, 05-11-016, § 388-25-1010, filed 5/9/05, effective 6/9/05.]

WAC 388-25-1020 When will my eligibility for CA/SSP be determined? The SSP eligibility verification and payment process is usually completed two months following the month of your potential eligibility for an SSP payment. You will receive an SSP payment when all of the eligibility criteria (WAC 388-25-1010) have been verified. Children who have recently received notice of an award for SSI will receive a CA/SSP payment beginning the month the Social Security Administration places them into pay status, if all other eligibility criteria are met for that month.

[Statutory Authority: RCW 74.04.050, 74.04.600, 74.04.620, 74.13.031, and 2002 c 371, 07-23-004, § 388-25-1020, filed 11/8/07, effective 12/9/07. Statutory Authority: RCW 74.04.050, 2002 c 371, RCW 74.04.600 and 74.13.031, 05-11-016, § 388-25-1020, filed 5/9/05, effective 6/9/05.]

WAC 388-25-1030 How will I know if I am eligible to receive a CA/SSP payment? Once you have been identified as eligible for a CA/SSP payment, CA will send out written notification to the current SSI representative payee.

[Statutory Authority: RCW 74.04.050, 74.04.600, 74.04.620, 74.13.031, and 2002 c 371, 07-23-004, § 388-25-1030, filed 11/8/07, effective 12/9/07. Statutory Authority: RCW 74.04.050, 2002 c 371, RCW 74.04.600 and 74.13.031, 05-11-016, § 388-25-1030, filed 5/9/05, effective 6/9/05.]

WAC 388-25-1040 Can I apply for the CA/SSP program if I am not identified by CA as eligible for the CA/SSP program? You can apply through children's administration to determine your eligibility for CA/SSP, but eligibility is limited to those meeting the eligibility requirements in WAC 388-25-1010.

[Statutory Authority: RCW 74.04.050, 2002 c 371, RCW 74.04.600 and 74.13.031, 05-11-016, § 388-25-1040, filed 5/9/05, effective 6/9/05.]

WAC 388-25-1050 What are my appeal rights if CA determines that I am not eligible for CA/SSP? In the event that your eligibility for CA/SSP payments is denied or terminated, or the amount of such payments is reduced, you have the right to file an informal complaint pursuant to RCW 74.13.045 and chapter 388-39A WAC and to request a hearing under chapter 34.05 RCW and chapter 388-02 WAC, except that there is no right to a hearing if the reason for the change is lack of funding.

[Statutory Authority: RCW 74.04.050, 74.04.600, 74.04.620, 74.13.031, and 2002 c 371, 07-23-004, § 388-25-1050, filed 11/8/07, effective 12/9/07. Statutory Authority: RCW 74.04.050, 2002 c 371, RCW 74.04.600 and 74.13.031, 05-11-016, § 388-25-1050, filed 5/9/05, effective 6/9/05.]

Chapter 388-27 WAC

CHILD WELFARE SERVICES—ADOPTION SERVICES AND ADOPTION SUPPORT

WAC

ADOPTION SUPPORT PROGRAM

Adoption Services

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388-27-0250	What specific department requirements apply to medical services?	388-27-0235	How does the department evaluate a request for adoption support special rate cash payments? [Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0235, filed 3/30/01, effective 4/30/01.] Repealed by 04-06-024, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675.
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388-27-0260	If the adoptive parent requests residential placement services for the parent's adopted child, what department requirements apply?	388-27-0245	What specific department requirements apply to supplemental cash payments? [Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0245, filed 3/30/01, effective 4/30/01.] Repealed by 04-06-024, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675.
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388-27-0285	What is the department's responsibility when the adoptive parent(s) requests a review of the adoption support agreement?		Adoption services are included in RCW 74.13.020 as a child welfare service.
388-27-0290	What if the department does not respond to a request for a review of an adoption support agreement within thirty days?		(2) The purpose of the department's adoption program is to meet the permanency needs of children who are in the department's care and custody.
388-27-0295	What requirements apply to the review of a support agreement?		(a) The agency that has the responsibility for providing services to the family and makes permanent plans for children.
388-27-0300	After a review, what if the department and the adoptive parent cannot agree on the terms of the adoption support agreement?		(b) The permanent plan must include a primary outcome and may also include alternate outcomes (see RCW 13.34.-145). Possible permanent plans include:
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- (ii) Adoption;
- (iii) Guardianship;
- (iv) Permanent legal custody; or
- (v) Independent living if the child is over age sixteen.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0005, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0010 What definitions apply to the department's adoption program? "Agency" means any public or private association, corporation, or individual licensed or certified by the department as a child placing agency under chapter 74.15 RCW or as an adoption agency.

"Adoptee" means a person who is to be adopted or who has been adopted.

"Adoption" means the legal granting of the adoption decree consistent with chapter 26.33 RCW.

"Adoptive parent" refers to a person or persons who seeks to adopt or who has adopted.

"Alleged father" refers to a person whose parent-child relationship has not been terminated, who is not a presumed father under chapter 26.26 RCW, and who alleges himself or whom a party alleges to be the father of the child. It includes a person whose marriage to the mother was terminated more than three hundred days before the birth of the child or who was separated from the mother more than three hundred days before the birth of the child.

"Approved adoptive home" refers to any person or persons who has been approved for adoption in a preplacement report completed pursuant to RCW 26.33.190.

"Birth parent" means the biological mother or biological or alleged father of a child, including a presumed father under chapter 26.26 RCW, whether or not a court of competent jurisdiction has terminated the person's parent-child relationship.

"Child placing agency" means an agency licensed by the department to place children for temporary care, continued care, or adoption.

"Children's administration" (CA) means the cluster of programs within the department of social and health services responsible for the provision of child welfare, adoption, child protective, child care licensing, and other services to children and their families.

"Department" means the department of social and health services (DSHS).

"Department placement" refers to the placement of a child for whom the department has placement authority in an approved adoptive home.

"Division of children and family services" (DCFS) is the division of children's administration that provides child welfare, child protective, family reconciliation, and support services to children in need of protection and their families.

"Division of licensed resources" (DLR) is the division of children's administration responsible for licensing or certifying child care homes and facilities under the authority of chapter 74.15 RCW.

"Foster-adopt" refers to families that are interested in adoption who have an approved adoptive home study and who have also been granted a foster home license in accordance with chapter 388-148 WAC.

"Independent placement" refers to the placement of a child in an adoptive home by a doctor, attorney, or other individual acting as a facilitator.

"Inter-country placement" refers to the placement of a child for adoption who is not a resident and/or citizen of the United States.

"Relative" means a person related by blood, marriage, or legal adoption, as defined in RCW 74.15.020.

"Voluntary adoption plan" means an agreement by the birth parent(s) to the termination of parental rights with a specific proposal for adoption placement for the child.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0010, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0015 What are the eligibility criteria for the department's adoption program? (1) The department provides adoption services to any child in the department's care and custody:

- (a) With an identified permanent plan of adoption; or
- (b) When the department considers adoption as an alternate permanent plan; and
 - (i) The child is in supervised out-of-home care; or
 - (ii) The child's birth parent(s) requests adoption as a permanent plan prior to the child's placement in out-of-home care.

(2) The department considers families who apply for adoption services to be resources for children in the department's care and custody if the potential parent(s) is:

- (a) Legally competent;
- (b) Eighteen years of age or older; and
- (c) Has an approved adoptive home study.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0015, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0020 When does the department provide general adoption services? The department provides general adoption services throughout the case planning of any child with an identified primary or alternate permanent plan of adoption until:

- (1) Finalization of the adoption; or
- (2) Adoption is no longer the identified permanent plan.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0020, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0025 What general adoption services does the department provide? (1) The department provides the following general adoption services prior to the finalization of an adoption:

- (a) Social work services to birth parents and children to achieve a permanent family for each child;
- (b) Use of the courts, legal counsel, and juvenile court specialists for termination of parental rights and granting of adoption petitions;
- (c) Obtaining available child and family medical and social background information for disclosure to adoptive families;
- (d) Recruitment, study, and approval of adoptive and foster-adopt families;

(e) Assessment of the child and the current caretaker to determine if the placement is an appropriate adoptive placement;

(f) Placement of children with waiting adoptive or foster-adoptive family;

(g) Social work services and/or referral of children and families to services after placement to facilitate the adoption;

(h) Development of alternate plans when the planned adoptive placement is not in the best interest of the child and/or the adoptive family; and

(i) Location and exchange, on a state and national basis, of information about children and adoptive families.

(2) The department administers the state's adoption support program on behalf of eligible children adopted through the department or a private child-placing agency (see WAC 388-25-0120 and following).

(3) The department administers the interstate compact on the placement of children (ICPC) and the interstate compact on adoption and medical assistance (ICAMA) and cooperates, upon request, with other state and tribal child welfare agencies in adoptive planning for children.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0025, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0030 What procedures must the department follow for the interstate placement of children? (1) Washington state is a member of Interstate Compact on Placement of Children (ICPC) and Interstate Compact on Adoption and Medical Assistance (ICAMA) and must meet all compact requirements (see chapter 26.34 RCW).

(2) The rules of this chapter apply to accepted ICPC cases.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0030, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0035 What adoption services does the department provide for children in the department's care and custody? (1) The department's adoption services for children include:

(a) Social work services with birth parents focused on locating a permanent home for the children.

(b) Social work services with children focusing on the child's educational, medical, psychological, and developmental needs;

(c) Petitioning the court for termination of parental rights;

(d) Facilitating voluntary relinquishments when a voluntary adoption is in the child's best interests;

(e) Assessment of children to determine their medical and social needs including, as needed:

(i) Psychiatric evaluations;

(ii) Psychological evaluations;

(iii) Educational evaluations; and

(iv) Medical evaluations;

(f) Evaluating prospective adoptive families through the use of the adoptive home study, also known as the preplacement report, to determine appropriateness for adoption generally and to determine What specific child characteristics or needs that the family will best be able to meet.

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(g) Making adoptive placements that are best able to meet a child's needs, from available resources;

(h) Social work services and/or referral of children and families to services after placement;

(i) The department social worker assigned to finalizing the adoption will assist families complete the adoption support program application for children who may be eligible for the adoption support program;

(j) Provision of post-placement reports and other documents required for finalization to the court for a child when the department:

(i) Conducts the post-placement reports and other documents required for finalization to the court for a child when the department:

(ii) Has custody of the child;

(k) Provision of the consent to the adoption of a child in the department's custody.

(2) Every six months, the department must review and adjust the case plan for children continuing in foster care under department care and supervision. The CA social worker must develop the case plan in accordance with chapter 13.34 RCW to achieve the permanency planning goals for the child.

(3) The department may utilize the following methods to locate an adoptive resource for a child until the child has been placed with an adoptive family:

(a) Ask birth parents to identify a potential adoptive family;

(b) The department prefers to place a child for adoption with a fit and willing relative who is known to the child and with whom the child is comfortable;

(i) Conduct searches for relatives who are fit and willing to adopt the child, who are known to the child and with whom the child is comfortable;

(ii) Ask the relatives to be considered as a potential adoptive family;

(c) Ask current and past foster parents if they wish to be considered as a potential adoptive family;

(d) Consider families that have an approved adoptive home study; and/or

(e) Conduct individualized child specific family recruitment.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0035, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0040 What adoption services does the department provide for prospective and approved adoptive families? (1) For department placements, the department:

(a) Accepts applications from families residing in the state of Washington that are interested in adopting a child who is in the care and custody of the department. Children in the care and custody of the department may have special needs.

(b) Initiates an adoptive home study and achieves one of the following outcomes:

(i) Approves the family for an adoptive placement and registers the family with the contracted adoption resource exchange unless a placement decision has already been made;

(ii) Denies the application to adopt; or

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(iii) The family withdraws the application to adopt.

(c) Searches for an appropriate placement for families with an approved adoptive home study;

(d) Obtains the prospective adoptive child's available medical and family background information and discloses the available information to the adoptive family;

(e) Removes a family from the contracted adoption resource exchange for any of the following reasons:

(i) A child has been placed with the family;

(ii) The family decides to receive adoption services through a private agency or an independent placement;

(iii) The department receives additional information that causes the department to revoke the approved status of a family;

(iv) The family and/or social worker determines that adoption is no longer an appropriate plan for the family; and/or

(v) The family relocates its residence to another state.

(f) Reevaluates a family's situation at the time of reapplication if a family was removed from the exchange registry and reapplies for adoption services;

(g) Informs families in writing of action the department has taken, according to the rules of this chapter;

(2) The department does not provide adoption or adoption-related services for inter-country adoptions or for independent adoptions.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0040, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0045 When may the department place a dependent child (not legally free) into an adoptive home? The department may place a child into a foster-adopt home under the following conditions:

(1) When the identified family has been granted a foster home license in accordance with chapter 388-148 WAC; and

(2) When the identified family has an approved adoptive home study that has been filed with the court in compliance with RCW 26.33.190.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0045, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0050 When may a legally free child be placed into an adoptive home? The department may place a child into an adoptive home under the following conditions:

(1) When the identified prospective adoptive family has an approved adoptive home study; and

(2) The adoptive home study has been filed with the court in compliance with RCW 26.33.190.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0050, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0055 What is a voluntary adoption plan? A voluntary adoption plan (VAP) occurs when a parent(s) has agreed to the termination of parental rights and has proposed a specific adoptive placement for the child.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0055, filed 3/30/01, effective 4/30/01.]

(2009 Ed.)

WAC 388-27-0060 When must the department follow a voluntary adoption plan? The department must follow the voluntary plan for adoption if:

(1) The prospective adoptive parents chosen by the parent are properly qualified to adopt in compliance with chapter 26.33 RCW or WAC 388-25-0025; and

(2) The court determines that this adoption is in the best interest of the child; and

(3) The VAP is proposed to the department before a petition for termination of the parent-child relationship has been filed.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0060, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0065 Will the department consider a proposed voluntary adoption plan if a termination petition has already been filed at the request of the department? If the attorney general's office has filed a termination petition at the request of the department, the department must consider, but is not required to support, an adoptive resource proposed by the parent.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0065, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0070 What will the department do to implement a voluntary adoption plan? The department must take the following actions to implement a VAP:

(1) The assigned CA social worker must work with the parent to determine whether the parent will identify a preferred adoptive placement by name.

(2) If a parent identifies a preferred placement, the assigned social worker must advise the parent and the proposed adoptive parent(s) that an adoption home study must be completed. CA, a private agency, or a qualified individual may complete the adoptive home study (see RCW 26.33-190).

(3) If the proposed adoptive parent chooses to have an adoptive home study completed by a private agency or qualified individual, CA retains the right to do its own home study if CA has concerns regarding the recommendations contained in the nondepartmental home study.

(4) Using approved procedures for determining suitability to be an adoptive resource, the child's social worker and the social worker for the adoptive family must determine:

(a) That the preplacement investigation and report, as described in RCW 26.33.190, on the proposed family results in approval of the adoptive placement; and

(b) That this placement is in the best interest of the child.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0070, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0075 What must the department do to maintain confidentiality of adoption records? (1) In accordance with chapter 26.33 RCW all records and information the department obtains in providing adoption services are confidential.

(2) To ensure that the department case file of an adopted child remains confidential, the CA local office must send the child's case file to CA headquarters for archiving upon the issuance of the decree of adoption.

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[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0075, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0080 Under what conditions may the department reveal identifying information about the birth parent? When providing reports or information on the adoptive child to the prospective or actual adoptive parents, the department must not reveal the identity of the birth parents of the child, unless:

(1) There is a written open communication agreement where the identity of the birth parent(s) is known;

(2) The birth parent is already known to the adoptive family; or

(3) The birth parent has selected the adoptive family, and the birth parent's identity has already been established.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0080, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0085 What must the department, private practitioner, or child placing agency do to locate records and information relating to the birth parents and the child? (1) The social worker, child placing agency, or another assigned worker must make the following efforts to locate records and information relating to the birth parent and the child:

(a) Ask the birth parents, the child, and relatives, when available, for names of all:

(i) Physicians;

(ii) Treatment agencies for medical, psychological, or educational services that have seen the parent or child for examination, evaluation, or treatment; and

(iii) Schools attended by the child and the parent.

(2) The social worker, contractor, or another assigned worker must contact the children's administration Supplemental Security Income (SSI) facilitator to obtain medical, psychological, or social information gathered during any SSI screen or application process.

(3) The social worker, contractor, or another assigned worker must document efforts, including unsuccessful efforts, made to obtain information by:

(a) Placing the gathered records in the child's case file;

(b) Documenting the information on the child's health and education record;

(c) Documenting on the health and education passport in CAMIS;

(d) Maintaining copies of written requests to service providers for records in the child's case file;

(e) Documenting efforts on the Child's Medical and Family Background Report, DSHS 13-041(X), unless the information is already documented on the health and education passport in CAMIS.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0085, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0090 What information must the department or child placing agency provide to prospective adoptive parents about the child that is being considered for adoption? (1) The department or the child placing agency must provide a medical report containing all known and available information concerning the mental, physical, and sensory handicaps of an adopted child, or a child placed

for adoption, to the adoptive or prospective adoptive parents under the authority of RCW 26.33.020, 26.33.340, 26.33.343 and 26.33.350.

(2) The department or the child placing agency worker must provide the Child's Medical and Family Background Report, DSHS 13-041(X), to the prospective adoptive parents. This report must include documentation of efforts made to obtain medical and social information on the child and birth parents.

(3) The department must provide a social history report on the child and birth family that includes, at a minimum in accordance with RCW 26.33.380:

(a) Circumstances of the child's birth;

(b) Chronological report of how the child came to be available for adoption;

(c) The child's placement history;

(d) All court reports pertaining to the dependency and custody of the child;

(e) The child's education history, including school reports and records; and

(f) The child's psychological and psychiatric reports and recommendations.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0090, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0100 What information must the department or child placing agency provide to prospective adoptive parents about the birth parent(s) of a child being considered for adoption? The department or the child placing agency must provide a nonidentifying report on the birth parent(s) that includes any known and available social and medical information on the child's birth parent(s) in accordance with RCW 26.33.380. This information regarding the birth parent(s) must include but is not limited to:

(1) First names only;

(2) Current age of parent(s);

(3) Heritage, including nationality, ethnic background, and race;

(4) General physical appearance, including height, weight, color of hair, eyes, and skin or other information of a similar nature;

(5) Education, including the number of years of school completed at the time of the adoption, and school report (if still attending), but not the name or location of the school;

(6) Religion or religious heritage;

(7) Occupation, but no specific titles or places of employment;

(8) Talents, hobbies, and special interests;

(9) Family history and circumstances leading to the adoption;

(10) Medical and genetic history including:

(a) Available psychiatric, psychological, and substance abuse reports;

(b) Available medical history including any acute or chronic conditions;

(c) Available medical history of the birth and pregnancy, including any known substance abuse by the birth mother while pregnant.

(11) First names other children of birth parents by age and sex;

(12) Available medical histories of other children;

- (13) Extended family of birth parents by age and sex;
- (14) Medical histories of extended family members, if known;
- (15) The fact of the death, age at death, and cause, if known, of a birth parent;
- (16) Photographs of child and birth family, if available; and
- (17) Name of agency or individual that facilitated the adoption.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0100, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0105 When will the department, private practitioner, or child placing agency disclose required information? The department, private practitioner, or child placing agency must disclose available child and birth family medical and social background information prior to the finalization of an adoption. Disclosure may occur:

- (1) Prior to the placement of a child into an adoptive home; or
- (2) At the time when a placement is identified as an adoptive placement.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0105, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0110 How does an adoptee, adoptive parent, or birth parent obtain nonidentifying information from an archived adoptive record? (1) Nonidentifying information about the birth parents, adoptee, or adoptive parent may be shared with persons identified in RCW 26.33.020 and 26.33.340.

(2) If the adoption was facilitated through the department, a request for information must be made in writing to the state office of Children's Administration, P.O. Box 45713, Olympia WA 98504-5713. The state office is the sole source for releasing information from an archived record.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0110, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0115 What is the department response to requests for public disclosure of an adoptive record? The department complies with the requirements for disclosure of public records in RCW 26.33.340.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-27-0115, filed 3/30/01, effective 4/30/01.]

Part A: General

WAC 388-27-0120 What is the legal basis of the department's adoption support program? The legal authorities for the program are:

- (1) Revised Code of Washington (RCW) 74.13.100 through 74.13.159;
- (2) Chapter 42 United States Code (U.S.C.) 671-675; and
- (3) The U.S. Department of Health and Human Services (DHHS) policy guidelines for states to use in determining a child's eligibility for Title IV-E adoption assistance (contained in DHHS Policy Manual).

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675. 04-06-024, § 388-27-0120, filed 2/23/04, effective 3/25/04.

(2009 Ed.)

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0120, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0125 What is the purpose of the adoption support program? The adoption support program encourages the adoption of special needs children in the legal custody of public or private nonprofit child care agencies who would not be adopted if support for the child was not available.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0125, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0130 What definitions apply to the adoption support program? The following definitions apply to this chapter:

"Adoption" means the granting of an adoption decree consistent with chapter 26.33 RCW.

"Adoption support agreement" means a written contract between the adoptive parent(s) and the department that identifies the specific support available to the adoptive parent(s) and other terms and conditions of the agreement.

"Adoption support cash payment" means negotiated monthly cash payments paid pursuant to an agreement between the adoptive parent(s) and the department after the child's adoption.

"Applicant" means a person or couple applying for adoption support on behalf of a child the person or couple plans to adopt.

"Child placing agency" means a private nonprofit agency licensed by the department under chapter 74.15 RCW to place children for adoption or foster care.

"Department" means the department of social and health services.

"Extenuating circumstances" means a finding by an administrative law judge or a review judge that one or more certain qualifying conditions or events prevented an otherwise eligible child from being placed on the adoption support program prior to adoption.

"Medical services" means services covered by medic-aid (and administered by the medical assistance administration) unless defined differently in the adoption support agreement.

"Negotiation" means the process of working toward an agreement between the department and the adoptive parent on the terms of the adoption support agreement, including any amount of monthly cash payment.

"Nonrecurring costs" means reasonable, necessary, and directly related adoption fees, court costs, attorney fees, and other expenses the adoptive parent incurs when finalizing the adoption of a special needs child. Total reimbursement from the department may not exceed one thousand five hundred dollars.

"Placing agency" means the agency that has the legal authority to place the child for adoption. This may be the department or a private nonprofit child placing agency.

"Program" means the department's adoption support program.

"Reconsideration" means the limited state-funded support available to an eligible child whose adoption was finalized without a valid adoption support agreement in place.

"Resident state" (for purposes of the child's medicaid eligibility) means the state in which the child physically resides. In some cases this may be different from the state of the parent's legal residence.

"Special needs" means the specific factors or conditions that apply to the child and that may prevent the child from being adopted unless the department provides adoption support services. See WAC 388-27-0140 for a detailed description of the factors or conditions.

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675, 04-06-024, § 388-27-0130, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.031, 01-08-045, § 388-27-0130, filed 3/30/01, effective 4/30/01.]

Part B: Eligibility

WAC 388-27-0135 What are the eligibility criteria for the adoption support program? For a child to be eligible for participation in the adoption support program, the department must first determine that adoption is the most appropriate plan for the child. If the department determines that adoption is in the child's best interest, the child must:

(1) Be less than eighteen years old when the department and the adoptive parents sign the adoption support agreement;

(2) Be legally free for adoption;

(3) Have a "special needs" factor or condition according to the definition in this rule (see WAC 388-27-0140); and

(4) Meet at least one of the following criteria:

(a) Is in state-funded foster care or child caring institution or was determined by the department to be eligible for and likely to be so placed (For a child to be considered "eligible for and likely to be placed in foster care" the department must have opened a case and determined that removal from the home was in the child's best interest.); or

(b) Is eligible for federally funded adoption assistance as defined in Title IV-E of the Social Security Act, the Code of Federal Regulations, the U.S. Department of Health and Human Services establishing guidelines for states to use in determining a child's eligibility for Title IV-E adoption assistance.

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675, 04-06-024, § 388-27-0135, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.031, 01-08-045, § 388-27-0135, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0140 What constitutes a "special needs"? To be considered a child with special needs the following three statements must be true:

(1) One or more of the following factors or conditions must exist:

(a) The child is of a minority ethnic background;

(b) The child is six years of age or older at the time of application for adoption support;

(c) The child is a member of a sibling group of three or more or of a sibling group in which one or more siblings meets the definition of special needs;

(d) The child is diagnosed with a physical, mental, developmental, cognitive or emotional disability; or

(e) The child is at risk for a diagnosis of a physical, mental, developmental, cognitive or emotional disability due to

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prenatal exposure to toxins, a history of serious abuse or neglect, or genetic history.

(2) The state has determined that the child cannot or should not be returned to the home of the biological parent; and

(3) The department or child placing agency that placed the child for adoption must document that except where it would be against the best interests of the child the department or child placing agency had made a reasonable but unsuccessful effort to place the child for adoption without adoption support.

[Statutory Authority: RCW 74.13.031, 01-08-045, § 388-27-0140, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0145 What constitutes a reasonable effort to place a child for adoption without adoption support? Reasonable effort to place a child without adoption support includes:

(1) A child registered for three months with the Washington adoption resource exchange (WARE) without finding an adoptive family; or

(2) A child for whom a documented, formal agency search was conducted for three months, without finding a family who would adopt the child without adoption support services; or

(3) A child for whom the placing agency's selected prospective adoptive family is unable to adopt the child without assistance from the adoption support program.

[Statutory Authority: RCW 74.13.031, 01-08-045, § 388-27-0145, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0150 Under what circumstances would it be against the best interest of the child to search for a family that could adopt the child without adoption support? Searching for a family that could adopt the child without adoption support is against the best interest of the child when:

(1) A foster parent desires to adopt a child who:

(a) Has been in the foster parent's home for six months or more before that child becomes legally free for adoption; and

(b) The child has close emotional ties to the current foster parent which, if severed, may cause emotional damage to the child; and

(c) The foster parent is identified as the adoptive parent of choice by the department or agency staff having responsibility for the child (RCW 26.33.190 and 74.13.109(4)); or

(2) The adoptive parent is a relative of specified degree as defined in RCW 74.15.020 (4)(a) and has an approved adoptive home study per RCW 26.33.109 and 74.13.109(4).

[Statutory Authority: RCW 74.13.031, 01-08-045, § 388-27-0150, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0155 Are there other factors affecting a child's eligibility for adoption support? (1) A child is not eligible for adoption support program services and payments if the adopting parent is the birth parent or stepparent of the child.

(2) The department must not use the adoptive parents' income as a basis for determining the child's eligibility for the adoption support program, however, the department must

consider income and other financial circumstances of the adopting family as one factor in determining the amount of any adoption support cash payments to be made. (See WAC 388-27-0230.)

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675. 04-06-024, § 388-27-0155, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0155, filed 3/30/01, effective 4/30/01.]

Part C: Application

WAC 388-27-0160 How does a prospective adoptive parent apply for adoption support services? There are two ways a prospective adoptive parent (applicant) may apply for adoption support services:

(1) An applicant may apply through the social worker of the child to be adopted. The social worker must:

(a) Register the child with the adoption support program; and

(b) Submit the applicant's completed program application along with a completed worksheet used to assist the family and the department in determining services and amount of monthly cash payment, if needed, based on the needs of the child and family circumstances.

(2) An applicant may also apply directly to the adoption support program for adoption support services if:

(a) The child does not have an assigned social worker; or

(b) The applicant and the social worker have a dispute regarding the content of the program application.

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675. 04-06-024, § 388-27-0160, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0160, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0165 What requirements apply to an application for ongoing adoption support? (1) The application must include a copy of the child's medical and family background report signed by the adoptive parent(s) (DSHS 13-041 minus the attachments). It must also include copies of medical and/or therapist reports that document the child's physical, mental, developmental, cognitive or emotional disability or risk of any such disability.

(2) If the applicant is requesting a cash payment, the applicant and the department must mutually determine both the type and amount according to the requirements of WAC 388-27-0230.

(3) If the applicant is requesting reimbursement of non-recurring costs, the applicant must include this request in the application. (See WAC 388-27-0380 and 388-27-0385 for the type and amount of expenses the department may reimburse.)

(4) The applicant must furnish a copy of the applicant's most recently filed federal income tax return. If the applicant is not required to file a federal income tax return, the applicant must submit a financial statement with the applicant's adoption support application.

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675. 04-06-024, § 388-27-0165, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0165, filed 3/30/01, effective 4/30/01.]

(2009 Ed.)

Part D: Agreement

WAC 388-27-0170 What is the nature and purpose of an adoption support agreement? The adoption support agreement is a binding contract between the adoptive parent(s) and the department that identifies the terms and conditions that both parties must follow.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0170, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0175 What must be included in an adoption support agreement? The adoption support agreement must:

(1) State the amount of cash payments (if any) the department must make to the adoptive parent(s) on behalf of the child;

(2) Include an itemized list of the additional services (including Title XIX medicaid and Title XX social services) for which the child is eligible;

(3) Contain statements that:

(a) Assure that participation in the adoption support program must continue, as long as the child is eligible, regardless of where the adoptive family resides;

(b) Inform the adoptive parent(s) of specific circumstances that may warrant further renegotiation and adjustment of the payment as agreed to by the adoptive parents and the department;

(c) Inform the adoptive parent(s) that the agreement must be reviewed every five years. Terms of the agreement may be modified according to WAC 388-27-0200;

(d) Inform the adoptive parent(s) that the department may suspend a child from the program within thirty days of any changes in circumstances (of the child or family) that affect the child's eligibility for program payments if the adoptive parent has failed to notify the department of the changes; and

(e) Define the circumstances under which the agreement may be terminated.

(4) Be signed by all relevant parties before the final adoption decree is issued (45 C.F.R. Sec. 1356.40).

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675. 04-06-024, § 388-27-0175, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0175, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0180 If the adoptive family resides in or moves to another state, how is the child's participation in the adoption support services affected? If the adoptive family resides in or moves to another state the child's participation in the adoption support program is affected as follows:

(1) Social services (Title XX) become the responsibility of the new state of residence.

(2) Medical benefits (Title XIX medicaid) remain the responsibility of Washington state if the child is not eligible for federal Title IV-E adoption assistance. However, Washington state is no longer responsible if the child becomes eligible for the resident state's Title XIX program through the Interstate Compact on Adoption and medical assistance or other eligibility factors.

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(3) Title XIX medicaid benefits become the responsibility of the resident state if the child receives Title IV-E adoption assistance.

(4) Medicaid benefits included in Washington state's medicaid plan, but not included in the resident state's plan, must remain the responsibility of Washington state and subject to Washington state plan limits.

(5) Washington state remains responsible for any cash payments made to the adoptive parent(s) on behalf of the child or any nonmedicaid counseling that has been preauthorized by the adoption support program per WAC 388-27-0245.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0180, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0185 When does the adoption support agreement become effective? (1) Unless otherwise stated in the adoption support agreement, an adoption support agreement takes effect on the first day of the month following the month in which the court finalizes the adoption.

(2) If the child to be adopted needs support benefits prior to finalization, the assigned regional adoption support program manager may arrange an early effective date. To be eligible for an early effective date, the applicant must:

(a) Have an adoption support agreement signed by all parties;

(b) Sign the child's medical and family background report (DSHS 13-041) and a statement of the applicant's intention to adopt; and

(c) Have the department's designee sign "an exception to policy" statement.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0185, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0190 If the department implements adoption support services prior to the adoption, may the adoptive parent(s) continue to receive department-funded foster care payments while also receiving adoption support payments? (1) The adoptive parent(s) may not continue to receive department-funded foster care payments for a child while also receiving adoption support payments for the same child.

(2) If the adoptive parent(s) receives department-funded foster care for the child to be adopted, the department's social worker assigned to the child must terminate that coverage on the last day of the month preceding the month in which the adoption support becomes effective.

(3) Foster care payments are paid after the month of service. Adoption support payments are paid prior to the month.

(4) The adoptive parent(s) may not receive foster care payments and adoption support cash payments for the same child for the same month.

(5) If the adoptive parent is adopting a relative child and has been receiving a nonneedy relative grant the adoptive parent must notify the community services office financial services specialist that the adoption has been finalized. The adoptive parent may not receive both the grant and adoption support payments for the same month for the same child.

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675. 04-06-024, § 388-27-0190, filed 2/23/04, effective 3/25/04.]

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Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0190, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0195 May the adoptive parent(s) change the benefits contained in the adoption support program? The adoptive parent may submit a written request asking that the department renegotiate the benefits offered in the adoption support agreement whenever either the family's economic circumstances or the condition of the child changes.

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675. 04-06-024, § 388-27-0195, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0195, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0200 When may the department modify the terms of the adoption support agreement? The department's adoption support program may modify the terms of an adoption support agreement:

(1) At the request of the adoptive parent(s);

(2) When specific circumstances warrant renegotiation and adjustment of monthly cash payment as agreed to by the adoptive parents and the department;

(3) When the department loses contact with the adoptive parent(s);

(4) When the child is placed outside of the adoptive parents' home at department expense;

(5) If the adoptive parent is no longer providing for the child's daily care and living expenses; or

(6) If the adoptive parent fails to notify the department's adoption support program within thirty days of a change of circumstance which affects the adopted child's continuing eligibility for adoption support program cash payments or services.

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675. 04-06-024, § 388-27-0200, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0200, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0205 Does the adoptive parent need to let the department know if the family's circumstances change? The adoptive parent must inform the department's adoption support program of circumstances that might make the parent and the adoptive child either ineligible for adoption assistance payments or benefits or eligible for adoption assistance payments or benefits in different amounts. Such changes include but are not limited to:

(1) A significant change in the child's condition;

(2) A change in the marital status of the adoptive parent(s);

(3) A change in the legal or physical custody of the child;

or

(4) A change in the adoptive family's mailing address.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0205, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0210 Under what circumstances would the adoption support agreement be terminated? The adoption support agreement is terminated according to the terms of the agreement or if any one of the following events occurs:

(1) The child reaches eighteen years of age; (if a child is at least eighteen but less than twenty-one years old and is a full-time high school student or working full time toward the completion of a GED (high school equivalency) certificate and continues to receive financial support from the adoptive parent(s), the department may extend the terms of the adoption support agreement until the child completes high school or achieves a GED. Under no circumstances may the department extend the agreement beyond the child's twenty first birthday.) Adoption support benefits will automatically stop on the child's eighteenth birthday unless the parent(s) requests continuation per this rule and have provided documentation of the child's continuation in school. To prevent disruption in services the parent should contact the adoption support program at least ninety days prior to the child's eighteenth birthday if continued services are to be requested.

(2) The adoptive parents no longer have legal responsibility for the child;

(3) The adoptive parents are no longer providing financial support for the child;

(4) The child dies; or

(5) The adoptive parents die. (A child who met federal Title IV-E eligibility criteria for adoption assistance will be eligible for adoption assistance in a subsequent adoption.)

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675. 04-06-024, § 388-27-0210, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0210, filed 3/30/01, effective 4/30/01.]

Part E: Services

WAC 388-27-0215 What benefits may the adoptive parent or child receive from the adoption support program? The adoption support program may provide one or more of the following benefits:

(1) Reimbursement for nonrecurring adoption finalization costs;

(2) Cash payments;

(3) Payment for counseling services as preauthorized (see WAC 388-27-0255 for conditions and terms); or

(4) Medical services through the department's medicaid program.

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675. 04-06-024, § 388-27-0215, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0215, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0220 What factors affect the amount of adoption support benefits a child receives? The department bases the amount of support it provides on the child's needs and the family's circumstances, but limits the cash payment to an amount that does not exceed the foster care maintenance rate the child would receive if the child was in a foster family home. Specific circumstances as agreed to by the adoptive parent and the department in the agreement, may warrant future renegotiation and adjustment of the payment determined in an assessment of the child.

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675. 04-06-024, § 388-27-0220, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0220, filed 3/30/01, effective 4/30/01.]

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WAC 388-27-0230 How does the department evaluate a request for adoption support monthly cash payments? (1) The amount of the adoption support monthly cash payment is determined through the discussion and negotiation process between the adoptive parents and representatives of the department based upon the needs of the child and the circumstances of the family. The payment that is agreed upon should combine with the parents' resources to cover the ordinary and special needs of the child projected over an extended period of time. Anticipation and discussion of these needs are part of the negotiation of the amount of the adoption assistance payment.

(2) Family circumstances to be considered include:

(a) Size, including the adopted child;

(b) Normal living expenses, including education and childcare expenses;

(c) Exceptional circumstances of any family member;

(d) Income;

(e) Resources and savings plans;

(f) Medical care and hospitalization needs;

(g) Ability to purchase or otherwise obtain medical care; and

(h) Additional miscellaneous expenses related to the adopted child.

(3) The department and the adoptive parents will jointly determine the level of adoption support cash payments needed to meet the basic needs of the child without creating a hardship on the family.

(4) Under no circumstances may the amount of the adoption support monthly cash payment the department pays for the child exceed the amount of foster care maintenance payment that would be paid if the child were in a foster family home.

[Statutory Authority: RCW 74.13.109, 74.13.031, 2002 c 371 § 202(8), 42 U.S.C. 671-675. 04-06-024, § 388-27-0230, filed 2/23/04, effective 3/25/04. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0230, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0250 What specific department requirements apply to medical services? (1) While an adoption support agreement remains in effect, the department's medical program rules apply to the adopted child.

(2) The department must make all medical payments according to established department procedures and directly to the child's physician(s) or service provider(s).

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0250, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0255 What specific department requirements apply to outpatient counseling and/or mental health services not covered by medicaid? When the department's adoption support program directly pays for a child's counseling and/or mental health services, the following conditions apply:

(1) The adoptive parent must obtain written authorization from the department's adoption support program before the service is rendered;

(2) The adoptive parents' primary health care coverage must be billed prior to billing the department's adoption support program;

(3) The department will pay the adoption support program's authorized rate minus any payment made by the primary (and other) insurer;

(4) The department may grant verbal authorization for no more than three counseling sessions prior to providing the required written authorization;

(5) The child's therapist or other treatment provider must submit a written treatment plan prior to authorization for continued treatment;

(6) The department may authorize counseling as follows:

(a) Up to six hours of outpatient counseling per month for up to twelve months; or

(b) Up to a total of twenty hours per quarter when critical need warrants;

(7) The department may extend the authorization for counseling (beyond the initial time period authorized) upon receipt of an updated treatment plan and documentation supporting the need for additional treatment from the treatment provider and a parent's request for continuing counseling (DSHS 10-214);

(8) The department may authorize this service for only one provider at a time unless a second provider is required for a different service.

(9) The department encourages adoptive parents to seek an annual assessment of the functioning of the adoptive child within the family to determine if there are mental health services needed to help maintain and/or strengthen the adoptive placement.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0255, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0260 If the adoptive parent requests residential placement services for the parent's adopted child, what department requirements apply? (1) The adoption support program must not pay for residential treatment placements. See RCW 74.13.080 and WAC 388-25-0025.

(2) If the adoptive parent requests residential treatment services for a child:

(a) For treatment of a mental illness, the department must refer the family to the local regional support network (RSN);

(b) If a diagnosis of physical, mental, developmental, cognitive or emotional disability is present, department staff must refer the child to the division of developmental disabilities (DDD) to determine eligibility of services for which the child might be eligible; or

(c) For reasons other than treatment of mental illness or developmental disabilities, department staff must refer the adoptive parent to the child welfare services intake at the local office of the division of children and family services (DCFS).

(3) The adoption support program manager may assist the adoptive parent in arranging residential service for the child but must not be responsible for the child's placement or for the payment of the residential service.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0260, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0265 What are the consequences of the department placing the adopted child in foster care, group care, or residential treatment? (1) If a child is on

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active status with Washington state's adoption support program and the department places the child in foster care, group care, or residential treatment, the department may report to the division of child support that good cause exists for not pursuing collection of support payments.

(2) The department must review the adoption support agreement and must discontinue any cash payments to the adoptive parent during the child's out-of-home placement unless the adoptive parent(s) documents continuing expenses directly related to the child's needs.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0265, filed 3/30/01, effective 4/30/01.]

Part F: Review

WAC 388-27-0275 When does the department review an adoption support agreement? (1) The adoption support program must review an agreement:

(a) At least once every five years; or

(b) When the adoptive parents request a change in the terms of the agreement.

(2) The department may review an adoption support agreement:

(a) Whenever variations in medical opinions, prognosis, or costs warrant a review; or

(b) At the department's request.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0275, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0280 What is involved in the review process? (1) The review process provides an opportunity for the adoptive parent to describe any changes in family circumstances or the child's condition and request a change in the terms of the adoption support agreement.

(2) The adoptive parent must provide supporting documentation upon department request.

(3) The department may request a copy of the adoptive parents' most recently filed IRS form 1040. If not required to file a federal tax return the adoptive parent(s) must submit a financial statement upon department request.

(4) The adoptive parent must request that the child's medical provider complete an EPSDT (early periodic screening, diagnosis and treatment) exam and submit a report of the results to the adoption support program.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0280, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0285 What is the department's responsibility when the adoptive parent(s) requests a review of the adoption support agreement? The adoption support program must initiate a review of the adoption support agreement no later than thirty days after receiving the adoptive parents' request for review of the agreement.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0285, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0290 What if the department does not respond to a request for a review of an adoption support agreement within thirty days? If the department does not respond to an adoptive parent's request for a review of an adoption support agreement within thirty days, the adoptive

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parent has the right to an administrative hearing (see RCW 74.13.127).

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0290, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0295 What requirements apply to the review of a support agreement? (1) The adoptive parent and the department must negotiate any changes in the agreement that result from a review;

(2) Changes in the terms of the agreement may be retroactive to the date the department received the written request; and

(3) If the department modifies the terms of the agreement, the adoptive parent and the department must sign a new agreement.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0295, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0300 After a review, what if the department and the adoptive parent cannot agree on the terms of the adoption support agreement? If the department proposes service changes without the adoptive parent's consent, the department must give written notification of those changes. In that notice, the department must clearly state the department's reasons for the proposed changes and inform the adoptive parent of the adoptive parent's right to an administrative hearing.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0300, filed 3/30/01, effective 4/30/01.]

Part G: Post-Finalization Requests for Assistance

WAC 388-27-0305 May an adoptive parent apply for adoption support services after the adoption has been finalized? Federal and state laws and rules require that a prospective adoptive parent must apply for adoption assistance prior to adopting a special needs child and that the prospective adoptive parent must have a valid adoption support agreement, signed by all parties, before the adoption is finalized.

However, both state and federal governments have recognized that in some situations there may have been extenuating circumstances that prevented the child from being placed on the adoption support program prior to adoption. For these situations separate remedies have been created depending on which eligibility criteria are met by the child.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0305, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0310 If a child met federal Title IV-E eligibility for adoption assistance before the adoption, but was not placed on the adoptive support program, what may the adoptive parent do after adoption finalization to obtain adoption support services for the adopted child? For a child who met the Title IV-E eligibility criteria for adoption assistance prior to adoption, federal rules allow for a possible finding of extenuating circumstances through an administrative hearing process. In these situations the adoptive parent must request a review by an administrative law judge or a review judge to obtain an order authorizing the

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department to enter into a post-adoption agreement to provide adoption support services to a special needs child.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0310, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0315 What constitutes "extenuating circumstances"? An administrative law judge or a review judge may make a finding of extenuating circumstances if one or more of the following situations exist:

(1) Relevant facts regarding the child, the biological family or child's background were known by the agency placing the child for adoption and not presented to the adoptive parents prior to the legalization of the adoption;

(2) The department denied adoption assistance based upon a means test of the adoptive family;

(3) Erroneous determination or advice by the department or private child placing agency that a child is ineligible for adoption assistance; or

(4) Failure by the placing agency to advise adoptive parents of the availability of adoption assistance.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0315, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0320 What is the effective date of an adoption support agreement that results from a finding of extenuating circumstances? The effective date of an adoption support agreement the department and the adoptive parent have entered into as a result of a finding of extenuating circumstances may not be before the date the department received the written request from the adoptive parent for participation in the adoption support program. Under no circumstances may the department back date an adoption support agreement more than two years from the date of an order of an administrative law judge or review judge authorizing the department to enter an adoption support agreement after finalization of the adoption.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0320, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0325 If a child did not meet federal Title IV-E eligibility for adoption assistance before the adoption, what may the adoptive parent do after adoption finalization to obtain adoption support services for the adopted child? For children ineligible for federal Title IV-E Adoption Assistance, the department may provide limited support through the state-funded adoption support reconsideration program.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0325, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0330 What is the adoption support reconsideration program? (1) The adoption support reconsideration program allows the department to register an eligible adopted child for limited state-funded support (see RCW 74.13.150).

(2) The reconsideration program provides for payment of medical and counseling services to address the physical, mental, developmental, cognitive, or emotional disability of the child that resulted in the child's eligibility for the program.

(3) There is a twenty thousand dollar per child lifetime cap on this program.

(4) The program requires the adoptive parent and the department to sign an adoption support reconsideration agreement specifying the terms, conditions, and length of time the child will receive limited support.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0330, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0335 How does a child qualify for the adoption support reconsideration program? To be eligible for the adoption support reconsideration program, a child must:

(1) Have resided, immediately prior to adoption finalization, in a department funded pre-adoptive placement or in department funded foster care;

(2) Have a physical or mental handicap or emotional disturbance that existed and was documented before adoption or was at high risk for future physical or mental handicap or emotional disturbance due to conditions to which the child was exposed before adoption;

(3) Reside in Washington state with an adoptive parent who lacks the financial resources to care for the child's special needs; and

(4) Be covered by a primary basic health insurance program.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0335, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0340 How does an adoptive parent apply for the adoption support reconsideration program? To apply, the adoptive parent must complete an application for adoption support reconsideration and attach:

(1) A written cost estimate of the child's proposed corrective-rehabilitative services;

(2) A current medical evaluation of the child including the cause(s) of the condition requiring corrective-rehabilitative services;

(3) A written statement explaining the child's current medical and counseling needs;

(4) A written statement giving the department permission to request and review pre-adoption information held by the adoption agency facilitating the child's adoption; and

(5) A copy of the adoptive parents' most recently filed IRS 1040 federal income tax form.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0340, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0345 What types of services does the department provide through the adoption support reconsideration program? The reconsideration program provides some support for counseling and medical services needed to treat the child's qualifying condition.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0345, filed 3/30/01, effective 4/30/01.]

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WAC 388-27-0350 What department requirements apply to adoption support reconsideration services? (1) The department must authorize, in writing, any services paid by the adoption support reconsideration program before the services are provided.

(2) The department must base the authorized level of service on the child's needs and must limit the level of service to established program rates.

(3) The department must limit medical services to those services that would be available to the child if the child were eligible for medicaid coverage.

(4) The department must make no cash payments to the family.

(5) The department must make payment directly to the provider of the authorized service.

(6) The adoptive parents' basic health insurance must provide primary coverage and must be used before billing the reconsideration program. The adoption support reconsideration program must be the secondary insurer.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0350, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0355 Under what conditions or circumstances would a child become ineligible for the adoption support reconsideration program? (1) Eligibility for adoption support reconsideration services ends according to the terms of the adoption support reconsideration agreement or when the child:

(a) Reaches eighteen years of age;

(b) Is eligible for the federal Title IV-E adoption assistance program and has been placed on that program;

(c) Has received twenty thousand dollars in department paid medical, dental, and/or counseling services; or

(d) Is no longer the financial responsibility of the adoptive parent(s).

(2) If the parent dies, the reconsideration agreement becomes invalid. Neither the agreement nor the child's eligibility for the program are transferable to a subsequent adoption.

(3) The department may suspend services when the child:

(a) Resides outside the adoptive parents' home for more than thirty continuous days; or

(b) Is no longer covered by primary basic health insurance.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0355, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0360 What happens if the state no longer funds the adoption support reconsideration program? If the department no longer has funds available for the program, a child's participation in the program will cease. The department will terminate the adoption support reconsideration agreement.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0360, filed 3/30/01, effective 4/30/01.]

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Part H: Appeal Rights

WAC 388-27-0365 Does an adoptive parent have the right to appeal department decisions regarding adoption support issues? (1) An adoptive parent has the right to an administrative hearing to contest the following department actions:

(a) Denial of a child's initial eligibility for the adoption support program or the adoption support reconsideration program;

(b) Failure to respond with reasonable promptness to a written application or request for services;

(c) Denial of a written request to modify the level of payment or service in the agreement;

(d) A decision to increase or decrease the level of the child's adoption support payments without the concurrence of the adoptive parent(s);

(e) Denial of a request for nonrecurring adoption expenses; or

(f) Termination from the program.

(2) The adoptive parent must submit a request for an administrative hearing to the office of administrative hearings within ninety days of receipt of the department's decision to deny a request or failure to respond to a request.

(3) The office of administrative hearings must apply the rules in WAC 388-27-0120 through 388-27-0390 as they pertain to the issues being contested.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0365, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0370 What information about adoption support agreements may be used in an administrative hearing? Adoption and adoption support files are confidential, and information contained in those files may not be disclosed without the consent of the person who is the subject of the file. By requesting an administrative hearing to challenge a department decision relating to adoption support the adoptive parent is agreeing that the department may release factual information about the case during the course of the proceedings. Actions taken by the department and decisions by administrative law judges or review judges in adoption support cases which do not directly involve the case being heard may not be cited or relied upon in any administrative proceeding (RCW 26.33.340 and 74.04.060).

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0370, filed 3/30/01, effective 4/30/01.]

Part I: Nonrecurring Costs

WAC 388-27-0375 Will the department reimburse an adoptive parent for nonrecurring adoption expenses? The department will agree to reimburse some or all of an adoptive parent's nonrecurring adoption expenses if:

(1) The child has a qualifying factor or condition identified in WAC 388-27-0140(1);

(2) Washington state has determined that the child cannot or should not be returned to the home of the child's biological parent; and

(3) Except where it would be against the best interest of the child, the department or a child placing agency has made a reasonable but unsuccessful effort to place the child with

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appropriate adoptive parents without the benefit of adoption assistance; and

(4) The child has been placed for adoption according to applicable state and local laws or Tribal laws.

[Statutory Authority: RCW 74.13.109, 74.13.112, 74.13.130, and 2002 c 371. 03-02-059, § 388-27-0375, filed 12/27/02, effective 1/27/03. Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0375, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0380 What types of nonrecurring adoption expenses will the department reimburse? The department may reimburse:

(1) Court costs directly related to finalizing an adoption;

(2) Reasonable and necessary adoption fees;

(3) Reasonable and necessary attorney fees directly related to finalizing an adoption; and

(4) Costs associated with an adoption home study, including:

(a) Health and psychological examination;

(b) Placement supervision before adoption;

(c) Transportation, lodging, and food costs incurred by the adoptive parent(s) and child during pre-placement visits; and

(d) Other costs directly related to finalizing the legal adoption of the child.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0380, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0385 Is there a limit to the amount of nonrecurring adoption expenses that the department will reimburse? Department reimbursement of nonrecurring adoption expenses must not exceed one thousand five hundred dollars per child.

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0385, filed 3/30/01, effective 4/30/01.]

WAC 388-27-0390 How does an adoptive parent get reimbursed for nonrecurring adoption expenses? (1) Before the adoption is finalized, the adoptive parent must sign an agreement with the department specifying the nature and amount of nonrecurring adoption expenses. This agreement may be part of an adoption support agreement or it may be a separate agreement specific to the reimbursement for nonrecurring adoption finalization costs. The department will make no reimbursement payments unless such an agreement exists.

(2) Upon finalization of the adoption, the adoptive parent may request reimbursement. A copy of the adoption decree and documentation supporting actual costs incurred must accompany the request for reimbursement.

(3) The department must reimburse documented actual costs or the amount specified in the signed agreement, whichever is less.

(4) The department will not reimburse nonrecurring adoption expenses that are reimbursable from other sources (for example: IRS, military, or the adoptive parent's employer).

[Statutory Authority: RCW 74.13.031. 01-08-045, § 388-27-0390, filed 3/30/01, effective 4/30/01.]

Chapter 388-32 WAC

CHILD WELFARE SERVICES TO PREVENT OUT-OF-HOME PLACEMENT AND ACHIEVE FAMILY RECONCILIATION

WAC

HOME SUPPORT SERVICES
BY CHILDREN'S ADMINISTRATION

- 388-32-0005 What are home support services?
388-32-0010 What are the eligibility criteria for HSS?

HOME BASED SERVICES
BY COMMUNITY PROVIDERS

- 388-32-0015 What are home based services and under what circumstances may the department provide the services to the child's parent or relative caregiver?

FAMILY RECONCILIATION SERVICES

- 388-32-0020 What is the purpose of the family reconciliation services program?
388-32-0025 Who may receive FRS services?
388-32-0030 What FRS services does the department provide?

**HOME SUPPORT SERVICES
BY CHILDREN'S ADMINISTRATION****WAC 388-32-0005 What are home support services?**

The department's children's administration (CA) offers home support services (HSS), within available funds, to provide supportive, culturally appropriate, skill-building services in partnership with CA's client families. Only CA staff may provide the services in the family home or other appropriate setting and must provide the services as part of a comprehensive case plan. The department does not contract for this service.

(1) CA typically offers HSS during the normal work week but may provide HSS on weekends and beyond normal working hours.

(2) Child and family resource specialists (CFRS) have primary responsibility to provide HSS, which may include the following services:

(a) Teach and demonstrate basic physical and emotional care of children, including child development and developmentally appropriate child discipline;

(b) Teach homemaking and other life skills, including housekeeping, nutrition and food preparation, personal hygiene, financial budgeting, time management and home organization, with consideration given to the family's cultural environment;

(c) Help families obtain basic needs by networking families with appropriate supportive community resources; e.g., housing, clothing and food banks, health care services, and educational and employment services;

(d) Provide emotional support to families and build self-esteem in family members; aid family members in developing appropriate interpersonal and social skills;

(e) Provide client transportation/supervision of visits on a nonroutine, short-term basis;

(f) Observe family functioning, assisting the social worker to identify family strengths as well as areas needing intervention or improvement, providing reports and assessments to the assigned social worker on the family's progress in skill-building, family functioning, and other areas defined in the case plan;

(g) Participate in child protection teams, multidisciplinary teams, interagency case staffings, and family intervention meetings;

(h) Provide court testimony when requested by the attorney representing DSHS or when subpoenaed.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-32-0005, filed 3/30/01, effective 4/30/01.]

WAC 388-32-0010 What are the eligibility criteria for HSS? Children's administration uses the following criteria to determine eligibility for HSS, within available funding:

(1) The family must be a current recipient of CA services.

(2) The case plan for the family must document the need for teaching, skill-building, community networking, or visitation.

(3) HSS does not provide long-term maintenance for a family, is not a housekeeping service, and is not interchangeable with CHORE services, which are provided by the department's aging and adult services administration.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-32-0010, filed 3/30/01, effective 4/30/01.]

**HOME BASED SERVICES
BY COMMUNITY PROVIDERS**

WAC 388-32-0015 What are home based services and under what circumstances may the department provide the services to the child's parent or relative caregiver? (1) Home based services (HBS) are designed to prevent or improve conditions that may result in out-of-home placement. Children's administration (CA) provides these services in the context of a comprehensive case plan. CA purchases services from community providers within available funds for this purpose. Services may include:

(a) Basic goods and services; e.g., food, clothing, shelter, furniture, health care, utilities, transportation
(b) Paraprofessional services; e.g., parent aides;
(c) Parent training;
(e) In-home counseling or assistance to prevent out-of-home placement.

(2) For a family or individual to receive HBS, the following conditions must be met:

(a) The client has a case open for child protective services (CPS), child welfare services (CWS), or family reconciliation services (FRS);
(b) The department may provide services to the family of origin, relatives, or foster families when the intent of HBS is to maintain or reunify a permanent or long-term stable home for the child;

(c) The family is willing and able to cooperate with HBS services; and

(d) In the assigned social worker's judgment, the child may be safely maintained in the home or be safely returned to the home within the next three months with provision of HBS.

(e) The family is willing and able to cooperate with HBS services; and

(d) In the assigned social worker's judgment, the child may be safely maintained in the home or be safely returned to the home within the next three months with provision of HBS.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-32-0015, filed 3/30/01, effective 4/30/01.]

FAMILY RECONCILIATION SERVICES

WAC 388-32-0020 What is the purpose of the family reconciliation services program? (1) The purpose of family reconciliation services (FRS) is to achieve reconciliation between the parent and child, to reunify the family, and to maintain and strengthen the family unit to avoid the necessity of out-of-home placement of children.

(2) The department provides these services, within available funds, to:

(a) Alleviate personal or family situations that present a serious and imminent threat to the health or stability of the child or family and that do not meet the definition of child abuse or neglect; and

(b) Maintain families intact whenever possible.

[Statutory Authority: RCW 74.13.031. 01-08-047, § 388-32-0020, filed 3/30/01, effective 4/30/01.]

WAC 388-32-0025 Who may receive FRS services?

(1) CA provides FRS to adolescents, thirteen through seventeen years of age, and their families, in instances where the adolescent has runaway and/or is in conflict with his/her family. These populations are defined as follows:

"**Families in conflict**" means families in which personal or family situations present a serious and imminent threat to the health or stability of the child, which may include an at-risk youth, or family.

"**Runaways**" means youths who are absent from home for a period of time without parental permission. Services are to actual runaways and not to threatened runaways, unless the threatened runaways meet the definition of families in conflict.

(2) FRS is not provided for any of the following situations, unless the family is seeking an at-risk youth or a child-in-need-of-services (CHINS) family assessment:

(a) The identified youth has not reached his/her thirteenth birthday, or the youth is eighteen years of age or older;

(b) Chronic or long-term multiproblem situations requiring long-term interventions;

(c) Custody and marital disputes unless the dispute creates a conflict between the child and parent with physical custody;

(d) Families currently receiving counseling services related to the parent-child conflict/relationship from other agencies;

(e) Child abuse and neglect cases, unless those cases meet the definition of family in conflict; or

(f) Youth receiving foster care or group care services or follow up to those services.

[Statutory Authority: Chapter 13.32A RCW, RCW 74.08.090, 74.13.031, 2002 c 371. 03-19-051, § 388-32-0025, filed 9/11/03, effective 9/11/03. Statutory Authority: RCW 74.13.031. 01-08-047, § 388-32-0025, filed 3/30/01, effective 4/30/01.]

WAC 388-32-0030 What FRS services does the department provide? The assigned social worker provides services to develop skills and supports within families to resolve family conflicts, achieve a reconciliation between parent and child, and to avoid out-of-home placement. The services may include, but are not limited to, referral to services for suicide prevention, psychiatric or other medical

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care, or psychological, financial, legal, educational, or other social services, as appropriate to the needs of the child and family. Typically FRS is limited to a ninety-day period. Children's administration (CA) provides intake/assessment services (IAS).

(1) Youth and/or their families who call or self-present at children's administration central intake or a local office requesting FRS services must be provided assistance in contacting the appropriate children's administration's intake services to make a formal request for FRS services.

(a) The FRS social worker must contact the family within twenty-four hours of their assignment to the case, to schedule an appointment to begin the phase I family interview process. These FRS phase I sessions are intended to defuse the immediate potential for violence, assess problems, and explore options leading to problem resolution.

(b) CA or its contractors may provide FRS phase II crisis counseling services.

(2) Families eligible for FRS phase II crisis counseling are those who, in the opinion of the family and the CA social worker, require more intensive services than those provided through phase I services.

(a) Families must make a commitment to participate in the FRS phase II crisis counseling service and must not concurrently be receiving similar counseling services through other agencies or practitioners. At a minimum, there must be a parent and a child willing to participate. FRS phase II crisis counseling assists the family to develop skills and supports in order to resolve conflicts.

(b) FRS phase II crisis counseling services may not exceed twelve hours within forty-five days unless it is provided using a CA approved model that is based on research demonstrating effectiveness.

(c) The assigned counselor helps the family develop skills and supports to resolve conflicts. The counselor may refer to resources including medical, legal, ongoing counseling and CPS for problem resolution.

(d) FRS phase II crisis counseling services are available a maximum of twice in a lifetime for any one family. The family must include a parent/guardian who has legal custody of the youth.

[Statutory Authority: RCW 13.32A.040, 74.13.031, and 74.08.090. 06-11-080, § 388-32-0030, filed 5/16/06, effective 6/16/06. Statutory Authority: Chapter 13.32A RCW, RCW 74.08.090, 74.13.031, 2002 c 371. 03-19-051, § 388-32-0030, filed 9/11/03, effective 9/11/03. Statutory Authority: RCW 74.13.031. 01-08-047, § 388-32-0030, filed 3/30/01, effective 4/30/01.]

Chapter 388-39A WAC**CHILD WELFARE SERVICES—COMPLAINT RESOLUTION****WAC**

388-39A-010	What definitions apply to the department's child welfare services complaint resolution process?
388-39A-030	How does the children's administration resolve complaints?
388-39A-035	What is the process for resolving complaints?
388-39A-040	What happens if the complaint is not resolved at the regional level?
388-39A-045	Does the complaint resolution process apply to all complaints?
388-39A-050	Is the complaint resolution process the only way to resolve a complaint?

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- 388-39A-055 What rights do complainants have under the complaint resolution process?
 388-39A-060 Do constituent relations staff only handle complaints?

WAC 388-39A-010 What definitions apply to the department's child welfare services complaint resolution process? "Children's administration" (CA) means the cluster of programs within the department of social and health services responsible for the provision of child welfare, child protective, child care licensing, and other services to children and their families.

"Complaints office" or "constituent relations" means the office within the children's administration responsible for handling complaints regarding child welfare services.

"Division of children and family services" (DCFS) means the division within the children's administration responsible for administering child welfare services programs.

"Division of licensed resources" (DLR) means the division within the children's administration responsible for licensing or certifying child care homes and facilities under the authority of chapter 74.15 RCW.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-010, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-030 How does the children's administration resolve complaints? Constituent relations staff assist clients, foster parents, and other affected individuals in resolving complaints and grievances regarding children's administration (CA) policies and procedures, or the application of a policy or procedure related to CA programs. Under RCW 74.13.045, constituent relations staff may inquire into, determine fact, and facilitate the resolution of disputes and complaints.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-030, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-035 What is the process for resolving complaints? (1) After making a reasonable effort to resolve a complaint with a social worker or licensor, a client, foster parent, or community member may contact the CA constituent relations office to request assistance.

(2) Constituent relations staff will assist the complainant in reviewing the complaint with the assigned social worker or licensor to arrive at a resolution.

(3) If the complaint cannot be resolved with the social worker or licensor, constituent relations staff will assist the complainant in reviewing it with the supervisor of the social worker or licensor for resolution.

(4) If the complaint cannot be resolved with the supervisor, constituent relations staff will assist the complainant in reviewing the complaint with the supervisor's area manager or regional manager for resolution.

(5) If the complaint cannot be resolved with the area manager or regional manager, constituent relations staff will assist the complainant in reviewing it with the area manager's regional administrator or the regional manager's office chief.

(6) If CA constituent relations staff determines at any time during the complaint resolution process that the administration's actions were consistent with agency policy and procedures based on complete and correct information

regarding the complainant's situation, the constituent relations staff will terminate the resolution process and will close the complaint.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-035, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-040 What happens if the complaint is not resolved at the regional level? (1) When constituent relations staff and local CA staff have made a reasonable attempt to resolve the complaint, the regional administrator, the office chief, or the constituent relations supervisor may convene a panel to review the complaint and make recommendations to the CA assistant secretary for resolution.

(2) The regional administrator or office chief and the constituent relations supervisor will determine the membership of the panel.

(3) The panel must consist of the following members:

(a) The regional administrator's or office chief's designee who must not be from the administrative unit where the complaint originated;

(b) A constituent relations staff person;

(c) A person who is not a CA employee; and

(d) If the complainant is a foster parent, a foster parent who is not involved in the complaint.

(4) The panel may examine the complaint, the complainant's file, and any additional relevant information, including information from the complainant, CA staff, or others.

(5) The panel must submit written findings and recommendations to the CA assistant secretary who will issue a final, written decision.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-040, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-045 Does the complaint resolution process apply to all complaints? (1) The complaint resolution process does not apply to complaints for which the complainant has the right to seek resolution through judicial review or an adjudicative proceeding under Title 13, 26, or 74 RCW.

(2) The process also does not apply to contract rate setting, contested rate payments, exceptional cost rates, disputes or decisions regarding written personal service contracts, or financial agreements.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-045, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-050 Is the complaint resolution process the only way to resolve a complaint? Participation in the complaint resolution process does not affect the right of any person to seek other remedies.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-050, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-055 What rights do complainants have under the complaint resolution process? (1) Under RCW 74.13.045, the complaint resolution process does not create substantive or procedural rights for any person.

(2) Participation in the complaint resolution process does not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-055, filed 3/5/01, effective 4/5/01.]

WAC 388-39A-060 Do constituent relations staff only handle complaints? In addition to complaint resolution, CA constituent relations staff also provide information about children's administration programs, policies, and procedures and information about other complaint resolution resources, including the office of the family and children's ombudsman.

[Statutory Authority: RCW 74.13.045. 01-06-041, § 388-39A-060, filed 3/5/01, effective 4/5/01.]

**Chapter 388-60 WAC
DOMESTIC VIOLENCE PERPETRATOR
TREATMENT PROGRAM STANDARDS**

WAC

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- 388-60-120 Treatment focus. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-120, filed 12/24/96, effective 1/24/97. Statutory Authority: 1992 HB 1884. 93-10-024 (Order 3539), § 388-60-120, filed 4/28/93, effective 5/29/93.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-130 Treatment modality. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-130, filed 12/24/96, effective 1/24/97. Statutory Authority: 1992 HB 1884. 93-10-024 (Order 3539), § 388-60-130, filed 4/28/93, effective 5/29/93.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-140 Program policies and procedures. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-140, filed 12/24/96, effective 1/24/97. Statutory Authority: 1992 HB 1884. 93-10-024 (Order 3539), § 388-60-140, filed 4/28/93, effective 5/29/93.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-150 Treatment staff qualifications. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-150, filed 12/24/96, effective 1/24/97. Statutory Authority: 1992 HB 1884. 93-10-024 (Order 3539), § 388-60-150, filed 4/28/93, effective 5/29/93.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-160 Orientation and continuing professional education requirements. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-160, filed 12/24/96, effective 1/24/97. Statutory Authority: 1992 HB 1884. 93-10-024 (Order 3539), § 388-60-160, filed 4/28/93, effective 5/29/93.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-170 Cooperation with domestic violence victim programs. [Statutory Authority: 1992 HB 1884. 93-10-024 (Order 3539), § 388-60-170, filed 4/28/93, effective 5/29/93.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-180 Knowledge of law and justice system practices. [Statutory Authority: 1992 HB 1884. 93-10-024 (Order 3539), § 388-60-180, filed 4/28/93, effective 5/29/93.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-190 Program certification process. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-190, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-200 Certification maintenance. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-200, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-210 Advisory committee. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-210, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-220 Complaint. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-220, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-230 Investigation. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-230, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-240 Results of investigation. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-240, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-250 Notification of results. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-250, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.
- 388-60-260 Appeal. [Statutory Authority: RCW 26.50.150. 97-02-035, § 388-60-260, filed 12/24/96, effective 1/24/97.] Repealed by 01-08-046, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 26.50.150.

DEFINITIONS

WAC 388-60-0015 What definitions apply to this chapter? The following definitions are important to understand these rules:

"Corrective action" means the denial or suspension or revocation of certification, or the issuance of a written warning.

"Department" or **"DSHS"** means the department of social and health services.

"Participant" or **"perpetrator"** means the client enrolled in the domestic violence perpetrator treatment program. This client may be court-ordered to attend treatment or someone who chooses to voluntarily attend treatment.

"Program" or **"treatment program"** means a domestic violence perpetrator treatment program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0015, filed 3/30/01, effective 4/30/01.]

PURPOSE

WAC 388-60-0025 What is the purpose of this chapter? (1) This chapter establishes minimum standards for programs that treat perpetrators of domestic violence.

(2) These standards apply to any program that:

(a) Advertises that it provides domestic violence perpetrator treatment; or

(b) Defines its services as meeting court orders that require enrollment in and/or completion of domestic violence perpetrator treatment.

(3) These programs provide treatment only to perpetrators of domestic violence, including clients who are self-referred or those who are court-ordered to attend treatment.

(4) An agency may administer other service programs in addition to domestic violence perpetrator treatment services; however, the domestic violence perpetrator treatment program must be considered a separate and distinct program from all other services the agency provides.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0025, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0035 Must domestic violence perpetrator treatment programs be certified? All programs providing domestic violence perpetrator treatment services must:

- (1) Be certified by the department; and
- (2) Comply with the standards outlined in this chapter.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0035, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0045 What must be the focus of a domestic violence perpetrator treatment program? (1) A domestic violence perpetrator treatment program must focus treatment primarily on ending the participant's physical, sexual, and psychological abuse.

(2) The program must hold the participant accountable for:

- (a) The abuse that occurred; and
- (b) Changing the participant's violent and abusive behaviors.

(3) The program must base all treatment on strategies and philosophies that do not blame the victim or imply that the victim shares any responsibility for the abuse which occurred.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0045, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0055 What must be a treatment program's primary goal? The primary goal of a domestic violence perpetrator treatment program must be to increase the victim's safety by:

(1) Facilitating change in the participant's abusive behavior; and

(2) Holding the participant accountable for changing the participant's patterns of behaviors, thinking, and beliefs.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0055, filed 3/30/01, effective 4/30/01.]

REQUIRED PROGRAM POLICIES AND PROCEDURES

WAC 388-60-0065 What steps must a treatment program take to address victim safety? (1) Each treatment program must have written policies and procedures that adequately assess the safety of the victims of the perpetrators enrolled in the treatment program.

(2) The treatment program must take the following steps to protect victims:

(a) Notify the victim of each program participant within fourteen days of the participant being accepted or denied entrance to the program that the participant has enrolled in or has been rejected for treatment services;

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(b) Inform victims of specific outreach, advocacy, emergency and safety planning services offered by a domestic violence victim program in the victim's community;

(c) Encourage victims to make plans to protect themselves and their children;

(d) Give victims a brief description of the domestic violence perpetrator treatment program, including the fact that the victim is not expected to do anything to help the perpetrator complete any treatment program requirements; and

(e) Inform victims of the limitations of perpetrator treatment.

(3) The program must document in writing the program's efforts to notify the victim of the above requirements.

(4) The program cannot invite or require the victims of participants to attend perpetrator treatment program counseling sessions or education groups which the program requires participants to attend as a condition of their contracts.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0065, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0075 What must a treatment program require of its participants? (1) All participants must attend consecutive, weekly group treatment sessions. A program may develop policies which allow excused absences to be made up with the program director's approval.

Exception: Another type of intervention may be approved for certain documented clinical reasons, such as psychosis or other conditions that make the individual not amenable to treatment in a group setting.

(2) The program must assign each participant to a home group and the participant must be required to attend the same scheduled group each week. The program's director must authorize any exceptions to this requirement and document the reason for the exception.

(3) Each participant must sign all releases of information required by the treatment program, including those specified in WAC 388-60-0145.

(4) Each participant must sign a contract for services with the treatment program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0075, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0085 What requirements apply to group treatment sessions? (1) The group sessions must be single gender.

(2) The group size is limited to a maximum of twelve participants, and a minimum of two participants.

(3) Group sessions must be at least ninety minutes in length.

(4) Group sessions must be closed to all persons other than participants, group facilitators, and others specifically invited by the group leaders. Others specifically invited by group leaders may include:

(a) Professionals in related fields;

(b) Persons offering interpretation services for the deaf and/or hearing impaired or language translation/interpretation; and

(c) Others bringing specific information critical to the group.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0085, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0095 May a participant be involved in more than one type of treatment while enrolled in a domestic violence perpetrator treatment program? (1) A program may allow a client to participate in other types of therapy during the same period the client is participating in the required weekly group treatment sessions.

(2) Any other type of therapy must support the goal of victim safety by facilitating change in the participant's abusive behavior without blaming the victim for the perpetrator's abuse.

(3) The program must determine that the participant is stable in the participant's other treatments before allowing the participant to participate in treatment for domestic violence.

(4) Other therapies including the following list may not be substituted for the required domestic violence perpetrator treatment sessions:

- (a) Individual therapy;
- (b) Marital or couples' therapy;
- (c) Family therapy;
- (d) Substance abuse evaluations or treatment; or
- (e) Anger management.

(5) A program may recommend marital or couples' therapy only after:

(a) The participant has completed at least six months of domestic violence perpetrator treatment services; and

(b) The victim has reported that the participant has ceased engaging in violent and/or controlling behaviors. However, this therapy may not take the place of domestic violence perpetrator treatment session.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0095, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0105 What requirements does the department have for treatment programs regarding non-discrimination? (1) A domestic violence perpetrator treatment program may not discriminate against any participant based on:

- (a) Race;
- (b) Age;
- (c) Gender;
- (d) Disability;
- (e) Religion;
- (f) Marital status or living arrangements;
- (g) Political affiliation;
- (h) Educational attainment;
- (i) Socio-economic status;
- (j) Ethnicity;
- (k) National origin; or
- (l) Sexual orientation.

(2) Program materials, publications, and audio-visual materials must be culturally sensitive and nondiscriminatory.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0105, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0115 Does a program have the authority to screen referrals? (1) A treatment program has the authority to accept or reject any referral for its program.

(2) The program must base acceptance and rejection of a client on written criteria the program has developed to screen potential participants.

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(3) A treatment program may impose any conditions on participants that the program deems appropriate for the success of treatment.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0115, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0125 What rights do participants in a treatment program have? (1) A treatment program must provide each participant with the highest quality of service.

(2) Treatment program staff must establish a climate where all relationships with colleagues and participants are respectful.

(3) Each participant enrolled in a program must have the assurance that the program staff will conduct themselves professionally, as specified in RCW 18.130.180.

(4) Staff, board members, and volunteers working for a treatment program must not engage in or tolerate sexual harassment or exploitation of an employee, a program participant, or a victim of any program participant.

(5) Each participant must have a written contract signed by the participant and the treatment program staff which specifies the participant's rights and responsibilities while enrolled in the program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0125, filed 3/30/01, effective 4/30/01.]

CONFIDENTIALITY

WAC 388-60-0135 What information about the participant must the treatment program keep confidential?

(1) Treatment programs must follow the confidentiality requirements contained in chapter 18.19 RCW for registered counselors and certified professionals.

(2) All program participants and guests must agree in writing not to disclose the identity of group participants or personal information about the participants.

(3) A treatment program must keep all communications between the participant and direct treatment staff confidential unless:

- (a) The participant has signed a release of information; or
- (b) The program is legally required to release the information.

(4) The treatment program may audio or video tape group sessions only when all participants grant written consent that gives details about the specific uses for the tape. The program must obtain an additional consent statement from each participant to permit use of the tape for any purpose other than the purposes specified in the original consent.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0135, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0145 What releases must a program require a participant to sign?

For a treatment program to conduct case monitoring and periodic safety checks, the program must require all participants to sign the following releases which must remain in effect for the duration of the client's treatment:

(1) A release allowing the treatment program to notify the victim and/or the victim's community and/or legal advo-

cates that the perpetrator has been accepted or rejected for treatment;

(2) A release allowing the program to provide the victim with periodic reports about the perpetrator's participation in the program;

(3) A release allowing the current domestic violence perpetrator treatment program access to information held by all prior and concurrent treatment agencies, including domestic violence perpetrator treatment programs, mental health agencies, and drug and alcohol treatment programs;

(4) A release allowing the treatment program to provide relevant information regarding the participant to each of the following entities:

- (a) Lawyers, including prosecutors;
- (b) Courts;
- (c) Parole officers;
- (d) Probation officers;
- (e) Child protective services, child welfare services, and other DSHS programs;
- (f) Court-appointed guardians ad litem;
- (g) DSHS certifying authorities; and
- (h) Former treatment programs that the participant has attended.

(5) A release for the program to notify any person whose safety appears to be at risk due to the participant's potential for violence and lethality. This includes, but is not limited to:

- (a) The victim;
- (b) Any children;
- (c) Significant others;
- (d) The victim's community and legal advocates; or
- (e) Police.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0145, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0155 Must a treatment program keep information provided by or about the victim confidential?

(1) A treatment program must treat all information the victim provides to the program as confidential unless the victim gives written permission for the program to release the information.

(2) Information must be kept separate from any files for perpetrators.

(3) If a victim tells the treatment program that the participant has committed a new offense, the treatment program must encourage the victim to contact:

- (a) Appropriate law enforcement agency; and
- (b) The local domestic violence victim's program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0155, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0165 What information must the treatment program collect and discuss with the client during the intake process or assessment interview?

(1) Treatment programs must conduct an individual, complete clinical intake and assessment interview with each perpetrator who has been accepted into the treatment program. The program staff must meet face-to-face with the program participant to conduct this intake and interview.

(2) During the intake interview, program staff must obtain the following information, at a minimum:

- (a) Current and past violence history;

- (b) A complete diagnostic evaluation;
- (c) A substance abuse screening;
- (d) History of treatment from past domestic violence perpetrator treatment programs;
- (e) History of threats of homicide or suicide;
- (f) History of ideation of homicide or suicide;
- (g) History of stalking;
- (h) Data to develop a lethality risk assessment;
- (i) Possession of, access to, plans to obtain, or a history of use of weapons;
- (j) Degree of obsessiveness and dependency on the perpetrator's victim;
- (k) History of episodes of rage;
- (l) History of depression and other mental health problems;
- (m) History of having sexually abused the battered victim or others;
- (n) History of the perpetrator's domestic violence victimization and/or sexual abuse victimization;
- (o) Access to the battered victim;
- (p) Criminal history and law enforcement incident reports;
- (q) Reports of abuse of children, elderly persons, or animals;
- (r) Assessment of cultural issues;
- (s) Assessment of learning disabilities, literacy, and special language needs; and
- (t) Review of other diagnostic evaluations of the participant.

(3) If the program cannot obtain the above information, the program client file must include documentation of the program's reasonable efforts to obtain the information.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0165, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0175 Who may complete the intake process or conduct the assessment interview?

(1) Only treatment staff who meet the minimum qualifications for direct treatment staff stated in chapter 388-60 WAC may complete the intake process or conduct the assessment interview.

(2) A trainee may not have sole responsibility for conducting an intake or assessment. If the staff conducting the intake/assessment is a trainee, the trainee must work in conjunction with additional staff in their program, and the trainee's program supervisor must review and sign off on the trainee's work.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0175, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0185 Must the program compile a written document based on information gathered in the intake/assessment process?

The program must compile a written document, which includes the information required to be gathered in the intake/assessment process.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0185, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0195 Must the treatment program develop an individual treatment plan for each participant? (1) The treatment program must develop a written treatment plan for each participant who is accepted into the domestic perpetrator treatment program.

(2) The treatment program must base the participant's treatment on the clinical intake/assessment which the program completed for the client.

(3) The treatment plan must adequately and appropriately address the needs of the individual participant.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0195, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0205 What must a treatment program consider when developing an individual treatment plan for a participant? (1) A treatment program must:

(a) Assess whether a participant should be required to engage in drug and alcohol, mental health, or other treatment services while they are participating in the treatment program;

(b) Decide which treatment gets priority for the participant if more than one treatment service is recommended;

(c) Determine the sequence of other services if concurrent treatment is not clinically appropriate; and

(d) Make appropriate referrals to outside agencies.

(2) A treatment program must consider issues relating to a participant's prior victimization when designing each treatment plan.

The program must consider the appropriateness of domestic violence victim services in lieu of perpetrator treatment for a participant who presents an extensive history of prior victimization.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0205, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0215 Must a program require a participant to sign a contract for services with the treatment program? A treatment program must require each participant to sign a formal contract for services.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0215, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0225 What must the treatment program include in the contract for each participant's treatment? The contract between each participant and the treatment program must include the following elements:

(1) A statement regarding the treatment program's philosophy that:

(a) The victim may not be blamed for the participant's abuse;

(b) The perpetrator must stop all forms of abuse;

(c) An abuser is to be held accountable for the abusers actions; and

(d) The program's primary concern is for the safety of victims.

(2) A statement requiring the participant to:

(a) Cooperate with all program rules;

(b) Stop violent and threatening behaviors;

(c) Be nonabusive and noncontrolling in relationships;

(d) Develop and adhere to a responsibility plan;

(e) Comply with all court orders;

(f) Cooperate with the rules for group participation; and

(g) Sign all required releases of information.

(3) A policy on attendance and consequences for inadequate attendance;

(4) A requirement that the perpetrator must actively participate in treatment, including sharing personal experiences, values, and attitudes, as well as completing all group activities and assignments;

(5) A policy regarding other program expectations, such as completion of written exams, concurrent treatment requirements, and possession of weapons as described under chapters 388-861 and 388-875 WAC;

(6) Written criteria for completion of treatment;

(7) A statement that group members must honor the confidentiality of all participants;

(8) A statement that the treatment program has the duty to warn and protect victims, law enforcement, and third parties of any risk of serious harm the program determines the participant poses to them;

(9) Requirements that the participant must either:

(a) Provide the program with the participant's arrest records, criminal history, and any information regarding treatment services previously received; or

(b) Identify the existence of and location of all service records, and authorize release of all such records to the domestic violence treatment program.

(10) The program's policy regarding the use of drugs and alcohol, including a provision that the participant must attend treatment sessions free of drugs and alcohol; and

(11) Fees and methods of payment for treatment.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0225, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0235 Must a treatment program follow an educational curriculum for each participant? A treatment program must follow a specific educational curriculum for all participants in the program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0235, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0245 What topics must the treatment program include in the educational curriculum? The curriculum of the treatment program must include the following topics:

(1) Belief systems that allow and support violence against women;

(2) Belief systems that allow and/or support the use or threat of violence to establish power and control over an intimate partner;

(3) Definitions of abuse, battering, and domestic violence;

(4) Forms of abuse, including:

(a) Physical abuse;

(b) Emotional and sexual abuse;

(c) Economic manipulation or domination;

(d) Physical force against property or pets;

(e) Stalking;

(f) Terrorizing someone or threatening him or her; and

(g) Acts that put the safety of battered partners, children, pets, other family members, or friends at risk.

(5) The impact of abuse and battering on children and the incompatibility of domestic violence and abuse with responsible parenting;

(6) The fact that a participant is solely responsible for the participant's violent behavior, and must acknowledge this fact;

(7) The need to avoid blaming a victim for the participant's abusive behavior;

(8) Techniques to be nonabusive and noncontrolling;

(9) Negative legal and social consequences for someone who commits domestic violence;

(10) Why it is necessary to meet financial and legal obligations to family members;

(11) Opportunities for a participant to develop a responsibility plan:

(a) The treatment program may assist the participant in developing the plan.

(b) In the plan, the participant must make a commitment to giving up power and control over the victim.

(12) Education regarding individual cultural and family dynamics of domestic violence; and

(13) Washington state laws and practices regarding domestic violence, as described in chapters 10.31, 10.99, and 26.50 RCW.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0245, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0255 What is the minimum treatment period for program participants? (1) The minimum treatment period is the time required for the participant to fulfill all conditions of treatment set by the treatment program. Satisfactory completion of treatment is not based solely on a perpetrator participating in the treatment program for a certain period of time or attending a certain number of sessions.

(2) The program must require participants to attend treatment and satisfy all treatment program requirements for at least twelve consecutive months.

(3) The program must require the participant to attend:

(a) A minimum of twenty-six consecutive weekly same gender group sessions, followed by:

(b) Monthly sessions with the treatment provider until the twelve-month period is complete. These sessions must be conducted face-to-face with the participant by program staff who meet the minimum qualifications set forth in this chapter.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0255, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0265 What criteria must be satisfied for completion of treatment? (1) A treatment program must have written criteria for satisfactory completion of treatment.

(2) A program must require a participant to meet all of the following conditions in order for the program to state that the participant has completed treatment:

(a) Attend treatment sessions for the minimum treatment period;

(b) Attend all other sessions required by the program;

(c) Cooperate with all group rules and program requirements throughout the duration of treatment services;

(d) Stop the use of all violent acts or threats of violence;

(e) Stop using abusive and controlling behavior;

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(f) Adhere to the participant's responsibility plan;

(g) Comply with court orders; and

(h) Comply with other conditions of the contract for treatment services, such as chemical dependency treatment.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0265, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0275 What must the treatment program do when a participant satisfactorily completes treatment? (1) A treatment program must notify the following people when a participant satisfactorily completes treatment:

(a) The court having jurisdiction, if the participant has been court-mandated to attend treatment; and

(b) The victim, if feasible.

(2) The program must document in writing its efforts to contact the victim.

(3) The program may specify only that the perpetrator has completed treatment based on adequate compliance with the participant's contract with the treatment program and any court order.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0275, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0285 Must a treatment program have policies regarding any reoffenses during treatment? A treatment program must establish and implement written policies that include consequences if a perpetrator reoffends during treatment or does not comply with program requirements.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0285, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0295 Does a program need guidelines for discharging participants who do not complete treatment? (1) A treatment program must have guidelines for discharging participants who do not satisfactorily complete the program.

(a) Discharge decisions must be uniform and predictable.

(b) Discrimination may not occur against any participant.

(2) A program may terminate a participant from treatment prior to completion of the program if the participant has not complied with the requirements set forth in the participant's contract with the program.

(3) If a program discharges a participant who does not complete treatment, the treatment program must document in writing that the participant has not complied with:

(a) The participant's contract with the treatment program;

(b) A court order;

(c) A probation agreement; or

(d) Group rules.

(4) If a program chooses not to discharge a participant who has reoffended, committed other acts of violence or abuse, or has not complied with any of subsection (3)(a) through (d) of this section, the program must note the reoffense and/or noncompliance in the client's progress notes, reports to the court, and reports to the victim (if feasible).

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(5) The program must state in the client's record the program's rationale for not terminating the participant, and state what corrective action was taken.

(6) A program may discharge a participant if the treatment program cannot provide adequate treatment services to the participant because of the treatment program's current development.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0295, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0305 Who must the program notify when the program discharges a participant because of failure to complete treatment? A treatment program must notify the following parties in writing when the program discharges a participant from the program because of failure to complete treatment:

- (1) The court having jurisdiction, if the participant has been court-mandated to attend treatment;
- (2) The participant's probation officer, if any;
- (3) The victim of the participant, if feasible; and
- (4) The program must notify the above parties within three days of terminating the client.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0305, filed 3/30/01, effective 4/30/01.]

TREATMENT STAFF QUALIFICATIONS

WAC 388-60-0315 What are the minimum qualifications for all direct treatment staff? (1) All staff with direct treatment contact with participants must be:

- (a) Registered as counselors or certified as mental health professionals as required under chapter 18.19 RCW; and
- (b) Free of criminal convictions involving moral turpitude.

(2) Each staff person providing direct treatment services to a participant must have a bachelor's degree.

(a) The department will review requests for an exception to this requirement on a case-by-case basis.

(b) In order to qualify for an exception, the employee must possess year-for-year professional level experience equivalent to a bachelor's degree. The department determines this equivalency at the discretion of the DSHS program manager responsible for monitoring domestic violence perpetrator treatment programs.

(3) Prior to providing any direct treatment services to program participants, each direct treatment staff person must have completed:

(a) A minimum of thirty hours of training about domestic violence from an established domestic violence victim program; and

(b) A minimum of thirty hours of training from an established domestic violence perpetrator treatment services program.

(i) If located within Washington state, the domestic violence perpetrator treatment program must be certified and meet the standards as outlined in this chapter.

(ii) If located out-of-state, the domestic violence perpetrator treatment program must meet the standards outlined in this chapter as well as chapter 26.50 RCW.

(4) All employees must complete all sixty hours of required training before the employee may begin to provide

any direct services to group participants. Any work experience accrued prior to completion of the sixty hours of training will not count toward any requirement for work experience.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0315, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0325 Must a program notify the department when new direct treatment staff are added?

(1) At the time that the program adds new direct treatment staff, the program must submit documentation to DSHS which proves that the staff meets the minimum qualifications for all treatment staff stated in WAC 388-60-0315.

(2) Direct treatment staff may not provide services to perpetrators until the treatment staff's qualifications have been reviewed and approved by the DSHS program manager responsible for certification of domestic violence perpetrator treatment programs.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0325, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0335 Who is considered a trainee for domestic violence perpetrator treatment programs?

A trainee is a direct treatment staff person who has not accrued at least two hundred fifty hours of experience providing services to domestic violence perpetrators and domestic violence victims.

(1) At least one hundred twenty-five hours of this requirement must have been provision of supervised, direct treatment services to domestic violence perpetrators.

(2) The remainder of this requirement must have been provision of domestic violence victim advocacy services.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0335, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0345 May a trainee provide direct treatment services to participants?

(1) A trainee may serve as a co-facilitator of groups, but may not have sole responsibility for the group at any time.

(2) A trainee may not have sole responsibility for conducting an intake or assessment, or for terminating a participant from treatment.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0345, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0355 Do treatment programs need a supervisor?

Each treatment program must have at least one person providing supervision to paid and volunteer direct treatment staff.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0355, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0365 Who may provide supervision of direct treatment staff in a domestic violence perpetrator treatment program?

(1) In addition to possessing the basic qualifications required for all direct treatment staff, a program's supervisor must meet **all** of the following requirements:

(a) Have a minimum of three years of experience providing direct treatment services to perpetrators of domestic violence;

(b) Have a minimum of one year of experience providing victim advocacy services to domestic violence victims (this may be concurrent with (a) of this subsection);

(c) Have a minimum of one year of experience in facilitating domestic violence perpetrator treatment groups;

(d) Has completed at least five hundred hours of supervised direct treatment contact with both perpetrators and domestic violence victims:

(i) At least three hundred hours of this requirement must have been the provision of supervised, direct treatment services to domestic violence perpetrators.

(ii) The remainder of this requirement must have been the provision of domestic violence victim advocacy services.

(2) Each staff person providing supervision to direct treatment staff within a program must have a master's degree.

(a) The department's program manager [manager] will review requests for an exception to this requirement on a case-by-case basis.

(b) In order to qualify for an exception, the employee must possess year-for-year professional level experience equivalent to a master's degree. The department determines this equivalency at the discretion of the DSHS program manager responsible for monitoring domestic violence perpetrator treatment programs.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0365, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0375 Must a supervisor always be on the premises of the treatment program? A supervisor may be located either on or off-site unless direct treatment services are being provided only by employees who are considered trainees, as defined in these rules. If no other direct treatment staff besides the supervisor possesses at least two hundred fifty hours of experience providing direct treatment services to perpetrators, the supervisor must be present at all times that direct treatment services are being provided.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0375, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0385 Must the treatment program have staff supervision policies? A treatment program must develop and follow policies, procedures, and supervision schedules that provide adequate supervision for all treatment staff.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0385, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0395 What are the requirements for staff orientation? (1) A treatment program must have an orientation for any new staff, whether the staff are paid or volunteer.

(2) The purpose of the orientation must be to provide the staff with the program's philosophy, organization, curriculum, policies, procedures, and goals.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0395, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0405 What are the continuing professional education requirements for all direct treatment program staff? (1) All staff having direct treatment contact

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with participants must complete a minimum of twenty hours of continuing professional education each year after the program is certified, or each year after the staff person is added to the staff list. No more than five of those hours may be obtained by attending "in-house" training.

(2) Each staff person's continuing professional education must include four or more hours of training per year on issues of sexism, racism, and homophobia and their relationship to domestic violence.

(3) Continuing education training may be in the fields of alcohol/drug abuse, mental health, or other issues but all training must be related to the treatment of domestic violence perpetrators.

(4) The treatment staff may obtain continuing professional education through classes, seminars, workshops, video or audiotapes, or other self-study programs when approved in writing by the program supervisor. No more than five hours of video, audiotapes, or self-study program may be used toward the requirement of twenty hours of continuing education requirement. This includes correspondence courses.

(5) The staff must document all continuing education hours on DSHS approved forms.

(a) The form must be accompanied by completion certificates, course/workshop outline, and supervisor signature.

(b) The program must submit the form and documentation to the department at the time the program applies for re-certification.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0405, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0415 Is a treatment program required to cooperate with local domestic violence victim programs? A treatment program must establish and maintain cooperative relationships with domestic violence victim services programs located in their community.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0415, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0425 Does a treatment program need knowledge of the domestic violence laws and justice system practices? A treatment program must show evidence of an understanding of the laws pertaining to domestic violence and the operation of the justice system. At a minimum, a program must be familiar with:

(1) State laws regulating the response to domestic violence by the criminal justice system;

(2) Relief available to victims of domestic violence offered by:

(a) Washington domestic violence law and civil protection orders;

(b) Criminal no-contact orders; and

(c) Civil restraining orders.

(3) Local law enforcement, prosecution, and court and probation policies regarding domestic violence cases.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0425, filed 3/30/01, effective 4/30/01.]

CERTIFICATION PROCESS

WAC 388-60-0435 What is the process to apply for certification of a treatment program? (1) Any program wishing to provide treatment to perpetrators of domestic violence must request certification by completing an application available from the department. To request an application by mail, write to:

Domestic Violence Perpetrator Treatment Program
Department of Social and Health Services (DSHS)
Children's Administration
P.O. Box 45710
Olympia, Washington 98504-5710.

(2) The program must submit the application, application fee, and all documentation needed to prove that the program meets the requirements set forth in these standards.

(3) A program may not provide direct treatment services to domestic violence perpetrators without being certified by the department.

(4) If approved, the department grants certification for a two year period.

(5) The department considers each geographical location of a program an individual program, and must certify each program separately.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0435, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0445 What is the application fee for certification? (1) Application fee for either initial certification or recertification of a domestic violence perpetrator treatment program is one hundred dollars.

(2) The department publishes the application fee for certification of domestic violence perpetrator treatment programs in the application packet.

(3) If there is any change in the fee, the update will be done in July of each year.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0445, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0455 What documentation must a program submit before the department may certify the program? The program's director must submit the following documentation with the program's application:

(1) A written statement signed by the director that the program complies with the standards contained in this chapter;

(2) Results of current criminal history background checks conducted by the Washington state patrol for all current direct treatment program staff;

(3) A statement for each current paid or volunteer staff person whether or not the staff person has ever been a party to any civil proceedings involving domestic violence;

(4) Proof that each direct treatment staff is registered as a counselor or certified as a mental health professional with the department of health;

(5) Evidence that the program maintains cooperative relationships with agencies providing services related to domestic violence.

(a) This evidence must include, at a minimum:

(i) Three items of evidence that they have established and continue to maintain cooperative relationships with local domestic violence victim programs and other local agencies involved with domestic violence intervention.

(ii) Documentation that they have established a referral process between their program and the local domestic violence victim services programs.

(iii) Proof that they participate in a local domestic violence task force, intervention committee or workgroup if one exists in their community.

(b) The program may also submit evidence of the following:

(i) Participation in public awareness activities sponsored by the local domestic violence victim services agency.

(ii) Service agreements between the local domestic violence victim services agency(ies) and the treatment program.

(iii) Letters of support for the program from other agencies or parties involved in domestic violence intervention.

(6) Evidence that the program maintains cooperative relationships with agencies involved in domestic violence intervention.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0455, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0465 What happens after a program turns in an application to the department? (1) The department will review a certification application within thirty days after the application is received to decide if the domestic violence perpetrator program meets the program standards in this chapter.

(2) The department must notify the applicant whether or not the program meets these standards.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0465, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0475 Will a certificate be issued if the treatment program meets the standards? If a program meets the standards in this chapter, the department will issue the program a certificate of compliance.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0475, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0485 What happens if a treatment program does not meet the standards? (1) If a program does not meet the standards for certification or recertification, the department will provide the program with:

(a) A copy of the standards;

(b) A written notice containing the reasons for the determination of noncompliance; and

(c) The program standards relied upon for making the decision.

(2) Treatment programs have the right to a hearing if the program is denied certification under this chapter (chapter 388-02 WAC).

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0485, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0495 What records must the department keep regarding certified domestic violence perpetrator programs? The department must maintain the following information:

- (1) A current record of all certified domestic violence perpetrator programs.
- (2) A current record of programs that:
 - (a) Are in the process of applying for certification;
 - (b) Have been denied certification;
 - (c) Have been notified that the department is revoking or suspending certification;
 - (d) Have had their certification revoked; and
 - (e) Are being investigated.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0495, filed 3/30/01, effective 4/30/01.]

RECERTIFICATION

WAC 388-60-0505 How often must a domestic violence perpetrator treatment program reapply for certification? Each program certified under this chapter must reapply for certification every two years.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0505, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0515 What must a program do to apply for recertification of their domestic violence perpetrator treatment program? In order to be recertified, a program must submit a completed application packet to the department at least forty-five days prior to the expiration date of the previous certification period.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0515, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0525 What must the application packet for renewal of the certification of a domestic violence perpetrator program include? The packet must include the following:

- (1) A completed application form signed by the program director;
- (2) Payment of the application fee;
- (3) A listing of all direct treatment staff;
- (4) A statement of qualifications for any staff added since the last certification period;
- (5) Current results of criminal history background checks conducted by the Washington state patrol, and a statement regarding any involvement in civil proceedings involving domestic violence for each employee providing direct treatment services;
- (6) An update of continuing professional education hours for each direct treatment staff;
- (7) Evidence that the program maintains cooperative relationships with agencies providing services related to domestic violence.

(a) This evidence must include, at a minimum:

- (i) Three items of evidence that they have established and continue to maintain cooperative relationships with local domestic violence victim programs and other local agencies involved with domestic violence intervention.

(2009 Ed.)

(ii) Documentation that they have established a referral process between their program and the local domestic violence victim services programs.

(iii) Proof that they participate in a local domestic violence task force, intervention committee or workgroup if one exists in their community.

(b) The program may also submit evidence of the following:

(i) Participation in public awareness activities sponsored by the local domestic violence victim services agency.

(ii) Service agreements between the local domestic violence victim services agency(ies) and the treatment program.

(iii) Letters of support for the program from other agencies or parties involved in domestic violence intervention.

(8) Evidence that the program maintains cooperative relationships with agencies involved in domestic violence intervention; and

(9) All documentation needed to prove that the program continues to meet the standards for certification.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0525, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0535 How does the department decide that a program should continue to be certified? The department will continue to certify a program, or will review its certification, if:

(1) The department determines, based on the completed application, that the program continues to meet the standards and qualifications as outlined in this chapter; and

(2) The department determines that any complaint investigations from the previous certification period have been satisfactorily resolved.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0535, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0545 Is there a formal process if a treatment program wishes to appeal a denial of certification or recertification? If the department denies certification or recertification, the domestic violence perpetrator treatment program has a right to an administrative hearing under chapter 388-08 WAC.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0545, filed 3/30/01, effective 4/30/01.]

ADVISORY COMMITTEE

WAC 388-60-0555 Does the department have an advisory committee for domestic violence perpetrator treatment? The department will establish and appoint a volunteer group to serve as the Washington domestic violence perpetrator treatment program standards advisory committee.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0555, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0565 What is the role of the advisory committee? The role of the advisory committee is to:

(1) Advise the department regarding recommended changes to the program standards; and

(2) Provide technical assistance on program standards, implementation, and certification and recertification criteria.

[Title 388 WAC—p. 367]

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0565, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0575 Who are the advisory committee members and how are they chosen? The advisory committee must include the following members:

(1) Four persons representing the perspective of victims of domestic violence. They will be chosen with input from the Washington State Coalition Against Domestic Violence (WSCADV);

(2) Four persons representing the perspective of state-certified domestic violence perpetrator treatment programs. They will be chosen with input from the Washington Association of Domestic Violence Intervention Professionals (WADVIP);

(3) Four persons representing the perspective of adult misdemeanor probation and Washington state courts of limited jurisdiction. They will be chosen with input from the Misdemeanor Corrections Association and the Washington State District and Municipal Court Judges Association;

(4) One person representing the department of corrections; and

(5) One person representing the office of the administrator for the courts.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0575, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0585 How long is the appointed term for an advisory committee member? Advisory committee members are appointed for two-year terms.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0585, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0595 May advisory committee members be replaced before their term expires? The department may replace committee members if the member misses two consecutive committee meetings.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0595, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0605 Are expenses for advisory committee members reimbursed? (1) If funds are available, the department will reimburse advisory committee members for travel and meal expenses related to service on the committee.

(2) Advisory committee members may not receive any other compensation for service on the committee.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0605, filed 3/30/01, effective 4/30/01.]

COMPLAINTS AND THE INVESTIGATION OF COMPLAINTS

WAC 388-60-0615 Does the department investigate complaints about domestic violence perpetrator treatment programs? DSHS investigates complaints regarding domestic violence perpetrator treatment programs.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0615, filed 3/30/01, effective 4/30/01.]

[Title 388 WAC—p. 368]

WAC 388-60-0625 Who may request an investigation of a certified domestic violence perpetrator treatment program? Any person may submit a written complaint to DSHS if the person has the following concerns about a certified program:

(1) The program has acted in a way that places victims at risk; or

(2) The program has failed to follow standards in this chapter.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0625, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0635 Does the department notify a treatment program that the department has received a complaint? Once it receives a complaint about a certified program, the department will:

(1) Determine that the complaint includes sufficient information to be deemed valid;

(2) Notify the program within fourteen days of the complaint being determined valid that the department has received a complaint about the program; and

(3) Notify the program that an investigation has been initiated.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0635, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0645 May DSHS begin an investigation of a treatment program without receiving a complaint? DSHS may begin an investigation of a domestic violence perpetrator treatment program without a written complaint if the department believes that the program:

(1) Has placed victims at risk; or

(2) Failed to follow the standards outlined in this chapter.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0645, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0655 What is included in an investigation? The investigation of a complaint against a domestic violence perpetrator treatment program may include:

(1) Contact with:

(a) The person making the complaint;

(b) Other persons involved in the complaint; or

(c) The treatment program.

(2) A request for written documentation of evidence; and/or

(3) An on-site visit to the program to interview program staff.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0655, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0665 Is there a time limit for the department to complete its investigation of a complaint? The department must complete its investigation within forty-five days of beginning the investigation, unless circumstances warrant a longer period of time.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0665, filed 3/30/01, effective 4/30/01.]

RESULTS OF INVESTIGATIONS

WAC 388-60-0675 Does the department put the results of the investigation in writing? (1) The department will prepare written results of the complaint investigation.

(2) If the department decides that the treatment program behaved in a way that placed victims at risk or failed to meet the standards outlined in this chapter, the written results must include a decision regarding the status of the program's certification.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0675, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0685 What action may the department take regarding a program's certification if a complaint is founded? If the department determines that a complaint against a domestic violence perpetrator treatment program is founded, the department may:

- (1) Revoke the treatment program's certification;
- (2) Suspend the treatment program's certification; or
- (3) Send a written warning to the treatment program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0685, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0695 Does DSHS notify a treatment program of its decision to take corrective action? DSHS must send the written results of its investigation to the program by certified mail, return receipt requested, within twenty days after completing the investigation.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0695, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0705 What information must the department give a program if it takes action that affects the program's certification status? (1) If DSHS revokes a program's certification, the department must provide the program with:

- (a) The specific reasons for the revocation;
- (b) The WAC standards the revocation is based on; and
- (c) The effective date of the revocation.

(2) If DSHS suspends a treatment program's certification, DSHS must provide the treatment program with:

- (a) The specific reasons for the corrective action;
- (b) The WAC standards that the suspension is based on;
- (c) The effective date of the suspension;
- (d) Any remedial steps which the program must complete to the satisfaction of the department before the department will reinstate the program's certification and lift the suspension; and

- (e) The deadline for completion of any remedial steps.
- (3) If DSHS issues a written warning to a program, DSHS must provide the treatment program with:

- (a) The specific reasons for the written warning;
- (b) The WAC standards that the written warning is based on; and
- (c) Any remedial steps which the program must complete to the satisfaction of the department.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0705, filed 3/30/01, effective 4/30/01.]

(2009 Ed.)

WAC 388-60-0715 What happens if a treatment program refuses to remedy the problems outlined in the complaint findings? If the treatment program refuses or fails to remedy the problems outlined in the written warning, DSHS may revoke or suspend the certification of the program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0715, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0725 What if the director of a domestic violence perpetrator treatment program disagrees with the corrective action decision? (1) When DSHS revokes or suspends a program's certification, issues a written warning, or imposes corrective action, the department will notify the program director in writing of the program's right to request a hearing.

(2) The program director may request an administrative hearing from the office of administrative hearings pursuant to chapter 388-02 WAC.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0725, filed 3/30/01, effective 4/30/01.]

NOTIFICATION OF RESULTS OF AN INVESTIGATION

WAC 388-60-0735 Does the department notify the person that made the complaint of the results of the investigation? DSHS will mail a copy of the written results of the investigation to the person who made the complaint against the domestic violence perpetrator treatment program.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0735, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0745 What must the treatment program do after notification that its certification has been suspended or revoked? If DSHS revokes or suspends a program's certification, the program must:

(1) Take immediate steps to notify and refer current clients to other certified domestic violence perpetrator treatment programs;

Note: This must be done prior to the effective date of revocation or suspension.

(2) Cease accepting perpetrators of domestic violence into its treatment program;

(3) Notify victims, current partners of the participants, and any relevant agencies about the client referral; and

(4) Notify, in writing, the presiding judge and chief probation officer of each judicial district from which the treatment program receives court referrals.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0745, filed 3/30/01, effective 4/30/01.]

WAC 388-60-0755 What happens if the program has other licenses or certificates? If a program also holds a license or certification from the state of Washington for other treatment modalities, DSHS may notify the appropriate licensing or certifying authority that the program's certification has been suspended or revoked.

[Statutory Authority: RCW 26.50.150. 01-08-046, § 388-60-0755, filed 3/30/01, effective 4/30/01.]

[Title 388 WAC—p. 369]

Chapter 388-61 WAC
FAMILY VIOLENCE

WAC

388-61-001 How does the Family Violence Amendment affect me if I am getting TANF/SFA?

WAC 388-61-001 How does the Family Violence Amendment affect me if I am getting TANF/SFA? The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), also known as the Welfare Reform Act, allowed every state to create a program addressing family violence for temporary assistance for needy families (TANF) recipients.

(1) For TANF/state funded assistance (SFA), family violence is when a recipient, or family member or household member has been subjected by another family member or household member as defined in RCW 26.50.010(2) to any of the following:

- (a) Physical acts that resulted in, or threatened to result in, physical injury;
 - (b) Sexual abuse;
 - (c) Sexual activity involving a dependent child;
 - (d) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
 - (e) Threats of or attempts at, physical sexual abuse;
 - (f) Mental abuse;
 - (g) Neglect or deprivation of medical care; or
 - (h) Stalking.
- (2) DSHS must:

(a) Screen and identify adults, minor teen parents, or emancipated teens getting TANF/SFA for a history of family violence;

(b) Notify in writing and verbally adults, minor teen parents, or emancipated teens getting TANF/SFA about the Family Violence Amendment;

(c) Maintain confidentiality as stated in RCW 74.04.060;

(d) Refer individuals needing counseling to supportive services;

(e) Waive WorkFirst requirements in cases where the requirements would make it more difficult to escape family violence, unfairly penalize victims of family violence or place victims at further risk of family violence. This may include:

- (i) Time limits for TANF/SFA recipients, for as long as necessary (after fifty-two months of receiving TANF/SFA);
- (ii) Cooperation with the division of child support.

(f) Develop specialized work activities for family violence clients, as defined in subsection (1) of this section if participation in work activities would place the recipients at further risk of family violence.

[Statutory Authority: RCW 74.04.050, 74.08.090, and 74.08A.010. 04-21-028, § 388-61-001, filed 10/13/04, effective 12/1/04. Statutory Authority: Public Law 104-193, Section 103, Subsection 408 (a)(7)(c)(iii), HB 3901, section 103(4), RCW 74.08A.010, 74.04.050 and 74.08.090. 98-07-040, § 388-61-001, filed 3/12/98, effective 4/12/98. Statutory Authority: RCW 74.04.050, 74.08.090 and 74.04.057. 97-20-124, § 388-61-001, filed 10/1/97, effective 11/1/97.]

[Title 388 WAC—p. 370]

Chapter 388-61A WAC
SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE

(Formerly chapter 284-554 WAC)

WAC**PURPOSE**

- 388-61A-0005 What is the legal basis for the domestic violence shelter program?
- 388-61A-0010 What is the purpose of having minimum standards for domestic violence shelters and services?
- 388-61A-0015 Is DSHS required to provide funding to any domestic violence service that requests funding?
- 388-61A-0020 What are the facility and service requirements for domestic violence services?
- 388-61A-0025 What definitions apply to domestic violence shelters and services?

GENERAL FACILITY REQUIREMENTS

- 388-61A-0030 What safety requirements is the shelter required to meet?
- 388-61A-0035 What are the general requirements for bedrooms?
- 388-61A-0040 What kind of diaper changing area must I provide?
- 388-61A-0045 What are the kitchen requirements?
- 388-61A-0050 Are there any restrictions on food preparation?
- 388-61A-0055 What are the requirements for providing food and clothing to shelter residents?
- 388-61A-0060 What are the requirements for toilets, sinks, and bathing facilities?
- 388-61A-0065 What types of linen do I need to provide to clients?
- 388-61A-0070 What are the requirements for laundry facilities?
- 388-61A-0075 Are there requirements for drinking water?
- 388-61A-0080 What are the requirements for sewage and liquid wastes?
- 388-61A-0085 What kind of heating system is required?
- 388-61A-0090 How must I ventilate the shelter?
- 388-61A-0095 How much lighting is required in the shelter?
- 388-61A-0100 Are there any requirements about pets in the shelter?
- 388-61A-0105 What first-aid supplies must I provide?
- 388-61A-0110 What are the requirements for storing medications?
- 388-61A-0115 What measures must I take for pest control?
- 388-61A-0120 What are the requirements for labeling and storing chemicals and toxic materials?
- 388-61A-0125 Where do I keep firearms and other dangerous weapons?

ADDITIONAL REQUIREMENTS FOR SAFE HOMES

- 388-61A-0130 What are the additional requirements for a safe home?

ADDITIONAL REQUIREMENTS FOR SHELTER HOMES

- 388-61A-0135 What are the additional requirements for a shelter home?

SUPPORTIVE SERVICES

- 388-61A-0140 What supportive services am I required to provide to clients?
- 388-61A-0145 What is advocacy-based counseling?
- 388-61A-0146 What information must the domestic violence service keep confidential?
- 388-61A-0147 What information can be disclosed?
- 388-61A-0148 What information needs to be included in a written waiver of confidentiality?
- 388-61A-0149 What information must be provided to clients about their right to confidentiality?
- 388-61A-0150 What type of training is required for staff of the domestic violence service?
- 388-61A-0155 Must supervisors of domestic violence service staff have specific experience and training?
- 388-61A-0160 What written policies and procedures do you need to have?

COMPLIANCE WITH STANDARDS

- 388-61A-0165 Will DSHS do an evaluation of the domestic violence service?
- 388-61A-0170 What will happen if I am out of compliance with my contract?
- 388-61A-0175 What will happen if there is a complaint to DSHS about the domestic violence service?
- 388-61A-0180 Can DSHS waive any of the minimum standards of this chapter?

(2009 Ed.)

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

388-61A-0185	What are my rights if DSHS suspends, revokes, or denies funding? [Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0185, filed 3/16/01, effective 4/16/01.] Repealed by 07-04-098, filed 2/6/07, effective 3/9/07. Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162.
388-61A-0190	Will I be notified if my funding has been suspended, revoked, or denied? [Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0190, filed 3/16/01, effective 4/16/01.] Repealed by 07-04-098, filed 2/6/07, effective 3/9/07. Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162.
388-61A-0195	How do I request an agency hearing? [Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0195, filed 3/16/01, effective 4/16/01.] Repealed by 07-04-098, filed 2/6/07, effective 3/9/07. Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162.

PURPOSE

WAC 388-61A-0005 What is the legal basis for the domestic violence shelter program? Chapter 70.123 RCW authorizes us to establish minimum standards for agencies that receive funding from the department of social and health services (DSHS) to provide domestic violence shelter and services.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0005, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0010 What is the purpose of having minimum standards for domestic violence shelters and services? The purpose of these rules is to have uniform statewide standards for domestic violence shelters and services funded by us. Minimum standards are necessary to provide rules for agencies that contract with us to provide shelter and services for domestic violence victims. These standards address issues such as adequate food, clothing, housing, safety, security, advocacy, and counseling for victims.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0010, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0015 Is DSHS required to provide funding to any domestic violence service that requests funding? We are not obligated to disburse funds to all domestic violence services that may comply with the minimum standards set forth in this chapter. The goal of this program is to provide funding and support for the statewide development, stability, and expansion of shelter and services for victims of domestic violence. In support of that goal, if an agency applies to receive funding we will consider such things as:

- (1) Geographic location;
- (2) Population ratios;
- (3) Population need for services;
- (4) An agency's ability to provide services that comply with these minimum standards;
- (5) The availability of other domestic violence services in a community; and
- (6) The amount of funding we have available to support domestic violence services.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0015, filed 3/16/01, effective 4/16/01.]

(2009 Ed.)

WAC 388-61A-0020 What are the facility and service requirements for domestic violence services? In order for us to contract with an agency for domestic violence services, the agency must provide shelter and supportive services to victims of domestic violence. The agency must comply with the:

- (1) General facility requirements for shelters; and
- (2) Specific additional requirements for safe homes; or
- (3) Specific additional requirements for shelter homes; and
- (4) Requirements for supportive services and agency administration.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0020, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0025 What definitions apply to domestic violence shelters and services? "Advocacy-based counseling" means that the client is involved with an advocate counselor in individual, family, or group sessions with the primary focus on safety planning, empowerment, and education of the client through reinforcing the client's autonomy and self-determination.

"Advocate counselor" means a trained staff person who works in a domestic violence service and provides advocacy-based counseling, counseling, and supportive temporary shelter services to clients.

"Client" means a victim of domestic violence or dependent child of the victim.

"Cohabitant" means a person who is married or is living with a person as a husband or wife at the present time or at some time in the past. Any person who has one or more children in common with another person, regardless of whether they have been married or have lived together at any time, is considered a cohabitant.

"Confidential communication" means all information, oral, written or nonverbal, transmitted between a victim of domestic violence and a domestic violence advocate counselor in the course of their relationship and in confidence by means which, so far as the victim is aware, does not disclose the information to a third person.

"Confidential information" includes, but is not limited to, any information, advice, notes, reports, statistical data, memoranda, working papers, records or the like, made or given during the relationship between a victim of domestic violence and a domestic violence advocate counselor, however maintained. Confidential information specifically includes the name, address, telephone number, Social Security number, date of birth, nine-digit ZIP code, and other personally identifying information, physical appearance of, and case file or history of, any victim of domestic violence who seeks or has received services from a domestic violence advocate counselor or domestic violence service.

"Department" means the department of social and health services (DSHS).

"Domestic violence" includes, but is not limited to, the criminal offenses defined in RCW 10.99.020 when committed by one cohabitant against another.

"Domestic violence service" means an agency that provides shelter, advocacy, and counseling for domestic violence clients in a safe, supportive environment.

[Title 388 WAC—p. 371]

"Lodging unit" means one or more rooms used for a victim of domestic violence including rooms used for sleeping or sitting.

"Personally identifying information" includes, but is not limited to, first and last name, home or other physical address, telephone number, Social Security number, date of birth, nine-digit ZIP code, and other personally identifying information, physical appearance of, and case file or history of, any victim of domestic violence who seeks or has received services from a domestic violence advocate counselor or domestic violence service, or such other information which, taken individually or together with other identifying information, could identify a particular individual.

"Program" means the DSHS domestic violence program.

"Safe home" means a shelter that has two or less lodging units and has a written working agreement with a domestic violence service.

"Secretary" means the DSHS secretary or the secretary's designee.

"Shelter" means a safe home or shelter home that provides temporary refuge and adequate food and clothing offered on a twenty-four hour, seven-day-per-week basis to victims of domestic violence and their children.

"Shelter home" means a shelter that has three or more lodging units and either is a component of or has a written working agreement with a domestic violence service.

"Staff" means persons who are paid or who volunteer services and are a part of a domestic violence service.

"Victim" means a cohabitant who has been subjected to domestic violence.

"We, us and our" refers to the department of social and health services and its employees.

"You, I and your" refers to the domestic violence service or shelter.

[Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162, 07-04-098, § 388-61A-0025, filed 2/6/07, effective 3/9/07. Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0025, filed 3/16/01, effective 4/16/01.]

GENERAL FACILITY REQUIREMENTS

WAC 388-61A-0030 What safety requirements is the shelter required to meet? You must keep your equipment and the physical structures in the shelter safe and clean for the clients you serve. You must:

- (1) Maintain the shelter, premises, equipment, and supplies in a clean, safe and sanitary condition, free of hazards, and in good repair;
- (2) Provide guard or handrails, as necessary, for stairways, porches and balconies used by clients;
- (3) Maintain swimming pools, wading pools, bathtubs, hot tubs, spas, and bathing beaches in a safe manner and in such a way that does not present a health hazard, safety problem, or nuisance;
- (4) Have a method for securing all windows, doors, and other building accesses to prevent the entry of intruders;
- (5) Provide a way for staff to enter any area occupied by clients should there be an emergency; and

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(6) Secure all unused refrigerators and freezers accessible to children in such a way that prevents them from climbing in and becoming trapped.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0030, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0035 What are the general requirements for bedrooms? Shelters must meet the following requirements for bedrooms:

- (1) You must provide a bed in good condition, with a clean and comfortable mattress to shelter residents.
- (2) If the shelter provides cribs or bassinets for infants, the shelter must follow each of these requirements:
 - (a) Cribs and bassinets must have clean, firm mattresses covered with waterproof material that is easily sanitized;
 - (b) Crib mattresses must fit snugly to prevent the infant from being caught between the mattress and crib side rails;
 - (c) Cribs must be made of wood, metal, or approved plastic with secure latching devices;
 - (d) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age; and
 - (e) Bumper pad ties must be no longer than twelve inches in length.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0035, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0040 What kind of diaper changing area must I provide? You must provide a sanitary diaper changing area. In addition, you must develop and provide to clients, hygiene procedures for handling and storing diapers and sanitizing the changing area.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0040, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0045 What are the kitchen requirements? The following are the minimum general requirements for kitchen facilities:

- (1) A sink for dishwashing;
- (2) A refrigerator or other storage equipment capable of maintaining a temperature of forty-five degrees Fahrenheit or lower;
- (3) A range, stove, or hot plate;
- (4) Covered garbage container;
- (5) Eating and cooking utensils that are clean and in good repair; and
- (6) Counter surfaces that are clean and resistant to moisture.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0045, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0050 Are there any restrictions on food preparation? Food and beverages prepared by and for clients must be prepared, served and stored safely and in a sanitary manner. You must not serve home-canned, low-acid foods (e.g., meats and vegetables) to clients residing in a shelter.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0050, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0055 What are the requirements for providing food and clothing to shelter residents? (1) The domestic violence service must provide appropriate food and beverages for the basic sustenance of shelter residents, unless other resources are immediately available.

(2) You should store appropriate food, including infant formula, at the shelter to provide to residents when other resources are not immediately available.

(3) Whenever possible, the shelter should provide food that is culturally appropriate.

(4) You must provide shelter residents with access to clean, adequate clothing. Clothing that you provide must be clean and have been stored in a sanitary manner.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0055, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0060 What are the requirements for toilets, sinks, and bathing facilities? You must meet these requirements for toilets, sinks, and bathing facilities.

(1) You must provide at least one indoor flush-type toilet, one nearby handwashing sink with hot and cold running water, and a bathtub or shower facility. These facilities must be located within the shelter building premises.

(2) You must comply with all of the following requirements for toilet and bathing facilities:

(a) Toilet and bathing facilities must allow for privacy of shelter residents.

(b) Toilets, urinals, and handwashing sinks must be the appropriate height for the children served, or have a safe and easily cleaned step stool or platform that is water resistant.

(c) Handwashing and bathing facilities must be provided with hot and cold running water; the hot water must not exceed one hundred twenty degrees.

(d) Potty chairs and toilet training equipment for toddlers must be regularly maintained and kept in a sanitary condition. You must put potty chairs, when in use, on washable, water resistant surfaces.

(e) You must provide soap and clean washcloths and towels, disposable towels or other approved hand-drying devices to residents.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0060, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0065 What types of linen do I need to provide to clients? (1) You must provide the following to clients residing in shelter:

(a) Bed linen, towels and washcloths that are clean and in good repair. After use by a client, bed linen, towels and washcloths must be laundered prior to use by another client.

(b) A clean liner for a sleeping bag unless the bag is cleaned between use by different clients.

(2) Clients residing in shelter must be provided with changes of clean bed linen, towels and washcloths upon their request.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0065, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0070 What are the requirements for laundry facilities? We have specific requirements for laundry facilities at your shelter.

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(1) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis.

(2) You must handle and store laundry in a sanitary manner.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0070, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0075 Are there requirements for drinking water? Water supplies to be used for human consumption must be from an approved public water system. If it is an individual system, the local health department must approve it as safe for human consumption.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0075, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0080 What are the requirements for sewage and liquid wastes? You must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system, approved by the local health authority or department.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0080, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0085 What kind of heating system is required? (1) Rooms used by clients in a shelter must be equipped with a safe and adequate source of heat that can keep the room at a healthful temperature during the time the room is occupied.

(2) Gas-fired or oil-fired space heaters and water heaters must be safely vented to the outside.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0085, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0090 How must I ventilate the shelter? (1) You must ensure that your shelter is ventilated for the health and comfort of the shelter residents. A mechanical exhaust to the outside must ventilate toilets and bathrooms that do not have windows opening to the outside.

(2) Bedrooms and communal living areas must have a window or opening to the outdoors that can be locked or secured from the inside.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0090, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0095 How much lighting is required in the shelter? You must locate light fixtures and provide lighting that promotes good visibility and comfort for shelter residents.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0095, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0100 Are there any requirements about pets in the shelter? Pets are prohibited from the kitchen during food preparation.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0100, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0105 What first-aid supplies must I provide? You must keep first-aid supplies on hand for immediate use, including unexpired syrup of ipecac that is to be used only when advised by the poison control center. First-aid supplies must include at least the following: First-aid manual, band-aids, gauze, and adhesive tape.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0105, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0110 What are the requirements for storing medications? (1) All medications, including pet medications and herbal remedies, must be stored in a way that is inaccessible to children.

(2) Pet and human medications must be stored separately.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0110, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0115 What measures must I take for pest control? You must make reasonable attempts to keep the shelter free from pests, such as rodents, flies, cockroaches, fleas and other insects.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0115, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0120 What are the requirements for labeling and storing chemicals and toxic materials? (1) Containers of chemical cleaning agents and other toxic materials must:

(a) Be clearly labeled with the contents; and
(b) Bear the manufacturer's instructions and precautions for use.

(2) You must store the following items in a place that is not accessible to children:

- (a) Chemical cleaning supplies;
- (b) Toxic substances;
- (c) Poisons;
- (d) Aerosols; and
- (e) Items with warning labels.

(3) You must store chemical cleaning supplies and toxic substances separately from food items, clothing, and bedding in order to prevent contamination.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0120, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0125 Where do I keep firearms and other dangerous weapons? (1) You must keep firearms and other dangerous weapons in a locked storage container, gun safe, or another storage area made of strong, unbreakable material.

(2) If the storage cabinet has a glass or another breakable front, you must secure the firearms with a locked cable or chain placed through the trigger guards.

(3) You must store ammunition in a place that is separate from the firearms or locked in a gun safe.

(4) You must allow access to firearms, weapons and ammunition only to authorized persons.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0125, filed 3/16/01, effective 4/16/01.]

[Title 388 WAC—p. 374]

ADDITIONAL REQUIREMENTS FOR SAFE HOMES

WAC 388-61A-0130 What are the additional requirements for a safe home? Safe homes must meet the following additional requirements in order for a domestic violence service to contract with us:

(1) A safe home must complete a written application to a domestic violence service. The domestic violence service must approve the application and give training to the safe home staff before the home may receive clients.

(2) The domestic violence service must maintain a written record of all safe homes. The record must include:

(a) The name and address of the person operating the safe home or an identification code for the safe home;

(b) A written safe home application;

(c) Documentation that the safe home complies with the general facility and additional requirements for safe homes; and

(d) Verification that safe home staff received initial basic training as outlined in this WAC by the domestic violence service.

(3) You must have at least one telephone at the safe home for incoming and outgoing calls. You must provide the following information to residents:

(a) Emergency telephone numbers; and

(b) Instructions on how residents can access domestic violence service staff.

(4) When clients are residing in a safe home at least one domestic violence service staff member must be on-call to go to the safe home twenty-four-hours a day, seven-days-per-week.

(5) Safe homes must comply with the following general fire safety requirements:

(a) Every room used by children in the safe home must have easy entry and exit, including one of these features:

(i) Two separate doors;

(ii) One door leading directly to the outside; or

(iii) A window that opens to the outside and is large enough for emergency escape or rescue.

(b) Every occupied area must have access to at least one exit that does not pass through rooms or spaces that can be locked or blocked from the opposite side.

(c) No space may be lived in by a client that is accessible only by a ladder, folding stairs, or a trap door.

(d) Every bathroom door used by clients must be designed to permit the opening of the locked door from the outside.

(e) Every closet door latch must be designed to be opened from the inside.

(f) Stoves or heaters must not block escape or exit routes.

(g) Flammable, combustible, or poisonous material must be stored away from exits and away from areas that are accessible to children.

(h) Open-flame devices and fireplaces, heating and cooking appliances, and products capable of igniting clothing must not be left unattended or used incorrectly.

(i) Fireplaces, wood stoves and other heating systems that have a surface hot enough to cause harm must have gates or protectors around them when in use.

(j) Multilevel dwellings must have a means of escape from an upper floor. If a fire ladder is needed to escape from

an upper story window, it must be stored in a location that is easily accessible to the clients who may need it.

(k) You must place a smoke detector in good working condition in each bedroom or in areas close to where children sleep, such as a hallway. If the smoke detector is mounted on the wall, it must be twelve inches from the ceiling and a corner.

(l) If questions arise concerning fire danger, the local fire protection authority must be consulted.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0130, filed 3/16/01, effective 4/16/01.]

ADDITIONAL REQUIREMENTS FOR SHELTER HOMES

WAC 388-61A-0135 What are the additional requirements for a shelter home? Shelter homes must meet the following additional requirements in order for a domestic violence service to contract with us:

(1) When a shelter home is not a component of a domestic violence service, the shelter home and domestic violence service must have a written working agreement before the shelter home receives clients from the domestic violence service. The written working agreement must include:

(a) Confirmation that the domestic violence service has inspected the shelter home and that the shelter home complies with the general facility and additional requirements for shelter homes;

(b) How the domestic violence service will provide supportive services to shelter home residents; and

(c) Verification that shelter home staff received initial basic training as outlined in this rule by the domestic violence service.

(2) Shelter homes must provide at least one toilet, sink, and bathing facility for each fifteen clients or fraction of this number. The floors of all toilet and bathing facilities must be resistant to moisture.

(3) You must have at least one telephone at the shelter for incoming and outgoing calls. Next to the telephone in shelter homes you must post:

(a) Emergency telephone numbers; and

(b) Instructions on how residents can access domestic violence service staff.

(4) In shelter homes all bathrooms, toilet rooms, laundry rooms, and janitor closets containing wet mops and brushes must have natural or mechanical ventilation in order to prevent objectionable odors and condensation.

(5) When staff serve food to clients in shelter homes, the staff must prepare the food in compliance with WAC 246-215-190, Temporary food service establishment.

(6) Shelter homes must develop and post hygiene procedures for handling and storing diapers and sanitizing the changing area.

(7) Shelter homes must request an annual fire and life safety inspection from their local fire department or fire marshal. The domestic violence service must maintain documentation of the request as well as any report issued as a result of the inspection. Any violations noted by the inspector must be immediately corrected by the domestic violence service.

(8) Shelter homes must meet the following requirements for bedrooms:

(a) Bedrooms must have a minimum ceiling height of seven and [one] half feet;

(b) Bedrooms must provide at least fifty square feet of usable floor area per bed; and

(c) Floor area where the ceiling height is less than five feet cannot be considered as usable floor area.

(9) When clients are residing in a shelter home at least one domestic violence service staff member must be present or on-call to go to the shelter home twenty-four-hours a day, seven-days-per-week.

[Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162. 07-04-098, § 388-61A-0135, filed 2/6/07, effective 3/9/07. Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0135, filed 3/16/01, effective 4/16/01.]

SUPPORTIVE SERVICES

WAC 388-61A-0140 What supportive services are required to provide to clients? You must give clients an opportunity to receive supportive services and assistance during their stay in the shelter. Clients are not required to participate in these services as a condition of residing in the shelter. Supportive services must include:

(1) Twenty-four-hour, seven-day-per-week access to advocacy-based counseling;

(2) A safe, supportive environment that offers clients the opportunity to examine the events that led to the need for domestic violence services;

(3) A private area for counseling;

(4) Advocacy-based counseling with, and on behalf of, the client;

(5) Safety planning, problem solving and crisis intervention;

(6) Assistance with child care during individual and group counseling sessions;

(7) A minimum ratio of one group facilitator to eight group participants;

(8) Planned activities for children who are residents of the shelter;

(9) A day program or drop-in center to assist victims of domestic violence who have found other shelter but who have a need for supportive services; and

(10) Referrals to other appropriate services or domestic violence services when:

(a) Shelter homes or safe homes are full;

(b) A client must be transferred to another domestic violence service for reasons of safety of the client; or

(c) An inappropriate referral has been made to a domestic violence service; or

(d) The client has problems that require services of another agency or agencies before receiving domestic violence services.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0140, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0145 What is advocacy-based counseling? Advocacy-based counseling means the involvement of a client with an advocate counselor in an individual, family, or group session with the primary focus on safety planning and on empowerment of the client through reinforcing the client's autonomy and self-determination. Advocacy-

based counseling uses nonvictim blaming problem-solving methods that include:

- (1) Identifying the barriers to safety;
- (2) Developing safety checking and planning skills;
- (3) Clarifying issues;
- (4) Providing options;
- (5) Solving problems;
- (6) Increasing self-esteem and self-awareness; and
- (7) Improving and implementing skills in decision making, parenting, self-help, and self-care.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0145, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0146 What information must the domestic violence service keep confidential? (1) Agents, employees, and volunteers of a domestic violence service must maintain the confidentiality of all personally identifying information, confidential communications, and all confidential information as defined by WAC 388-61A-0025. Information which individually or together with other information could identify a particular victim of domestic violence must also be kept confidential.

(2) Any reports, records, working papers, or other documentation, including electronic files, maintained by the domestic violence service, including information provided to the domestic violence service on behalf of the client. Any information considered privileged by statute, rule, regulation or policy that is shared with the domestic violence service on behalf of the client shall not be divulged without a valid written waiver of the privilege that is based on informed consent, or as otherwise required by law.

(3) You must comply with the provisions of this section regarding confidential communications concerning clients regardless of when the client received the services of the domestic violence service.

[Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162, 07-04-098, § 388-61A-0146, filed 2/6/07, effective 3/9/07.]

WAC 388-61A-0147 What information can be disclosed? (1) You can disclose confidential information only when:

(a) The client provides informed, written consent to the waiver of confidentiality that relates only to the client or the client's dependents;

(b) Failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the client or other person;

(c) Disclosure is required under chapter 26.44 RCW, Abuse of children;

(d) Release of information is made to an authorized person to the extent necessary for a management audit, financial audit, or program evaluation with the following restrictions:

(i) The authorized person shall sign a confidentiality agreement with the domestic violence service that demonstrates his or her acknowledgment of the requirement that client information be kept confidential;

(ii) No personally identifying information about the client can be copied or removed from the domestic violence service;

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(iii) No copies of working papers or other documentation about the client can be removed from the domestic violence service; and

(iv) The client file cannot be removed from the premises of the domestic violence service.

(e) Release of information is otherwise required by law or court order, or following in-camera review pursuant to RCW 70.123.075, with the following additional requirements:

(i) The domestic violence service shall make reasonable attempts to provide notice to the person affected by the disclosure of the information; and

(ii) If personally identifying information is or will be disclosed, the domestic violence service shall take steps necessary to protect the privacy and safety of the persons affected by the disclosure of information.

(2) Any release of information subject to any of the exceptions set forth above shall be limited to the minimum necessary to meet the requirement of the exception, and such release does not void the client's right to confidentiality and privilege on any other confidential communication between the client and the domestic violence service.

(3) In the case of an unemancipated minor, the minor and the parent or guardian must provide the written consent. Consent for release may not be given by a parent who has abused the minor or the minor's other parent. In the case of a disabled adult who has been appointed a guardian, the guardian must consent to release unless the guardian is the abuser of the disabled adult.

(4) To comply with federal, state, tribal, or territorial reporting, evaluation, or data collection requirements, domestic violence programs may disclose nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information.

(5) If requested, a copy of the disclosed information shall be provided to the client.

[Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162, 07-04-098, § 388-61A-0147, filed 2/6/07, effective 3/9/07.]

WAC 388-61A-0148 What information needs to be included in a written waiver of confidentiality? (1) To be valid, a written waiver of confidentiality must:

(a) Be voluntary;

(b) Relate only to the client or the client's dependents;

(c) Clearly describe the scope and any limitations of the information to be released;

(d) Include an expiration date for the release; and

(e) Inform the client that consent can be withdrawn at any time whether it is made orally or in writing.

(2) If the written waiver of confidentiality does not include an expiration date, it shall expire ninety days after the date it was signed.

[Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162, 07-04-098, § 388-61A-0148, filed 2/6/07, effective 3/9/07.]

WAC 388-61A-0149 What information must be provided to clients about their right to confidentiality? (1) You must provide each client with a written "notice of rights" at the time of initial and any subsequent intake into the

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domestic violence service. At a minimum, the notice of rights shall inform clients of the following:

(a) The client's right to privacy and confidentiality of the information shared with the domestic violence service;

(b) Exceptions to confidentiality as described in this chapter;

(c) That if the client signs a written waiver of confidentiality that allows their information to be shared with others, the client does not give up their right to have that information protected under other statutes, rules or laws;

(d) That the client has the right to withdraw a written waiver of confidentiality at any time; and

(e) That the domestic violence service will not condition the provision of services to the client based on a requirement that the client sign one or more releases of confidential information.

(2) Information on the "notice of rights" must be explained to the client at the time of intake into the domestic violence service and then again, at the time the client is considering whether to sign a written waiver of confidentiality.

[Statutory Authority: Chapter 70.123 RCW, 2006 c 259, and federal PL 109-162, 07-04-098, § 388-61A-0149, filed 2/6/07, effective 3/9/07.]

WAC 388-61A-0150 What type of training is required for staff of the domestic violence service? All staff providing direct services to domestic violence clients, and supervisors of direct service staff, must meet the following minimum training requirements.

(1) A minimum of twenty hours of initial basic training that covers at least the following topics:

(a) Theory and implementation of advocacy-based counseling;

(b) The history of domestic violence;

(c) Legal, medical, social service, and systems advocacy;

(d) Confidentiality and ethics;

(e) Client safety assessment;

(f) Planning, problem-solving, and crisis intervention;

(g) Providing services and advocacy to individuals from diverse communities;

(h) Policies and procedures of the domestic violence service; and

(i) Referrals and shelter resident transfers.

(2) In the year following the year in which they received their initial basic training, and every year thereafter, staff providing direct services, and supervisors of direct service staff, must attend a minimum of thirty hours of continuing education as follows:

(a) At least fifteen hours of continuing education must be training on advocacy-based counseling directly related to serving victims of domestic violence and their children.

(b) At least five hours of continuing education must be training on services and advocacy to individuals from diverse communities.

(c) Staff must devote not more than ten hours to video, audiotapes, or self-study as part of the overall thirty-hour continuing education requirement.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0150, filed 3/16/01, effective 4/16/01.]

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WAC 388-61A-0155 Must supervisors of domestic violence service staff have specific experience and training? Supervisors of staff providing direct services to domestic violence clients must meet the following minimum experience and training requirements.

(1) At least two years' counseling experience with a domestic violence service; and

(2) Fifty hours of training on domestic violence issues and advocacy-based counseling within three years prior to providing staff supervision.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0155, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0160 What written policies and procedures do you need to have? The domestic violence service must have written policies and procedures that cover the following issues:

(1) Victims in immediate danger or at risk will receive first priority for shelter;

(2) Confidentiality of client records and communication;

(3) Nondiscrimination relating to staff, clients, and provision of services;

(4) The provision of bilingual and interpreter services to clients;

(5) Recruitment, hiring, periodic performance evaluation, promotion and termination of staff. Agencies must recruit, to the extent feasible, persons who are former victims of domestic violence to work as paid or volunteer staff;

(6) Job descriptions for all staff positions including volunteers;

(7) Reporting of child abuse as legally mandated;

(8) Clients access to their files;

(9) Grievance procedures for staff and clients;

(10) Procedures for making referrals to other community resources such as medical, community service offices, pastoral care, legal representation, and client transfers to another domestic violence service for reasons of safety of the client;

(11) Emergency procedures for fire, disaster, first aid, medical and police intervention;

(12) Appropriate documentation of domestic violence services and client files;

(13) Protection of agency and client records;

(14) Records retention;

(15) Appropriate accounting procedures;

(16) Personnel policies and procedures; and

(17) Administrative policies and procedures.

[Statutory Authority: Chapter 70.123 RCW, 01-07-053, § 388-61A-0160, filed 3/16/01, effective 4/16/01.]

COMPLIANCE WITH STANDARDS

WAC 388-61A-0165 Will DSHS do an evaluation of the domestic violence service? (1) To measure compliance with our requirements we will conduct a biennial evaluation of each agency under contract with us to provide domestic violence service.

(2) We will inspect a random number of safe homes during biennial evaluations of domestic violence services to measure compliance with our requirements.

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(3) If a lodging unit is occupied at the time of an evaluation, the domestic violence service must give the client an opportunity to leave the unit.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0165, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0170 What will happen if I am out of compliance with my contract? (1) If we find that the domestic violence service, safe home, or shelter home is out of compliance with the standards specified in this chapter or the contract, we will give you written notice of the deficiencies. You must correct the deficiencies according to a plan of correction we approve.

(2) We may suspend or revoke the funding of a domestic violence service where a safe home, shelter home, or the domestic violence service itself is out of compliance with this chapter or the DSHS contract.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0170, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0175 What will happen if there is a complaint to DSHS about the domestic violence service?

(1) If we receive a complaint that your domestic violence service is out of compliance with this chapter or the DSHS contract, we will notify you and we will initiate an investigation.

(2) If the investigation requires that we be on-site at your domestic violence service, you must give clients residing in lodging units an opportunity to leave the unit during the inspection.

(3) If we find that the domestic violence service, safe home, or shelter home has not complied with the standards specified in this chapter or the terms of the DSHS contract, we will give you written notice of the deficiencies. You must correct the deficiencies according to a plan of correction we approve.

(4) We may suspend or revoke the funding of a domestic violence service where a safe home, shelter home, or the service itself is out of compliance with this chapter or the DSHS contract.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0175, filed 3/16/01, effective 4/16/01.]

WAC 388-61A-0180 Can DSHS waive any of the minimum standards of this chapter? Under certain conditions we may waive some of the rules contained in this chapter if you submit a written request that satisfactorily demonstrates that:

(1) The waiver will not place the client's safety or health in jeopardy and that:

(a) The domestic violence service is unable to meet the requirements of this chapter without the waiver; or

(b) The absence of the waiver will have a detrimental effect on the provision of services.

(2) Any substitutions of procedures, materials, or equipment from those specified in this chapter are at least equivalent to those required.

[Statutory Authority: Chapter 70.123 RCW. 01-07-053, § 388-61A-0180, filed 3/16/01, effective 4/16/01.]

[Title 388 WAC—p. 378]

Chapter 388-70 WAC

CHILD WELFARE SERVICES—FOSTER CARE—ADOPTION SERVICES—SERVICES TO UNMARRIED PARENTS

WAC

388-70-091	Foster care planning for Indian children—Definitions.
388-70-092	Foster care for Indian children—Tribal sovereignty.
388-70-093	Foster care for Indian children—Services.
388-70-095	Foster care for Indian children—Serious injury, death, abandonment, child abuse, neglect, incarceration.
388-70-450	Adoptive planning for Indian children by department staff.
388-70-600	Local Indian child welfare advisory committee—Purpose.
388-70-610	Local Indian child welfare advisory committee—Membership.
388-70-615	Local Indian child welfare advisory committee—Subcommittees.
388-70-620	Local Indian child welfare advisory committee—Functions.
388-70-630	Local Indian child welfare advisory committee—Meetings.
388-70-640	Local Indian child welfare advisory committee—Confidentiality.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-70-010	Foster care—Legal basis. [Statutory Authority: 1982 c 118, 82-23-006 (Order 1901), § 388-70-010, filed 11/4/82. Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-70-010, filed 9/1/78; Order 965, § 388-70-010, filed 8/29/74; Order 913, § 388-70-010, filed 3/1/74; Order 623, § 388-70-010, filed 10/27/71; Regulation 70.010, filed 3/22/60.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
388-70-012	Foster care—Definitions. [Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-70-012, filed 9/1/78; Order 1123, § 388-70-012, filed 6/7/76; Order 913, § 388-70-012, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
388-70-013	Authorization for foster care placement. [Statutory Authority: RCW 74.08.090. 88-17-059 (Order 2669), § 388-70-013, filed 8/17/88; 86-04-030 (Order 2337), § 388-70-013, filed 1/29/86. Statutory Authority: RCW 74.12.340. 82-16-064 (Order 1849), § 388-70-013, filed 7/30/82. Statutory Authority: RCW 74.08.090. 82-06-001 (Order 1764), § 388-70-013, filed 2/18/82. Statutory Authority: RCW 74.13.109 and 74.08.090. 81-18-031 (Order 1686), § 388-70-013, filed 8/27/81. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-70-013, filed 9/10/79. Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-70-013, filed 9/1/78; Order 1186, § 388-70-013, filed 2/3/77; Order 1123, § 388-70-013, filed 6/7/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
388-70-014	Eligibility for foster care—Need. [Order 1123, § 388-70-014, filed 6/7/76; Order 1040, § 388-70-014, filed 8/7/75; Order 965, § 388-70-014, filed 8/29/74; Order 913, § 388-70-014, filed 3/1/74.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
388-70-015	Foster care—Definition. [Order 623, § 388-70-015, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
388-70-016	Placement of child in foster care. [Order 1138, § 388-70-016, filed 7/29/76; Order 1123, § 388-70-016, filed 6/7/76; Order 965, § 388-70-016, filed 8/29/74; Order 913, § 388-70-016, filed 3/1/74.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
388-70-017	Rights of natural parents of child. [Order 1123, § 388-70-017, filed 6/7/76; Order 913, § 388-70-017, filed 3/1/74.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
388-70-018	Foster care—Duration of service. [Order 623, § 388-70-018, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.

(2009 Ed.)

- 388-70-019 Responsibility of foster parents. [Order 913, § 388-70-019, filed 3/1/74.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-020 Services offered. [Regulation 70.020, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-022 Payment of foster care. [Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-70-022, filed 9/10/79. Statutory Authority: RCW 74.08.090. 79-04-062 (Order 1384), § 388-70-022, filed 3/28/79; 78-09-098 (Order 1335), § 388-70-022, filed 9/1/78; Order 1260, § 388-70-022, filed 12/29/77, effective 2/1/78; Order 1123, § 388-70-022, filed 6/7/76; Order 913, § 388-70-022, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-024 Payment of foster care—Effective date. [Statutory Authority: RCW 74.12.340. 82-16-064 (Order 1849), § 388-70-024, filed 7/30/82. Statutory Authority: RCW 74.08.090. 82-04-070 (Order 1753), § 388-70-024, filed 2/3/82; 78-09-098 (Order 1335), § 388-70-024, filed 9/1/78; Order 1123, § 388-70-024, filed 6/7/76; Order 1040, § 388-70-024, filed 8/7/75; Order 1020, § 388-70-024, filed 4/29/75; Order 913, § 388-70-024, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-025 Foster care—Eligibility. [Order 623, § 388-70-025, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-030 Application and requests for child welfare services. [Regulation 70.030, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-031 Foster parent liability fund. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-031, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-032 Period of coverage. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-032, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-033 Persons eligible for coverage. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-033, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-034 Limits of coverage. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-034, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-035 Exclusions. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-035, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-036 Subrogation. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-036, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-037 Investigation of claims. [Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-037, filed 11/27/91, effective 12/28/91.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-040 Foster care—Request for services. [Order 623, § 388-70-040, filed 10/27/71; Regulation 70.040, filed 3/22/60.] Repealed by Order 913, filed 3/1/74.
- 388-70-041 Payment standards—Foster family care. [Order 913, § 388-70-041, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-042 Payment standards—Regular foster family care. [Statutory Authority: RCW 74.08.090. 86-04-030 (Order 2337), § 388-70-042, filed 1/29/86; 85-13-062 (Order 2242), § 388-70-042, filed 6/18/85; 81-09-042 (Order 1634), § 388-70-042, filed 4/15/81; 79-11-085 (Order 1445), § 388-70-042, filed 10/24/79; Order 1260, § 388-70-042, filed 12/29/77, effective 2/1/78; Order 1149, § 388-70-042, filed 8/26/76; Order 1052, § 388-70-042, filed 9/10/75; Order 963, § 388-70-042, filed 8/19/74; Order 913, § 388-70-042, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-043 Foster care—Authorization for placement. [Order 763, § 388-70-043, filed 1/10/73; Order 623, § 388-70-043, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-044 Payment standards—Receiving home care—Standards for using. [Statutory Authority: RCW 74.08.090. 86-04-030 (Order 2337), § 388-70-044, filed 1/29/86; 85-13-062 (Order 2242), § 388-70-044, filed 6/18/85; 81-09-042 (Order 1634), § 388-70-044, filed 4/15/81; 79-11-085 (Order 1445), § 388-70-044, filed 10/24/79; 78-09-098 (Order 1335), § 388-70-044, filed 9/1/78; Order 1260, § 388-70-044, filed 12/29/77, effective 2/1/78; Order 1208, § 388-70-044, filed 4/29/77; Order 1149, § 388-70-044, filed 8/26/76; Order 1052, § 388-70-044, filed 9/10/75; Order 965, § 388-70-044, filed 8/29/74; Order 963, § 388-70-044, filed 8/19/74; Order 913, § 388-70-044, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-046 Foster care—Rights of natural parents of child. [Order 623, § 388-70-046, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-047 Emergency foster care assistance. [Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-70-047, filed 9/1/78; Order 1052, § 388-70-047, filed 9/10/75.] Repealed by 85-13-062 (Order 2242), filed 6/18/85. Statutory Authority: RCW 74.08.090.
- 388-70-048 Payment standards—Specialized rate foster family care—Child with special needs. [Statutory Authority: RCW 74.08.090. 86-04-030 (Order 2337), § 388-70-048, filed 1/29/86; 85-13-062 (Order 2242), § 388-70-048, filed 6/18/85; 81-09-042 (Order 1634), § 388-70-048, filed 4/15/81; 79-11-085 (Order 1445), § 388-70-048, filed 10/24/79; 78-09-098 (Order 1335), § 388-70-048, filed 9/1/78; Order 1149, § 388-70-048, filed 8/26/76; Order 1052, § 388-70-048, filed 9/10/75; Order 963, § 388-70-048, filed 8/19/74; Order 913, § 388-70-048, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-049 Payment standards—Foster care in boarding school. [Order 913, § 388-70-049, filed 3/1/74.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-050 Requests from parents. [Regulation 70.050, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-051 Education related foster care. [Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-70-051, filed 9/1/78; Order 924, § 388-70-051, filed 4/15/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-052 Overpayments of foster care. [Order 913, § 388-70-052, filed 3/1/74.] Repealed by Order 1186, filed 2/3/77.
- 388-70-053 Payment standards—Incentive plan. [Statutory Authority: RCW 74.08.090. 80-12-005 (Order 1534), § 388-70-053, filed 8/22/80.] Repealed by 85-13-062 (Order 2242), filed 6/18/85. Statutory Authority: RCW 74.08.090.
- 388-70-054 Temporary absence of child from foster care. [Statutory Authority: RCW 74.08.090. 85-13-062 (Order 2242), § 388-70-054, filed 6/18/85; 79-11-105 (Order 1449), § 388-70-054, filed 10/31/79; Order 1123, § 388-70-054, filed 6/7/76; Order 965, § 388-70-054, filed 8/29/74; Order 913, § 388-70-054, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-055 Foster care—Responsibility of foster parents. [Order 623, § 388-70-055, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-056 Transportation and other expenses—Reimbursement. [Statutory Authority: RCW 74.08.090. 85-13-062 (Order 2242), § 388-70-056, filed 6/18/85; 78-09-098 (Order 1335), § 388-70-056, filed 9/1/78; Order 1123, § 388-70-056, filed 6/7/76; Order 965, § 388-70-056, filed 8/29/74; Order 913, § 388-70-056, filed 3/1/74.] Repealed by 87-09-027 (Order 2481), filed 4/9/87. Statutory Authority: Chapter 74.13 RCW.
- 388-70-058 Reimbursement for damage or loss caused by child in foster family care. [Statutory Authority: RCW 74.08.090. 85-13-062 (Order 2242), § 388-70-058, filed 6/18/85; 80-04-055 (Order 1495), § 388-70-058, filed 3/21/80.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-060	Services to the child in his own home. [Regulation 70.060, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.	388-70-112	Services to unmarried parents—Persons eligible. [Order 1020, § 388-70-112, filed 4/29/75; Order 689, § 388-70-112, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.-090.
388-70-062	Payment for foster care to family receiving public assistance. [Order 913, § 388-70-062, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-114	Services to unmarried parents—Payment. [Order 689, § 388-70-114, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
388-70-064	Payment for foster care to relative. [Statutory Authority: RCW 74.08.090, 82-24-068 (Order 1915), § 388-70-064, filed 12/1/82; 80-06-069 (Order 1504), § 388-70-064, filed 5/22/80; Order 913, § 388-70-064, filed 3/1/74.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.	388-70-116	Services to unmarried parents—Parents' responsibility. [Order 689, § 388-70-116, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
388-70-065	Foster care—Payment. [Order 623, § 388-70-065, filed 10/27/71.] Repealed by Order 825, filed 7/26/73.	388-70-118	Services to unmarried parents—Services available. [Order 689, § 388-70-118, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
388-70-066	Foster care out-of-state—Authorization—Payment. [Statutory Authority: RCW 74.08.090, 85-13-062 (Order 2242), § 388-70-066, filed 6/18/85; 78-09-098 (Order 1335), § 388-70-066, filed 9/1/78; Order 913, § 388-70-066, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-120	Medical care. [Regulation 70.120, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
388-70-068	Earnings of foster child. [Statutory Authority: RCW 74.08.090, 83-04-061 (Order 1943), § 388-70-068, filed 2/2/83; Order 913, § 388-70-068, filed 3/1/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-130	Foster homes. [Regulation 70.130, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
388-70-069	Resources and unearned income of foster child. [Statutory Authority: RCW 74.08.090, 83-04-061 (Order 1943), § 388-70-069, filed 2/2/83; Order 1123, § 388-70-069, filed 6/7/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-140	Interstate movement of children. [Regulation 70.140, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
388-70-070	Referrals to juvenile court. [Regulation 70.070, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.	388-70-150	Adoption studies for the superior court. [Regulation 70.150, filed 3/22/60.] Repealed by Order 1167, filed 10/27/76.
388-70-075	Parents' obligation to support child in foster care. [Order 1123, § 388-70-075, filed 6/7/76; Order 918, § 388-70-075, filed 3/14/74; Order 623, § 388-70-075, filed 10/27/71.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-160	Guardianship of estate of child. [Statutory Authority: RCW 74.08.090, 78-09-098 (Order 1335), § 388-70-160, filed 9/1/78; Order 965, § 388-70-160, filed 8/29/74; Order 913, § 388-70-160, filed 3/1/74; Regulation 70.160, filed 3/22/60.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-70-078	Standards for parental participation in cost of foster care—Minimum scale recommended to court. [Order 1123, § 388-70-078, filed 6/7/76; Order 918, § 388-70-078, filed 3/14/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-170	Veterans' benefits. [Order 913, § 388-70-170, filed 3/1/74; Regulation 70.170, filed 3/22/60.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
388-70-080	Referral of child in foster care to department's office of support enforcement. [Statutory Authority: RCW 74.08.090, 83-17-003 (Order 1992), § 388-70-080, filed 8/5/83; Order 1123, § 388-70-080, filed 6/7/76; Order 1048, § 388-70-080, filed 8/29/75; Order 1016, § 388-70-080, filed 4/1/75; Order 918, § 388-70-080, filed 3/14/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-175	Veterans' benefits—Types of care. [Order 623, § 388-70-175, filed 10/27/71.] Repealed by Order 825, filed 7/26/73.
388-70-080	Foster care. [Regulation 70.080, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.	388-70-180	Foster family care—Standards for payment. [Order 825, § 388-70-180, filed 7/26/73; Order 763, § 388-70-180, filed 1/10/73; Order 654, § 388-70-180, filed 2/9/72; Order 623, § 388-70-180, filed 10/27/71; Order 554, § 388-70-180, filed 4/1/71; Order 418, § 388-70-180, filed 12/31/69; Regulation 70.180, filed 7/27/67; Regulation 70.180, filed 2/23/67, 12/28/66, 10/13/66, 3/31/66, 6/24/64, 9/26/63, 6/30/60, 3/22/60.] Repealed by Order 913, filed 3/1/74.
388-70-082	Parents' foster care payments to be remitted to department. [Order 1123, § 388-70-082, filed 6/7/76; Order 918, § 388-70-082, filed 3/14/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-183	Payment standards for regular foster family care. [Order 825, § 388-70-183, filed 7/26/73.] Repealed by Order 913, filed 3/1/74.
388-70-084	Assignment of child support judgment and limited power of attorney. [Order 1123, § 388-70-084, filed 6/7/76; Order 918, § 388-70-084, filed 3/14/74.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.	388-70-185	Payment standards for receiving home care. [Order 825, § 388-70-185, filed 7/26/73.] Repealed by Order 913, filed 3/1/74.
388-70-085	Foster care—Determination of parents' financial ability to support child. [Order 623, § 388-70-085, filed 10/27/71.] Repealed by Order 918, filed 3/14/74.	388-70-187	Payment standards for specialized foster family care—Child with special needs. [Order 825, § 388-70-187, filed 7/26/73.] Repealed by Order 913, filed 3/1/74.
388-70-090	Payment for foster care. [Regulation 70.090, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.	388-70-190	Payment standards for foster care in boarding school. [Order 825, § 388-70-190, filed 7/26/73 and repealed by Order 913, filed 3/1/74; Order 418, § 388-70-190, filed 12/31/69; Regulation 70.190, filed 7/27/67; Regulation 70.190, filed 3/31/66, 6/24/64, 9/26/63, 6/30/60, 3/22/60.] Repealed by Order 623, filed 10/27/71.
388-70-100	Adoption services. [Regulation 70.100, filed 3/22/60.] Repealed by Order 1167, filed 10/27/76.	388-70-200	Payment standards for foster care in boarding school—Payment to foster family receiving public assistance. [Order 623, § 388-70-200, filed 10/27/71; Order 554, § 388-70-200, filed 4/1/71; Order 418, § 388-70-200, filed 12/31/69; Regulation 70.200, filed 9/26/63; Regulation 70.200, filed 3/22/60.] Repealed by Order 913, filed 3/1/74.
388-70-110	Services to unmarried parents. [Order 1020, § 388-70-110, filed 4/29/75; Order 689, § 388-70-110, filed 6/15/72; Regulation 70.110, filed 3/22/60.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.	388-70-201	DSHS—Private child caring agency relationships—Legal basis. [Order 1123, § 388-70-201, filed 6/7/76.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
388-70-111	Services to unmarried parents—Duration of service. [Order 689, § 388-70-111, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.	388-70-210	Payment standards for foster care in boarding school—Payment to relative. [Order 623, § 388-70-210, filed 10/27/71; Regulation 70.210, filed 9/26/63; Regulation 70.210, filed 3/22/60.] Repealed by Order 913, filed 3/1/74.
		388-70-211	DSHS—Private child caring agency relationships—General terms. [Order 1123, § 388-70-211, filed 6/7/76.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.

- 388-70-216 Contractual relationships. [Order 1123, § 388-70-216, filed 6/7/76.] Repealed by Order 1186, filed 2/3/77.
- 388-70-220 Payment standards for foster care in boarding school—Earnings of foster child. [Order 623, § 388-70-220, filed 10/27/71; Regulation 70.220, filed 6/24/64; Regulation 70.220, filed 9/26/63; Regulation 70.220, filed 3/22/60.] Repealed by Order 913, filed 3/1/74.
- 388-70-221 Responsibilities of private child caring agencies and DSHS for placement and care. [Order 1123, § 388-70-221, filed 6/7/76.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-222 Payment standards for foster care in boarding school—Out-of-state authorization—Payment. [Order 623, § 388-70-222, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-225 Retroactive increase in old-age, survivors, and disability insurance and railroad retirement benefits—1965 amendments—Foster care. [Regulation 70.221, filed 10/1/65.] Repealed by Order 623, filed 10/27/71.
- 388-70-230 Child care agency, institution, or maternity home—Setting rates of payment. [Order 1186, § 388-70-230, filed 2/3/77; Order 1116, § 388-70-230, filed 4/28/76; Order 965, § 388-70-230, filed 8/29/74; Regulation 70.230, filed 12/21/64, effective 2/1/65; Regulation 70.230, filed 6/24/64, 9/26/63, 8/28/62, 6/30/60, 3/22/60.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-235 Required reports—Content—Penalty for late reporting. [Order 1186, § 388-70-235, filed 2/3/77; Order 965, § 388-70-235, filed 8/29/74; Regulation 70.231, filed 12/24/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-240 Computation of per capita expenditures. [Regulation 70.232, filed 12/24/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-245 Nonprofit institution and maternity home—Rate setting—Exclusions. [Order 855, § 388-70-245, filed 9/13/73; Regulation 70.233, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-250 Nonprofit agency—Commercial operations. [Regulation 70.234, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-255 Voluntary agency licensed foster family care—Rate setting. [Order 1186, § 388-70-255, filed 2/3/77; Order 1123, § 388-70-255, filed 6/7/76; Order 855, § 388-70-255, filed 9/13/73; Regulation 70.235, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-260 New agency—Rate negotiated. [Regulation 70.236, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-270 Proprietary agency—Rate setting. [Regulation 70.237, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-275 Nonsubmission of reports—Late reporting—Penalties. [Regulation 70.238, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-280 Vouchering payment. [Order 1132, § 388-70-280, filed 7/8/76; Regulation 70.239, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-300 (Appendix A) Informational list of voluntary child care agencies and institutions and agreed rates. [Appendix A, filed 12/21/64, effective 2/1/65.] Repealed by Order 623, filed 10/27/71.
- 388-70-320 Use of resources other than state department of public assistance medical program. [Regulation 70.240, filed 9/26/63.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-410 Adoption services for children—Legal basis—Purpose. [Order 1167, § 388-70-410, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-420 Definitions. [Order 1167, § 388-70-420, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-430 Eligibility for adoption service. [Order 1167, § 388-70-430, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-440 Adoption services for children. [Order 1167, § 388-70-440, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-460 Adoption services for families. [Order 1167, § 388-70-460, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-470 Interstate procedures. [Order 1167, § 388-70-470, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-480 Record confidentiality. [Order 1167, § 388-70-480, filed 10/27/76.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-510 Adoption support for children—Legal basis—Purpose. [Statutory Authority: RCW 43.20A.550, 82-02-023 (Order 1744), § 388-70-510, filed 12/30/81; Order 1037, § 388-70-510, filed 7/29/75.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-520 Adoption support for children—Definitions. [Statutory Authority: RCW 43.20A.550, 93-07-030 (Order 3524), § 388-70-520, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 43.20A.550 and HB 2602, 90-23-076 (Order 3101), § 388-70-520, filed 11/20/90, effective 12/21/90; Order 1037, § 388-70-520, filed 7/29/75.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-530 Adoption support for children—Eligible child. [Statutory Authority: RCW 43.20A.550 and HB 2602, 90-23-076 (Order 3101), § 388-70-530, filed 11/20/90, effective 12/21/90. Statutory Authority: RCW 43.20A.550, 82-02-023 (Order 1744), § 388-70-530, filed 12/30/81; Order 1037, § 388-70-530, filed 7/29/75.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-540 Adoption support for children—Application. [Statutory Authority: RCW 43.20A.550 and HB 2602, 90-23-076 (Order 3101), § 388-70-540, filed 11/20/90, effective 12/21/90; Order 1037, § 388-70-540, filed 7/29/75.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-550 Adoption support for children—Types and amounts of payments. [Statutory Authority: RCW 43.20A.550 and HB 2602, 90-23-076 (Order 3101), § 388-70-550, filed 11/20/90, effective 12/21/90. Statutory Authority: RCW 43.20A.550, 82-02-023 (Order 1744), § 388-70-550, filed 12/30/81. Statutory Authority: RCW 74.13.109, 80-08-028 (Order 1516), § 388-70-550, filed 6/25/80; Order 1037, § 388-70-550, filed 7/29/75.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-560 Adoption support for children—Criteria governing amount of payment. [Order 1037, § 388-70-560, filed 7/29/75.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-570 Adoption support for children—Agreement for adoption support. [Statutory Authority: RCW 43.20A.550, 82-02-023 (Order 1744), § 388-70-570, filed 12/30/81; Order 1037, § 388-70-570, filed 7/29/75.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-580 Adoption support for children—Review of support payment. [Order 1037, § 388-70-580, filed 7/29/75.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-590 Adoption support for children—Appeal from secretary's decision—Hearing. [Statutory Authority: RCW 34.05.220 (1)(a) and 74.13.109, 90-04-072 (Order 2995), § 388-70-590, filed 2/5/90, effective 3/1/90; Order 1037, § 388-70-590, filed 7/29/75.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
- 388-70-595 Reimbursement for nonrecurring adoption finalization costs. [Statutory Authority: RCW 43.20A.550 and HB 2602, 90-23-076 (Order 3101), § 388-70-595, filed 11/20/90, effective 12/21/90.] Repealed by 01-08-045, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-700 Juvenile records. [Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-70-700, filed 9/10/79. Statutory Authority: RCW 74.08.090, 78-09-098 (Order 1335), § 388-70-700, filed 9/1/78.] Repealed by 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

WAC 388-70-091 Foster care planning for Indian children—Definitions. For the purposes of these rules, the term "Indian" includes the following groups:

- (1) An enrolled Indian:
 - (a) Any person who is enrolled or eligible for enrollment in a recognized tribe.
 - (b) Any person determined, or eligible to be found, to be an Indian by the Secretary of the Interior.
 - (c) An Eskimo, Aleut or other Alaskan native.
- (2) A Canadian Indian: Any person who is a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.
- (3) An unenrolled Indian: A person considered to be an Indian by a federally or nonfederally recognized Indian tribe or urban Indian/Alaskan native community organization.

[Order 1167, § 388-70-091, filed 10/27/76.]

WAC 388-70-092 Foster care for Indian children—Tribal sovereignty. Neither the licensing of Indian foster homes nor the placement and supervision of Indian children within the exterior boundaries of an Indian reservation, shall in any way abridge the sovereignty of an Indian nation or tribe nor shall compliance with these rules and regulations be deemed a relinquishment of sovereign authority by an Indian nation or tribe or by the state of Washington.

[Order 1167, § 388-70-092, filed 10/27/76.]

WAC 388-70-093 Foster care for Indian children—Services. Documented efforts shall be made to avoid separating the Indian child from his parents, relatives, tribe or cultural heritage. Consequently:

- (1) In the case of Indian children being placed in foster care by the department or for whom the department has supervisory responsibility, the local Indian child welfare advisory committee, predesignated by a tribal council, or appropriate urban Indian organization shall be contacted. Members of that committee will serve as resource persons for the purposes of cooperative planning and aid in placement.
- (2) The resources of the tribal government, department and the Indian community shall be used to locate the child's parents and relatives to assist in locating possible placement resources, and to assist in the development of a plan to overcome the problem that brought the child to the attention of the authorities and/or the department.
- (3) In planning foster care placements for Indian children, demonstrable consideration shall be given to tribal membership, tribal culture and Indian religions. The case record shall document the reasons and circumstances of case-work decisions and consideration in those regards.

(4) The following resources for foster home placement of Indian children will be explored and followed in the following order: Relatives' homes, homes of other Indian families of same tribe, other Indian foster parents and non-Indian foster homes specifically recruited and trained in cooperation with the local Indian child welfare advisory committee to

meet the special needs of Indian foster children and in the geographic proximity that will insure continuation of the parent-child relationship. The training of non-Indian foster parents shall be designed and delivered in cooperation with the above committee and/or persons designated by the committee.

(5) For each Indian child who will be in care for more than 30 days, including those for whom adoption is planned, the ESSO shall make documented effort to complete two copies of the "family ancestry chart" (except in those cases where parents specifically indicate in writing they do not want the child enrolled). One copy will be retained in the child's file; the other will be forwarded to the bureau of Indian affairs office or the department of Indian affairs agency in Canada serving that child's tribe or band. The BIA of the department of Indian affairs agency will review the chart for possible enrollment eligibility in conjunction with the enrollment committee of the appropriate tribe or urban Indian community.

(6) The ESSO shall develop its social resources and staff training programs designed to meet the special needs of Indian children through coordination with tribal, Indian health service, bureau of Indian affairs social service staff, appropriate urban Indian and Alaskan native consultants, national, state and local Indian welfare organizations and ESSO child welfare advisory committees.

(7) The ESSO shall make diligent and demonstrable efforts to recruit facilities and/or homes particularly capable of meeting the special needs of Indian children with the assistance of the local Indian child welfare advisory committees.

[Order 1167, § 388-70-093, filed 10/27/76.]

WAC 388-70-095 Foster care for Indian children—Serious injury, death, abandonment, child abuse, neglect, incarceration. When an Indian child in foster care dies, is seriously injured, abandoned or incarcerated, in addition to other appropriate notifications, the department shall promptly advise the ESSO Indian child welfare advisory committee and appropriate tribal council. WAC 388-15-131(4) provides for notification about child abuse/neglect incidents.

[Order 1255, § 388-70-095, filed 12/1/77; Order 1167, § 388-70-095, filed 10/27/76.]

WAC 388-70-450 Adoptive planning for Indian children by department staff. (1) Definitions: For the purposes of these rules the term "Indian" includes the following groups:

- (a) Enrolled Indian
 - (i) Any person who is enrolled or eligible for enrollment in a recognized tribe.
 - (ii) Any person determined, or eligible to be found, to be an Indian by the secretary of the interior.
 - (iii) An Eskimo, Aleut or other Alaskan native.
- (b) Canadian Indian: A person who is a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.
- (c) Unenrolled Indian: A person considered to be an Indian by a federally or nonfederally recognized tribe or urban Indian/Alaskan native community organization.

(2) An adoptive family shall be considered Indian if one or both parents are Indian by the above definitions.

(3) In adoptive planning for Indian children, the unique tribal, cultural and religious sovereignty of Indian nations, tribes and communities shall be recognized. When consistent with the wishes of the biological parents and/or the child, the adoption of Indian children by Indian families is the primary goal.

(4) Standards implementing the policy are:

(a) Adoption exchange. In the referrals for an Indian child, adoptive homes having the following characteristics shall be given preference in the following order, each category being allowed 30 days before proceeding to the next.

(i) An Indian family of the same tribe as the child.

(ii) A Washington Indian family considering tribal cultural differences.

(iii) An Indian family from elsewhere in the United States or Canada through the adoption resource exchange of North America. Attention shall be given to matching the child's tribal culture to that of the adoptive family.

(iv) Any other family which can provide a suitable home to an Indian child, as well as instill pride and understanding in the child's tribal and cultural heritage.

(b) Foster parent adoptions: As a part of the total evaluation for approving a foster parent adoption of an Indian child, ESSO service staff shall document the foster family's past performance and future commitment in exposing the child to its Indian tribal and cultural heritage. The child's wish to be involved in his Indian culture shall be considered.

(c) When an Indian child, in the custody of an out-of-state agency, is referred for potential adoptive parents residing in Washington, documentation shall be obtained that assures the department's standards for planning for Indian children have been complied with.

(5) Local staff shall consult with an Indian child welfare committee in planning for placement of Indian children.

[Order 1167, § 388-70-450, filed 10/27/76.]

WAC 388-70-600 Local Indian child welfare advisory committee—Purpose. The intent of WAC 388-70-096, 388-70-450, and 388-70-600 through 388-70-640 is to ensure protection of the Indian identity of Indian children, their rights as Indian children, and the maximum utilization of available Indian resources for Indian children. To ensure the realization of this intent, information about each current and future case involving Indian children for whom the department of social and health services has a responsibility shall be referred to a local Indian child welfare advisory committee on an ongoing basis according to procedures which recognize the privacy rights of the families.

The purposes of local Indian child welfare advisory committees are:

(1) To promote relevant social service planning for Indian children.

(2) To encourage the preservation of the Indian family, tribe, heritage, and identity of each Indian child served by the department of social and health services.

(3) To assist in obtaining participation by representatives of tribal governments and Indian organizations in departmen-

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tal planning for Indian children for whom the department has a responsibility.

[Order 1167, § 388-70-600, filed 10/27/76.]

WAC 388-70-610 Local Indian child welfare advisory committee—Membership. Local Indian child welfare committees shall be established within each region. The number and locations of the local committees shall be mutually determined by the Indian tribal governments and urban Indian organizations served by that region and the DSHS regional administrator.

(1) The committee shall consist of representatives designated by tribal government and urban Indian organizations. The regional administrator shall appoint committee members from among those individuals designated by Indian authorities. These members should be familiar with and knowledgeable about the needs of children in general as well as the particular needs of Indian children residing in the service area.

(2) The committee may also include bureau of Indian affairs and/or Indian health service staff if approved by participating tribal councils and urban Indian organizations.

(3) The DSHS regional administrator and/or the ESSO administrator shall appoint a member of his child welfare supervisory staff as a liaison member of the committee.

(4) The local Indian child welfare advisory committee is an ad hoc advisory committee not specifically authorized by statute. As such its members are not entitled to per diem and travel expenses for the performance of advisory committee functions. This rule shall not be construed, however, to prohibit expense payments to members who are otherwise qualified for and perform services compensable under other programs such as the volunteer programs.

[Order 1167, § 388-70-610, filed 10/27/76.]

WAC 388-70-615 Local Indian child welfare advisory committee—Subcommittees. Each committee may appoint a subcommittee of permanent members to participate in reviewing the situation of an individual child or children for the purpose of recommending future planning actions.

[Order 1167, § 388-70-615, filed 10/27/76.]

WAC 388-70-620 Local Indian child welfare advisory committee—Functions. (1) The functions of the local Indian child welfare advisory committee are:

(a) Assistance to DSHS staff in cooperative planning for Indian children.

(b) Consultation to DSHS staff regarding the provision of adoption, foster care and child protective services on behalf of Indian children.

(c) Reviewing the situations of Indian children.

(d) Assisting in the implementation of recommended plans.

(e) Assisting in the recruitment of and making recommendations regarding the licensing of foster and adoptive homes for Indian children and providing culturally relevant services to Indian children.

(f) Requests the ESSO administrator to initiate reviews of casework decisions that the committee believes to be detrimental to the best interests of Indian children.

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(g) Acts in an advisory capacity to the regional administrator and ESSO administrator regarding the department's implementation and monitoring of the rules related to foster care, child protection, and adoption services to Indian children and their families.

[Order 1167, § 388-70-620, filed 10/27/76.]

WAC 388-70-630 Local Indian child welfare advisory committee—Meetings. Each committee and the regional administrator and/or ESSO administrator will mutually agree as to time, place and frequency and conduct of official committee meetings.

[Order 1167, § 388-70-630, filed 10/27/76.]

WAC 388-70-640 Local Indian child welfare advisory committee—Confidentiality. The members of the local child welfare advisory committee shall agree to abide by RCW 74.04.060 and the rules of confidentiality binding the DSHS staff.

[Statutory Authority: RCW 74.15.030, 89-05-063 (Order 2743), § 388-70-640, filed 2/15/89; Order 1167, § 388-70-640, filed 10/27/76.]

Chapter 388-71 WAC

HOME AND COMMUNITY SERVICES AND PROGRAMS

WAC

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- 388-71-05770 What are the training requirements and exemptions for parents who are individual providers for their adult children who do not receive services through DDD?

CONTINUING EDUCATION

- 388-71-05775 What is continuing education?

388-71-05780	How many hours of continuing education are required each year?	388-71-0734	Limiting expenditures.
388-71-05785	What kinds of training topics are required for continuing education?	388-71-0736	Adult day centers—Administrative policies and procedures.
388-71-05790	Is competency testing required for continuing education?	388-71-0738	Adult day centers—Operating policies and procedures.
388-71-05795	May basic or modified basic training be completed a second time and used to meet the continuing education requirement?	388-71-0740	Adult day centers—Fiscal operations.
388-71-05799	What are the documentation requirements for continuing education?	388-71-0742	Adult day centers—Client policies and procedures.
		388-71-0744	Adult day center—Client records.
		388-71-0746	Adult day center—Documentation.
		388-71-0748	Adult day centers—Record retention.
		388-71-0750	Adult day centers—Personnel policies and procedures.
		388-71-0752	Adult day center—Staffing requirements.
		388-71-0754	Staffing ratios.
		388-71-0756	Adult day care—Staffing requirements.
		388-71-0758	Adult day health—Staffing requirements.
		388-71-0760	Adult day centers—Employee records.
		388-71-0762	Adult day centers—Education and training.
		388-71-0764	Adult day centers—Medication.
		388-71-0766	Adult day centers—Facility.
		388-71-0768	Adult day centers—Physical environment requirements.
		388-71-0770	Adult day center—Food and nutrition services.
		388-71-0772	Adult day centers—Emergency procedures.
		388-71-0774	Adult day centers—Quality assurance and improvement.
		388-71-0776	Effective date.
NURSE DELEGATION CORE TRAINING			
388-71-05805	What is nurse delegation core training?		
388-71-05810	What knowledge and skills must nurse delegation core training include?		
388-71-05815	Is competency testing required for nurse delegation core training?		
388-71-05820	Is there a challenge test for nurse delegation core training?		
388-71-05825	What documentation is required for successful completion of nurse delegation core training?		
388-71-05830	Who is required to complete nurse delegation core training, and when?		
SAFETY TRAINING			
388-71-05832	What is safety training?		
COMPETENCY TESTING			
388-71-05835	What is competency testing?	388-71-0120	What adjunct services are provided? [Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0120, filed 1/11/00, effective 2/11/00.] Repealed by 04-19-136, filed 9/21/04, effective 10/22/04. Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW.
388-71-05840	What components must competency testing include?		
388-71-05845	What experience or training must individuals have to be able to perform competency testing?		
388-71-05850	What training must include the DSHS-developed competency test?		
388-71-05855	How must competency test administration be standardized?	388-71-0150	When is the name of a personal aide placed on a registry? [Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0150, filed 1/11/00, effective 2/11/00.] Repealed by 04-19-136, filed 9/21/04, effective 10/22/04. Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW.
388-71-05860	What form of identification must providers show a tester before taking a competency or challenge test?		
388-71-05865	How many times may a competency test be taken?		
INSTRUCTOR QUALIFICATIONS			
388-71-05870	What are an instructor's or training entity's responsibilities?	388-71-0155	Prior to placing his or her name on the registry is the personal aide notified? [Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0155, filed 1/11/00, effective 2/11/00.] Repealed by 04-19-136, filed 9/21/04, effective 10/22/04. Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW.
388-71-05875	Must instructors be approved by DSHS or an AAA?		
388-71-05880	Can DSHS or the AAA deny or terminate a contract with an instructor or training entity?		
388-71-05885	What is a guest speaker, and what are the minimum qualifications to be a guest speaker for basic training?	388-71-0194	Home and community services—Nursing services. [Statutory Authority: 2004 c 276 § 206 (6)(b) and <i>Townsend vs. DSHS</i> , U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0194, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.057, 74.04.200, 74.09.520, 74.39.020, 74.39A.090, 2003 1st sp.s. c 25, 2003 c 140. 03-24-001, § 388-71-0194, filed 11/19/03, effective 12/20/03. Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0194, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0194, filed 10/21/02, effective 11/21/02.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0200, 388-106-0300, 388-106-0305, 388-106-0400, 388-106-0500.
388-71-05890	What are the minimum qualifications for an instructor for basic, modified basic or nurse delegation core training?		
388-71-05895	What additional qualifications are required for instructors of nurse delegation core training?		
PHYSICAL RESOURCES AND STANDARD PRACTICES FOR TRAINING			
388-71-05899	What must be included in a class on adult education?		
388-71-05905	What physical resources are required for basic, modified basic, or nurse delegation core classroom training and testing?		
388-71-05909	What standard training practices must be maintained for basic, modified basic, or nurse delegation core classroom training and testing?		
ADULT DAY SERVICES			
388-71-0702	Purposes and definitions.	388-71-0202	Long-term care services—Definitions. [Statutory Authority: 2004 c 276 § 206 (6)(b) and <i>Townsend vs. DSHS</i> , U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0202, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 74.08.090, 74.09.520. 04-04-042, § 388-71-0202, filed 1/29/04, effective 2/29/04. Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0202, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0202, filed 10/21/02, effective 11/21/02.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-71-0215.
388-71-0704	Adult day care—Services.		
388-71-0706	Adult day health—Services.		
388-71-0708	Adult day care—Eligibility.		
388-71-0710	Adult day health—Eligibility.		
388-71-0712	Adult day health—Skilled nursing.		
388-71-0714	Adult day health—Rehabilitative therapy.		
388-71-0716	Adult day care—Assessment and service plan.		
388-71-0718	Adult day care—Negotiated care plan.		
388-71-0720	Adult day health—Assessment and service plan.		
388-71-0722	Adult day health—Negotiated care plan.		
388-71-0724	Adult day services—Contracting and rates.		
388-71-0726	Adult day health transportation.		
388-71-0728	Coordination of services.		
388-71-0730	Senior Citizens Services Act/Respite care.		
388-71-0732	Hearing rights.		

- 388-71-0203 Long-term care services—Assessment of task self-performance and determination of required assistance. [Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0203, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0203, filed 10/21/02, effective 11/21/02.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-71-0230.
- 388-71-0205 Long-term care services—Service plan. [Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0205, filed 10/21/02, effective 11/21/02.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-71-0235.
- 388-71-0210 What is the purpose of WAC 388-71-0210 through 388-71-0260? [Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0210, filed 5/17/05, effective 6/17/05.] Repealed by 06-05-022, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020.
- 388-71-0215 What definitions apply to WAC 388-71-0210 through 388-71-0260? [Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0215, filed 5/17/05, effective 6/17/05.] Repealed by 06-05-022, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020.
- 388-71-0220 What is an assessment? [Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0220, filed 5/17/05, effective 6/17/05.] Repealed by 06-05-022, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020.
- 388-71-0225 What is the purpose of a comprehensive assessment? [Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0225, filed 5/17/05, effective 6/17/05.] Repealed by 06-05-022, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020.
- 388-71-0230 How are my needs for MPC services assessed? [Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0230, filed 5/17/05, effective 6/17/05.] Repealed by 06-05-022, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020.
- 388-71-0235 What is a service plan? [Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0235, filed 5/17/05, effective 6/17/05.] Repealed by 06-05-022, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020.
- 388-71-0240 What services may I receive under MPC as a child? [Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0240, filed 5/17/05, effective 6/17/05.] Repealed by 06-05-022, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020.
- 388-71-0245 What services are not covered under MPC for children? [Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0245, filed 5/17/05, effective 6/17/05.] Repealed by 06-05-022, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020.
- 388-71-0250 Am I eligible for MPC services? [Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0250, filed 5/17/05, effective 6/17/05.] Repealed by 06-05-022, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020.
- 388-71-0255 How do children remain eligible for MPC services? [Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0255, filed 5/17/05, effective 6/17/05.] Repealed by 06-05-022, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020.
- 388-71-0260 Are there limitations to MPC services for children? [Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0260, filed 5/17/05, effective 6/17/05.] Repealed by 06-05-022, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020.
- 388-71-0400 What is the intent of the department's home and community programs? [Statutory Authority: RCW 74.39A.130, 74.09.520, 74.08.090. 00-04-056, § 388-71-0400, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-71-0405 What are the home and community programs? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0405, filed 7/26/04, effective 8/26/04. Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0405, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.09.520, 74.08.090, 74.39A.130. 00-04-056, § 388-71-0405, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0015.
- 388-71-0410 What services may I receive under HCP? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0410, filed 7/26/04, effective 8/26/04. Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0410, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.-090. 02-21-098, § 388-71-0410, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.39.010, 74.09.520. 00-04-056, § 388-71-0410, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0300, 388-106-0305, 388-106-0400, 388-106-0500 and 388-106-0600.
- 388-71-0415 What other services may I receive under the waiver-funded programs? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0415, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.057, 74.04.200, 74.09.520, 74.39.020, 74.39A.-090, 2003 1st sp.s. c 25, 2003 c 140. 03-24-001, § 388-71-0415, filed 11/19/03, effective 12/20/03. Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0415, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.08.090, 74.39.020. 00-04-056, § 388-71-0415, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0300, 388-106-0305.
- 388-71-0420 What services are not covered under HCP? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0420, filed 7/26/04, effective 8/26/04. Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0420, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.09.520, 74.08.090, 74.39A.130. 00-04-056, § 388-71-0420, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0020.
- 388-71-0425 Who can provide HCP services? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0425, filed 7/26/04, effective 8/26/04. Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0425, filed 6/12/03, effective 7/13/03. Statutory Authority: 1999 c 175, chapters 70.126, 70.127 RCW, RCW 74.08.044. 00-04-056, § 388-71-0425, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0040.

- 388-71-0430 Am I eligible for one of the HCP programs? [Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0430, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0430, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.39A.-030. 00-13-077, § 388-71-0430, filed 6/19/00, effective 7/20/00. Statutory Authority: RCW 74.39.010, 74.08.-090, 74.39A.110, 74.09.520. 00-04-056, § 388-71-0430, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0210, 388-106-0310, 388-106-0410, 388-106-0510, 388-106-0610.
- 388-71-0435 Am I eligible for COPEs-funded services? [Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0435, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0435, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.39A.030. 00-13-077, § 388-71-0435, filed 6/19/00, effective 7/20/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0310.
- 388-71-0440 Am I eligible for MPC-funded services? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0440, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.057, 74.04.200, 74.09.520, 74.39.020, 74.39A.090, 2003 1st sp.s. c 25, 2003 c 140. 03-24-001, § 388-71-0440, filed 11/19/03, effective 12/20/03. Statutory Authority: RCW 74.08.-090, 74.09.520, and 74.39A.090. 02-23-063, § 388-71-0440, filed 11/18/02, effective 12/19/02. Statutory Authority: RCW 74.09.520. 00-04-056, § 388-71-0440, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0210.
- 388-71-0442 Am I eligible for medically needy residential waiver services? [Statutory Authority: 2001 c 269, RCW 74.09.-700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0442, filed 6/12/03, effective 7/13/03.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.-090, 74.09.520. Later promulgation, see WAC 388-106-0410.
- 388-71-0445 Am I eligible for chore-funded services? [Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0445, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. 02-21-098, § 388-71-0445, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.39A.-110, 74.39A.150. 01-02-051, § 388-71-0445, filed 12/28/00, effective 1/28/01. Statutory Authority: RCW 74.09.520, 74.09.530, 74.39A.110, [74.39A.]120, [74.39A.]130, 1998 c 346 § 205 (1)(c), and RCW 74.39A.030. 00-18-099, § 388-71-0445, filed 9/5/00, effective 10/6/00. Statutory Authority: RCW 74.39A.-110, 74.39A.150. 00-04-056, § 388-71-0445, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0610.
- 388-71-0450 How do I remain eligible for services? [Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.-090. 02-21-098, § 388-71-0450, filed 10/21/02, effective 11/21/02. Statutory Authority: 42 C.F.R. 441.302, RCW 74.09.520. 00-04-056, § 388-71-0450, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0220, 388-106-0320, 388-106-0420, 388-106-0520, and 388-106-0620.
- 388-71-0455 Can my services be terminated if eligibility requirements for HCP change? [Statutory Authority: RCW 74.09.510, 74.09.520. 00-04-056, § 388-71-0455, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0220, 388-106-0320, 388-106-0420, 388-106-0520 and 388-106-0620.
- 388-71-0460 Are there limitations to HCP services I can receive? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39.005. 03-15-010, § 388-71-0460, filed 7/3/03, effective 8/3/03. Statutory Authority: RCW 74.09.520. 00-04-056, § 388-71-0460, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0130.
- 388-71-0465 Are there waiting lists for HCP services? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0465, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 74.39.041 and 2003 1st sp.s. c 25 § 206(9). 04-01-090, § 388-71-0465, filed 12/16/03, effective 1/16/04. Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0465, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.39.010, 74.39A.120. 00-04-056, § 388-71-0465, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0235, 388-106-0335, 388-106-0435, and 388-106-0535.
- 388-71-0470 Who pays for HCP services? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0470, filed 7/26/04, effective 8/26/04. Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0470, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.09.-520, 74.09.530, 74.39A.110, [74.39A.]120, [74.39A.]130, 1998 c 346 § 205 (1)(c), and RCW 74.39A.030. 00-18-099, § 388-71-0470, filed 9/5/00, effective 10/6/00. Statutory Authority: RCW 74.39A.120, 74.39.010, 74.39.020. 00-04-056, § 388-71-0470, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0225, 388-106-0325, 388-106-0425, 388-106-0525 and 388-106-0625.
- 388-71-0475 What is the maximum amount that the department pays per month for your COPEs care? [Statutory Authority: RCW 74.08.090. 00-04-056, § 388-71-0475, filed 1/28/00, effective 2/28/00.] Repealed by 03-09-092, filed 4/18/03, effective 5/19/03. Statutory Authority: Chapter 74.39 RCW.
- 388-71-0480 If I am employed, can I still receive HCP services? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0480, filed 7/26/04, effective 8/26/04. Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0480, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.09.520, 74.09.530, 74.39A.110, [74.39A.]120, [74.39A.]130, 1998 c 346 § 205 (1)(c), and RCW 74.39A.030. 00-18-099, § 388-71-0480, filed 9/5/00, effective 10/6/00. Statutory Authority: RCW 74.39A.140, 74.39A.150. 00-04-056, § 388-71-0480, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0230, 388-106-0330, 388-106-0430, 388-106-0530, 388-106-0630.
- 388-71-0525 Are there any exemptions from the training requirements? [Statutory Authority: RCW 74.08.090, 74.09.-520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0525, filed 1/13/00, effective 2/13/00.] Repealed by 02-10-117, filed 4/30/02, effective 5/31/02. Statutory Authority: Chapter 74.39A RCW and 2000 c 121.
- 388-71-0530 Are there special rules about training for parents who are the individual providers of division of developmental disabilities (DDD) adult children? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.-842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0530, filed 1/13/00, effective

	2/13/00.] Repealed by 02-10-117, filed 4/30/02, effective 5/31/02. Statutory Authority: Chapter 74.39A RCW and 2000 c 121.		5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05680.
388-71-0531	How many hours can my individual provider, agency provider, or personal aide work if I am receiving COPEs, Medicaid Personal Care, or Chore services? [Statutory Authority: RCW 74.08.090, 74.09.520, 04-04-042, § 388-71-0531, filed 1/29/04, effective 2/29/04.] Repealed by 04-15-001, filed 7/7/04, effective 8/7/04. Statutory Authority: 2004 c 3, RCW 74.08.090, 74.09.520.	388-71-05914	Is there a challenge test for orientation? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05914, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.-050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05685.
388-71-0535	Are there special rules about training for parents who are the individual providers of non-DDD adult children? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0535, filed 1/13/00, effective 2/13/00.] Repealed by 02-10-117, filed 4/30/02, effective 5/31/02. Statutory Authority: Chapter 74.39A RCW and 2000 c 121.	388-71-05915	What documentation is required for orientation? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05915, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.-050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05690.
388-71-0545	Under what conditions will the department/AAA deny payment to or terminate the contract of an individual provider, or deny payment to a home care agency provider? [Statutory Authority: RCW 74.08.090, 74.09.-520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0545, filed 1/13/00, effective 2/13/00.] Repealed by 01-11-019, filed 5/4/01, effective 6/4/01. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.-095.	388-71-05916	Who is required to complete orientation, and when must it be completed? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05916, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05695.
388-71-0550	Are there other conditions under which the department/AAA may deny payment, or deny or terminate a contract to an individual provider? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0550, filed 1/13/00, effective 2/13/00.] Repealed by 01-11-019, filed 5/4/01, effective 6/4/01. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095.	388-71-05917	What is basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05917, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05700.
388-71-0555	When can the department/AAA summarily suspend an individual provider's contract? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0555, filed 1/13/00, effective 2/13/00.] Repealed by 01-11-019, filed 5/4/01, effective 6/4/01. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095.	388-71-05918	Is there an alternative to the basic training for some health care workers? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05918, filed 4/30/02, effective 5/31/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05705.
388-71-0580	Self-directed care—Who must direct self-directed care? [Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095, 01-11-019, § 388-71-0580, filed 5/4/01, effective 6/4/01. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0580, filed 1/13/00, effective 2/13/00.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05640.	388-71-05919	What core knowledge and skills must be taught in basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05919, filed 4/30/02, effective 5/31/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05710.
388-71-05910	What definitions apply to WAC 388-71-05911 through 388-71-05952? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05910, filed 4/30/02, effective 5/31/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05665.	388-71-05920	Is competency testing required for basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05920, filed 4/30/02, effective 5/31/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05715.
388-71-05911	What is orientation? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05911, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05670.	388-71-05921	Is there a challenge test for basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05921, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.-050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05720.
388-71-05912	What content must be included in an orientation? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05912, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.-050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05675.	388-71-05922	What documentation is required for successful completion of basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05922, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05725.
388-71-05913	Is competency testing required for orientation? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05913, filed 4/30/02, effective	388-71-05923	Who is required to complete basic training, and when? [Statutory Authority: RCW 74.39A.050, 03-19-076, § 388-71-05923, filed 9/12/03, effective 10/13/03. Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05923, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.-050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05730.
		388-71-05924	What is modified basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05924, filed 4/30/02, effective 5/31/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.-050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05735.

- 388-71-05925 What knowledge and skills must be included in modified basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05925, filed 4/30/02, effective 5/31/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05740.
- 388-71-05926 Is competency testing required for modified basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05926, filed 4/30/02, effective 5/31/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05745.
- 388-71-05927 Is there a challenge test for modified basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05927, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05750.
- 388-71-05928 What documentation is required for successful completion of modified basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05928, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05755.
- 388-71-05929 Who may take modified basic training instead of the full basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05929, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05760.
- 388-71-05930 What are the training requirements and exemptions for parents who are individual providers for their adult children receiving services through DDD? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05930, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05765.
- 388-71-05931 What are the training requirements and exemptions for parents who are individual providers for their adult children who do not receive services through DDD? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05931, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05770.
- 388-71-05932 What is continuing education? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05932, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05775.
- 388-71-05933 How many hours of continuing education are required each year? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05933, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05780.
- 388-71-05934 What kinds of training topics are required for continuing education? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05934, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05785.
- 388-71-05935 Is competency testing required for continuing education? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05935, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05790.
- 388-71-05936 May basic or modified basic training be completed a second time and used to meet the continuing education requirement? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05936, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05795.
- 388-71-05937 What are the documentation requirements for continuing education? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05937, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05799.
- 388-71-05938 What is competency testing? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05938, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05835.
- 388-71-05939 What components must competency testing include? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05939, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05840.
- 388-71-05940 What experience or training must individuals have to be able to perform competency testing? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05940, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05845.
- 388-71-05941 What training must include the DSHS-developed competency test? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05941, filed 4/30/02, effective 5/31/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05850.
- 388-71-05942 How must competency test administration be standardized? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05942, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05855.
- 388-71-05943 What form of identification must providers show a tester before taking a competency or challenge test? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05943, filed 4/30/02, effective 5/31/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05860.
- 388-71-05944 How many times may a competency test be taken? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05944, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05865.
- 388-71-05945 What are an instructor's or training entity's responsibilities? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05945, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05870.
- 388-71-05946 Must instructors be approved by DSHS or an AAA? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05946, filed 4/30/02, effective 5/31/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05875.
- 388-71-05947 Can DSHS or the AAA deny or terminate a contact with an instructor or training entity? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05947, filed 4/30/02, effective 5/31/02.]

	Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.-050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05880.	388-71-0615	gation, see WAC 388-106-0225, 388-106-0325, 388-106-0425, and 388-106-0525.
388-71-05948	What is a guest speaker, and what are the minimum qualifications to be a guest speaker for basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05948, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.-050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05885.		If I leave a hospital, residential facility, or nursing facility, are there resources available to help me find a place to live? [Statutory Authority: RCW 74.42.450, 74.08.-090, 00-04-056, § 388-71-0615, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0950.
388-71-05949	What are the minimum qualifications for an instructor for basic or modified basic training? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-15-064, § 388-71-05949, filed 7/11/02, effective 8/11/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.-050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05890.	388-71-0620	Am I eligible for a residential discharge allowance? [Statutory Authority: RCW 74.42.450, 74.08.090, 00-04-056, § 388-71-0620, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0955.
388-71-05950	What must be included in a class on adult education? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05950, filed 4/30/02, effective 5/31/02.] Decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.-050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05899.	388-71-0700	What are the requirements for nursing facility eligibility, assessment, and payment? [Statutory Authority: 2004 c 276 § 206 (6)(b) and <i>Townsend vs. DSHS</i> , U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0700, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 74.39A.-040, 74.42.056, 00-22-018, § 388-71-0700, filed 10/20/00, effective 10/31/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0350, 388-106-0355, and 388-106-0360.
388-71-05951	What physical resources are required for basic or modified basic classroom training and testing? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05951, filed 4/30/02, effective 5/31/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05905.	388-71-0800	What is PACE? [Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520. 03-13-091, § 388-71-0800, filed 6/16/03, effective 7/17/03. Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0800, filed 9/13/99, effective 10/14/99.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0015.
388-71-05952	What standard training practices must be maintained for basic or modified basic classroom training and testing? [Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05952, filed 4/30/02, effective 5/31/02.] Amended and decodified by 04-02-001, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. Recodified as § 388-71-05909.	388-71-0805	What services does PACE cover? [Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520. 03-13-091, § 388-71-0805, filed 6/16/03, effective 7/17/03. Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0805, filed 9/13/99, effective 10/14/99.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0700.
388-71-0600	What are residential services? [Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0600, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.-090. 02-21-098, § 388-71-0600, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.44 [74.08.044]. 00-04-056, § 388-71-0600, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0010.	388-71-0810	Who provides these services? [Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520. 03-13-091, § 388-71-0810, filed 6/16/03, effective 7/17/03. Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0810, filed 9/13/99, effective 10/14/99.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520.
388-71-0605	Am I eligible for residential services? [Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0605, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, and 74.08.090. 01-14-055, § 388-71-0605, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 74.08.44 [74.08.044]. 00-04-056, § 388-71-0605, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0905.	388-71-0815	Where are these services provided? [Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520. 03-13-091, § 388-71-0815, filed 6/16/03, effective 7/17/03. Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0815, filed 9/13/99, effective 10/14/99.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520.
388-71-0610	Who pays for residential care? [Statutory Authority: 2001 c 269, RCW 74.09.700, 74.08.090, 74.04.050, 74.09.575 and chapter 74.39 RCW. 03-13-052, § 388-71-0610, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.08.44 [74.08.044]. 00-04-056, § 388-71-0610, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0705.	388-71-0820	How do I qualify for medicaid-funded PACE services? [Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520. 03-13-091, § 388-71-0820, filed 6/16/03, effective 7/17/03; 02-15-138, § 388-71-0820, filed 7/22/02, effective 8/22/02. Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0820, filed 9/13/99, effective 10/14/99.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0705.
388-71-0613	For what days will the department pay the residential care facility? [Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, and 74.08.090. 01-14-055, § 388-71-0613, filed 6/29/01, effective 7/30/01.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promul-	388-71-0825	What are my appeal rights? [Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520. 03-13-091, § 388-71-0825, filed 6/16/03, effective 7/17/03. Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0825, filed 9/13/99, effective 10/14/99.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1305.
		388-71-0830	Who pays the PACE provider? [Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030.

- 99-19-048, § 388-71-0830, filed 9/13/99, effective 10/14/99.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0710.
- 388-71-0835 How do I enroll into the PACE program? [Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520. 03-13-091, § 388-71-0835, filed 6/16/03, effective 7/17/03. Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0835, filed 9/13/99, effective 10/14/99.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0705.
- 388-71-0840 How do I disenroll from the PACE program? [Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520. 03-13-091, § 388-71-0840, filed 6/16/03, effective 7/17/03. Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0840, filed 9/13/99, effective 10/14/99.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0715.
- 388-71-0845 What are my rights as a PACE client? [Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520. 03-13-091, § 388-71-0845, filed 6/16/03, effective 7/17/03. Statutory Authority: RCW 74.04.057, 74.08.090, 74.09.520 and 74.39A.030. 99-19-048, § 388-71-0845, filed 9/13/99, effective 10/14/99.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1300.
- 388-71-0900 What is the intent of WAC 388-71-0900 through 388-71-0960? [Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0900, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0905 What is private duty nursing (PDN) for adults? [Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0905, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0910 Am I financially eligible for medicaid-funded private duty nursing services? [Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0910, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0915 Am I medically eligible to receive private duty nursing services? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0915, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0915, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0920 How is my eligibility determined? [Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0920, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0925 Am I required to pay participation toward PDN services? [Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0925, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0930 Are PDN costs subject to estate recovery? [Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0930, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0935 Who can provide my PDN services? [Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0935, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0940 Are there limitations or other requirements for PDN? [Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0940, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0945 What requirements must a home health agency meet in order to provide and get paid for my PDN? [Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0945, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0950 What requirements must a private RN or LPN meet in order to provide and get paid for my PDN services? [Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0950, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0955 Can I receive PDN in a licensed adult family home (AFH)? [Statutory Authority: RCW 74.08.090, 74.09.520, 42 C.F.R. 440.80. 01-11-018, § 388-71-0955, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0960 Can I receive services in addition to PDN? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0960, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0960, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-0965 Can I choose to self-direct my care if I receive PDN? [Statutory Authority: RCW 74.08.090, 74.09.520, 42 CFR 440.80. 01-11-018, § 388-71-0965, filed 5/4/01, effective 6/4/01.] Repealed by 05-24-091, filed 12/6/05, effective 1/6/06. Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. Later promulgation, see chapter 388-106 WAC.
- 388-71-1000 What is the Senior Citizens Services Act? [Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1000, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0015.
- 388-71-1005 Who administers the Senior Citizens Services Act funds? [Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1005, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520.
- 388-71-1010 What services does the SCSA fund? [Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1010, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1100.
- 388-71-1015 How do I apply for SCSA-funded services? [Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1015, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1105.
- 388-71-1020 Am I eligible for SCSA-funded services at no cost? [Statutory Authority: RCW 74.38.030. 00-04-056, § 388-71-1020, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1110.

- 388-71-1025 What income and resources are exempt when determining eligibility? [Statutory Authority: RCW 74.38.030, 00-04-056, § 388-71-1025, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1115.
- 388-71-1030 What if I am not eligible to receive SCSA-funded services at no cost? [Statutory Authority: RCW 74.38.030, 00-04-056, § 388-71-1030, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1120.
- 388-71-1035 What are my rights under SCSA? [Statutory Authority: RCW 74.38.030, 00-04-056, § 388-71-1035, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1300.
- 388-71-1065 What is the purpose of the respite care program? [Statutory Authority: RCW 74.41.040, 00-04-056, § 388-71-1065, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0015, 388-106-1205.
- 388-71-1070 What definitions apply to respite care services? [Statutory Authority: RCW 74.41.040, 00-04-056, § 388-71-1070, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1200.
- 388-71-1075 Who is eligible to receive respite care services? [Statutory Authority: RCW 74.41.040, 00-04-056, § 388-71-1075, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1210.
- 388-71-1080 Who may provide respite care services? [Statutory Authority: RCW 74.41.040, 00-04-056, § 388-71-1080, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1215.
- 388-71-1085 How are respite care providers reimbursed for their services? [Statutory Authority: RCW 74.41.040, 00-04-056, § 388-71-1085, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1220.
- 388-71-1090 Are participants required to pay for the cost of their services? [Statutory Authority: RCW 74.41.040, 00-04-056, § 388-71-1090, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1225.
- 388-71-1095 Are respite care services always available? [Statutory Authority: RCW 74.41.040, 00-04-056, § 388-71-1095, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-1230.
- 388-71-1100 What is volunteer chore services (VCS)? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030, 74.39A.100, 00-04-056, § 388-71-1100, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0015, 388-106-0650.
- 388-71-1105 Am I eligible to receive volunteer chore services? [Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z, 04-16-029, § 388-71-1105, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030, 74.39A.-100, 00-04-056, § 388-71-1105, filed 1/28/00, effective 2/28/00.] Repealed by 05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520. Later promulgation, see WAC 388-106-0655.
- 388-71-1110 How do I receive information on applying for volunteer chore services? [Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030, 74.39A.100, 00-04-056, § 388-71-1110, filed 1/28/00, effective 2/28/00.] Repealed by

05-11-082, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520.

ADULT PROTECTIVE SERVICES

WAC 388-71-0100 What are the statutory references for WAC 388-71-0100 through 388-71-01280? The statutory references for WAC 388-71-0100 through WAC 388-71-01280 are:

- (1) Chapter 74.34 RCW;
- (2) Chapter 74.39A RCW; and
- (3) Chapter 74.39 RCW.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW, 04-19-136, § 388-71-0100, filed 9/21/04, effective 10/22/04. Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0100, filed 1/11/00, effective 2/11/00.]

WAC 388-71-0105 What definitions apply to adult protective services? In addition to the definitions found in chapter 74.34 RCW, the following definitions apply:

"ADSA" means DSHS aging and disability services administration.

"ALJ" means an administrative law judge, an impartial decision-maker who is an attorney and presides at an administrative hearing. The office of administrative hearings (OAH), which is a state agency, employs the ALJs. ALJs are not DSHS employees or DSHS representatives.

"APS" means adult protective services.

"Basic necessities of life" means food, water, shelter, clothing, and medically necessary health care, including but not limited to health-related treatment or activities, hygiene, oxygen, and medication.

"BOA" means the DSHS board of appeals. The board of appeals consists of lawyers who are members of the Washington State Bar Association. An ALJ's decision can be appealed to the board of appeals, allowing a level of review before an appeal to the court system may be considered.

"DSHS" means the department of social and health services.

"Entity" means any agency, corporation, partnership, association, limited liability company, sole proprietorship, for-profit or not-for-profit business that provides care and/or services to vulnerable adults under a license, certification or contract issued by DSHS or DSHS' contractor. An entity does not include a boarding home licensed under chapter 18.20 RCW, an adult family home licensed under chapter 70.128 RCW, or a nursing home licensed under chapter 18.51 RCW, but does include such facilities if they are required to be licensed but are not currently licensed.

"Facility" means a residence licensed as a boarding home under chapter 18.20 RCW, an adult family home under chapter 70.128 RCW, a nursing home under chapter 18.51 RCW, a soldier's home under chapter 72.36 RCW, a residential habilitation center under chapter 71A.20 RCW, or any other facility licensed by DSHS.

"Final finding" means the department's substantiated finding of abandonment, abuse, financial exploitation or neglect is upheld through the administrative appeal process specified in WAC 388-71-01205 through 388-71-01280, or is not timely appealed to the office of administrative hearings. The alleged perpetrator can appeal a final finding to Superior

Court and the Court of Appeals under the Administrative Procedure Act, chapter 34.05 RCW.

"Initial finding" means a determination made by the department upon investigation of an allegation of abandonment, abuse, financial exploitation, neglect or self-neglect.

(1) If the department determines it is more likely than not the incident occurred, the department shall document the finding as "substantiated."

(2) If the department determines it is more likely than not the incident did not occur, the department shall document the finding as "unsubstantiated."

(3) If the department cannot make a determination about whether the incident occurred or did not occur on a more probable than not basis, the department shall document the finding as "inconclusive."

"Legal representative" means a guardian appointed under chapter 11.88 RCW.

"Person or entity with a duty of care" includes, but is not limited to, the following:

(1) A guardian appointed under chapter 11.88 RCW; or

(2) A person named in a durable power of attorney as the attorney-in-fact as defined under chapter 11.94 RCW.

(3) A person or entity providing the basic necessities of life to a vulnerable adult [adults] where:

(a) The person or entity is employed by or on behalf of the vulnerable adult; or

(b) The person or entity voluntarily agrees to provide, or has been providing, the basic necessities of life to the vulnerable adult on a continuing basis.

"Personal aide" as found in RCW 74.39.007.

"Self-directed care" as found in RCW 74.39.007.

"Willful" means the nonaccidental action or inaction by an alleged perpetrator that he/she knew or reasonably should have known could cause harm, injury or a negative outcome.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-0105, filed 9/21/04, effective 10/22/04. Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0105, filed 1/11/00, effective 2/11/00.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

PART A—PROGRAM DESCRIPTION

WAC 388-71-0110 What is the purpose of an adult protective services investigation? The purpose of an adult protective services investigation is to:

(1) Investigate allegations of abandonment, abuse, financial exploitation, neglect, or self-neglect.

(2) Provide protective services with the consent of the vulnerable adult or his or her legal representative when the allegation is substantiated, or prior to substantiation when it appears abandonment, abuse, financial exploitation, neglect or self-neglect may be occurring and protective services could assist in ending or preventing harm to the vulnerable adult.

(3) When an allegation is substantiated, APS may investigate whether other vulnerable adults may be at current risk of abuse, neglect, abandonment or financial exploitation by the person or entity.

(2009 Ed.)

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-0110, filed 9/21/04, effective 10/22/04. Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0110, filed 1/11/00, effective 2/11/00.]

WAC 388-71-0115 When is an investigation conducted? The department determines when an investigation is conducted [required]. The following criteria must be met:

(1) The reported circumstances fit the definition of abandonment, abuse, financial exploitation, neglect, or self-neglect as defined in chapter 74.34 RCW; and

(2) The alleged victim is a vulnerable adult as defined in chapter 74.34 RCW.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-0115, filed 9/21/04, effective 10/22/04. Statutory Authority: RCW 74.08.090, 74.34.165, and 74.39A.050(9). 00-03-029, § 388-71-0115, filed 1/11/00, effective 2/11/00.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 388-71-01201 What state-only funded services may be offered to a vulnerable adult victim of abandonment, abuse, financial exploitation, neglect or self-neglect? (1) Subject to available funding, state-only funded in-home personal care/household services and state-only funded placement in a department licensed and contracted adult family home, boarding home or nursing facility may be offered without regard to the vulnerable adult's functional status or income/resources, if:

(a) The vulnerable adult is the subject of an open APS case involving an allegation of abandonment, abuse, financial exploitation, neglect, and/or self-neglect;

(b) The services would help protect the vulnerable adult from harm;

(c) APS cannot verify alternative resources or options for payment for services available to the vulnerable adult at the time;

(d) Services are provided in the least restrictive and most cost effective setting available to appropriately meet the needs of the vulnerable adult;

(e) APS is actively pursuing other service alternatives and/or resolution of the issues that resulted in the need for protective services; and

(f) The state-only funded services are temporary and provided with the consent of the vulnerable adult or legal representative only until the situation has stabilized. State-only funded protective services are provided by DSHS on a discretionary basis and are not a benefit and not an entitlement. Termination of state-only funded temporary protective services is exempt from notification and appeal requirements.

(2) State-only funded services to an individual vulnerable adult shall be based on assessed need and limited to:

(a) Up to one hundred forty-three hours of in-home personal care/household services per month; and

(b) A cumulative maximum total of ninety days service in any twelve-month period of time, with nursing facility services not exceeding thirty days of the ninety-day total. An exception to rule cannot be used to grant an extension.

[Title 388 WAC—p. 393]

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-0121 (codified as WAC 388-71-01201), filed 9/21/04, effective 10/22/04.]

PART B—NOTIFICATION AND ADMINISTRATIVE APPEAL OF A SUBSTANTIATED FINDING

WAC 388-71-01205 When does APS notify the alleged perpetrator of the results of an APS investigation?

(1) APS will notify the alleged perpetrator in writing within ten working days of making a substantiated initial finding of abandonment, abuse, financial exploitation or neglect of a vulnerable adult.

(2) The time frame for notification can be extended beyond ten working days to include the time needed to translate the notification letter or make provisions for the safety of the alleged victim.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01205, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01210 How may APS give the alleged perpetrator notice of the substantiated initial finding?

(1) APS shall notify the alleged perpetrator of a substantiated initial finding by sending a letter certified mail/return receipt requested and regular mail to the alleged perpetrator's last known place of residence. The duty of notification created by this section is subject to the ability of the department to ascertain the location of the alleged perpetrator. APS shall make a reasonable, good faith effort to determine the address of the last known place of residence of the alleged perpetrator; or

(2) APS shall have the written notice delivered or personally served upon the alleged perpetrator.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01210, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01215 When is notice to the alleged perpetrator complete? Notice is complete when:

- (1) Personal service is made;
- (2) Mail is properly stamped, addressed and deposited in the United States mail;
- (3) A parcel is delivered to a commercial delivery service with charges prepaid; or
- (4) A parcel is delivered to a legal messenger service with charges prepaid.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01215, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01220 What proves that APS provided notice of the substantiated initial finding to the alleged perpetrator? APS may prove notice was provided to the alleged perpetrator by any of the following:

- (1) A sworn statement or declaration of personal service;
- (2) The certified mail receipt signed by the recipient;
- (3) An affidavit or certificate of mailing; or
- (4) A signed receipt from the person who accepted the commercial delivery service or legal messenger service package.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01220, filed 9/21/04, effective 10/22/04.]

[Title 388 WAC—p. 394]

WAC 388-71-01225 What information must not be in the APS finding notice to the alleged perpetrator? The identities of the alleged victim, reporter, and witnesses must not be included in the APS finding notice to the alleged perpetrator.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01225, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01230 Will APS notify anyone other than the alleged perpetrator of the finding of abandonment, abuse, financial exploitation or neglect? (1) In a manner consistent with confidentiality requirements concerning the vulnerable adult, witnesses, and reporter, APS may provide notification of a substantiated initial finding to:

- (a) Other divisions within the department;
- (b) The agency or program identified under RCW 74.34.068 with which the alleged perpetrator is associated as an employee, volunteer or contractor;
- (c) Law enforcement;
- (d) Other investigative authority consistent with chapter 74.34 RCW; and
- (e) The facility in which the incident occurred.

(2) In the notification APS will identify the finding as an initial finding.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01230, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01235 Can an alleged perpetrator challenge an APS finding of abandonment, abuse, financial exploitation or neglect? An alleged perpetrator of abandonment, abuse, financial exploitation or neglect may request an administrative hearing to challenge a substantiated initial finding made by APS on or after the effective date of this rule.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01235, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01240 How does an alleged perpetrator request an administrative hearing to challenge an APS finding of abandonment, abuse, financial exploitation or neglect?

(1) To request an administrative hearing the alleged perpetrator must send, deliver, or fax a written request to the office of administrative hearings. OAH must receive the written request within thirty calendar days of the date the department's letter of notice is mailed or personally served upon the alleged perpetrator, whichever occurs first. If the alleged perpetrator requests a hearing by fax, the alleged perpetrator must also mail a copy of the request to OAH on the same day.

(2) The alleged perpetrator must complete and submit the form to request an administrative hearing provided by APS or submit a written request for a hearing that includes:

- (a) The full legal name, current address and phone number of the alleged perpetrator;
- (b) A brief explanation of why the alleged perpetrator disagrees with the substantiated initial finding;
- (c) A description of any assistance needed in the administrative appeal process by the alleged perpetrator, including a foreign or sign language interpreter or any accommodation for a disability;

(d) The alleged perpetrator should keep a copy of the request.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01240, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01245 What laws and rules will control the administrative hearings held regarding substantiated APS findings? Chapters 34.05 and 74.34 RCW, chapter 388-02 WAC, and the provisions of this chapter govern any administrative hearing regarding a substantiated APS finding. In the event of a conflict between the provisions of this chapter and chapter 388-02 WAC, the provisions of this chapter shall prevail.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01245, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01250 How is confidential information protected in the appeal process? (1) All information and documents provided by the department to the alleged perpetrator shall be used by the alleged perpetrator only to challenge the findings in the administrative hearing.

(2) Confidential information such as the name and other personal identifying information of the reporter and the vulnerable adult shall be redacted from documents and the parties shall use means in testimony to protect the identify of such persons, unless otherwise ordered by the ALJ consistent with chapter 74.34 RCW and other applicable state and federal laws.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01250, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01255 How does the administrative law judge make a decision regarding the substantiated APS finding? (1) The ALJ shall decide if a preponderance of the evidence in the hearing record supports a determination that the alleged perpetrator committed an act of abandonment, abuse, financial exploitation or neglect of a vulnerable adult.

(2) If the ALJ determines that a preponderance of the evidence in the hearing record supports the substantiated APS finding, the ALJ shall uphold the finding.

(3) If the ALJ determines that the substantiated APS finding is not supported by a preponderance of the evidence in the hearing record, the ALJ shall remand the matter to the department to modify the finding consistent with the initial decision of the ALJ.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01255, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01260 How is the alleged perpetrator notified of the administrative law judge's decision? After the administrative hearing, the ALJ will send a written decision to the alleged perpetrator and the department within ninety calendar days after the record is closed.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01260, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01265 What if the alleged perpetrator or the department disagrees with the decision? If the alleged perpetrator or the department disagrees with the ALJ's decision, either party may challenge this decision by filing a petition for review with the department's board of appeals consistent with the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC.

(2009 Ed.)

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01265, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01270 What happens if the administrative law judge rules against the department? If the department appeals the ALJ's decision, the department will not modify the finding in the department's records until a final hearing decision is issued. If the department does not appeal the ALJ's initial decision, the department will modify the finding in the department's records consistent with the ALJ's initial decision and document the ALJ's decision in the record.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01270, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01275 When does the APS substantiated initial finding become a final finding? A substantiated initial finding becomes a final finding when:

(1) The department gives the alleged perpetrator notice of the substantiated initial finding pursuant to WAC 388-71-01210 and the alleged perpetrator does not request an administrative hearing as set forth in WAC 388-71-01240; or

(2) The ALJ dismisses the hearing following default or withdrawal by the alleged perpetrator, or issues an initial order upholding the substantiated finding and the alleged perpetrator fails to file a request for review of the ALJ's initial decision with the department's board of appeals consistent with the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC; or

(3) The board of appeals issues a final order upholding the substantiated finding when a request for review to the department's board of appeals is made consistent with the procedures contained in chapter 34.05 RCW and chapter 388-02 WAC.

(4) The final finding will remain as substantiated in the department's records unless the final finding is reversed after judicial review.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01275, filed 9/21/04, effective 10/22/04.]

WAC 388-71-01280 Does the department disclose information about final findings of abuse, abandonment, neglect and financial exploitation? The department will maintain a registry of final findings and, upon request of any person, the department may disclose the identity of a person or entity with a final finding of abandonment, abuse, financial exploitation or neglect.

[Statutory Authority: RCW 34.05.020, 74.08.090, 74.39A.050, chapter 74.34 RCW. 04-19-136, § 388-71-01280, filed 9/21/04, effective 10/22/04.]

INDIVIDUAL PROVIDER AND HOME CARE AGENCY PROVIDER QUALIFICATIONS

WAC 388-71-0500 What is the purpose of WAC 388-71-0500 through [388-71-05952] [388-71-05909]? A client/legal representative may choose an individual provider or a home care agency provider. The intent of WAC 388-71-0500 through [388-71-05952] [388-71-05909] is to describe the:

(1) Qualifications of an individual provider, as defined in WAC 388-106-0010;

[Title 388 WAC—p. 395]

(2) Qualifications of a home care agency provider, as defined in WAC 388-106-0010 and chapter 246-336 WAC;

(3) Conditions under which the department or the area agency on aging (AAA) will pay for the services of an individual provider or a home care agency provider;

(4) Training requirements for an individual provider and home care agency provider.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-71-0500, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090, 02-21-098, § 388-71-0500, filed 10/21/02, effective 11/21/02. Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-0500, filed 4/30/02, effective 5/31/02. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095, 01-11-019, § 388-71-0500, filed 5/4/01, effective 6/4/01. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0500, filed 1/13/00, effective 2/13/00.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffective changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 388-71-0505 How does a client hire an individual provider? The client, or legal representative:

(1) Has the primary responsibility for locating, screening, hiring, supervising, and terminating an individual provider;

(2) Establishes an employer/employee relationship with the provider; and

(3) May receive assistance from the social worker/case manager or other resources in this process.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095, 01-11-019, § 388-71-0505, filed 5/4/01, effective 6/4/01. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0505, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0510 How does a person become an individual provider? In order to become an individual provider, a person must:

(1) Be eighteen years of age or older;

(2) Provide the social worker/case manager/designee with:

(a) Picture identification; and

(b) A Social Security card; or

(c) Authorization to work in the United States.

(3) Complete and submit to the social worker/case manager/designee the department's criminal conviction background inquiry application, unless the provider is also the parent of the adult DDD client and exempted, per chapter 74.15 RCW;

(a) Preliminary results may require a thumb print for identification purposes;

(b) An FBI fingerprint-based background check is required if the person has lived in the state of Washington less than three years.

(4) Sign a home and community-based service provider contract/agreement to provide services to a COPEs, MNIW, or medicaid personal care client.

[Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z, 04-16-029, § 388-71-0510, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710,

74.39.050, 43.43.830, 74.39.095, 01-11-019, § 388-71-0510, filed 5/4/01, effective 6/4/01. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0510, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0513 Is a background check required of a home care agency provider? In order to be a home care agency provider, a person must complete the department's criminal conviction background inquiry application, which is submitted by the agency to the department. This includes an FBI fingerprint-based background check if the home care agency provider has lived in the state of Washington less than three years.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095, 01-11-019, § 388-71-0513, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0515 What are the responsibilities of an individual provider or home care agency provider when employed to provide care to a client? An individual provider or home care agency provider must:

(1) Understand the client's plan of care that is signed by the client or legal representative and social worker/case manager, and translated or interpreted, as necessary, for the client and the provider;

(2) Provide the services as outlined on the client's plan of care, as defined in WAC 388-106-0010;

(3) Accommodate client's individual preferences and differences in providing care;

(4) Contact the client's representative and case manager when there are changes which affect the personal care and other tasks listed on the plan of care;

(5) Observe the client for change(s) in health, take appropriate action, and respond to emergencies;

(6) Notify the case manager immediately when the client enters a hospital, or moves to another setting;

(7) Notify the case manager immediately if the client dies;

(8) Notify the department or AAA immediately when unable to staff/serve the client; and

(9) Notify the department/AAA when the individual provider or home care agency will no longer provide services. Notification to the client/legal guardian must:

(a) Give at least two weeks' notice, and

(b) Be in writing.

(10) Complete and keep accurate time sheets that are accessible to the social worker/case manager; and

(11) Comply with all applicable laws and regulations.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-71-0515, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090, 02-21-098, § 388-71-0515, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095, 01-11-019, § 388-71-0515, filed 5/4/01, effective 6/4/01. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0515, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0520 Are there training requirements for an individual provider or a home care agency provider of an adult client? An individual provider or a home care agency provider for an adult client must meet the train-

ing requirements in WAC 388-71-05665 through 388-71-05865.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-71-0520, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW, 04-02-001, § 388-71-0520, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-0520, filed 4/30/02, effective 5/31/02. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0520, filed 1/13/00, effective 2/13/00.]

WAC 388-71-0540 When will the department, AAA, or managed care entity deny payment for services of an individual provider or home care agency provider? The department, AAA, or managed care entity will deny payment for the services of an individual provider or home care agency provider who:

(1) Is the client's spouse, per 42 C.F.R. 441.360(g), except in the case of an individual provider for a chore services client. Note: For chore spousal providers, the department pays a rate not to exceed the amount of a one-person standard for a continuing general assistance grant, per WAC 388-478-0030;

(2) Is the natural/step/adoptive parent of a minor client aged seventeen or younger receiving services under medicaid personal care;

(3) Is a foster parent providing personal care to a child residing in their licensed foster home;

(4) Has been convicted of a disqualifying crime, under RCW 43.43.830 and 43.43.842 or of a crime relating to drugs as defined in RCW 43.43.830;

(5) Has abused, neglected, abandoned, or exploited a minor or vulnerable adult, as defined in chapter 74.34 RCW;

(6) Has had a license, certification, or a contract for the care of children or vulnerable adults denied, suspended, revoked, or terminated for noncompliance with state and/or federal regulations;

(7) Does not successfully complete the training requirements within the time limits required in WAC 388-71-05665 through 388-71-05865;

(8) Is already meeting the client's needs on an informal basis, and the client's assessment or reassessment does not identify any unmet need; and/or

(9) Is terminated by the client (in the case of an individual provider) or by the home care agency (in the case of an agency provider).

In addition, the department, AAA, or managed care entity may deny payment to or terminate the contract of an individual provider as provided under WAC 388-71-0546, 388-71-0551, and 388-71-0556.

[Statutory Authority: RCW 74.08.090, 74.09.520, 07-24-026, § 388-71-0540, filed 11/28/07, effective 1/1/08. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020, 06-05-022, § 388-71-0540, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-71-0540, filed 5/17/05, effective 6/17/05. Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-0540, filed 4/30/02, effective 5/31/02. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095, 01-11-019, § 388-71-0540, filed 5/4/01, effective 6/4/01. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 00-03-043, § 388-71-0540, filed 1/13/00, effective 2/13/00.]

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WAC 388-71-0546 When can the department, AAA, or managed care entity reject the client's choice of an individual provider? The department, AAA, or managed care entity may reject a client's request to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the person will be unable to appropriately meet the client's needs. Examples of circumstances indicating an inability to meet the client's needs could include, without limitation:

(1) Evidence of alcohol or drug abuse;

(2) A reported history of domestic violence, no-contact orders, or criminal conduct (whether or not the conduct is disqualifying under RCW 43.43.830 and 43.43.842;

(3) A report from the client's health care provider or other knowledgeable person that the requested provider lacks the ability or willingness to provide adequate care;

(4) Other employment or responsibilities that prevent or interfere with the provision of required services;

(5) Excessive commuting distance that would make it impractical to provide services as they are needed and outlined in the client's service plan.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020, 06-05-022, § 388-71-0546, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095, 01-11-019, § 388-71-0546, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0551 When can the department, AAA, or managed care entity terminate or summarily suspend an individual provider's contract? The department, AAA, or managed care entity may take action to terminate an individual provider's contract if the provider's inadequate performance or inability to deliver quality care is jeopardizing the client's health, safety, or well-being. The department, AAA, or managed care entity may summarily suspend the contract pending a hearing based on a reasonable, good faith belief that the client's health, safety, or well-being is in imminent jeopardy. Examples of circumstances indicating jeopardy to the client could include, without limitation:

(1) Domestic violence or abuse, neglect, abandonment, or exploitation of a minor or vulnerable adult;

(2) Using or being under the influence of alcohol or illegal drugs during working hours;

(3) Other behavior directed toward the client or other persons involved in the client's life that places the client at risk of harm;

(4) A report from the client's health care provider that the client's health is negatively affected by inadequate care;

(5) A complaint from the client or client's representative that the client is not receiving adequate care;

(6) The absence of essential interventions identified in the service plan, such as medications or medical supplies; and/or

(7) Failure to respond appropriately to emergencies.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020, 06-05-022, § 388-71-0551, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095, 01-11-019, § 388-71-0551, filed 5/4/01, effective 6/4/01.]

[Title 388 WAC—p. 397]

WAC 388-71-0556 When can the department, AAA, or managed care entity otherwise terminate an individual provider's contract? The department, AAA, or managed care entity may otherwise terminate the individual provider's contract for default or convenience in accordance with the terms of the contract and to the extent that those terms are not inconsistent with these rules.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-71-0556, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095. 01-11-019, § 388-71-0556, filed 5/4/01, effective 6/4/01.]

WAC 388-71-0560 What are the client's rights if the department denies, terminates, or summarily suspends an individual provider's contract? If the department denies, terminates, or summarily suspends the individual provider's contract, the client has the right to:

(1) A fair hearing to appeal the decision, per chapter 388-02 WAC, and

(2) Receive services from another currently contracted individual provider or home care agency provider, or other options the client is eligible for, if a contract is summarily suspended.

(3) The hearing rights afforded under this section are those of the client, not the individual provider.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095. 01-11-019, § 388-71-0560, filed 5/4/01, effective 6/4/01. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0560, filed 1/13/00, effective 2/13/00.]

WAC 388-71-05640 Self-directed care—Who must direct self-directed care? Self-directed care under chapter 74.39 RCW must be directed by an adult client for whom the health-related tasks are provided. The adult client is responsible to train the individual provider in the health-related tasks which the client self-directs.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05640, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830, 74.39.095. 01-11-019, § 388-71-0580, filed 5/4/01, effective 6/4/01. Statutory Authority: RCW 74.08.090, 74.09.520, 43.20A.050, 43.43.842, 74.39A.090, 43.20A.710, 74.39.050, 43.43.830. 00-03-043, § 388-71-0580, filed 1/13/00, effective 2/13/00.]

WAC 388-71-05665 What definitions apply to WAC 388-71-05670 through 388-71-05909? "Client" means an individual age eighteen or older, receiving in-home services through medicaid personal care, COPEs, MNIW, or Chore programs.

"Competency" means the minimum level of information and skill trainees are required to know and be able to demonstrate.

"DSHS" refers to the department of social and health services.

"Learning outcomes" means the specific information, skills and behaviors desired of the learner as a result of a specific unit of instruction, such as what they would learn by the end of a single class or an entire course. Learning outcomes

are generally identified with a specific lesson plan or curriculum.

"Routine interaction" means contact with clients that happens regularly.

[Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-05665, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05665, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05910, filed 4/30/02, effective 5/31/02.]

ORIENTATION

WAC 388-71-05670 What is orientation? Orientation provides basic introductory information appropriate to the in-home setting and population served. The department does not approve specific orientation programs, materials, or trainers for home care agencies. Department-developed orientation materials must be used for orientation of individual providers. No test is required for orientation.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05670, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05911, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05675 What content must be included in an orientation? Orientation may include the use of videotapes, audiotapes, and other media if the person overseeing the orientation is available to answer questions or concerns for the person(s) receiving the orientation. Orientation must include introductory information in the following areas:

- (1) The care setting;
- (2) The characteristics and special needs of the population served;
- (3) Fire and life safety, including:
 - (a) Emergency communication (including phone system if one exists);
 - (b) Evacuation planning (including fire alarms and fire extinguishers where they exist);
 - (c) Ways to handle client injuries and falls or other accidents;
 - (d) Potential risks to clients or providers (for instance, aggressive client behaviors and how to handle them); and
 - (e) The location of agency policies and procedures, when orientation takes place in a home care agency.
- (4) Communication skills and information, including:
 - (a) Methods for supporting effective communication among the client/guardian, the provider, and family members;
 - (b) Use of verbal and nonverbal communication;
 - (c) Review of written communications and/or documentation required for the job, including the client's service plan; and
 - (d) Whom to contact about problems and concerns.
- (5) Universal precautions and infection control, including:
 - (a) Proper hand washing techniques;
 - (b) Protection from exposure to blood and other body fluids;
 - (c) Appropriate disposal of contaminated/hazardous articles;

(d) Reporting exposure to contaminated articles, blood, or other body fluids; and

(e) What a provider should do if they are ill.

(6) Client rights, including:

(a) The client's right to confidentiality of information about the client;

(b) The client's right to participate in decisions about the client's care, and to refuse care;

(c) The provider's duty to protect and promote the rights of each client, and assist the client to exercise his or her rights;

(d) How and to whom providers should report any concerns they may have about a client's decision concerning the client's care, including the client's case manager;

(e) Providers' duty to report any suspected abuse, abandonment, neglect, or exploitation of a client;

(f) Advocates that are available to help clients (LTC ombudsmen, organizations); and

(g) Complaint lines, hot lines, and client grievance procedures.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05675, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05912, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05680 Is competency testing required for orientation? There is no competency testing required for orientation.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05680, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05913, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05685 Is there a challenge test for orientation? There is no challenge test for orientation.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05685, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05914, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05690 What documentation is required for orientation? The home care agency or individual provider must maintain documentation of completion of orientation, issued by the home care agency, area agency on aging, or DSHS office that provides the orientation, that includes:

- (1) The trainee's name;
- (2) A list of the specific information taught;
- (3) Signature of the person overseeing the orientation indicating completion of the required information;
- (4) The trainee's date of employment;
- (5) The location of the orientation; and
- (6) The date(s) of orientation.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05690, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05915, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05695 Who is required to complete orientation, and when must it be completed? (1) Home care agency providers must complete orientation before working with the agency's clients. Orientation must be provided by appropriate agency staff.

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(2) Individual providers must complete orientation provided by DSHS, the area agency on aging (AAA), or managed care entity no later than fourteen calendar days after beginning to work with their first DSHS client. Individual providers who live and are providing care at a great distance from the DSHS or AAA office may be oriented by distance learning, with phone contact by the person overseeing the orientation to answer questions.

(3) Parents who are individual providers for their adult children are exempt from the orientation requirement.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-71-05695, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05695, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05916, filed 4/30/02, effective 5/31/02.]

BASIC TRAINING

WAC 388-71-05700 What is basic training? Basic training includes the core knowledge and skills that providers need to provide personal care services effectively and safely. Only the training curriculum developed by DSHS may be used for basic training.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05700, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05917, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05705 Is there an alternative to the basic training for some health care workers? Certain health care workers may complete the modified basic training instead of basic training if they meet the requirements in WAC 388-71-05760.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05705, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05918, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05710 What core knowledge and skills must be taught in basic training? The basic training knowledge and skills must include all of the learning outcomes and competencies published by the department for the following core knowledge and skills:

- (1) Understanding and using effective interpersonal and problem solving skills with clients, family members, and other care team members;
- (2) Taking appropriate action to promote and protect client rights, dignity, and independence;
- (3) Taking appropriate action to promote and protect the health and safety of the client and the caregiver;
- (4) Correctly performing required personal care tasks while incorporating client preferences, maintaining the client's privacy and dignity, and creating opportunities that encourage client independence;
- (5) Adhering to basic job standards and expectations.

The basic training learning outcomes and competencies may be obtained from the DSHS aging and disability services administration.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05710, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05919, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05715 Is competency testing required for basic training? Competency testing is required for basic training as provided under WAC 388-71-05835 through 388-71-05865.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05715, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05920, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05720 Is there a challenge test for basic training? Individuals may take the DSHS challenge test instead of the required training. If a person does not pass a challenge test on the first attempt, they may not retake the challenge test and must attend a class.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05720, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05921, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05725 What documentation is required for successful completion of basic training? Basic training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (1) The name of the trainee;
- (2) The name of the training;
- (3) The location of the training;
- (4) The instructor's name and signature; and
- (5) The date(s) of training.

The trainee must retain the original certificate. A home care agency must keep a copy of the certificate on file. An individual provider must give a copy of the certificate to DSHS or area agency on aging.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05725, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05922, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05730 Who is required to complete basic training, and when? Individual providers and home care agency providers must complete basic training developed by the department and demonstrate competency within one hundred twenty days after being authorized to provide department-paid in-home services for a client. A certificate of successful completion of basic training, using a curriculum developed or approved by the department, meets this requirement.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05730, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 74.39A.050. 03-19-076, § 388-71-05923, filed 9/12/03, effective 10/13/03. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05923, filed 4/30/02, effective 5/31/02.]

MODIFIED BASIC TRAINING

WAC 388-71-05735 What is modified basic training? Modified basic training is a subset of the basic training curriculum designed for certain health care workers defined in WAC 388-71-05760, whose previous training includes many of the competencies taught in the full basic training. Only the training curriculum developed by DSHS may be used for modified basic training.

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[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05735, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05924, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05740 What knowledge and skills must be included in modified basic training? Modified basic training must include all of the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (1) Client rights, including mandatory reporting requirements;
- (2) Medication assistance regulations;
- (3) Nurse delegation regulations;
- (4) Assessment and observations in home and community settings;
- (5) Documentation in home and community settings;
- (6) Service planning in home and community care settings;
- (7) Resource information, including information on continuing education; and
- (8) Self-directed care regulations.

The modified basic learning outcomes and competencies may be obtained from the DSHS aging and disability services administration.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05740, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05925, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05745 Is competency testing required for modified basic training? Competency testing is required for modified basic training as provided under WAC 388-71-05835 through 388-71-05865.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05745, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05926, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05750 Is there a challenge test for modified basic training? Individuals may take the department's challenge test instead of the required training. If a person does not pass a challenge test on the first attempt, they may not retake the challenge test and must attend the class.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05750, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05927, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05755 What documentation is required for successful completion of modified basic training? Modified basic training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (1) The name of the trainee;
- (2) The name of the training;
- (3) The location of the training;
- (4) The instructor's name and signature; and
- (5) The date(s) of training.

The trainee must retain the original certificate. A home care agency must keep a copy of their employees' certificates

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on file. An individual provider must give a copy to DSHS or area agency on aging.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05755, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05928, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05760 Who may take modified basic training instead of the full basic training? Modified basic training may be taken, instead of the full basic training, by a person who can document they have successfully completed training as a registered or licensed practical nurse, certified nursing assistant, physical therapist, occupational therapist, or Medicare-certified home health aide. In addition, modified basic training may be taken by a natural, step, or adoptive parent who is the individual provider for his or her adult child who is not receiving services through DSHS' division of developmental disabilities.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05760, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05929, filed 4/30/02, effective 5/31/02.]

EXEMPTION FOR IP PARENTS FOR ADULT CHILDREN

WAC 388-71-05765 What are the training requirements and exemptions for parents who are individual providers for their adult children receiving services through DDD? A natural, step, or adoptive parent who is the individual provider for his or her adult child who is receiving services through DSHS' division of developmental disabilities (DDD):

(1) Must possess a certificate of successfully completing a six-hour DDD-approved training or a specially designed DSHS-approved training within one hundred eighty days of beginning employment; and

(2) Is exempt from the orientation, basic training, and continuing education requirements if the parent provides care only for his or her own adult child.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05765, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05930, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05770 What are the training requirements and exemptions for parents who are individual providers for their adult children who do not receive services through DDD? A natural, step, or adoptive parent who is the individual provider for his or her adult child who is not receiving services through DSHS' division of developmental disabilities:

(1) Must:

(a) Possess a certificate of successfully completing modified basic training or the modified basic challenge test within one hundred eighty days of beginning employment, and have documentation that the parent has received individualized or other specific instruction on the care of the adult child; or

(b) Possess a certificate of successfully completing basic training or the basic training challenge test.

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(2) Is exempt from the orientation and continuing education requirements if the parent provides care only for his or her own adult child.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05770, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05931, filed 4/30/02, effective 5/31/02.]

CONTINUING EDUCATION

WAC 388-71-05775 What is continuing education? Continuing education is additional caregiving-related training designed to increase and keep current a person's knowledge and skills. DSHS does not preapprove continuing education programs or instructors.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05775, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05932, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05780 How many hours of continuing education are required each year? (1) Individual providers and home care agency providers must complete at least ten hours of continuing education each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training.

(2) One hour of completed classroom instruction or other form of training (such as a video or on-line course) equals one hour of continuing education.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05780, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05933, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05785 What kinds of training topics are required for continuing education? Continuing education must be on a topic relevant to the care setting and care needs of clients, including but not limited to:

- (1) Client rights;
- (2) Personal care (such as transfers or skin care);
- (3) Mental illness;
- (4) Dementia;
- (5) Developmental disabilities;
- (6) Depression;
- (7) Medication assistance;
- (8) Communication skills;
- (9) Positive client behavior support;
- (10) Developing or improving client centered activities;
- (11) Dealing with wandering or aggressive client behaviors; and
- (12) Medical conditions.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05785, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05934, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05790 Is competency testing required for continuing education? Competency testing is not required for continuing education.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05790, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05935, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05795 May basic or modified basic training be completed a second time and used to meet the continuing education requirement? Retaking basic or modified basic training may not be used to meet the continuing education requirement.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05795, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05936, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05799 What are the documentation requirements for continuing education? (1) The home care agency or individual provider must maintain documentation of continuing education including:

- (a) The trainee's name;
 - (b) The title or content of the training;
 - (c) The instructor's name or the name of the video, on-line class, professional journal, or equivalent instruction materials completed;
 - (d) The number of hours of training; and
 - (e) The date(s) of training.
- (2) Home care individual providers must provide DSHS or the area agency on aging with documentation of completion of continuing education credits.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05799, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05937, filed 4/30/02, effective 5/31/02.]

NURSE DELEGATION CORE TRAINING

WAC 388-71-05805 What is nurse delegation core training? Nurse delegation core training is required before a nursing assistant may be delegated a nursing task. DSHS approves instructors for nurse delegation core training.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, § 388-71-05805, filed 12/24/03, effective 1/24/04.]

WAC 388-71-05810 What knowledge and skills must nurse delegation core training include? Only the curricula developed by DSHS may be used for nurse delegation core training.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, § 388-71-05810, filed 12/24/03, effective 1/24/04.]

WAC 388-71-05815 Is competency testing required for nurse delegation core training? Passing the DSHS competency test is required for successful completion of nurse delegation core training, as provided under WAC 388-71-05835 through 388-71-05865.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, § 388-71-05815, filed 12/24/03, effective 1/24/04.]

WAC 388-71-05820 Is there a challenge test for nurse delegation core training? There is no challenge test for nurse delegation core training.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, § 388-71-05820, filed 12/24/03, effective 1/24/04.]

[Title 388 WAC—p. 402]

WAC 388-71-05825 What documentation is required for successful completion of nurse delegation core training? (1) Nurse delegation core training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (a) The name of the trainee;
 - (b) The name of the training;
 - (c) The name of the training entity giving the training;
 - (d) The instructor's name and signature; and
 - (e) The date(s) of training.
- (2) The trainee must be given an original certificate.

Home care agencies must keep a copy of the certificate on file.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, § 388-71-05825, filed 12/24/03, effective 1/24/04.]

WAC 388-71-05830 Who is required to complete nurse delegation core training, and when? Before performing any delegated nursing task, individual providers and home care agency providers must:

- (1) Successfully complete DSHS-designated nurse delegation core training;
- (2) Be a nursing assistant registered or certified under chapter 18.88A RCW; and
- (3) If a nursing assistant registered, successfully complete basic training.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, § 388-71-05830, filed 12/24/03, effective 1/24/04.]

SAFETY TRAINING

WAC 388-71-05832 What is safety training? Safety training and applicable requirements are defined in WAC 257-05-020 through 257-05-240.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-05832, filed 5/17/05, effective 6/17/05.]

COMPETENCY TESTING

WAC 388-71-05835 What is competency testing? Competency testing, including challenge testing, is evaluating a trainee to determine if they can demonstrate the required level of skill, knowledge, and/or behavior with respect to the identified learning outcomes of a particular course.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05835, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05938, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05840 What components must competency testing include? Competency testing must include the following components:

- (1) Skills demonstration of ability to perform and/or implement specific caregiving approaches, and/or activities as appropriate for the training;
- (2) Written evaluation to show knowledge of the learning outcomes included in the training; and
- (3) A scoring guide for the tester with clearly stated scoring criteria and minimum proficiency standards.

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[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05840, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05939, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05845 What experience or training must individuals have to be able to perform competency testing? Individuals who perform competency testing must have documented experience or training in assessing competencies.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05845, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05940, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05850 What training must include the DSHS-developed competency test? Basic training, modified basic training, and nurse delegation core training must include the DSHS-developed competency test.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05850, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05941, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05855 How must competency test administration be standardized? To standardize competency test administration, testing must include the following components:

- (1) An instructor for the course who meets all minimum qualifications for the course he or she teaches must oversee all testing; and
- (2) The tester must follow DSHS guidelines for:
 - (a) The maximum length of time allowed for testing;
 - (b) The amount and nature of instruction given to students before beginning a test;
 - (c) The amount of assistance to students allowed during testing;
 - (d) The accommodation guidelines for students with disabilities; and
 - (e) Accessibility guidelines for students with limited English proficiency.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05855, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05942, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05860 What form of identification must providers show a tester before taking a competency or challenge test? Providers must show a tester photo identification before taking a competency test (or challenge test, when applicable) for basic training, modified basic training, or nurse delegation core training.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05860, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05943, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05865 How many times may a competency test be taken? (1) A competency test that is part of a course may be taken twice. If the test is failed a second time, the person must retake the course before any additional tests are administered.

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(2) If a challenge test is available for a course, it may be taken only once. If the test is failed, the person must take the classroom course.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05865, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05944, filed 4/30/02, effective 5/31/02.]

INSTRUCTOR QUALIFICATIONS

WAC 388-71-05870 What are an instructor's or training entity's responsibilities? The instructor or training entity is responsible for:

- (1) Coordinating and teaching classes;
- (2) Assuring that the curriculum used is taught as designed;
- (3) Selecting qualified guest speakers where applicable;
- (4) Administering or overseeing the administration of DSHS competency and challenge tests;
- (5) Maintaining training records including student tests and attendance records for a minimum of six years;
- (6) Reporting training data to DSHS in DSHS-identified time frames; and
- (7) Issuing or reissuing training certificates to students.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05870, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05945, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05875 Must instructors be approved by DSHS or an AAA? (1) DSHS must approve any instructor under contract with DSHS to conduct basic training, modified basic training, or nurse delegation core training classes using the training curricula developed by DSHS. DSHS may select contracted instructors using any applicable contracting procedures. Contractors must meet the minimum qualifications for instructors under this chapter and any additional qualifications established through the contracting procedure.

(2) DSHS contracts with area agencies on aging (AAA) or other entities to conduct orientation, basic, modified basic, nurse delegation core training, and continuing education training programs for individual providers and home care agency providers. The training entity must approve any instructor under contract with the entity to conduct training programs. The entity's contractors must meet the minimum qualifications for instructors under this chapter and any additional qualifications established through the entity's contracting procedures.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05875, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05946, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05880 Can DSHS or the AAA deny or terminate a contract with an instructor or training entity? (1) DSHS or an area agency on aging (AAA), as applicable, may determine not to accept an offer by a person or organization seeking a contract with DSHS or the AAA to conduct training programs. No administrative remedies are available to dispute DSHS' or the AAA's decision not to accept an offer, except as may be provided through the contracting process.

[Title 388 WAC—p. 403]

(2) DSHS or the AAA may terminate any training contract in accordance with the terms of the contract. The contractor's administrative remedies shall be limited to those specified in the contract.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05880, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05947, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05885 What is a guest speaker, and what are the minimum qualifications to be a guest speaker for basic training? Guest speakers for basic training programs teach a specific subject in which they have expertise, under the supervision of the instructor. The guest speaker must have, as minimum qualifications, an appropriate background and experience that demonstrates that the guest speaker has expertise on the topic he or she will teach. The instructor must select guest speakers that meet the minimum qualifications, and maintain documentation of this background. DSHS does not approve guest speakers.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05885, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05948, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05890 What are the minimum qualifications for an instructor for basic, modified basic or nurse delegation core training? An instructor for basic, modified basic, or nurse delegation core training must meet the following minimum qualifications:

- (1) General qualifications:
 - (a) Twenty-one years of age;
 - (b) Has not had a professional health care or social services license or certification revoked in Washington state (however, no license or certification is required).
- (2) Education and work experience:
 - (a) Upon initial approval or hire, must have:
 - (i) A high school diploma and one year of professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting; or
 - (ii) An associate degree in a health field and six months of professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting.
- (3) Teaching experience:
 - (a) Must have one hundred hours of experience teaching adults on topics directly related to the basic training; or
 - (b) Must have forty hours of teaching while being mentored by an instructor who meets these qualifications, and must attend a class on adult education that meets the requirements of WAC 388-71-05899.
- (4) The instructor must be experienced in caregiving practices and capable of demonstrating competency with respect to the course content or units being taught;
- (5) Instructors who will administer tests must have experience or training in assessment and competency testing; and
- (6) If required under WAC 388-71-05730 or 388-71-05760, instructors must successfully complete basic or modified basic training prior to beginning to train others.

[Title 388 WAC—p. 404]

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05890, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-15-064, § 388-71-05949, filed 7/11/02, effective 8/11/02.]

WAC 388-71-05895 What additional qualifications are required for instructors of nurse delegation core training? An instructor for nurse delegation core training must have a current RN license in good standing.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, § 388-71-05895, filed 12/24/03, effective 1/24/04.]

PHYSICAL RESOURCES AND STANDARD PRACTICES FOR TRAINING

WAC 388-71-05899 What must be included in a class on adult education? A class on adult education must include content, student practice, and evaluation of student skills by the instructor in:

- (1) Adult education theory and practice principles;
- (2) Instructor facilitation techniques;
- (3) Facilitating learning activities for adults;
- (4) Administering competency testing; and
- (5) Working with adults with special training needs (for example, English as a second language or learning and literacy issues).

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, recodified as § 388-71-05899, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05950, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05905 What physical resources are required for basic, modified basic, or nurse delegation core classroom training and testing? (1) Classroom facilities used for basic, modified basic, or nurse delegation core classroom training must be accessible to trainees and provide adequate space for learning activities, comfort, lighting, lack of disturbance, and tools for effective teaching and learning such as white boards and flip charts. Appropriate supplies and equipment must be provided for teaching and practice of caregiving skills in the class being taught.

(2) Testing sites must provide adequate space for testing, comfort, lighting, and lack of disturbance appropriate for the written or skills test being conducted. Appropriate supplies and equipment necessary for the particular test must be provided.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW. 04-02-001, amended and recodified as § 388-71-05905, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121. 02-10-117, § 388-71-05951, filed 4/30/02, effective 5/31/02.]

WAC 388-71-05909 What standard training practices must be maintained for basic, modified basic, or nurse delegation core classroom training and testing? The following training standards must be maintained for basic, modified basic, or nurse delegation core classroom training and testing:

- (1) Training, including all breaks, must not exceed eight hours within one day;
- (2) Training provided in short time segments must include an entire unit, skill or concept;
- (3) Training must include regular breaks; and

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(4) Students attending a classroom training must not be expected to leave the class to attend to job duties, except in an emergency.

[Statutory Authority: RCW 74.39A.050, 2003 c 140, chapters 18.79, 18.88A RCW, 04-02-001, amended and recodified as § 388-71-05909, filed 12/24/03, effective 1/24/04. Statutory Authority: Chapter 74.39A RCW and 2000 c 121, 02-10-117, § 388-71-05952, filed 4/30/02, effective 5/31/02.]

ADULT DAY SERVICES

WAC 388-71-0702 Purposes and definitions. (1) WAC 388-71-0702 through 388-71-0776 contain the eligibility requirements for medicaid-funded adult day care and adult day health services. These rules also contain the requirements that apply to adult day care or day health centers that contract with the department, an area agency on aging, or other department designee to provide medicaid services to department clients. Nothing in these rules may be construed as requiring the department, area agency on aging, or other designee to contract with an adult day care or day health center.

(2) An adult day services program is a community-based program designed to meet the needs of adults with impairments through individual plans of care. This type of structured, comprehensive, nonresidential program provides a variety of health, social, and related support services in a protective setting. By supporting families and caregivers, an adult day services program enables the person to live in the community. An adult day services program assesses the needs of the persons served and offers services to meet those needs. The persons served attend on a planned basis. Nothing in this generic description of adult day services may be construed to modify the specific services or eligibility requirements referenced in the definition of adult day care and adult day health.

(3) The following definitions apply under WAC 388-71-0702 through 388-71-0774:

(a) **"Adult day care"** means the services under WAC 388-71-0704 that are provided to clients who meet the eligibility requirement under WAC 388-71-0708.

(b) **"Adult day center"** means an adult day care or adult day health center. A day care or day health center for purposes of these rules is a center operating in a specific location, whether or not the center's owner also operates adult day centers in other locations.

(c) **"Adult day health"** means the services under WAC 388-71-0706 that are provided to clients who meet the eligibility requirements under WAC 388-71-0710.

(d) **"Adult day services"** is a generic term referring to adult day care and adult day health services.

(e) **"Client"** means an applicant for or recipient of medicaid-reimbursed adult day services.

(f) **"Participant"** means clients and other persons receiving adult day services at an adult day center.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030, 03-06-024, § 388-71-0702, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0704 Adult day care—Services. Adult day care is a supervised daytime program providing core services as defined in WAC 388-106-0800. Core services are

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appropriate for adults with medical or disabling conditions that do not require the intervention or services of a registered nurse or licensed rehabilitative therapist acting under the supervision of the client's physician. The adult day care center must offer and provide on site the following core services. These core services must meet the level of care needed by the client as assessed by the department case manager for waiver funded clients and do not exceed the scope of services that the adult day care center is able to provide.

(1) Assistance with activities of daily living:

(a) Locomotion outside of room, locomotion in room, walk in room;

(b) Body care;

(c) Eating;

(d) Repositioning;

(e) Medication management that does not require a licensed nurse;

(f) Transfer;

(g) Toileting;

(h) Personal hygiene at a level that ensures client safety while in attendance at the program; and

(i) Bathing at a level that ensures client safety and comfort while in attendance at the program.

(2) Social services on a consultation basis, which may include:

(a) Referrals to other providers for services not within the scope of medicaid reimbursed adult day care services;

(b) Caregiver support and education; or

(c) Assistance with coping skills.

(3) Routine health monitoring with consultation from a registered nurse that a consulting nurse acting within the scope of practice can provide with or without a physician's order. Examples include:

(a) Obtaining baseline and routine monitoring information on client health status, such as vital signs, weight, and dietary needs;

(b) General health education such as providing information about nutrition, illnesses, and preventative care;

(c) Communicating changes in client health status to the client's caregiver;

(d) Annual and as needed updating of the client's medical record; or

(e) Assistance as needed with coordination of health services provided outside of the adult day care program.

(4) General therapeutic activities that an unlicensed person can provide or that a licensed person can provide with or without a physician's order. These services are planned for and provided based on the client's abilities, interests, and goals. Examples include:

(a) Recreational activities;

(b) Diversionary activities;

(c) Relaxation therapy;

(d) Cognitive stimulation; or

(e) Group range of motion or conditioning exercises.

(5) General health education that an unlicensed person can provide or that a licensed person can provide with or without a physician's order, including but not limited to topics such as:

(a) Nutrition;

(b) Stress management;

(c) Disease management skills; or

(d) Preventative care.

(6) A nutritional meal and snacks every four hours, including a modified diet if needed and within the scope of the program, as provided under WAC 388-71-0768;

(7) Supervision and/or protection if needed for client safety;

(8) Assistance with arranging transportation to and from the program; and

(9) First aid and provisions for obtaining or providing care in an emergency. NOTE: If the client requires the intervention or services of a registered nurse or licensed rehabilitative therapist acting under the supervision of a physician, consider adult day health services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-71-0704, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0704, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0704, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0706 Adult day health—Services. Adult day health is a supervised daytime program providing skilled nursing and rehabilitative therapy services in addition to core services. Adult day health services are only appropriate for adults with medical or disabling conditions that require the intervention or services of a registered nurse or licensed rehabilitative therapist acting under the supervision of the client's physician.

The adult day health center must offer and provide on site the following services:

(1) All core services under WAC 388-71-0704;

(2) Skilled nursing services other than routine health monitoring with nurse consultation;

(3) At least one of the following skilled therapy services: physical therapy, occupational therapy, or speech-language pathology or audiology, as defined under chapters 18.74, 18.59 and 18.35 RCW; and

(4) Psychological or counseling services, including assessing for psycho-social therapy need, dementia, abuse or neglect, and alcohol or drug abuse; making appropriate referrals; and providing brief, intermittent supportive counseling.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-71-0706, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0706, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0706, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0708 Adult day care—Eligibility. Clients are eligible for adult day care services if they meet criteria outlined in WAC 388-106-0805.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0708, filed 5/17/05, effective 6/17/05. Statutory Authority: 2004 c 276 § 206 (6)(b) and *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z. 04-16-029, § 388-71-0708, filed 7/26/04, effective 8/26/04. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0708, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0710 Adult day health—Eligibility. Clients are eligible for adult day health services if they meet the criteria outlined in WAC 388-106-0815.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-71-0710, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0710, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0712 Adult day health—Skilled nursing. (1) Skilled nursing services are medically necessary services provided directly or indirectly by a registered nurse under physician supervision, or by a licensed practical nurse under physician or registered nurse supervision, that a licensed nurse acting within the scope of practice can provide or supervise. Physician orders must be obtained when required by applicable state practice laws for licensed nurses.

(2) Skilled nursing services must exceed the level of routine health monitoring, general health education, and general therapeutic activities as defined in WAC 388-71-0704, and must be provided with the reasonable expectation that the services will improve, restore, or maintain function as defined in WAC 388-71-0710 (1)(c). Skilled nursing services are:

(a) Specific to a client diagnosis;

(b) Individualized to the client with planned measurable outcomes; and

(c) Evaluated every ninety days for effect on improvement of health status or prevention of decline.

(3) Skilled nursing services, including the initial client nursing assessment and development of the nursing plan of care, must be provided or supervised by a registered nurse in accordance with nursing practice standards under chapter 246-840 WAC.

(4) A skilled nursing service is not a qualifying adult day health service merely because the service is ordered by a physician or is provided by a nurse. If, by way of example, the service can be performed by the client or at the client's direction by a person other than a licensed nurse, or the client does not meet eligibility criteria, it is not a qualifying adult day health service.

(5) Skilled nursing services must be medically necessary as defined under WAC 388-500-0005. Medically necessary skilled nursing services may, but do not necessarily, include:

(a) Care and assessment of an unstable or unpredictable medical condition, with time limited measurable treatment goals, requiring frequent intervention by a registered nurse or by a licensed practical nurse under the supervision of a registered nurse according to WAC 246-840-705;

(b) Evaluation and management of the care plan when unstable medical conditions or complications require complex nonskilled care and skilled nurse oversight to ensure that the nonskilled care is achieving its purpose;

(c) Time-limited training by licensed nursing staff to teach the client and/or the client's caregiver self-care for newly diagnosed, acute, or episodic medical conditions that require the skills of a licensed nurse to teach, and that will optimize client function, as illustrated by the following examples:

(i) Self administration of an injection;

(ii) Prefilling insulin syringes;

(iii) Irrigating a catheter;

(iv) Caring for a colostomy or urostomy;

(v) Wound dressing changes or aseptic technique; or

(vi) Disease self-management.

(d) Skilled interventions provided directly by a licensed nurse such as:

- (i) Inserting or irrigating a catheter;
- (ii) Administering medications or oxygen;
- (iii) Administering and managing infusion therapy; or
- (iv) Treating decubitus ulcers, or other types of wound care.

(6) Medically necessary skilled nursing services, by way of example, do **not** include:

- (a) Reminding or coaching the client;
- (b) Monitoring of a medical condition that does not require frequent skilled nursing intervention or a change in physician treatment orders, or where there is no reasonable expectation that skilled services will maintain, improve, or slow the effect of a progressive disabling condition on the pain, health or functioning of a client;

(c) Medication assistance when the client is capable of self-administration or is having this need met through paid or unpaid caregivers;

(d) Evaluation and management of the care plan when the complexity of care to be provided by nonskilled persons does not require skilled nurse oversight beyond routine health monitoring;

(e) Continued training by nursing staff to teach self-care for newly diagnosed, acute, or episodic medical conditions when it is apparent that the training should have achieved its purpose or that the client is unwilling or unable to be trained;

(f) Core services that can be provided by an adult day care center, such as routine health monitoring, general health education, or general therapeutic activities; or

(g) Group therapy or training where three or more clients are being simultaneously treated or trained by the nurse.

(7) Skilled nursing services must be documented as provided under WAC 388-71-0746 and chapter 388-502 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0712, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0714 Adult day health—Rehabilitative therapy. (1) Skilled rehabilitative therapy services are medically necessary services provided by or under the supervision of a licensed physical, occupational, or speech-language pathology or audiology therapist that the therapist acting within the scope of practice can provide or supervise directly or indirectly. Physician orders must be obtained when required by applicable state practice laws for licensed therapists.

(a) Persons that can provide rehabilitative care under the direction and supervision of a licensed therapist include occupational therapy aides, occupational therapy assistants, physical therapy aides, physical therapy assistants, and nurses within their respective scopes of practice. Adult day health program aides, specifically trained in rehabilitative techniques, may also provide care under the direction and supervision of a licensed therapist.

(b) Services, group or individual, must be related to an active written plan of care with time limited measurable treatment goals approved by the physician;

(c) Services, group or individual, must require the assessment, knowledge and skills of a licensed therapist; and

(2009 Ed.)

(d) Services, group or individual, must be provided with the reasonable expectation that the services will improve, restore, or maintain function, or slow decline. Rehabilitative services are:

- (i) Specific to a client diagnosis;
- (ii) Individualized to the client with planned, measurable outcomes; and
- (iii) Evaluated every ninety days for effect on improvement of health status or prevention of decline.

(2) Skilled rehabilitative therapy is not a qualifying adult day health service merely because the therapy is ordered by a physician or is provided by a therapist or under the supervision of a therapist. If, by way of example, the therapy can be performed independently by the client or at the client's direction by a person other than a licensed therapist, or the client does not meet eligibility criteria, it is not a qualifying adult day health service.

Skilled rehabilitative therapy services must be medically necessary as defined under WAC 388-500-0005.

(3) Medically necessary physical therapy services may, but do not necessarily include:

- (a) Assessing baseline mobility level, strength, range of motion, endurance, balance, and ability to transfer;
- (b) One to one and group treatment to relieve pain or develop, restore, or maintain functioning, with individualized and measurable client treatment goals;

(c) Establishing a maintenance or restorative program with measurable treatment goals, and providing written and oral instruction to the client, caregivers, or program staff as needed to assist the client in implementing the program;

(d) Training the client or the client's caregivers in the use of supportive, adaptive equipment or assistive devices;

(e) Evaluation and management of the care plan when medical conditions or complications require complex non-skilled care and skilled therapist oversight to ensure that the nonskilled care is achieving its purpose; or

(f) Providing other medically necessary services that can only be provided by or under the direct or indirect supervision of a physical therapist acting within the therapist's scope of practice.

(4) Medically necessary occupational therapy services may, but do not necessarily include:

(a) Administering a basic evaluation to determine baseline level of functioning, ability to transfer, range of motion, balance, strength, coordination, activities of daily living and cognitive-perceptual functioning;

(b) Teaching and training the client, caregivers, or program staff in the use of therapeutic, creative, and self care activities to improve or maintain the client's capacity for self-care and independence, and to increase the range of motion, strength and coordination;

(c) One to one and group treatment to develop, restore, or maintain functioning with individualized and measurable client treatment goals;

(d) Training the client or the client's caregivers in the use of supportive, adaptive equipment or assistive devices;

(e) Evaluation and management of the care plan when medical conditions or complications require complex non-skilled care and skilled therapist oversight to ensure that the nonskilled care is achieving its purpose; or

(f) Providing other medically necessary services that can only be provided by or under the direct or indirect supervision of an occupational therapist acting within the therapist's scope of practice.

(5) Medically necessary speech-language pathology or audiology services may, but do not necessarily include;

(a) Assessing baseline level of speech, swallowing, auditory, or communication disorders;

(b) Establishing a treatment program to improve speech, swallowing, auditory, or communication disorders;

(c) Providing speech therapy procedures that include auditory comprehension tasks, visual and/or reading comprehensive tasks, language intelligibility tasks, training involving the use of alternative communication devices, or swallowing treatment;

(d) Training the client or the client's caregivers in methods to assist the client in improving speech, communication, or swallowing disorders;

(e) Evaluation and management of the care plan when medical conditions or complications require complex non-skilled care and skilled therapist oversight to ensure that non-skilled care is achieving its purpose; or

(f) Providing other medically necessary services that can only be provided by or under the direct or indirect supervision of a speech-language pathology or audiology therapist acting with the therapist's scope of practice.

(6) Medically necessary skilled rehabilitative therapy services, by way of example, do **not** include:

(a) Reminding or coaching the client in tasks that are not essential to the skilled therapy or intervention in the client's service plan;

(b) Monitoring of a medical condition that does not require frequent skilled therapist intervention or a change in physician treatment orders, or where there is no reasonable expectation that skilled services will maintain, improve, or slow the effect of a progressive disabling condition on the pain, health or functioning of a client;

(c) Massage therapy;

(d) Evaluation and management of the care plan when the complexity of the care to be provided by non-skilled persons does not require the skills of a licensed therapist for oversight;

(e) Continued training by therapy staff to teach self-care for newly diagnosed, acute, or episodic medical conditions when it is apparent that the training should have achieved its purpose or that the client is unwilling or unable to be trained;

(f) Core services that can be provided by an adult day care center, such as routine health monitoring, general health education, or general therapeutic activities; or

(g) Group therapy or training where the ratio of licensed therapists and assisting program staff to clients is inadequate to ensure that:

(i) The group activity contributes to the individual client's planned therapy goals; and

(ii) The complexity of the individual client's need can be met.

(7) Skilled therapy services must be documented as provided under WAC 388-71-0746 and chapter 388-502 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0714, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0716 Adult day care—Assessment and service plan. (1) The department or an authorized case manager must perform a CARE assessment to determine a client's need for adult day care, per WAC 388-106-0065. Based on the assessment, the case manager determines whether the client should be referred for day care services or whether the client's needs can be met in other ways.

(2) If the case manager determines an unmet need for a core service that may be provided at a day care center, the case manager works with the client and/or the client's representative to develop a service plan that documents the needed services and the number of days per week that the services are to be provided. The case manager refers the client to a waiver-contracted day care center that the client and the case manager agree can potentially meet the client's needs.

(3) Clients receiving adult day care services must be reassessed at least annually.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-71-0716, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0716, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0718 Adult day care—Negotiated care plan. (1) Upon referral of a COPES eligible client by the case manager, the day care center must conduct an intake evaluation based on an interview with the client and/or the client's representative to assess the center's ability to meet the client's needs as identified in the department service plan. The case manager will provide the client's service plan to the adult day care provider within five working days after the client or client's representative has signed it.

(2) Within two working days of the referral, the day care center must respond to the referral and notify the case manager of its ability to process and evaluate the referral.

(3) Within ten working days of the initial date of client attendance at the day care center, the center must determine whether it can meet the client's needs, how those needs will be met, and whether to accept the client to the program. The center must not accept a client whose needs the center cannot meet.

(4) Within thirty days of acceptance into the program, the day care center must develop a negotiated care plan signed by the client or the client's representative and the day care center. The care plan must:

(a) Be consistent with the department-authorized service plan and include all day care services authorized in the service plan;

(b) Document the client's needs as identified in the service plan, the adult day care services that will be provided to meet those needs, and when, how, and by whom the services will be provided;

(c) Document the client's choices and preferences concerning the provision of care and services, and how those preferences will be accommodated;

(d) Document potential behavioral issues identified in the assessment, service plan, or through the intake evaluation, and how those issues will be managed;

(e) Document contingency plans for responding to a client's emergent care needs or other crises; and

(f) Be approved by the client's case manager.

(5) The adult day care center must keep the negotiated care plan in the client's file, must offer a copy of the plan to the client or client representative, and must provide a copy to the client's case manager. The case manager must review the negotiated care plan for inclusion of services that are appropriate and authorized for the client's care needs.

(6) The negotiated care plan must limit the frequency of services to the number of days authorized in the department-authorized service plan.

(7) The day care center must review each service in the negotiated care plan if the client's condition changes, and determine if the care plan continues to meet the client's needs. Changes in the client's condition or unanticipated absences of more than three consecutive days of scheduled service must be reported to the client's case manager within one week. Unanticipated absences by way of example may include absences due to client illness or injury, or a change in transportation access. The case manager may follow-up with the client and determine if any updates to the assessment, service plan, and service authorization are needed.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0718, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0720 Adult day health—Assessment and service plan. (1) The department or an authorized case manager must perform a CARE assessment to determine a client's need for adult day health, per WAC 388-106-0065. Based on the assessment, the case manager determines whether the client should be referred for day health services or whether the client's needs can be met in other ways.

(2) If the client **has** a department or area agency on aging case manager, the adult day health center or other referral source must notify the case manager of the client's potential adult day health service need. The case manager must assess the client's need for skilled nursing or skilled rehabilitative therapy within the department's normal time frames for client reassessments.

(3) If the client does not have a department or area agency on aging case manager, the adult day health center or other referral source must notify the department of the referral and the client's potential adult day health service need, or refer the client to the department for intake. The department's assigned case manager must assess the client's need for adult day health services within the department's normal time frames for initial client eligibility assessments.

(4) The case manager may consult with the client's practitioner, department or area agency on aging nursing services staff, or other pertinent collateral contacts, concerning the client's need for skilled nursing or rehabilitative therapy.

(5) If the department or area agency on aging case manager determines and documents a potential unmet need for day health services, the case manager works with the client and/or the client's representative to develop a service plan that documents the potential unmet needs and the anticipated number of days per week that the services are needed. The case manager refers the client to a department contracted day health center for evaluation and the development of a preliminary negotiated plan of care.

(6) The department or area agency on aging case manager must reassess adult day health clients at least annually.

(2009 Ed.)

Clients must also be reassessed if they have a break in service of more than thirty days. The adult day center must inform the case manager of the break in service so payment authorization can be discontinued.

(7) Recipients of adult day health services must be assessed by the department or an authorized case manager for continued or initial eligibility as follows:

(a) Annual reassessment for department clients;

(b) Adult day health quarterly review for current nondepartmental clients as resources allow; and

(c) New referrals for adult day health services are to be forwarded to local department offices for intake and assessment for eligibility.

(8) The department or area agency on aging case manager must review a client's continued eligibility for adult day health services every ninety days, coinciding with the quarterly review completed by the adult day health program. At the case manager's discretion, additional information will be gathered through face to face, collateral or other contact methods to determine continued eligibility. Services will be continued, adjusted, or terminated based upon the case manager's determination during the eligibility review.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-71-0720, filed 5/17/05, effective 6/17/05. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0720, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0722 Adult day health—Negotiated care plan. (1) Upon referral of a client by the department or an authorized case manager, the day health center must conduct an intake evaluation and multidisciplinary assessment based on an interview with the client or the client's representative to determine the center's ability to meet the client's core service needs and potential adult day health needs as identified in the preliminary department service plan. The case manager will provide the client's service plan to the day health center within five working days after the client or client's representative has signed it. The day health center must evaluate the client's skilled and core service needs, and may provide up to ten days of paid service to complete the evaluation and develop a preliminary or negotiated plan of care to be provided to the client and the case manager.

(2) Within two working days of the referral, the day health center must respond to the referral and notify the case manager of its ability to process and evaluate the referral.

(3) Within ten paid days of service, the day health center must determine whether it can meet the client's needs, how those needs will be met, and whether to accept the client to the program. The center must not accept a client whose needs the center cannot meet. The center will be reimbursed under WAC 388-71-0724 for any service days provided from the start of the evaluation if the case manager has authorized services. The evaluation includes acceptance of the client to the center, the development of the initial assessment, and the preliminary negotiated plan of care.

(4) Upon approval by the case manager of the adult day health preliminary or negotiated care plan, the day health center multidisciplinary team must obtain and provide to the case manager any required practitioner's orders for skilled nursing and rehabilitative therapy along with a copy of the negotiated plan of care, according to department documenta-

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tion requirements. Orders must indicate how often the client is to be seen by the authorized practitioner. The case manager or nursing services staff may follow up with the practitioner or other pertinent collateral contacts concerning the client's need for skilled services. Services may not be authorized for payment without current practitioner orders and the client's consent to follow up with the practitioner.

(5) Within thirty days of the client's acceptance into the program, the day health multidisciplinary team must work with the client to develop a negotiated care plan signed by the client or the client's representative and the day health center. The care plan must:

(a) Be consistent with the department-authorized service plan and include all day health services authorized in the service plan;

(b) Include an authorized practitioner's order(s) for skilled nursing and/or skilled rehabilitative therapy according to applicable state practice laws for licensed nurses or therapists;

(c) Document that the client or the client's representative has consented to follow up with the primary authorizing practitioner;

(d) Document the client's needs as identified in the service plan, the authorized services that will be provided to meet those needs, and when, how, and by whom the services will be provided;

(e) Establish time-limited, client specific, measurable goals, not to exceed ninety days from the date of signature of the negotiated care plan, for accomplishing the objectives of adult day health skilled services and/or discharging or transitioning the client to other appropriate settings or services;

(f) Document the client's choices and preferences concerning the provision of care and services, and how those preferences will be accommodated;

(g) Document potential behavioral issues identified in the assessment, service plan, or through the intake evaluation, and how those issues will be managed;

(h) Document contingency plans for responding to a client's emergent care needs or other crises; and

(i) Be approved by the case manager.

(6) The adult day health center must keep the negotiated care plan in the client's file, the plan to the client or client representative, and must provide a copy to the client's case manager, including any required authorizing practitioner orders. The department case manager must review the negotiated care plan for inclusion of services that are appropriate and authorized for the client's care needs.

(7) The negotiated care plan must limit the frequency of department-funded services to the number of days in the department-authorized service plan.

(8) The day health center must review each service in the negotiated care plan every ninety days or more often if the client's condition changes, or if the client is reassessed for eligibility after a break in service of more than thirty days. Changes in the client's condition or unanticipated absences of more than three consecutive days of scheduled service must be reported to the client's case manager within one week. Unanticipated absences by way of example may include absences due to client illness or injury. The case manager may follow-up with the client and determine if any updates to

the assessment, service plan, and service authorization are needed.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0722, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0724 Adult day services—Contracting and rates.

(1) The department, or an area agency on aging (or other department designee) as authorized by the department, must determine that the adult day care or day health center meets the applicable adult day care or day health requirements and any additional requirements for contracting with the area agency on aging through a COPES contract or with the department through a medicaid provider contract. If a center is contracting for both day care and day health, requirements of both adult day services must be met.

(a) A prospective provider desiring to provide adult day services shall be provided an application form from the department or the area agency on aging.

(b) The prospective provider will provide the area agency on aging with evidence of compliance with, or administrative procedures to comply with, the adult day service rules under this chapter.

(c) The area agency on aging will conduct a site inspection of the adult day center and review of the requirements for contracting.

(d) Within thirty days of completing the site visit, the area agency on aging will advise the prospective provider in writing of any deficiencies in meeting contracting requirements.

(e) The area agency on aging will verify correction of any deficiencies within thirty days of receiving notice from the prospective provider that deficiencies have been corrected, before contracting can take place.

(f) The area agency on aging will provide the department with a written recommendation as to whether or not the center meets contracting requirements.

(2) Minimum application information required to apply for contract with the department, or an area agency on aging includes:

(a) Mission statement, articles of incorporation, and bylaws, as applicable;

(b) Names and addresses of the center's owners, officers, and directors as applicable;

(c) Organizational chart;

(d) Total program operating budget including all anticipated revenue sources and any fees generated;

(e) Program policies and operating procedure manual;

(f) Personnel policies and job descriptions of each paid staff position and volunteer position functioning as staff;

(g) Policies and procedures meeting the requirements of mandatory reporting procedures as described in chapter 74.34 RCW to adult protective services for vulnerable adults and local law enforcement for other participants;

(h) Audited financial statement;

(i) Floor plan of the facility;

(j) Local building inspection, fire department, and health department reports;

(k) Updated TB test for each staff member according to local public health requirements;

(l) Sample client case file including all forms that will be used; and

(m) Activities calendar for the month prior to application, or a sample calendar if the day service provider is new.

(3) The area agency on aging or other department designee monitors the adult day center at least annually to determine continued compliance with adult day care and/or adult day health requirements and the requirements for contracting with the department or the area agency on aging.

(a) The area agency on aging will send a written notice to the provider indicating either compliance with contacting requirements or any deficiencies based on the annual monitoring visit and request a corrective action plan. The area agency on aging will determine the date by which the corrective action must be completed

(b) The area agency on aging will notify the department of the adult day center's compliance with contracting requirements or corrected deficiencies and approval of the corrective action plan for continued contracting.

(4) Adult day care services are reimbursed on an hourly basis up to four hours per day. Service provided four or more hours per day will be reimbursed at the daily rate.

(5) Payment rates are established on an hourly and daily basis for adult day care centers as may be adopted in rule. Rate adjustments are determined by the state legislature. Providers seeking current reimbursement rates can refer to SSPS billing instructions.

(6) Rates as of July 1, 2002, are as follows:

Counties	COPES Adult Day Care	
	Daily Rate	Hourly Rate
King	\$36.48	\$9.10
Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, & Yakima	\$32.45	\$8.11
All other counties	\$30.75	\$7.69

(7) Payment rates are established on a daily basis for adult day health centers as may be adopted in rule. Rate adjustments are determined by the state legislature. Providers seeking current reimbursement rates can refer to MAA billing instructions or <http://maa.dshs.wa.gov>.

(8) Rates as of July 1, 2002, are as follows:

Counties	Day Health Daily
King	\$47.48
Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, & Yakima	\$43.06
All other counties	\$40.68

A one-time only initial intake evaluation provided by an adult day health center, including development of a negotiated care plan, is reimbursed at an established rate as may be adopted in rule. The rate as of July 1, 2002 is eighty-nine dollars and thirty-eight cents. Rate adjustments are determined by the state legislature. Separate reimbursement is not available for subsequent evaluations.

(9) Transportation to and from the program site is not reimbursed under the adult day care rate. Transportation

arrangements are made with locally available transportation providers or informal resources.

(10) Transportation to and from the program site is not reimbursed under the adult day health rate. Transportation arrangements for eligible medicaid clients are made with local medicaid transportation brokers, informal providers, or other available resources per chapter 388-546 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0724, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0726 Adult day health transportation.

The following rules apply if medicaid transportation services are requested:

(1) The day health center must refer the client to a local medicaid transportation broker. The broker may consult with the client, the client's physician, family, case manager, or day health center as needed in making any transportation arrangements.

(2) In referring the client to a day health center, the case manager may consider: The frailty and endurance of the client, the client's skilled nursing or rehabilitative therapy needs, and a reasonable round-trip travel time that may not exceed two hours, unless there is no closer center that can meet the client's skilled care needs. Documentation of language barriers may be considered on an exception to rule basis by the case manager.

(3) All brokered transportation under this subsection is subject to the requirements of chapter 388-546 WAC or its successors. In the case of any conflicts, the provisions of chapter 388-546 WAC take precedence.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0726, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0728 Coordination of services.

(1) A COPES-eligible client may receive adult day care services on some days and adult day health services on different days if the service plan documents which level of service is to be provided on which days. However, core services must be provided on all days that adult day health skilled services are provided, and reimbursement is limited to the day health rate on days that day health services are provided.

(2) Clients receiving services from the department in an adult family home, boarding home, or other licensed community residential facility may not receive COPES-funded adult day care, but may receive medicaid adult day health services when the skilled nursing or rehabilitative services are approved by the client's case manager as part of the client's service plan.

(3) A licensed boarding home providing department-approved day care under chapter 388-78A WAC is subject to any applicable provisions of that chapter and is also subject to the rules under this chapter if the facility contracts with an area agency on aging or the department to provide COPES or other medicaid-funded adult day services.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0728, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0730 Senior Citizens Services Act/Respite care. (1) Except as provided under this section, the adult day services rules under this chapter do not apply to adult day care or day health services funded under chapters 74.38 and 74.41 RCW.

(2) An area agency on aging that elects to provide adult day services using Senior Citizens Services Act funding under chapter 74.38 RCW or respite care funding under chapter 74.41 RCW must contract with an adult day center that meets all administrative and facility requirements under WAC 388-71-0736 through 388-71-0774.

(3) The adult day care or day health services funded under chapters 74.38 or 74.41 RCW must be the same as the day care services required under WAC 388-71-0704 or the day health services required under WAC 388-71-0706. The area agency on aging may require additional services by contract.

(4) The area agency on aging may, by contract, establish eligibility and assessment requirements for day care or day health services in accordance with locally identified needs. However, funding provided under chapters 74.38 or 74.41 RCW may only be used to meet the needs of individuals who are not eligible for adult day care under WAC 388-71-0708 or for adult day health under WAC 388-71-0710, or who are eligible for those services and are not receiving them because of funding limitations.

(5) Nothing in this section or chapter may be construed as requiring an area agency on aging to contract with an adult day center, whether or not the center has a COPEs or other medicaid contract. Nor may anything in this section or chapter be construed as creating an entitlement to state-funded adult day services authorized under chapters 74.38 and 74.41 RCW.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0730, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0732 Hearing rights. (1) If the department or area agency on aging denies, terminates, or reduces an individual client's adult day care or day health services, the client has the right to a fair hearing as provided under chapter 388-02 WAC.

(2) An adult day care or day health center has those hearing or dispute resolution rights that are afforded under RCW 43.20B.675 and the center's contract with the area agency on aging or the department. An adult day health center has any other applicable hearing or dispute resolution rights under chapter 388-502 WAC.

(3) Adult day health centers are subject to all applicable provisions of chapter 388-502 WAC, and the department's aging and adult services administration may exercise the department's authority under that chapter to the same extent as the medical assistance administration.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0732, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0734 Limiting expenditures. (1) In order to provide adult day services within the limits of available funding, the department may limit services when program expenditures exceed the budget appropriation or when

limiting services is required to prevent expenditures from exceeding the appropriation.

(2) When adult day health program expenditures exceed available funding, the department may limit adult day health services based on the four care level system as determined through the established department assessment and described in chapter 388-105 WAC.

(a) Using the care level determined by the department assessment tool, the department will limit adult day services on a statewide basis to clients whose total scores exceed the assessed need level identified by the department as necessary to provide adult day health services to the extent of available funding.

(b) At least thirty days before implementing the limitation on services under this subsection, the department will notify the area agencies on aging, adult day health centers, and the affected adult day health clients that services are being limited and for what period of time the limitation is estimated to remain in effect.

(c) For purposes of RCW 74.08.080, the reduction in services shall be deemed an assistance adjustment for an entire class of recipients that is required by state laws prohibiting the department from expending funds in excess of appropriations.

(3) The department may adopt additional or alternative rules to control costs, such as, but not limited to, imposing a moratorium on contracting with new adult day centers, limiting services to clients based on level of care need, or reducing the numbers of days per week that clients may receive services.

[Statutory Authority: RCW 74.04.050, 74.04.200, 74.09.520, 74.39A.030. 05-02-064, § 388-71-0734, filed 1/4/05, effective 2/4/05. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0734, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0736 Adult day centers—Administrative policies and procedures. (1) Adult day centers must have written policies, procedures, and documentation of the organizational structure and administration of the program.

(2) Administrative policies and procedures must include:

(a) Mission statement;

(b) Articles of incorporation and bylaws, as applicable;

(c) Current business license;

(d) Names and addresses of the center's owners, officers, and directors, as applicable;

(e) Certificates of insurance, including but not limited to property and general liability insurance; business auto if the center uses vehicles to transport clients; professional liability; workers' compensation; employers' liability if applicable; coverage for acts and omissions of employees and volunteers; and certificates of insurance for any subcontractors;

(f) Minutes of last three meetings of the board of directors, if applicable, and the advisory committee;

(g) Role and functions of an advisory committee, which must meet at least twice a year and which must be representative of the community and include family members of current or past clients and nonvoting staff representatives (When an adult day center is a subdivision of a multifunction organization, a committee or subcommittee of the governing body of the multifunction organization may serve as the advisory

committee. A single purpose agency may utilize its governing board as an advisory committee.);

(h) An organizational chart illustrating the lines of authority and communication channels of the center, which must be available to all staff and clients;

(i) A calendar of programming (or sample calendar if the center is new);

(j) A monthly menu (or sample menu if the center is new);

(k) Current building, health, food service and fire safety inspection reports, and food handler permits, as applicable; and

(l) Quality improvement plans and results.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0736, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0738 Adult day centers—Operating policies and procedures. (1) All policies and procedures must be reviewed on a regular basis, at least annually by the advisory committee, and conform to the requirements outlined in WAC 388-71-0702 through 388-71-0774, as applicable.

(2) Policies and procedures must include:

(a) Core values and mission of the organization;

(b) Ethical standards of the center and professional standards of conduct;

(c) Short- and long-range program goals;

(d) Definition of the target population, including number, age, and needs of participants;

(e) Geographical definition of the service area;

(f) Hours and days of operation (Centers or a combination of centers under single ownership must operate at least three days a week for four consecutive hours, with each center providing at least four hours of programming a day.);

(g) Description of basic services and any optional services;

(h) Description of service delivery;

(i) Procedures for assessments, reassessments, and the development of a negotiated care plan with clients and/or representatives, including provisions for the utilization of a multidisciplinary team for this process;

(j) If applicable, research procedures that comply with chapter 388-04 WAC;

(k) Staffing pattern;

(l) A plan for utilizing community resources;

(m) Gift policy;

(n) Marketing plan;

(o) Contracting for services; and

(p) Grievance and complaint processes for staff and participants.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0738, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0740 Adult day centers—Fiscal operations. (1) Adult day centers must demonstrate fiscal responsibility by using generally accepted accounting principles. Fiscal policies, procedures, and records must be developed to enable the administrator to meet the fiscal reporting needs of the governing body.

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(2) Adult day centers must develop a plan to address the future financial needs of the center. The plan must include projected program growth, capital purchases, projected revenue, projected expenses, and plans for fund raising, if applicable.

(3) Adult day centers must create a total center operating budget, including all revenue sources and participant fees generated annually.

(4) A financial statement or the latest audit report of the organization by a certified public accountant must be available.

(5) A statement of charges for services, including private pay rates and/or ancillary charges for additional services outside the scope of these rules, must be available.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0740, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0742 Adult day centers—Client policies and procedures. (1) Center policies must define admission criteria, discharge criteria, Health Insurance Portability and Accountability Act (HIPAA) policies, medication policy, participant rights and responsibilities, fee schedule, confidentiality, and grievance procedures.

(2) The center must comply with all applicable nondiscrimination laws, including but not limited to age, race, color, gender, religion, national origin, creed, marital status, Vietnam era or disabled veteran's status, or sensory, physical, or mental handicap.

(3) A participant bill of rights describing the client's rights and responsibilities must be developed, posted, distributed to, and explained to participants, families, staff, and volunteers. Participants will be provided the bill of rights in the language understood by the individual upon request.

(4) The center must have an advance directive policy as required by the Patient Self Determination Act of 1990 (see 42 C.F.R. § 489.102 and chapter 70.122 RCW).

(5) Discharge policies must include specific criteria that establish when the participant is no longer eligible for services and under what circumstances the participant may be discharged for other factors, unless the discharge is initiated by the client's department or authorized case manager, the center must notify the client, client representative if applicable, and case manager in writing of the specific reasons for the discharge. The center must also provide the client with adequate information about appeal and hearing rights. Discharge may occur due to client choice, other criteria as defined in the center's policy such as standards of conduct or inappropriate behavior, or changes in circumstances making the client ineligible for services under WAC 388-71-0708 or 388-71-0710.

(6) Incident report policies must include investigation and reporting of any neglect, abuse, exploitation, accident, or incident jeopardizing or affecting a participant's health or safety. The policy must include how the center will determine the circumstances of the event, restrictions on staff or clients during the investigation, how similar future situations will be prevented or decreased, and the location of incident reports. The center must keep a log of all reported incidents, participant grievances, complaints, and outcomes.

[Title 388 WAC—p. 413]

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0742, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0744 Adult day center—Client records. (1) The adult day center must have policies and procedures to ensure that the client's record/chart is appropriately organized and that confidentiality of information is maintained.

(2) Client information forms must be standardized, with each page showing the client's name or identification number.

(3) Individual client files must include:

(a) Personal/biographical data, including addresses, phone numbers, emergency contacts, and client representatives, reviewed and updated as needed;

(b) Application, enrollment, and consent to services forms;

(c) Department-authorized service plan and service authorization;

(d) All client information, including but not limited to the intake evaluation, negotiated care plan, attendance and service records, progress notes, and correspondence;

(e) Signed authorizations concerning the release of client information, photographs, and receipt of emergency medical care, as appropriate;

(f) Client photograph, with client or client representative permission, updated as needed;

(g) Transportation plans;

(h) Fee determination forms;

(i) Appropriate medical information, with client consent, including but not limited to significant illnesses, accidents, treatments, medical conditions, immunizations, allergies, medications, tobacco use, and alcohol or substance use;

(j) Advance directives (if any) and a statement signed by the client that he or she has received the center's policies concerning advance directives; and, as applicable,

(k) Physician orders for skilled nursing and/or rehabilitative therapy containing department-required information and in accordance with applicable licensing and practice act regulations.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0744, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0746 Adult day center—Documentation. (1) Entries in the client's record must be typewritten or legibly written in ink, dated, and signed by the recording person with his/her title. Identification of the author may be a signature, initials, or other unique identifier within the requirements of applicable licensing standards and center policy.

(2) Progress notes must be chronological, timely, and recorded at least weekly by adult day health centers and at least monthly by adult day care center. Client dates of attendance are to be kept daily.

(3) Consultation and/or care plan reviews must be dated and initialed by the physician or other authorizing practitioner who reviewed them. If the reports are presented electronically, there must be representation of review by the ordering practitioner.

[Title 388 WAC—p. 414]

(4) Documentation of medication use must include the name of the medication, dosage, route of administration, site of injection if applicable, and signature or initials of the person administering the medication, title, and date.

(5) The record must be legible to someone other than the writer.

(6) Department-contracted adult day health centers must comply with all other applicable documentation requirements under WAC 388-502-0020.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0746, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0748 Adult day centers—Record retention. (1) The adult day center must maintain a secure client record system to ensure confidentiality for all records, whether paper or electronic, in accordance with state and federal laws, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA).

(2) The adult day center must maintain a permanent registry of all clients with dates of admission and discharge.

(3) The adult day center must have written policies concerning:

(a) Confidentiality and the protection of records that define procedures governing the use and removal, and conditions for release of information contained in the records;

(b) The release of client information and circumstances under which a signed authorization from the client or client representative is required; and

(c) The retention and storage of records for at least six years from the last date of service to the client, including contingency plans in the event the center discontinues operation.

(4) Client records maintained on the center's premises must be in a secure storage area that includes locking cabinets or storage. Computerized records must be backed up weekly and stored off-site.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0748, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0750 Adult day centers—Personnel policies and procedures. (1) Personnel policies and procedures must be in place to ensure that staff are trained and knowledgeable to provide quality services in a safe environment. Policies must include at least the following:

(a) The center must have policies concerning the recruitment, orientation, training, evaluation, and professional development of staff and volunteers.

(b) The center must have job descriptions for each paid staff and volunteer position that are in accordance with ADA requirements and that specify qualifications for the job, delineation of tasks, and lines of supervision and authority.

(c) Each employee must receive, review, and sign a copy of the job description at the time of employment and whenever job descriptions are modified. Volunteers who function as staff must receive written descriptions of responsibilities.

(d) Probationary evaluations and annual performance evaluations, in accordance with job descriptions, must be conducted and must conform to the policy of the funding or parent organization. Both the employee and supervisor will

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sign the written evaluation. Copies will be kept in locked personnel files.

(e) Each staff person is to have a tuberculin test within thirty days of employment. If a test has been performed within twelve months of employment, the results of that test may be accepted. Tuberculin tests will be repeated according to local public health requirements.

(f) The center must have policies to restrict a staff person or participant's contact with clients when the staff person or participant has a known communicable disease in the infectious stage that is likely to spread in the center.

(g) Policies must also be established concerning hand washing, universal precautions, infection control, infectious waste disposal, bloodborne pathogens, and laundry and handling of soiled and clean items.

(2) The center must have policies and procedures concerning suspected abuse, neglect, or exploitation reporting that include provisions preventing access to any participant until the center investigates and takes action to assure the participant's safety.

(3) The center must not interfere with the lawful investigation of a complaint, coerce a participant, or conceal evidence of alleged improprieties occurring within the center.

(4) The center must have policies that meet the requirements of mandatory reporting procedures as described in chapter 74.34 RCW to adult protective services for vulnerable adults and to local law enforcement for other participants.

(5) Each employee must receive or have access to a copy of the program's personnel policies at the time of employment.

(6) Whenever volunteers function in the capacity of staff, all applicable personnel policies must pertain.

(7) The center must conform to federal and state labor laws and be in compliance with equal opportunity guidelines.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0750, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0752 Adult day center—Staffing requirements. (1) Staff selection is dependent on participant needs, program design, and contracting requirements. The center must have the proper balance of professionals and paraprofessionals or nonprofessionals to adequately meet the needs of participants. Services must be delivered by those with adequate professional training. A staff person can have multiple functions, such as an administrator who is also responsible for providing nursing services or social services.

(2) To ensure continuity of direction and supervision, there must be a clear division of responsibility between the governing body and the adult day center administrator.

(3) The administrator must be given full authority and responsibility to plan, staff, direct, and implement the program. The administrator must also have the responsibility for establishing collaborative relations with other community organizations to ensure necessary support services to participants and their families/caregivers.

(4) The administrator must be on site to manage the center's day-to-day operations during hours of operation. If the administrator is responsible for more than one site, or has duties not related to adult day center administration or provi-

sion of services, a program director must be designated for each additional site and must report to the administrator.

(5) The administrator must be responsible for the development of a written plan of operation with approval of the governing body and the development, coordination, supervision, fiscal control, and evaluation of services provided through the adult day center.

(6) A nurse or personnel trained in first aid and CPR must be on hand whenever participants are present.

(7) Background checks pursuant to RCW 43.43.830 and 43.43.832 must be performed for all applicants hired, existing employees, and volunteers. Unsupervised access to participants is prohibited until a background check has been completed and the employee's suitability for employment has been determined.

(8) Required credentials must be verified to ensure that they are current and in good standing for licensed and certified staff.

(9) Adult day centers may utilize a range of staff under contract or consulting from a larger parent organization or from a private entity to provide services.

(10) Staff commonly utilized by both adult day care and adult day health centers must meet the following requirements:

(a) An activity coordinator must have a bachelor's degree in recreational therapy or a related field and one year of experience (full-time equivalent) in social or health services; or an associate degree in recreational therapy or a related field plus two years of appropriate experience; or three years of paid experience in an activity program and expertise with the population served at the center.

(b) The nurse must be a registered nurse (RN) with valid state credentials and have at least one-year applicable experience (full-time equivalent). In addition to a registered nurse, an adult day center can utilize a licensed practical nurse (LPN), but the LPN must be supervised in compliance with all applicable nurse practice acts and standards. The LPN must have valid state credentials and at least one-year applicable experience (full-time equivalent).

(c) The social services professional must have a master's degree in social work, gerontology, or other human services field, or counseling and at least one year of professional work experience (full-time equivalent), or a bachelor's degree in social work, counseling, or a related field and two years of experience in a human services field.

(d) Program assistant/aides or personal care aides must have one or more years of experience (full-time equivalent) in working with adults in a health care or social service setting.

(e) Consultants from a larger parent organization without formal contracts may be utilized whenever the center is part of a larger organization that has the ability to provide professional services within the larger framework.

(f) Consultants, with appropriate, valid state credentials may be utilized as needed to meet the requirements outlined in this chapter.

(g) Secretary/bookkeepers must have at least a high school diploma or equivalent and skills and training to carry out the duties of the position.

(h) If the adult day center provides transportation drivers must have a valid and appropriate state driver's license, a safe

driving record, and training in first aid and CPR. The driver must meet all state requirements for licensure or certification.

(i) Volunteers may be individuals or groups who desire to work with adult day center clients and must take part in program orientation and training. Volunteers and staff must mutually determine the duties of volunteers. Duties to be performed under the supervision of a staff member must either supplement staff in established activities or provide additional services for which the volunteer has special talents. Volunteers will be included in the staff ratio only when they conform to the same standards and requirements as paid staff, meet the job qualification standards of the organization, and have designated responsibilities.

(j) Dietitians must be certified with valid state credentials and have a minimum of one year applicable experience (full-time equivalent).

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0752, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0754 Staffing ratios. (1) Staffing levels in adult day centers will vary based upon the number of participants and the care provided.

(2) The staffing level must be sufficient to serve the number and functioning levels of adult day center participants, meet program objectives, and provide access to other community resources.

(3) There must be sufficient maintenance and house-keeping personnel to assure that the facility is clean, sanitary, and safe at all times.

(4) To ensure adequate care and safety of participants, there must be provision for qualified substitute staff.

(5) As the number of participants with functional impairments, skilled nursing or skilled rehabilitative therapy needs increases, the required staff-participant ratio must be adjusted accordingly.

(6) All centers must have written policies regarding staff-participant ratios. The ratio must be a minimum of one staff to six participants. The provider must ensure that appropriate professionals provide needed services to the participants based upon the participants' service and care plans. The center is also required to employ sufficient staff to meet the needs of the participants.

(7) Staff counted in the staff-participant ratio are those who provide direct service to participants. When there is more than one participant present, there must be at least two staff members on the premises, one of whom is directly supervising the participants.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0754, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0756 Adult day care—Staffing requirements. (1) Minimum staffing requirements for adult day care centers include an administrator/program director, activity coordinator, a consulting registered nurse, and a consulting social worker.

(2) The administrator/program director must have a master's degree and one year of supervisory experience in health or social services (full-time equivalent); or a bachelor's degree in health, social services or a related field, with two

years of supervisory experience (full-time equivalent) in a social or health service setting; or a high school diploma or equivalent and four years of experience in a health or social services field, of which two years must be in a supervisory position, and have expertise with the populations served at the center.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0756, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0758 Adult day health—Staffing requirements. (1) Minimum staffing requirements for adult day health centers include an administrator, program director, registered nurse, activity coordinator, a PT/OT or speech therapist, and a social worker. The administrator and program director may be the same person.

(2) The program administrator must have a master's degree and one year of supervisory experience in health or social services (full-time equivalent), or a bachelor's degree and two years of supervisory experience in a social or health service setting. The degree may be in nursing.

(3) The program director must have a bachelor's degree in health, social services or a related field with one year of supervisory experience (full-time equivalent) in a social or health service setting. Upon approval by the department, a day health center may request an exception for an individual with an associate's or vocational degree in health, social services, or a related field with four years of experience in a health or social service setting, of which two years must be in a supervisory position.

(4) Therapists, regardless of specific expertise, such as physical therapists, occupational therapists, speech therapists, recreation therapists, mental health therapists, or any other therapists used, must have valid state credentials and one year of experience in a social or health setting.

(5) Rehabilitative therapeutic assistants must be certified with valid state credentials, have at least one year of applicable experience (full-time equivalent), and meet the requirements of chapter 246-915, 246-847, or 246-828 WAC.

(6) A certified or registered nursing assistant must meet the requirements of RCW 18.88A.020.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0758, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0760 Adult day centers—Employee records. (1) Each employee must have an individual file containing the employee's application, verification of references, TB status, signed job description, and all performance evaluations. Copies of current license or certificate and verification of current good standing, and certification of CPR and first aid training, if applicable, must also be in the file.

(2) Centers must maintain employee records for the duration of staff employment and at least seven years after termination of employment.

(3) Employee records must contain all records of training, such as staff orientation and training pertinent to duties or regulatory compliance, including CPR, first aid, and universal precautions training.

(4) Employee records must contain criminal history disclosure and background checks.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0760, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0762 Adult day centers—Education and training. (1) Provision must be made for orientation of new employees, contractors, and volunteers.

(2) All staff, contractors, and volunteers must receive, at a minimum, quarterly in-service training and staff development that meets their individual training needs to support program services. This must be documented and readily accessible in the personnel file and in a general file.

(3) Staff, contractors, and volunteers must receive training about documentation, reporting requirements, and universal precautions.

(4) At a minimum, one staff person per shift must be trained and certified in CPR.

(5) Staff and volunteers must receive training on all applicable policies and procedures.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0762, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0764 Adult day centers—Medication.

(1) The center must develop written medication policies that are explained and accessible to all staff, contractors, volunteers, and participants that have responsibility in this area. At a minimum, policies must meet the following requirements:

(a) Medications must be kept in locked storage. If medications need to be refrigerated, they should be in a locked box, if not in a separate refrigerator dedicated to medication refrigeration.

(b) Medication policies must describe:

(i) Under what conditions licensed program staff will administer medications;

(ii) How medications brought to the program by a client must be labeled;

(iii) How nonprescription medications such as aspirin or laxatives are to be used;

(iv) How the administration of medications will be entered in participant case records as described in WAC 388-71-0744(4); and

(v) Medication policies must be consistent with laws governing medication administration under RCW 69.41.010 and chapter 246-888 WAC.

(2) Participants who need to take medications while at the center, and who are able to self medicate, must be encouraged and expected to bring and take their own medications as prescribed. Some participants may need assistance with their medications, and a few may need to have their medications administered by qualified program staff.

(3) In order for center staff to administer any prescribed medication, there must be a written authorization from the participant's authorizing practitioner stating that the medication is to be administered at the program site.

(4) Staff must be trained to observe medication usage and effects, and to document and report any concerns or difficulties with medications.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0764, filed 2/24/03, effective 7/1/03.]

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WAC 388-71-0766 Adult day centers—Facility. (1)

Selection of a location for a center must be based on information about potential participants in the service area and be made in consultation with other agencies, organizations, and institutions serving older individuals and those with functional impairments, as well as considering the availability of a suitable location.

(2) Centers must have available a current floor plan of the facility indicating usage of space with interior measurements, building inspection report, fire department inspection report, and the local health department inspection report if operating a kitchen.

(3) The facility must comply with applicable state, county, and local building regulations, zoning, fire, and health codes or ordinances.

(4) When possible, the facility should be located at street level. If the facility is not located at street level, it is essential to have a ramp and/or elevators. An evacuation plan for relocation of participants must also be in place in the event of an emergency.

(5) Each adult day center co-located in a facility housing other services must have its own separate identifiable space for main activity areas during operational hours. Certain space can be shared, such as the kitchen and therapy rooms.

(6) Each center must provide appropriate hardware on doors of storage rooms, closets, bathrooms, and other rooms to prevent participants from being accidentally locked in.

(7) When possible, the location should be within a transit authority's core service area.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0766, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0768 Adult day centers—Physical environment requirements. (1) The facility must have sufficient space to accommodate the full range of program activities and services.

The facility must be adaptable to accommodate variations of activities (group and/or individual) and services. The program must provide and maintain essential space necessary to provide services and to protect the privacy of the participants receiving services. There must be sufficient private space to permit staff to work effectively and without interruption. There must be sufficient space available for private discussions.

(2) The facility must provide at least sixty square feet of program space for multipurpose use for each day center participant. In determining adequate square footage, only those activity areas commonly used by participants are to be included. Dining and kitchen areas are to be included only if these areas are used by clients for activities other than meals. Reception areas, storage areas, offices, restrooms, passageways, treatment rooms, service areas, or specialized spaces used only for therapies are not to be included when calculating square footage.

(3) Storage space.

(a) There must be adequate storage space for program and operating supplies.

(b) Toxic substances, whether for activities or cleaning, must be stored in an area not accessible to participants. Substances must be clearly marked, the contents identified, and stored in original containers.

[Title 388 WAC—p. 417]

(4) Restrooms.

(a) The facility's restrooms must be located as near the activity area as possible, preferably no more than forty feet away. The facility must include at least one toilet for every ten participants.

(b) Programs that have a large number of participants who require more scheduled toileting or assistance with toileting must have at least one toilet for every eight participants.

(c) The toilets shall be equipped for use by mobility-limited persons and easily accessible from all program areas. One toilet area should be designed to allow assistance from one or two staff. More accessible units may be required based upon the needs of the participants.

(d) Each restroom must contain an adequate supply of soap, toilet tissues, and paper towels.

(e) Showers are to be accessible to those who require bathing as a core service.

(5) Rest area.

(a) In addition to space for program activities, the facility must have a rest area and designated areas to permit privacy and to isolate participants who become ill or disruptive, or who may require rest.

(b) The rest area must be located away from activity areas and near a restroom and the nurse's office. There must be at least one bed, couch, or recliner for every ten participants that can be used for resting or the isolation of a participant who is ill or suspected of coming down with a communicable disease.

(c) If beds are used, the mattresses must be protected and linens changed after each use by different participants.

(6) Loading zones/parking/entrances/exits.

(a) A loading zone with sufficient space for getting in and out of a vehicle must be available for the safe arrival and departure of participants and the use of emergency personnel.

(b) There must be sufficient parking available to accommodate family caregivers, visitors, and staff.

(c) When necessary, arrangements must be made with local authorities to provide safety zones for those arriving by motor vehicle and adequate traffic signals for people entering and exiting the facility.

(d) Adequate lighting must be provided in all loading and parking zones, entrances, and exits.

(e) An adult day center must be visible and recognizable as a part of the community. The entrance to the facility must be clearly identified. The center must also be appealing and protective to participants and others.

(f) At least two well-identified exits must be accessible from the building.

(7) Atmosphere and design.

(a) The center's design must facilitate the participants movement throughout the facility and encourage involvement in activities and services.

(b) The environment must reinforce orientation and awareness of the surroundings by providing cues and information about specific rooms, locations, and functions that help the participant to get his/her orientation to time and space.

(c) A facility must be architecturally designed in conformance with the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities

Act to accommodate individuals with a disability and meet any state and local barrier-free requirements.

(d) Illumination levels in all areas must be adequate, and careful attention must be given to avoiding glare. Attention must be paid to lighting in transitional areas, such as outside to inside and between different areas of the facility.

(e) Sound transmission must be controlled. Excessive noise, such as fan noise, must be avoided.

(f) Comfortable conditions must be maintained within a comfortable temperature range. Excessive drafts must be avoided uniformly throughout the facility.

(g) Sufficient furniture must be available for the entire population present. Furnishings must accommodate the needs of participants and be attractive, comfortable, sturdy, and safe. Straight-backed chairs with arms must be used during activities and meals.

(h) A telephone must be available for participant use. Local calls are to be available at no cost to the participant.

(8) Safety and sanitation.

(a) The facility and grounds must be safe, clean, and accessible to all participants, and must be designed, constructed, and maintained in compliance with all applicable local, state, and federal health and safety regulations.

(b) Nonslip surfaces or bacteria-resistant carpets must be provided on stairs, ramps, and interior floors.

(c) Alarm/warning systems are necessary to ensure the safety of the participants in the facility in order to alert staff to potentially dangerous situations. It is recommended that call bells be installed or placed in the rest areas, restroom stalls, and showers.

(d) An evacuation plan/disaster plan must be strategically posted in each facility.

(e) The facility must be free of hazards, such as high steps, steep grades, and exposed electrical cords. Steps and curbs must be painted and the edges of stairs marked appropriately to highlight them. All stairs, ramps, and bathrooms accessible to those with disabilities must be equipped with securely anchored handrails.

(f) Emergency first-aid kits must be visible and accessible to staff. Contents of the kits must be replenished after use and reviewed as needed.

(g) Maintenance and housekeeping must be carried out on a regular schedule and in conformity with generally accepted sanitation standards, without interfering with the program.

(h) If smoking is permitted, an adequately ventilated area away from the main program area must be provided and supervised.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0768, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0770 Adult day center—Food and nutrition services. Centers must provide meal service to all participants as outlined in WAC 388-71-0704 and 388-71-0706

(1) All meals provided are to meet one-third of the minimum required daily allowance or dietary reference intake as determined by the Food and Nutrition Board of the Institute of Medicine.

(2) The center must ensure that food served meets nutritional needs, takes into consideration individual and ethnic preferences to the extent reasonably possible, caloric need, special dietary requirements, and any physical condition making food intake difficult.

(3) The center must provide a variety of foods and not repeat menus for a minimum of three weeks.

(4) Participant input must be gathered when planning meals.

(5) Menus must be posted at least one week in advance; indicate the date, day of the week, month and year; and include all food and snacks served that contribute to nutritional requirements.

(6) Nutrient concentrates, supplements, and dysphagia-modified diets related to a choking or aspiration risk, are to be served only with the written approval of the participant's physician.

(7) Safe and sanitary handling, storage, preparation, and serving of food must be assured. If meals are prepared on the premises, kitchen appliances, food preparation area, and equipment must meet state and local requirements.

(8) All staff and volunteers handling or serving meals must have the appropriate food handler's permits, if applicable.

(9) In the event meals are prepared at a separate kitchen facility, the adult day center must ensure that persons preparing food have a food handler's permit and that the food is transported in airtight containers to prevent contamination.

(10) The center must ensure that the food is transported and served at the appropriate and safe temperature.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0770, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0772 Adult day centers—Emergency procedures. (1) A written emergency/disaster/earthquake plan must be posted at each program site and in all program owned vehicles. Staff must be trained to ensure smooth implementation of the emergency plan.

(2) All staff and volunteers must be trained in evacuation/fire safety procedures.

(3) A written illness/injury/medical emergency/death procedure must be followed in the event a participant becomes ill, is injured, or dies. The procedures must be posted in at least one visible location at all program sites and must be explained to staff, volunteers, and participants. The procedures must describe arrangements for hospital inpatient and emergency room service and include directions on how to secure ambulance transportation and complete incident reports.

(4) Procedures for fire safety as approved by the local fire authority must be adopted and posted, including provisions for fire drills, inspection and maintenance of fire extinguishers, and periodic inspection and training by fire department personnel. The center must conduct and document quarterly fire drills and document the center's ability to meet procedures. Improvements must be based on the fire drill evaluation. Smoke detectors must also be used.

(5) Each center must provide adequate emergency lighting or flashlights in all areas.

(2009 Ed.)

(6) Each center must provide and maintain first aid kits in adequate numbers to meet the needs of the participant and staff.

(7) Each center must ensure, in accordance with local emergency procedures, that supplies, food, water and equipment are available in the event power, heat and/or electricity are not available during an emergency.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0772, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0774 Adult day centers—Quality assurance and improvement. (1) Every adult day center must develop a quality improvement plan, with specific measurable objectives, designed to meet requirements of any licensing, funding sources, professional standards, or regulatory compliance.

(2) Policies and procedures for monitoring program quality and determining further action must be developed by the administrator with the advice of the multidisciplinary staff team and the advisory committee, and with the approval of the governing body and center clients and/or representatives.

(3) Quality assurance and improvement plans may include but are not limited to annual evaluations, utilization reviews, participant satisfaction surveys, and participant improvement and/or care plan audits.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0774, filed 2/24/03, effective 7/1/03.]

WAC 388-71-0776 Effective date. WAC 388-71-0702 through 388-71-0776 are effective July 1, 2003.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030. 03-06-024, § 388-71-0776, filed 2/24/03, effective 7/1/03.]

**Chapter 388-76 WAC
ADULT FAMILY HOME MINIMUM LICENSING
REQUIREMENTS**

WAC

DEFINITIONS

388-76-10000 Definitions.

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 Remedies—Department may impose remedies.
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Resident protection program—Investigation of reports.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-76-010
 388-76-020
 388-76-030

Authority. [Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-010, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-010, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
 Adult family homes. [Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-020, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.-044. 86-01-079 (Order 2319), § 388-76-020, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
 Definitions. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-030, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 70.128.040. 91-09-016 (Order 3131), § 388-76-030, filed 4/9/91, effective 5/10/91. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-030, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-030, filed 12/18/85.] Repealed by 96-14-003 (Order

- 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-040 Application or renewal for license. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-040, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 70.128.040, 91-09-016 (Order 3131), § 388-76-040, filed 4/9/91, effective 5/10/91. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-040, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-040, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-045 Unlicensed facilities. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-045, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-045, filed 1/16/90, effective 2/16/90.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-050 Licensing of state employees. [Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-050, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-050, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-060 Limitations on licenses. [Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-060, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-060, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-070 General qualifications of provider, staff persons, and other persons on the premises. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-070, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-070, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-070, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-080 Multiple facility ownership. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-080, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 74.08.044. 89-05-033 (Order 2761), § 388-76-080, filed 2/13/89.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-085 General standards. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-085, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-085, filed 1/16/90, effective 2/16/90.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-087 Inspections. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-087, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 70.128.040, 91-09-016 (Order 3131), § 388-76-087, filed 4/9/91, effective 5/10/91. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-087, filed 1/16/90, effective 2/16/90.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-090 Licensure—Denial, suspension, or revocation. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-090, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-090, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-090, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-095 License action notice—Adjudicative proceeding. [Statutory Authority: RCW 74.08.044. 90-24-029 (Order 3107), § 388-76-095, filed 11/30/90, effective 1/1/91. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.044. 90-04-071 (Order 3003), § 388-76-095, filed 2/5/90, effective 3/1/90.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-100 License fees. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-100, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-100, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-100, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-110 Discrimination prohibited. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-110, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-110, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-110, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-130 Persons subject to licensing. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-130, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-130, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-130, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-140 Persons not subject to licensing. [Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-140, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-140, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-155 Exceptions. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-155, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-155, filed 1/16/90, effective 2/16/90.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-160 Capacity. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-160, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-160, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-160, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
- 388-76-170 Providers' or resident managers' outside employment. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-170, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-170, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 89-05-033 (Order 2761), § 388-76-170, filed 2/13/89; 86-01-079 (Order 2319), § 388-76-170, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-180	Provider or resident manager absence from home. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-180, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-180, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-180, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	427. 90-03-051 (Order 2934), § 388-76-280, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-280, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-185	Placement of residents outside home. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-185, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-185, filed 1/16/90, effective 2/16/90.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-290 Clothing. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-290, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 74.08.-044. 90-24-028 (Order 3106), § 388-76-290, filed 11/30/90, effective 1/1/91. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-290, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-290, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-190	Effect of local ordinances. [Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-190, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-190, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-300 Personal hygiene. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-300, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-300, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-300, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-200	Fire safety. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-200, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-200, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.-044. 86-01-079 (Order 2319), § 388-76-200, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-310 Training. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-310, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-310, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-310, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-220	Corporal punishment and physical and chemical restraints. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-220, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-220, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.-044. 86-01-079 (Order 2319), § 388-76-220, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-320 Site. [Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-320, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-240	Resident's records and information. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-240, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-240, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-240, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-325 Telephone. [Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-325, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-250	Reporting of illness, death, injury, epidemic, or adult abuse. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-250, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-250, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.-044. 86-01-079 (Order 2319), § 388-76-250, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-330 Safety and maintenance. [Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-330, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-260	Reporting change in circumstances. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-260, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-260, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-260, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.	388-76-340 Water safety. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-340, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-340, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-340, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
388-76-280	Provider or resident manager-provided transportation for residents. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-280, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c	388-76-350 Firearms. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-350, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-350, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.-044. 86-01-079 (Order 2319), § 388-76-350, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.
		388-76-360 Storage. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-360, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-360, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.-044. 86-01-079 (Order 2319), § 388-76-360, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed

388-76-520	<p>Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.</p> <p>Infection control, communicable disease. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-520, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-520, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044, 86-01-079 (Order 2319), § 388-76-520, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.</p>	388-76-570	<p>96-14-003 (Order 3984), § 388-76-565, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p> <p>Additional license requirements—Multiple facility providers. [Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-76-570, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 70.128.-040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-570, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-570, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>
388-76-530	<p>Food services. [Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-530, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-530, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044, 86-01-079 (Order 2319), § 388-76-530, filed 12/18/85.] Repealed by 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.</p>	388-76-575	<p>Licensing of state employees. [Statutory Authority: RCW 70.128.040. 05-17-158, § 388-76-575, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-575, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>
388-76-535	<p>Authority. [Statutory Authority: RCW 70.128.040, 69.41.085. 02-15-081, § 388-76-535, filed 7/15/02, effective 8/15/02. Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-535, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>	388-76-580	<p>License capacity. [Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-580, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>
388-76-540	<p>Definitions. [Statutory Authority: RCW 70.128.040. 05-17-158, § 388-76-540, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 74.08.090, 74.09-520, and 74.39A.090. 02-21-098, § 388-76-540, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-540, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-540, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>	388-76-585	<p>Change of provider or provider address. [Statutory Authority: RCW 70.128.040. 05-17-158, § 388-76-585, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-585, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>
388-76-545	<p>License required. [Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-545, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>	388-76-590	<p>Specialty adult family homes. [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-590, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-590, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>
388-76-550	<p>License application. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-550, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-550, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>	388-76-59000	<p>What authority does the department have to adopt rules related to specialty homes? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59000, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>
388-76-555	<p>License fees. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-555, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>	388-76-59010	<p>What types of specialty adult family home designations are there? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59010, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>
388-76-560	<p>License eligibility. [Statutory Authority: RCW 70.128.040. 05-17-158, § 388-76-560, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.-040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-560, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-560, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>	388-76-59020	<p>What definitions apply to specialty adult family home designations? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59020, filed 5/29/98, effective 7/1/98.] Repealed by 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.</p>
388-76-565	<p>Resident manager and live-in requirements. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.</p>	388-76-59050	<p>What is required in order to obtain the specialty designation? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59050, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.</p>
(2009 Ed.)		388-76-59060	<p>Are adult family home providers required to obtain more than one specialty designation if an individual resident has more than one specialty need? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-</p>

	59060, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.		70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60010, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-59070	Are adult family home providers required to obtain more than one specialty designation if they serve two or more residents with different specialty needs? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59070, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-60020	Is the provider required to supply information to potential residents and current residents, or the resident's representative? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60020, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-59080	When will providers be required to become specialty adult family homes in order to serve persons with mental illness or dementia? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59080, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-60030	When must this information be supplied? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60030, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-59090	When will providers be required to become specialty adult family homes in order to serve persons with developmental disabilities? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59090, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-60040	Must the information be updated and supplied again in advance of changes? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60040, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-59100	Does completion of this training substitute for any other required trainings? [Statutory Authority: RCW 70.128.-040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59100, filed 5/29/98, effective 7/1/98.] Repealed by 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.-040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.	388-76-60050	What information is the provider required to supply to potential residents and current residents? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60050, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-59110	For the dementia and mental health specialties can providers take a test instead of attending the training? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59110, filed 5/29/98, effective 7/1/98.] Repealed by 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.	388-76-60060	Do residents have rights that are not listed here? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60060, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-59120	Are there any different training requirements for adult family homes providing services to persons with developmental disabilities? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-59120, filed 5/29/98, effective 7/1/98.] Repealed by 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.-090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.	388-76-60070	What are some of the other resident rights that must be considered? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60070, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-595	Inspections and ombudsman visits. [Statutory Authority: RCW 70.128.040. 05-17-158, § 388-76-595, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-595, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-595, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-605	Restraints. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-605, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-605, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-600	General resident rights. [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-600, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.-060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-600, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-610	Resident assessment. [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-610, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.-060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-610, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-6000	What are resident rights? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-6000, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-61000	Is an assessment needed before a person can be admitted to an adult family home? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61000, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-60000	What are resident rights? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-60000, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-61010	Under what circumstances can a provider admit or continue services for a person? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61010, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-60010	Why do providers need to know resident rights? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter	388-76-61020	What must be included in the resident assessment? [Statutory Authority: RCW 70.128.040, 70.128.060,

	chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61020, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.		
388-76-61030	How does the preliminary service plan fit within the resident assessment? [Statutory Authority: RCW 70.128.-040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61030, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-61540	tive 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. Who must sign the negotiated care plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61540, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-61040	Is the use of an approved form required for the assessment? [Statutory Authority: RCW 70.128.040, 70.128.-060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61040, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-61550	How often must the negotiated care plan be reviewed and revised? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61550, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-61050	Who can do the assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61050, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-61560	When does the department's case manager get a copy of the negotiated care plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61560, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-61060	In emergency situations, can a provider admit a resident without an assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61060, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-61570	How are payment rate changes authorized for residents receiving services paid for fully or partially by the department? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61570, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-61070	Does the assessment have to be updated? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61070, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-620	Provision of services and care. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-620, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.-060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-620, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-61080	Who is qualified to update the assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61080, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-625	Nurse delegation—Training and registration. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-625, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-615	Negotiated care plan. [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-615, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.-060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-615, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-630	Performance of delegated nursing care tasks. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-630, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-61500	What is a negotiated care plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61500, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-635	Nurse delegation—Penalties. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-635, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.-060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-635, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-61510	When must the negotiated care plan be developed? [Statutory Authority: RCW 70.128.040, 69.41.085. 02-15-081, § 388-76-61510, filed 7/15/02, effective 8/15/02. Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61510, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-640	Resident medications. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-640, filed 6/19/96, effective 7/20/96.] Repealed by 02-20-005, filed 9/18/02, effective 10/19/02. Statutory Authority: RCW 70.128.040, 69.41.085.
388-76-61520	How does the negotiated care plan fit in with the assessment and preliminary service plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61520, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-64005	Definitions. [Statutory Authority: RCW 70.128.040, 69.41.085. 02-20-005, § 388-76-64005, filed 9/18/02, effective 10/19/02.] Repealed by 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.
388-76-61530	Who must be involved in the development of the negotiated care plan? [Statutory Authority: RCW 70.128.-040, 70.128.060, chapter 70.129 RCW and 1998 c 272. 98-12-054, § 388-76-61530, filed 5/29/98, effective 7/1/98.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-64010	What are the rules the provider must follow in all situations involving resident medications? [Statutory Authority: RCW 70.128.040, 69.41.085. 02-20-005, § 388-76-64010, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64015	What defines the type of help a resident may need when taking their medication? [Statutory Authority: RCW 70.128.040, 69.41.085, 02-20-005, § 388-76-64015, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.		7/1/98. Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-655, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-64020	What must the provider include in the negotiated care plan for residents who are independent with self-administration? [Statutory Authority: RCW 70.128.040, 69.41.085, 02-20-005, § 388-76-64020, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-660	Training. [Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-065, § 388-76-660, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 70.128.-040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-660, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-660, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-64025	How do a resident and provider initiate self-administration with assistance? [Statutory Authority: RCW 70.128.040, 69.41.085, 02-20-005, § 388-76-64025, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-665	Resident records. [Statutory Authority: RCW 70.128.-040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-665, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-665, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-64030	What must the provider monitor when implementing self-administration with assistance? [Statutory Authority: RCW 70.128.040, 69.41.085, 02-20-005, § 388-76-64030, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-670	Disaster and emergency preparedness. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-670, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-670, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-64035	What other situations must the provider monitor when self-administration with assistance occurs for a resident? [Statutory Authority: RCW 70.128.040, 69.41.-085, 02-20-005, § 388-76-64035, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-675	Reporting requirements. [Statutory Authority: RCW 74.34.165, 74.34.020, and 74.34.035. 04-01-032, § 388-76-675, filed 12/8/03, effective 1/8/04. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-675, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-675, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-64040	What must the provider do when there is a need to alter medications during self-administration with assistance? [Statutory Authority: RCW 70.128.040, 69.41.085, 02-20-005, § 388-76-64040, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-680	Infection control and communicable disease. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-680, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-680, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-64045	What other types of assistance can a nonpractitioner provide? [Statutory Authority: RCW 70.128.040, 69.41.085, 02-20-005, § 388-76-64045, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-685	Criminal history disclosure and background inquiries. [Statutory Authority: RCW 70.128.040, 05-17-158, § 388-76-685, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-685, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-685, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-64050	Who can fill medication organizers and what is required? [Statutory Authority: RCW 70.128.040, 69.41.085, 02-20-005, § 388-76-64050, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-690	Advance directives, guardianship, and decision making. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-690, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-690, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-64055	What documentation is the provider required to include in the resident's daily medication log? [Statutory Authority: RCW 70.128.040, 69.41.085, 02-20-005, § 388-76-64055, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-695	Protection of resident funds—Liquidation or transfer. [Statutory Authority: RCW 70.128.040, chapters
388-76-645	Resident activities. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-645, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.		
388-76-650	Food services. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-650, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.		
388-76-655	General management and administration. [Statutory Authority: RCW 70.128.040, 05-17-158, § 388-76-655, filed 8/22/05, effective 9/22/05; 03-14-018, § 388-76-655, filed 6/19/03, effective 7/20/03. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.-020, 2000 c 121, and 2002 c 233, 02-15-065, § 388-76-655, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-655, filed 5/20/98, effective		

	70.128 and 70.129 RCW. 98-11-095, § 388-76-695, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-695, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.		Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-700	Resident relocation due to closure. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-700, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-750	Laundry. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-750, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-705	Remedies. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. 98-11-095, § 388-76-705, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-705, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-755	Local ordinances. [Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-755, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-710	Notice, hearing rights, and effective dates relating to imposition of remedies. [Statutory Authority: RCW 70.128.040, 69.41.085. 02-15-081, § 388-76-710, filed 7/15/02, effective 8/15/02. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-710, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-760	Site. [Statutory Authority: RCW 70.128.040, 70.128.-060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-760, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-715	Dispute resolution. [Statutory Authority: RCW 70.128.040, 05-17-158, § 388-76-715, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-715, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-765	Fire safety. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-765, filed 6/19/96, effective 7/20/96.] Repealed by 02-20-004, filed 9/18/02, effective 10/19/02. Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140.
388-76-720	Common use areas. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-720, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-76505	What physical structure requirements must the provider ensure that the home meets? [Statutory Authority: RCW 70.128.040 and chapter 70.128 RCW. 05-07-137, § 388-76-76505, filed 3/22/05, effective 4/22/05. Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. 02-20-004, § 388-76-76505, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-725	Bedrooms. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-725, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-76510	What are the resident emergency evacuation requirements that providers must address? [Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. 02-20-004, § 388-76-76510, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-730	Toilets and bathing facilities. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-730, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-76515	What fire safety and emergency requirements must the provider have in the home? [Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. 02-20-004, § 388-76-76515, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-735	Kitchen facilities. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-735, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-76520	What is required of the provider for emergency evacuation drills? [Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. 02-20-004, § 388-76-76520, filed 9/18/02, effective 10/19/02.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-740	Telephones. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-740, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-770	Safety and maintenance. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-770, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
388-76-745	Storage. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-745, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.	388-76-775	Pets. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-775, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
		388-76-780	Lighting. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-780, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
		388-76-785	Temperature and ventilation. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003

- (Order 3984), § 388-76-785, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
- 388-76-790 Water supply. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-790, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
- 388-76-795 Sewage and liquid wastes. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. 96-14-003 (Order 3984), § 388-76-795, filed 6/19/96, effective 7/20/96.] Repealed by 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.
- 388-76-9970 Purpose. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). 97-18-089, § 388-76-9970, filed 9/3/97, effective 9/4/97.] Repealed by 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.
- 388-76-9972 Definitions. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). 97-18-089, § 388-76-9972, filed 9/3/97, effective 9/4/97.] Repealed by 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.
- 388-76-9974 Effective date of the moratorium. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). 97-18-089, § 388-76-9974, filed 9/3/97, effective 9/4/97.] Repealed by 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.
- 388-76-9976 Process for requesting an individual accommodation. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). 97-18-089, § 388-76-9976, filed 9/3/97, effective 9/4/97.] Repealed by 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.-040.
- 388-76-9978 Applications that will be processed during the moratorium. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). 97-18-089, § 388-76-9978, filed 9/3/97, effective 9/4/97.] Repealed by 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.
- 388-76-9980 Notification of the end of the moratorium. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). 97-18-089, § 388-76-9980, filed 9/3/97, effective 9/4/97.] Repealed by 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

DEFINITIONS

WAC 388-76-10000 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult:

(1) In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain or mental anguish; and

(2) Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) **"Sexual abuse"** means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vul-

nerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not consensual.

(b) **"Physical abuse"** means a willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or chemical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) **"Mental abuse"** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

"Adult family home" means:

(1) A residential home in which a person or entity are licensed to provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services; and

(2) For the purposes of this chapter, any person or entity who has been granted a license to operate an adult family home.

"Affiliated with an applicant" means any person listed on the application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse of the applicant.

"Applicant" means an individual, partnership, corporation, or other entity seeking a license to operate an adult family home.

"Capacity" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time and includes related children or adults in the home who receive personal or special care and services.

"Caregiver" for purposes other than training, means any person eighteen years of age or older responsible for providing direct personal or special care to a resident and who is not the provider, entity representative, a student or volunteer.

"Dementia" is defined as a condition documented through the assessment process required by WAC 388-76-10335.

"Department" means the Washington state department of social and health services.

"Department case manager" means the department authorized staff person or designee assigned to negotiate, monitor, and facilitate a care and services plan for residents receiving services paid for by the department.

"Developmental disability" means:

(1) A person who meets the eligibility criteria defined by the division of developmental disabilities under WAC 388-823-0040; or

(2) A person with a severe, chronic disability which is attributable to cerebral palsy or epilepsy, or any other condi-

tion, other than mental illness, found to be closely related to mental retardation which results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation, and requires treatment or services similar to those required for these persons (i.e., autism); and

(a) The condition was manifested before the person reached age eighteen;

(b) The condition is likely to continue indefinitely; and

(c) The condition results in substantial functional limitations in three or more of the following areas of major life activities:

(i) Self-care;

(ii) Understanding and use of language;

(iii) Learning;

(iv) Mobility;

(v) Self-direction; and

(vi) Capacity for independent living.

"Direct supervision" means oversight by a person who has demonstrated competency in the basic training and specialty training if required, or who has been exempted from the basic training requirements and is:

(1) On the premises; and

(2) Quickly and easily available to the caregiver.

"Entity provider" means any corporation, partnership, association, or limited liability company that is licensed under this chapter to operate an adult family home.

"Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage other than for the vulnerable adult's profit or advantage.

"Entity representative" means the individual designated by an entity provider who is responsible for the daily operation of the adult family home.

"Home" means adult family home.

"Indirect supervision" means oversight by a person who:

(1) Has demonstrated competency in the basic training and specialty training if required; or

(2) Has been exempted from the basic training requirements; and

(3) Is quickly and easily available to the care giver, but not necessarily on-site.

"Inspection" means an on-site visit by department personnel to determine the adult family home's compliance with this chapter and chapters 70.128, 70.129, 74.34 RCW, and other applicable rules and regulations.

"Mandated reporter" means an employee of the department, law enforcement, officer, social worker, professional school personnel, individual provider, an employee of a facility, an employee of a social service, welfare, mental health, adult day health, adult day care, or hospice agency, county coroner or medical examiner, Christian Science practitioner, or health care provider subject to chapter 18.130 RCW. For the purpose of the definition of a mandated reporter, **"Facility"** means a residence licensed or required to be licensed under chapter 18.20 RCW (boarding homes), chapter 18.51 RCW (nursing homes), chapter 70.128 RCW (adult family homes), chapter 72.36 RCW (soldiers' homes),

chapter 71A.20 RCW (residential habilitation centers), or any other facility licensed by the department.

"Medical device" as used in this chapter, means any piece of medical equipment used to treat a resident's assessed need.

(1) A medical device is not always a restraint and should not be used as a restraint;

(2) Some medical devices have considerable safety risks associated with use; and

(3) Examples of medical devices with known safety risks when used are transfer poles, Posey or lap belts, and side rails.

"Medication administration" means giving resident medications by a person legally authorized to do so, such as a physician, pharmacist or nurse.

"Medication organizer" is a container with separate compartments for storing oral medications organized in daily doses.

"Mental illness" is defined as an Axis I or II diagnosed mental illness as outlined in volume IV of the Diagnostic and Statistical Manual of Mental Disorders (a copy is available for review through the aging and disability services administration).

"Multiple facility provider" means an individual or entity provider who is licensed to operate more than one adult family home.

"Neglect" means:

(1) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or

(2) An act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.41.100.

"Nurse delegation" means a registered nurse transfers the performance of selected nursing tasks to competent nursing assistants in selected situations. The registered nurse delegating the task retains the responsibility and accountability for the nursing care of the resident.

"Over-the-counter medication" is any medication that can be purchased without a prescriptive order, including but not limited to vitamin, mineral, or herbal preparations.

"Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks as determined by the resident's needs and does not include assistance with tasks performed by a licensed health professional.

"Physical restraint" means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and is not required to treat the resident's medical symptoms.

"Practitioner" includes a physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant licensed in the state of Washington.

"Prescribed medication" refers to any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Provider" means any person or entity that is licensed under this chapter to operate an adult family home.

"Qualified staff" means a person who:

(1) Is employed, directly or by contract, by an adult family home; and

(2) Meets all of the requirements of a provider, entity representative, resident manager or caregiver.

"Resident" means any adult unrelated to the provider who lives in the adult family home and who is in need of care and for decision-making purposes, the term "resident" includes the resident's surrogate decision maker following state law or at the resident's request.

"Resident manager" means a person employed or designated by the provider or entity representative to manage the adult family home.

"Significant change" means:

(1) A lasting change, decline or improvement in the resident's baseline physical, mental or psychosocial status;

(2) The change is significant enough so the current assessment and/or negotiated care plan do not reflect the resident's current status; and

(3) A new assessment may be needed when the resident's condition does not return to baseline within a two week period of time.

"Special care" means care beyond personal care services as defined in this section.

"Staff" means any person who:

(1) Is employed, directly or by contract, by an adult family home; and

(2) Provides care and services to any resident.

"Unsupervised" means not in the presence of:

(1) Another employee or volunteer from the same business or organization; or

(2) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the employee, student or volunteer has access during the course of his or her employment or involvement with the business or organization.

"Usable floor space" means resident bedroom floor space exclusive of:

(1) Toilet rooms;

(2) Closets;

(3) Lockers;

(4) Wardrobes;

(5) Vestibules, and

(6) The space required for the door to swing if the bedroom door opens into the resident bedroom.

"Willful" means the deliberate or nonaccidental action or inaction by an alleged perpetrator that he/she knew or reasonably should have known could cause a negative outcome, including harm, injury, pain or anguish.

"Vulnerable adult" includes a person:

(1) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself;

(2) Found incapacitated under chapter 11.88 RCW;

(3) Who has a developmental disability as defined under RCW 71A.10.020;

(4) Admitted to any facility;

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(6) Receiving services from a provider.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10000, filed 10/16/07, effective 1/1/08.]

LICENSE

WAC 388-76-10005 License—Required. (1) Any person or entity must have a license by the department to operate an adult family home.

(2) No person or entity may provide personal care, special care, and room and board for more than one resident without a license.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10005, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10010 License—Valid and not transferable. (1) The adult family home is not required to renew the license each year.

(2) The license remains valid unless:

(a) The department takes enforcement action to suspend or revoke the license per law;

(b) The home voluntarily surrenders the license and closes the home;

(c) The home relinquishes the license; or

(d) The home fails to pay the annual licensing fee.

(3) The home license is:

(a) Not transferable; and

(b) Valid only for the provider and address listed on the license.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10010, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10015 License—Adult family home—Compliance required. (1) The licensed adult family home must comply with all the requirements established in chapters 70.128, 70.129, 74.34 RCW and this chapter or other applicable laws and regulations; and

(2) The provider or entity representative is ultimately responsible for the operation of the adult family home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10015, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10020 License—Ability to provide care and services. The adult family home must have the understanding, ability, emotional stability and physical health suited to meet the personal and special care needs of vulnerable adults.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10020, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10025 License annual fee. (1) The license fee is fifty dollars per adult family home per year.

(2) The home must send the annual license fee to the department upon receipt of notice of fee due.

(3) If the department does not renew the license, the annual license fee is refundable.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10025, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10030 License capacity. (1) The department will only issue an adult family home license for more than one but not more than six residents.

(2) In determining the home's capacity, the department must consider the:

- (a) Structural design of the house;
- (b) Number and qualifications of staff;
- (c) Total number of people living in the home who require personal or special care, including:
 - (i) Children; and
 - (ii) Other household members;
- (d) The number of people for whom the home provides adult day care; and
- (e) The ability for the home to safely evacuate all people living in the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10030, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10035 License requirements—Multiple family home providers. To be licensed to operate more than one adult family home, the applicant must have:

(1) Evidence that the provider or entity representative has successfully completed the forty-eight hour residential care administrator's training to meet the related requirements of chapter 388-112 WAC.

(2) Operated an adult family home in Washington for at least one year without a significant violation of chapters 70.128, 70.129 or 74.34 RCW, this chapter or other applicable laws and regulations; and

(3) The ability to operate more than one home.

(4) The following plans for each home the applicant intends to operate:

- (a) A twenty-four hour a day, seven day a week staffing plan;
- (b) A plan for how the provider entity representative, or resident manager will manage the daily operations of each home; and
- (c) A plan for emergencies, deliveries, staff and visitor parking.

(5) A credit history considered if the history relates to the ability to provide care and services.

(6) An applicant, entity representative or a qualified resident manager at each home who is responsible for the care of each resident at all times.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10035, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10040 License requirements—Provider or entity representative residence. (1) The adult family home provider or entity representative must:

- (a) Live in the home; or
 - (b) Employ or contract with a qualified resident manager who lives in the home and is responsible for the care and services of each resident at all times; or
 - (c) Provide twenty-four hour staffing.
- (2) Ensure that a qualified staff person who can make needed decisions is always present.

(2009 Ed.)

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10040, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10045 Licensing—Certain state employees and employee household members—Prohibited. The department must not issue an adult family home license to employees or members of the employees' household of:

- (1) Aging and disability services administration; or
- (2) The department when the employee's duties include:
 - (a) Placement of persons in an adult family home; or
 - (b) Authorizing payments for any resident's care and services in an adult family home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10045, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10050 License—Relinquishment. (1) The adult family home must relinquish the adult family home license to the department:

(a) Within thirty days of the last resident leaving the home; or

(b) When the home moves all residents out of the home for purposes other than remodeling or construction.

(2) The department may revoke the license if the home does not:

- (a) Relinquish the adult family home license; or
- (b) Relinquish the adult family home license within the specified time frame.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10050, filed 10/16/07, effective 1/1/08.]

LICENSE APPLICATION

WAC 388-76-10055 Application—Generally. (1) The applicant must send an application to the department for:

- (a) An initial adult family home license;
- (b) A change of ownership of the adult family home; or
- (c) A change of the adult family home location or address.

(2) Prior to sending the application to the department, the applicant must ensure:

(a) The people listed on the application meet the minimum qualifications listed in WAC 388-76-10130 through 388-76-10145 as required; and

(b) After January 1, 2007, the provider and entity representative must successfully complete the department approved forty-eight hour adult family home administration and business planning class as required in chapter 388-112 WAC.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10055, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10060 Application—Department orientation class—Required. (1) An applicant or any person who has not held an adult family home license within the last twelve months must attend a department approved orientation class before receiving an application form; and

(2) If an applicant has not obtained an adult family home license within one calendar year of submitting the application to the department the applicant must attend department orientation again.

[Title 388 WAC—p. 433]

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10060, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10065 Application—Required information. To apply for a license, an applicant must:

- (1) Provide all information required on the application form;
- (2) Provide any additional information requested by the department; and
- (3) Send the complete application form to the department.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10065, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10070 Application—Fee required. (1) The applicant must send a one hundred dollar fee with the application form:

- (a) Fifty dollars of this fee is the application processing fee; and
 - (b) Fifty dollars is the annual license fee.
- (2) The fifty dollar annual license fee will be returned to the applicant by the department if the application is withdrawn, voided or the license is denied.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10070, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10075 Application—Becomes void. The department must consider the application void when the applicant:

- (1) Does not return information to the department within sixty calendar days of the department's first request for additional information for an incomplete application; or
- (2) Has not obtained an adult family home license within one calendar year of first submitting the application to the department.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10075, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10080 Application—Coprovider. Couples considered legally married under Washington state law:

- (1) May not apply for separate licenses for each spouse; and
- (2) May apply jointly as coproviders.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10080, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10085 Application—Individual or coprovider. The applicant must include in the application a list of all facilities or homes in which the applicant or persons affiliated with the applicant, provided care and services to children or vulnerable adults within the last ten years.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10085, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10090 Application—Entity application. An entity submitting an application must:

- (1) Include a list of all facilities or homes in which the applicant or persons affiliated with the applicant, managerial employee, or owner of five percent or more of the entity provided care and services to children or vulnerable adults within the last ten years;

[Title 388 WAC—p. 434]

(2) Designate an entity representative who:

- (a) Is responsible for the daily operations of the adult family home;
 - (b) Will be considered the department's primary contact person; and
 - (c) May act as both the entity representative and the resident manager in only one home.
- (3) Designate a qualified resident manager for the home if the entity representative is not the designated resident manager in subsection (2)(c) of this section.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10090, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10095 Application—Identification of landlord—Required. (1) Applicants must name the landlord of the building if the building to be used as an adult family home is leased, under contract, or rented and the landlord takes an active interest in the operation of the home.

- (2) An active interest includes but is not limited to:
 - (a) The charging of rent as a percentage of the business;
 - (b) Assistance with start-up and/or operational costs;
 - (c) Collection of resident fees;
 - (d) Recruitment of residents;
 - (e) Management oversight;
 - (f) Assessment and/or negotiated care plan development of residents; or
 - (g) The provision of personal or special care of residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10095, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10100 Application—Subject to review. (1) Adult family home license applications are subject to review under this chapter.

- (2) The department will not process an incomplete application and will return the application requesting the missing information.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10100, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10105 Application—Change of ownership. (1) A change of ownership of an adult family home requires both a new license application and a new license.

- (2) A change of ownership occurs when there is a change in:

(a) The provider or entity representative ultimately responsible for the daily operational decisions of the home; or

- (b) Control of an entity provider.
- (3) Events which constitute a change of ownership include, but are not limited to:

(a) The form of legal organization of the provider is changed, such as when a provider forms:

- (i) A partnership;
- (ii) Corporation;
- (iii) Association; or
- (iv) A dissolution or merger of a licensed entity with another legal organization.

(b) The provider or entity representative transfers business operations and management responsibility to another

party, whether there is a partial or whole transfer of adult family home real property and/or personal property assets.

(c) Two people are both licensed as a married couple to operate an adult family home and an event, such as a divorce or death results in only one person operating the home.

(d) An event dissolves the partnership, if the provider or entity representative is a business partnership.

(e) If the provider or entity representative is a corporation and the corporation:

(i) Is dissolved;

(ii) Merges with another corporation which is the survivor; or

(iii) Consolidates with one or more corporations to form a new corporation;

(iv) Whether by a single transaction or multiple transactions within a continuous twenty-four month period, transfers fifty percent or more of the stock to one or more:

(A) New or former stockholders; or

(B) Present stockholders each having less than five percent of the stock before the initial transaction.

(f) Any other event or combination of events which results in a substitution of or control of the provider or entity representative.

(4) The new owner:

(a) Must correct all deficiencies that exist at the time of the ownership change;

(b) Is subject to the provisions of chapters 70.128, 70.129, 74.34 RCW, this chapter and other applicable laws and regulations;

(c) Must obtain a new license from the department before the transfer of ownership; and

(d) Must not begin operation of the adult family home as the new owner, provider or entity representative until the department has granted the license.

(5) The home must notify each resident, in writing at least thirty days before the effective date of the ownership change.

(6) If a currently licensed provider or entity representative seeking to change ownership wants the department to give priority to processing an application to minimize or prevent disruption of residents that live in the existing home, the applicant must:

(a) Make the request to the department in writing, including the reason for changing the location of the home; and

(b) Explain how or why the reason for the change is beyond the control of the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10105, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10110 Application—Change of location or address. (1) A change of the adult family home location or address requires both a new license application and a new license.

(2) The home must not start operations of the home at a new location until the department has granted the license for the new location.

(3) The home must notify each resident or resident representative, in writing at least thirty days before the effective date of the change of the home location or address.

(4) If a currently licensed provider or entity representative, seeking to change the home location or address wants

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the department to give priority to processing an application to minimize or prevent the disruption of residents that live in the existing home, the applicant must:

(a) Make the request in writing, including the reason for changing the location of the home to the department; and

(b) Explain how or why the reason for change is beyond the control of the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10110, filed 10/16/07, effective 1/1/08.]

GRANTING OR DENYING A LICENSE

WAC 388-76-10115 Granting or denying a license—Generally. In making a determination of whether to grant an adult family home license, the department must consider:

(1) Separately and jointly as applicants each person and entity named in an application, including each person or entity affiliated with the applicant;

(2) Information in the application;

(3) Other documents and information the department deems relevant which may include, but not be limited to:

(a) Inspection and complaint investigation findings in each facility or home in which the applicant, person affiliated with the applicant, or owner of five percent or more of the entity provided care or services to children or vulnerable adults; and

(b) Credit information.

(4) The history of each individual listed on the application for negative findings identified in WAC 388-76-10120 and 388-76-10125, including, but not limited to the following:

(a) Applicant;

(b) Person affiliated with the applicant;

(c) Entity representative;

(d) Caregiver;

(e) An owner who:

(i) Exercised daily control over the operations; or

(ii) Owns fifty-one percent or more of the entity.

(f) Any person who has unsupervised access to residents in the home; and

(g) Any person who lives in the home and is not a resident.

(5) Applicants who are licensed to care for children in the same home to determine if:

(a) It is necessary to allow a resident's child(ren) to live in the same home as the resident or allow a resident's child(ren) who turn eighteen to stay in the home;

(b) The applicant provides satisfactory evidence to the department of the home's ability to meet the needs of children and adults residing in the home; and

(c) The total number of persons receiving care and services in the home do not exceed the licensed capacity of the adult family home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10115, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10120 License—Must be denied. The department must deny a license if the department finds any person or entity unqualified as follows:

(1) Has a history of prior violations of chapter 70.128 RCW or any law regulating to residential care facilities

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within the past five years that resulted in revocation, suspension, or nonrenewal of a license or contract with the department;

(2) When providing care or services to children or vulnerable adults:

(a) Has been found to be in significant noncompliance with federal or state regulations; or

(b) Had a license for the care of children or vulnerable adults suspended or revoked.

(3) For a period of twenty years after a provider surrendered or relinquished an adult family home license after notification of the department's intention to deny, suspend, not renew or revoke, in lieu of appealing the department's action;

(4) Been enjoined from operating a facility for the care and services of children or adults;

(5) A stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, final order issued by a disciplining authority or final decision by any federal or state agency or department, a court of law, or entered into a state registry or department or agency list with a finding of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW;

(6) Had a revocation or suspension of a license for the care of children or adults;

(7) Had a revocation, cancellation, suspension or nonrenewal of:

(a) A medicaid or medicare provider agreement by the contracting agency; or

(b) Any agreement with a public agency for the care and treatment of children or vulnerable adults, when the action was taken by the public agency.

(8) Been convicted of any crime listed in RCW 43.43.830 or 43.43.842;

(9) Been found by a court:

(a) In a protection proceeding under chapter 74.34 RCW to have abandoned, neglected, abused, or financially exploited a vulnerable adult; or

(b) In a domestic relations proceeding under Title 26 RCW to have sexually or physically abused, neglected or exploited any minor.

(10) Been found in any final decision issued by a disciplinary board to have:

(a) Sexually or physically abused, neglected or exploited any minor or a person with a developmental disability; or

(b) Abandoned, abused, neglected or financially exploited any vulnerable adult.

(11) Been found in any final decision by any federal or state agency or department to have abandoned, neglected, abused or financially exploited a vulnerable adult;

(12) Found in any dependency action under RCW 13.34.030 (5)(b) to have sexually or physically abused, neglected or exploited any minor;

(13) The home is currently licensed:

(a) As a boarding home; or

(b) To provide care for children in the same home, unless:

(i) It is necessary in order to allow a resident's child(ren) to live in the same home as the resident or to allow a resident who turns eighteen to remain in the home;

(ii) The applicant provides satisfactory evidence to the department of the home's capacity to meet the needs of children and adults residing in the home; and

(iii) The total number of persons receiving care and services in the home does not exceed the number permitted by the licensed capacity of the home.

(14) If the provider or entity representative has not successfully completed a department-approved forty-eight hour adult family home administration and business planning class.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10120, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10125 License—May be denied. The department may deny a license if the department finds any person or entity unqualified as follows:

(1) Been convicted of a crime:

(a) As defined under RCW 43.43.830 or 43.43.842;

(b) Relating to financial exploitation as defined under RCW 43.43.830 or 43.43.842;

(c) A felony against a person if the conviction reasonably relates to the competency of the person to own or operate an adult family home;

(d) Involving a firearm used in the commission of a felony or in any act of violence against a person; or

(e) Engaged in illegally selling or distributing drugs illegal use of drugs or excessive use of alcohol within the past five years without the evidence of rehabilitation.

(2) Found by a court in a protection proceeding under chapter 74.34. RCW to have abandoned, abused, neglected, or financially exploited a vulnerable adult;

(3) Found in a final decision issued by a disciplinary board to have sexually or physically abused, neglected or exploited any minor person or a person with a developmental disability or to have abused or financially exploited any vulnerable adult;

(4) Found in any dependency action under RCW 13.34.030(5) to have sexually abused, neglected or exploited any minor or to have physically abused any minor;

(5) Found in a court in a domestic relations proceeding under Title 26 RCW to have:

(a) Sexually abused, neglected or exploited any minor or to have physically abused any minor; or

(b) Committed an act of domestic violence toward a family or household member.

(6) Had sanction, corrective, or remedial action taken by federal, state, county, or municipal officials or safety officials related to the care or treatment of children or vulnerable adults;

(7) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(8) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached to the application or in any matter under investigation by the department;

(9) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;

(10) Willfully prevented or interfered with or failed to cooperate with any inspection, investigation or monitoring visit made by the department;

(11) Failed or refused to comply with:

(a) A condition imposed on a license or a stop placement order; or

(b) The applicable requirements of chapters 70.128, 70.129, 74.34 RCW or this chapter.

(12) Misappropriated property of a resident;

(13) Denied a license or license renewal to operate a facility that was licensed to care for children or vulnerable adults;

(14) Exceeded licensed capacity in the operation of an adult family home;

(15) Operated a facility for the care of children or adults without a license or revoked license;

(16) Relinquished or returned a license in connection with the operation of any facility for the care of children or adults, or did not seek license renewal following written notification of the licensing agency's intention of denial, suspension, cancellation or revocation of a license;

(17) Had resident trust funds or assets of an entity providing care to children or vulnerable adults seized by the Internal Revenue Service or a state entity for failure to pay income or payroll taxes;

(18) Failed to meet financial obligations as the obligations fell due in the normal course of business, thereby impeding the ability to provide care and services to residents;

(19) Refused to permit authorized department representatives to interview residents or to have access to resident records or home;

(20) Interfered with a long-term care ombudsman or department staff in the performance of his or her duties; or

(21) Found to be in noncompliance with the requirements established in chapters 70.128, 70.129, 74.34 RCW, this chapter or other applicable laws and regulations.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10125, filed 10/16/07, effective 1/1/08.]

QUALIFICATIONS OF INDIVIDUALS PROVIDING CARE AND SERVICES

WAC 388-76-10130 Qualifications—Provider, entity representative and resident manager. The adult family home must ensure that the provider, entity representative and resident manager have the following minimum qualifications:

(1) Be twenty-one years of age or older;

(2) Have a United States high school diploma or general education development certificate, or any English translated government document of the following:

(a) Successful completion of government approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction a year for twelve years, or no less than twelve thousand hours of instruction;

(b) Graduation from a foreign college, foreign university, or United States community college with a two-year diploma, such as an Associate's degree;

(c) Admission to, or completion of course work at a foreign or United States college or university for which credit was awarded;

(d) Graduation from a foreign or United States college or university, including award of a Bachelor's degree;

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(e) Admission to, or completion of postgraduate course work at, a United States college or university for which credits were awarded, including award of a Master's degree; or

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education was required.

(3) Meet the department's training requirements of chapter 388-112 WAC;

(4) Have good moral and responsible character and reputation;

(5) Be literate in the English language, or meet alternative requirements by assuring that a person is on staff and available at the home who is:

(a) Able to communicate or make provisions for communicating with the resident in his or her primary language; and

(b) Capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read, understand and implement resident negotiated care plans.

(6) Be able to carry out the management and administrative requirements of chapters 70.128, 70.129 and 74.34 RCW, this chapter and other applicable laws and regulations;

(7) Have completed at least three hundred and twenty hours of successful direct care experience obtained after age eighteen to vulnerable adults in a licensed or contracted setting before operating or managing a home;

(8) Have no criminal convictions listed in RCW 43.43.830 or 43.43.842 or state or federal findings of abandonment, abuse, neglect or financial exploitation;

(9) Obtain and keep valid cardiopulmonary resuscitation (CPR) and first-aid card or certificate as required in chapter 388-112 WAC; and

(10) Have tuberculosis screening to establish tuberculosis status per this chapter.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10130, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10135 Qualifications—Caregiver. The adult family home must ensure each caregiver has the following minimum qualifications:

(1) Be eighteen years of age or older;

(2) Have a clear understanding of the caregiver job responsibilities and knowledge of each resident's negotiated care plan to provide care specific to the needs of each resident;

(3) Have basic communication skills to:

(a) Be able to communicate or make provisions to communicate with the resident in his or her primary language;

(b) Understand and speak English well enough to:

(i) Respond appropriately to emergency situations; and

(ii) Read, understand and implement resident negotiated care plans.

(4) Meet the department's training requirements of chapter 388-112 WAC;

(5) Have no criminal convictions listed in RCW 43.43.830 or 43.43.842 or state or federal findings of abandonment, abuse, neglect or financial exploitation;

(6) Have a current valid first-aid and cardiopulmonary resuscitation (CPR) card or certificate as required in chapter 388-112 WAC; and

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(7) Have tuberculosis screening to establish tuberculosis status per this chapter.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10135, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10140 Qualifications—Students—Volunteers. The adult family home must ensure that students and volunteers meet the following minimum qualifications:

(1) Be eighteen years old or older;

(2) Meet the department's training requirements of chapter 388-112 WAC;

(3) Have no criminal convictions listed in RCW 43.43.830 and 43.43.842 or state or federal findings of abandonment, abuse, neglect or financial exploitation; and

(4) Tuberculosis screening to establish tuberculosis status per this chapter.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10140, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10145 Qualifications—Licensed nurse as provider, entity representative or resident manager. The adult family home must ensure that a licensed nurse who is a provider, entity representative or resident manager has:

(1) No criminal convictions listed in RCW 43.43.830 or 43.43.842 or state or federal findings of abandonment, abuse, neglect or financial exploitation; and

(2) A current valid first-aid and cardiopulmonary resuscitation (CPR) card or certificate as required in chapter 388-112 WAC.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10145, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10150 Qualifications—Assessor. (1) The adult family home must ensure that an assessor, except for an authorized department case manager, performing an assessment for any resident meets the following qualifications:

(a) A master's degree in social services, human services, behavioral sciences or an allied field and two years social service experience working with adults who have functional or cognitive disabilities; or

(b) A bachelor's degree in social services, human services, behavioral sciences or an allied field and three years social service experience working with adults who have functional or cognitive disabilities; or

(c) Have a valid Washington state license to practice as a nurse under chapter 18.79 RCW and three years of clinical nursing experience; or

(d) Is currently a licensed physician, including an osteopathic physician, in Washington state.

(2) The home must ensure that an assessor who meets the requirements of subsections (1)(a), (b), or (c) of this section does not have unsupervised access to any resident unless the assessor has:

(a) A current criminal history background check; and

(b) Has not been convicted of any crime listed in RCW 43.43.830 or 43.43.842 or state or federal findings of abandonment, abuse, neglect or financial exploitation.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10150, filed 10/16/07, effective 1/1/08.]

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CRIMINAL HISTORY BACKGROUND CHECK

WAC 388-76-10155 Unsupervised access to vulnerable adults—Prohibited. The adult family home must not allow the following persons to have unsupervised access to residents until the home receives successful results from the criminal history background check:

- (1) Caregivers;
- (2) Staff;
- (3) Volunteers or students acting as a caregiver; and
- (4) Household members over the age of eleven.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10155, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10160 Criminal history background check—Required. To assist in determining the character, suitability, and competence of a potential employee and before the adult family home employs, directly or by contract, a resident manager, entity representative or caregiver, or accepts as a caregiver any volunteer or student, or allows a household member over the age of eleven unsupervised access to residents, the home must:

(1) Require the person to complete the residential care services background inquiry form which includes:

- (a) A disclosure statement; and
- (b) A statement authorizing the home, the department, and the Washington state patrol to conduct a background inquiry.

(2) Verbally inform the person:

(a) That he or she may ask for a copy of the background inquiry result; and

(b) Of the inquiry result within ten days of receiving the result.

(3) Send the information to the department and any additional documentation and information as requested by the department to satisfy the requirements of this section; and

(4) Notify the appropriate licensing or certification agency of any person resigning or terminated as a result of having a conviction record.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10160, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10165 Criminal history background check—Valid for two years. (1) A background inquiry result is valid for two years from the date conducted;

(2) The adult family home must have a valid criminal history background check for all persons in the home who may have unsupervised access to any resident; and

(3) The home must submit, receive and keep the results of the check every two years.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10165, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10170 Criminal history background check—Information—Confidentiality—Use restricted. The adult family home must:

(1) Establish and implement procedures that ensure:

(a) All disclosure statements background inquiry applications, responses, related information, and all copies are kept in a confidential and secure manner;

(b) All background inquiry results and disclosure statements are used for employment purposes only;

(c) Background inquiry results and disclosure statements are not disclosed to any person except:

(i) The person about whom the home made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

(2) Keep a record of inquiry results for eighteen months after the date an employee either quits or is terminated.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10170, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10175 Employment—Conditional—Pending results. An adult family home may conditionally employ a person pending the result of a background inquiry, provided the home:

(1) Asks the individual if they have been convicted of a crime listed under RCW 43.43.830 or 43.43.842 and the individual denies they have a conviction;

(2) Requests the background inquiry within seventy-two hours of the conditional employment;

(3) Does not allow, the conditionally hired person, to have unsupervised access to any resident without direct supervision; and

(4) Ensures the individual is competent and receives the necessary training to perform assigned tasks and meets the staff training requirements in chapter 388-112 WAC.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10175, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10180 Employment—Certain criminal history—Prohibited. The adult family home must not employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents, or allow a household member over the age of eleven unsupervised access to any resident if the person or background inquiry discloses that the person has a history of:

(1) A stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, final order issued by a disciplining authority or final decision by any federal or state agency or department, a court of law, or entered into a state registry or department or agency list with a finding of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW; or

(2) Convicted of a crime against persons as defined under RCW 43.43.830 or 43.43.842.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10180, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10185 Employment—Certain criminal history—Permitted. (1) Nothing in this section may be interpreted to require the employment of any person against the judgment of the provider or entity representative.

(2) The adult family home may choose to employ a person if the person has one or more convictions for a past offense and the offense was:

(a) Simple assault, assault in the fourth degree and three or more years has passed between the most recent conviction and the date of the application for employment;

(b) Prostitution and three or more years has passed between the most recent conviction and the date of the application for employment;

(c) Theft in the third degree and three or more years has passed between the most recent conviction and the date of the application for employment;

(d) Theft in the second degree and five or more years has passed between the most recent conviction and the date of the application for employment; or

(e) Forgery and five or more years has passed between the most recent conviction and the date of the application for employment.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10185, filed 10/16/07, effective 1/1/08.]

ADMINISTRATION GENERAL

WAC 388-76-10190 Adult family home—Compliance with regulations—Required. The adult family home must comply with:

(1) This chapter;

(2) Chapters 70.128, 70.129 and 74.34 RCW; and

(3) Other applicable state and federal laws.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10190, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10195 Adult family home—Staff—Generally. The adult family home must ensure:

(1) Enough staff is available in the home to meet the needs of each resident if residents are in the home or not, except as per WAC 388-76-10200;

(2) Staff are readily available to meet resident needs if the home takes the resident out to another location and the resident negotiated care plan does not indicate it is safe for the resident to be left unattended for a specific time period; and

(3) All staff are skilled and able to do the tasks assigned to meet the needs of each resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10195, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10200 Adult family home—Staff—Availability—Contact information. In addition to other licensing requirements for staff availability, the adult family home must:

(1) Designate an experienced, capable staff member of responding on behalf of the provider or entity representative:

(a) By phone or pager;

(b) At all times including:

(i) When no residents are present in the home; and

(ii) When the provider entity representative and residents are on vacation or away from the home.

(2) Give residents the telephone or pager number for the contact required in subsection (1) of this section;

(3) Ensure the provider, entity representative or resident manager is readily available to:

(a) Each resident;

(b) Residents' representatives;

- (c) Caregivers; and
- (d) Authorized state staff.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10200, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10205 Medicaid or state funded residents. When the adult family home accepts medicaid or state funded residents, the home must follow the terms and conditions of the department contract and chapter 388-105 WAC.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10205, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10210 Resident relocation due to closure. When an adult family home chooses to voluntarily close, the home must:

- (1) Notify the following in writing of the closure at least thirty days before the home closes:
 - (a) The department;
 - (b) Each resident; and
 - (c) Each resident's representative.
- (2) Develop, organize, and carry out a discharge plan that meets the needs of each resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10210, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10215 Resident funds—Protection, liquidation or transfer. (1) The adult family home must meet the requirements of RCW 70.129.040 to protect any funds the resident may have deposited with the adult family home.

(2) If a deceased resident had some of his or her adult family home care paid for by the department, then the home must:

- (a) Send the final accounting and funds payable to:

Secretary, Department of Social and Health Services
Office of Financial Recovery
Estate Recovery Unit

(b) Include with the final accounting required in subsection (2)(a) of this section:

- (i) The deceased resident's name; and
- (ii) The deceased resident's Social Security number.

(3) When a resident is missing from the home, in addition to other licensing requirements, the home must make a reasonable effort to find the missing resident before transferring resident funds to the department of revenue as per subsection (4) of this section.

(4) The adult family home must notify the department of revenue of abandoned property when:

- (a) A resident is missing from the home for more than ninety days; and
- (b) The missing resident:
 - (i) Gave money to the home to manage or for safekeeping;
 - (ii) Does not have a legal guardian;
 - (iii) Did not appoint a power of attorney to handle his or her financial affairs;
 - (iv) Did not name a family member to act on the resident's behalf; and
 - (v) Did not have his or her care paid for by the department.

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(5) The home must send any money received from the missing resident, to the department of revenue:

- (a) According to chapter 63.29 RCW;
- (b) Within twenty days of notifying the department of revenue per subsection (2) of this section.

(6) Before the adult family home changes its owner, the home must:

- (a) Give each resident a written statement that accounts for any personal funds held by the home;
- (b) Give the prospective adult family home owner a written statement that accounts for all of the residents' funds that home will transfer to the new adult family home owner; and
- (c) Get a written receipt of the transferred residents' funds from the new adult family home owner.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10215, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10220 Incident log. The adult family home must keep a log of:

- (1) Alleged or suspected instances of abandonment, neglect, abuse or financial exploitation;
- (2) Accidents or incidents affecting a resident's welfare; and
- (3) Any injury to a resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10220, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10225 Reporting requirement. (1) The adult family home must ensure all staff:

(a) Report suspected abuse, neglect, exploitation or abandonment of a resident:

- (i) According to chapter 74.34 RCW;
- (ii) To the department by calling the complaint toll-free hotline number; and
- (iii) To the local law enforcement agency when required by RCW 74.34.035.

(b) Report the following to the department by calling the complaint toll-free hotline number:

- (i) Any actual or potential event requiring any resident to be evacuated;
- (ii) Conditions that threaten the provider's or entity representative's ability to continue to provide care or services to each resident; and
- (iii) A missing resident.

(2) When there is a significant change in a resident's condition, or a serious injury, trauma, or death of a resident, the adult family home must immediately notify:

- (a) The resident's family;
- (b) The resident's representative, if one exists;
- (c) The resident's physician;
- (d) Other appropriate professionals working with the resident;
- (e) Persons identified in the negotiated care plan; and
- (f) The resident's case manager if the resident is a department client.

(3) Whenever an outbreak of suspected food poisoning or communicable disease occurs, the adult family home must notify:

- (a) The local public health officer; and
- (b) The department's complaint toll-free hotline number.

(2009 Ed.)

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10225, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10230 Pets. The adult family home must ensure any animal visiting or living on the premises:

- (1) Does not compromise any resident rights, preferences or medical needs;
- (2) Has a suitable temperament, is clean and healthy, and otherwise poses no significant health or safety risks to any resident, staff, or visitors; and
- (3) Has proof of regular immunizations.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10230, filed 10/16/07, effective 1/1/08.]

HEALTH CARE DECISION MAKING

WAC 388-76-10235 Guardianship. The adult family home may be a resident's guardian if:

- (1) A court has appointed the home to be the guardian under chapter 11.88 RCW; and
- (2) The home has petitioned the court in writing according to RCW 11.92.040(6) to:
 - (a) Inform the court:
 - (i) The home provides care for the resident in the home;
 - (ii) The fees the home is paid to care for the resident, the home's duties, and the types of care provided to the resident for those fees; and
 - (iii) Why the guardianship fees would not be duplicative of the fees paid.
 - (b) Request the court to direct payment to the home from the resident's funds for the resident's care, maintenance and education.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10235, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10240 Durable power of attorney for health care or financial decisions. The adult family home must not allow a provider, entity representative, owner, administrator, or employees of the home to act as a resident's attorney in fact, according to chapter 11.94 RCW, unless the provider, entity representative, owner, administrator, or employee is the resident's:

- (1) Spouse;
- (2) Adult child; or
- (3) Brother or sister.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10240, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10245 Resident self-determination—Health care decision making. The adult family home must provide care and services consistent with the federal patient self-determination act and other statutes related to a resident legal representative and health care decision making, including but not limited to:

- (1) Chapter 7.70 RCW;
- (2) Chapter 70.122 RCW;
- (3) Chapter 11.88 RCW;
- (4) Chapter 11.92 RCW; and
- (5) Chapter 11.94 RCW.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10245, filed 10/16/07, effective 1/1/08.]

(2009 Ed.)

WAC 388-76-10250 Medical emergencies—Contacting emergency medical services—Required. (1) The adult family home must develop and implement policies and procedures which require immediate contact of the local emergency medical services when a resident has a medical emergency. This requirement applies:

- (a) Unless the caregiver, present at the time of the emergency, is a licensed physician or registered nurse acting within his or her scope of practice;
- (b) Whether or not:
 - (i) Any order exists directing medical care for the resident;
 - (ii) The resident has provided an advance directive for medical care; or
 - (iii) The resident has expressed any wishes involving medical care.

(2) If available, the home must immediately give arriving emergency medical services personnel a copy of:

- (a) Any order that exists directing medical care for the resident; and
 - (b) The resident's advance directive for medical care.
- (3) The home must inform the resident of the requirements in this section.
- (4) The home is not required to contact emergency medical services when a resident is receiving hospice care by a licensed hospice agency and the:

- (a) Emergency relates to the expected hospice death; and
- (b) Situation is monitored by the hospice agency.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10250, filed 10/16/07, effective 1/1/08.]

INFECTION CONTROL AND COMMUNICABLE DISEASE

WAC 388-76-10255 Infection control. The adult family home must develop and implement an infection control system that:

- (1) Uses nationally recognized infection control standards;
- (2) Emphasizes frequent hand washing and other means of limiting the spread of infection;
- (3) Follows the requirements of chapter 49.17 RCW, Washington Industrial Safety and Health Act to protect the health and safety of each resident and employees; and
- (4) Directs all staff to:
 - (a) Dispose of razor blades, syringes, and other sharp items in a manner that will not risk the health and safety of residents, staff, other persons residing in the home or the public; and
 - (b) Use all disposable and single-service supplies and equipment only one time as specified by the manufacturer.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10255, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10260 Communicable disease—Preventing spread. If the adult family home suspects anyone working or living in the home has or may have a communicable disease, the home must implement nationally recognized infection control measures.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10260, filed 10/16/07, effective 1/1/08.]

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TUBERCULOSIS SCREENING

WAC 388-76-10265 Tuberculosis—Testing—Required. (1) The adult family home must develop and implement a system to ensure the following persons have tuberculosis testing within three days of employment:

- (a) Provider;
- (b) Entity representative;
- (c) Resident manager;
- (d) Caregiver;
- (e) Staff; and
- (f) Any student or volunteer providing any resident care and services.

(2) For the purposes of the tuberculosis sections "person" means the people listed in this section as required to have tuberculosis testing.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10265, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10270 Tuberculosis—Testing method—Required. The adult family home must ensure that all tuberculosis testing is done through a nationally recognized testing method such as by intradermal (Mantoux) administration or a TB Gold Test and the test result is read:

- (1) Within forty-eight to seventy-two hours of the test; and
- (2) By a trained professional.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10270, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10275 Tuberculosis—No skin testing. The adult family home is not required to have a person tested for tuberculosis if the person has:

- (1) A documented history of a previous positive test, ten or more millimeters in duration; or
- (2) Documented evidence of:
 - (a) Adequate therapy for active disease; or
 - (b) Preventive therapy of infection.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10275, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10280 Tuberculosis—One step testing. The adult family home is only required to have a person take a one-step skin test if the person has any of the following:

- (1) A positive result from the person's first skin test—A person who has a positive result from an initial first step test should not have a second test;
- (2) A documented history of a negative result from previous two step testing; or
- (3) A documented negative result from one step testing in the previous twelve months.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10280, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10285 Tuberculosis—Two step testing. Unless the person meets the requirement for having no skin testing or only a one step skin test, the adult family home must ensure that each person has the following two-step testing:

- (1) An initial skin test within three days of employment; and
- (2) A second test done one to three weeks after the first test; except
- (3) A two-step test is not required for the TB Gold Test which is only a one-step test.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10285, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10290 Tuberculosis—Positive skin reaction. The adult family home must ensure that a person with a positive reaction to tuberculosis skin testing has a chest X ray within seven days and follows the recommendation of health care officials.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10290, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10295 Tuberculosis—Negative skin reaction. The adult family home may be required by the public health official or licensing authority to ensure that persons with negative test results have follow-up skin testing in certain circumstances, such as:

- (1) After exposure to active tuberculosis;
- (2) When tuberculosis symptoms are present; or
- (3) For periodic testing as determined by health official.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10295, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10300 Tuberculosis—Declining a test. The adult family home may accept a signed statement from a person who has reason to decline skin testing; if:

- (1) The signed statement includes the reason for declining; and
- (2) Additional evidence is provided to support the reason.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10300, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10305 Tuberculosis—Reporting positive skin reactions—Required. The adult family home must:

- (1) Report any person with tuberculosis symptoms or a positive chest X ray to the appropriate public health authority; and
- (2) Follow the infection control and safety measures ordered by the public health authority, the person's personal physician, or other licensed health care professional.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10305, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10310 Tuberculosis—Skin test records. The adult family home must:

- (1) Keep the records of tuberculosis test results, reports of X-ray findings, and physician or public health orders and waivers;
- (2) Make them readily available to the appropriate health authority and licensing agency; and
- (3) Keep them for eighteen months after the date an employee either quits or is terminated.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10310, filed 10/16/07, effective 1/1/08.]

RESIDENT RECORDS

WAC 388-76-10315 Resident record—Required. The adult family home must:

- (1) Create, maintain, and keep records for residents in the home where the resident lives and ensure that the records:
 - (a) Contain enough information so home can provide the needed care and services to each resident;
 - (b) Be in a format useful to the home;
 - (c) Be kept confidential so that only authorized persons see their contents;
 - (d) Are only released to the following persons:
 - (i) A health care institution;
 - (ii) When requested by the law;
 - (iii) To department representatives; and
 - (iv) To the resident;
 - (e) Be protected to prevent loss, alteration or destruction and unauthorized use;
 - (f) Be kept for three years after the resident leaves the home or death of the resident;
 - (g) Be available so that department staff may review them when requested; and
 - (h) Provide access to the resident to review their record and obtain copies of their record at a reasonable cost.
- (2) Ensure staff has access to the parts of residents' records needed by staff to provide care and services; and
- (3) Allow representatives of the long-term care ombudsman access to a resident record if approved by the resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10315, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10320 Resident record—Content. The adult family home must ensure that each resident record contains, at a minimum, the following information:

- (1) Identifying information about the resident;
- (2) The name, address and telephone number of the resident's:
 - (a) Representative;
 - (b) Health care providers;
 - (c) Significant family members identified by the resident; and
 - (d) Other individuals the resident wants involved or notified.
- (3) Current medical history;
- (4) The resident assessment information;
- (5) The preliminary service plan;
- (6) The negotiated care plan;
- (7) List of resident medications;
- (8) The resident's Social Security number;
- (9) When the resident was:
 - (a) Admitted to the home;
 - (b) Absent from the home; and
 - (c) Discharged from the home.
- (10) A current inventory of the resident's personal belongings dated and signed by:
 - (a) The resident; and
 - (b) The adult family home.
- (11) Financial records.

(2009 Ed.)

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10320, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10325 Resident record—Legal documents—If available. When available, the adult family home must obtain copies of the following legal documents for the resident's records:

- (1) Any powers of attorney granted by the resident, including for health care decision making and financial; and
- (2) Court order of guardianship for the resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10325, filed 10/16/07, effective 1/1/08.]

RESIDENT ASSESSMENT

WAC 388-76-10330 Resident assessment. The adult family home must:

- (1) Obtain a new written assessment before admitting a resident to the home;
- (2) Not admit a resident without an assessment except in cases of a genuine emergency;
- (3) Ensure the assessment contains all of the information required in WAC 388-76-10335 unless the assessor can not:
 - (a) Obtain an element of the required assessment information; and
 - (b) The assessor documents the attempt to obtain the information in the assessment.
- (4) Be knowledgeable about the needs and preferences of each resident documented in the assessment.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10330, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10335 Resident assessment topics. (1) For the purposes of this section, "body care" means:

- (a) How the resident performs with passive range of motion, applications of dressings and ointments or lotions to the body and pedicure to trim toenails and apply lotion to feet; and
- (b) Dressing changes using clean technique and topical ointments must be performed by a licensed nurse or through nurse delegation in accordance with chapter 246-840 WAC.
- (2) Body care includes:
 - (a) Foot care if the resident is diabetic or has poor circulation; or
 - (b) Changing bandages or dressings when sterile procedures are required.
- (3) The adult family home must ensure that each resident's assessment includes the following minimum information:
 - (a) Recent medical history;
 - (b) Current prescribed medications, and contraindicated medications, including but not limited to, medications known to cause adverse reactions or allergies;
 - (c) Medical diagnosis reported by the resident, the resident representative, family member, or by a licensed medical professional;
 - (d) Medication management:
 - (i) The ability of the resident to be independent in managing medications;
 - (ii) The amount of medication assistance needed;
 - (iii) If medication administration is required; or

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(iv) If a combination of the elements in (i) through (iii) above is required.

(e) Food allergies or sensitivities;

(f) Significant known behaviors or symptoms that may cause concern or require special care, including:

(i) The need for and use of medical devices;

(ii) The refusal of care or treatment; and

(iii) Any mood or behavior symptoms that the resident has had within the last five years.

(g) Cognitive status, including an evaluation of disorientation, memory impairment, and impaired judgment;

(h) History of depression and anxiety;

(i) History of mental illness, if applicable;

(j) Social, physical, and emotional strengths and needs;

(k) Functional abilities in relationship to activities of daily living including:

(i) Eating;

(ii) Toileting;

(iii) Walking;

(iv) Transferring;

(v) Positioning;

(vi) Specialized body care;

(vii) Personal hygiene;

(viii) Dressing; and

(ix) Bathing.

(l) Preferences and choices about daily life that are important to the resident, including but not limited to:

(i) The food that the resident enjoys;

(ii) Meal times; and

(iii) Sleeping and nap times.

(m) Preferences for activities; and

(n) A preliminary service plan.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10335, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10340 Preliminary service plan. The adult family home must ensure that each resident has a preliminary service plan that includes:

(1) The resident's specific problems and needs identified in the assessment;

(2) The needs for which the resident chooses not to accept or refuses care or services;

(3) What the home will do to ensure the resident's health and safety related to the refusal of any care or service;

(4) Resident defined goals and preferences; and

(5) How the home will meet the resident's needs.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10340, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10345 Assessment—Qualified assessor—Required. The adult family home must ensure the person performing resident assessments is:

(1) A qualified assessor; or

(2) For a resident who receives care and services paid for by the department, an authorized department case manager.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10345, filed 10/16/07, effective 1/1/08.]

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WAC 388-76-10350 Assessment—Updates required.

The adult family home must ensure each resident's assessment is reviewed and updated to document the resident's ongoing needs and preferences as follows:

(1) When there is a significant change in the resident's physical or mental condition;

(2) When the resident's negotiated care plan no longer reflects the resident's current status, needs and preferences;

(3) At the resident's request or at the request of the resident's representative; or

(4) At least every twelve months.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10350, filed 10/16/07, effective 1/1/08.]

NEGOTIATED CARE PLAN

WAC 388-76-10355 Negotiated care plan. The adult family home must use the resident assessment and preliminary service plan to develop a written negotiated care plan. The home must ensure each resident's negotiated care plan includes:

(1) A list of the care and services to be provided;

(2) Identification of who will provide the care and services;

(3) When and how the care and services will be provided;

(4) How medications will be managed, including how the resident will get their medications when the resident is not in the home;

(5) The resident's activities preferences and how the preferences will be met;

(6) Other preferences and choices about issues important to the resident, including, but not limited to:

(a) Food;

(b) Daily routine;

(c) Grooming; and

(d) How the home will accommodate the preferences and choices.

(7) If needed, a plan to:

(a) Follow in case of a foreseeable crisis due to a resident's assessed needs;

(b) Reduce tension, agitation and problem behaviors;

(c) Respond to resident's special needs, including, but not limited to medical devices and related safety plans;

(d) Respond to a resident's refusal of care or treatment, including when the resident's physician or practitioner should be notified of the refusal;

(8) Identification of any communication barriers the resident may have and how the home will use behaviors and nonverbal gestures to communicate with the resident;

(9) A statement of the ability for resident to be left unattended for a specific length of time; and

(10) A hospice care plan if the resident is receiving services for hospice care delivered by a licensed hospice agency.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10355, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10360 Negotiated care plan—Timing of development—Required. The adult family home must ensure the negotiated care plan is developed and completed within thirty days of the resident's admission.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10360, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10365 Negotiated care plan—Implementation—Required. The adult family home must implement each resident's negotiated care plan.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10365, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10370 Negotiated care plan—Persons involved in development. The adult family home must involve the following people in developing the negotiated care plan:

- (1) The resident, to the greatest extent he or she can participate;
- (2) The resident's family, if approved by the resident;
- (3) The resident's representative, if the resident has a representative;
- (4) Professionals involved in the care of the resident;
- (5) Other individuals the resident wants included; and
- (6) The department case manager, if the resident is receiving care and services paid for by the department.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10370, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10375 Negotiated care plan—Signatures—Required. The adult family home must ensure that the negotiated care plan is agreed to and signed and dated by the:

- (1) Resident; and
- (2) Adult family home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10375, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10380 Negotiated care plan—Timing of reviews and revisions. The adult family home must ensure that each resident's negotiated care plan is reviewed and revised as follows:

- (1) After an assessment for a significant change in the resident's physical or mental condition;
- (2) When the plan, or parts of the plan, no longer address the resident's needs and preferences;
- (3) At the request of the resident or the resident representative; or
- (4) At least every twelve months.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10380, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10385 Negotiated care plan—Copy to department case manager—Required. When the resident's services are paid for by the department, the adult family home must give the department case manager a copy of the negotiated care plan each time the plan is completed or updated, and after it has been signed and dated.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10385, filed 10/16/07, effective 1/1/08.]

(2009 Ed.)

CARE AND SERVICES

WAC 388-76-10390 Admission and continuation of services. The adult family home must only admit or continue to provide services to a person when:

- (1) The home can safely and appropriately meet the assessed needs and preferences of the person:
 - (a) With available staff; and
 - (b) Through reasonable accommodation.
- (2) Admitting the resident does not negatively affect the ability of the home to:
 - (a) Meet the needs and does not endanger the safety of other residents; or
 - (b) Safely evacuate all people in the home during an emergency.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10390, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10395 Emergency admissions. (1) The adult family home may only admit a resident to the home without an assessment or a preliminary service plan if a true emergency exists.

(2) To establish that a true emergency exists, the home must verify that the resident's life, health or safety is at serious risk due to circumstances in the resident's current place of residence or harm to the resident has occurred.

(3) After establishing that a true emergency exists, the home must:

(a) Ensure the assessment and preliminary service plan are completed within five working days after admitting the resident, if the resident pays for services with private funds; or

(b) Obtain approval from an authorized department case manager before admission if the resident's care and services are paid by the department; and

(c) If approval is obtained verbally, document the time, date, and name of the case manager who gave approval.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10395, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10400 Care and services. The adult family home must ensure each resident receives:

(1) The care and services identified in the negotiated care plan.

(2) The necessary care and services to help the resident reach the highest level of physical, mental, and psychosocial well-being consistent with resident choice, current functional status and potential for improvement or decline.

(3) The care and services in a manner and in an environment that:

(a) Actively supports, maintains or improves each resident's quality of life;

(b) Actively supports the safety of each resident; and

(c) Reasonably accommodates each resident's individual needs and preferences except when the accommodation endangers the health or safety of the individual or another resident.

(4) Services by the appropriate professionals based upon the resident's assessment and negotiated care plan, including nurse delegation if needed.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10400, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10405 Nursing care. If the adult family home identifies that a resident has a need for nursing care and the home is not able to provide the care per chapter 18.79 RCW, the home must:

- (1) Contract with a nurse currently licensed in the state of Washington to provide the nursing care and service; or
- (2) Hire or contract with a nurse to provide nurse delegation.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10405, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10410 Laundry services. The adult family home must:

- (1) Provide laundry services as needed; and
- (2) Launder sheets and pillowcases weekly or more often if soiled.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10410, filed 10/16/07, effective 1/1/08.]

FOOD SERVICES

WAC 388-76-10415 Food services. The adult family home must:

- (1) Ensure the provider, entity representative and all staff meet the safe food handling training requirements of chapter 388-112 WAC; and
- (2) Serve meals:
 - (a) In the home where each resident lives; and
 - (b) That accommodate each resident's:
 - (i) Preferences;
 - (ii) Food allergies and sensitivities;
 - (iii) Caloric needs;
 - (iv) Cultural and ethnic background; and
 - (v) Physical condition that may make food intake difficult such as being hard for the resident to chew or swallow.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10415, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10420 Meals and snacks. The adult family home must:

- (1) Serve at least three meals:
 - (a) In each twenty-four hour period;
 - (b) At regular times comparable to normal meal times in the community; and
 - (c) That meet the nutritional needs of each resident.
- (2) Make nutritious snacks available to residents:
 - (a) Between meals; and
 - (b) In the evening.
- (3) Get input from residents in meal planning and scheduling;
- (4) Serve nutrient concentrates, supplements, and modified diets only with written approval of the resident's physician;
- (5) Only serve pasteurized milk; and
- (6) Process any home-canned foods served in the home, according to the latest guidelines of the county cooperative extension service.

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[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10420, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10425 Off-site food preparation. The adult family home must ensure:

- (1) Persons preparing food, at a location separate from the home, have a current food handler's permit issued by the department of health;
- (2) Prepared food transported to the home is in airtight containers; and
- (3) Food stays at the appropriate and safe temperature:
 - (a) During transportation; and
 - (b) When served.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10425, filed 10/16/07, effective 1/1/08.]

RESIDENT MEDICATIONS

WAC 388-76-10430 Medication system. (1) If the adult family home admits residents who need medication assistance or medication administration services by a legally authorized person, the home must have systems in place to ensure the services provided meet the medication needs of each resident and meet all laws and rules relating to medications.

(2) When providing medication assistance or medication administration for any resident, the home must ensure each resident:

- (a) Assessment indicates the amount of medication assistance needed by the resident;
 - (b) Negotiated care plan identifies the medication service that will be provided to the resident;
 - (c) Medication log is kept current as required in WAC 388-76-10475;
 - (d) Receives medications as required.
- (3) Records are kept which include a current list of prescribed and over-the-counter medications including name, dosage, frequency and the name and phone number of the practitioner as needed.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10430, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10435 Medication refusal. (1) Each resident has the right to refuse to take medications.

(2) If the adult family home is assisting with or administering a resident's medications and the resident refuses to take or does not receive a prescribed medication:

- (a) The home must notify the resident's practitioner; unless
- (b) The provider, entity representative, resident manager or caregiver is a nurse or other health professional, acting within their scope of practice, is able to make a judgment about the impact of the resident's refusal.

(3) If the home becomes aware that a resident who self-administers, or takes their own medications, refuses to take a prescribed medication:

- (a) The home must notify the practitioner; unless
- (b) The provider, entity representative, resident manager or caregiver is a nurse or other health professional, acting within their scope of practice, is able to make a judgment about the impact of the resident's refusal.

(2009 Ed.)

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10435, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10440 Medication—Assessment—Identification of amount of assistance needed when taking medications. (1) The adult family home must:

(a) Ensure each resident assessment identifies the amount of assistance the resident needs when taking medications; and

(b) Let the practitioner know when the following may affect the resident's ability to take their medications:

- (i) Resident's physical or mental limitations; and
- (ii) The setting or environment where the resident lives.

(2) The amount of assistance needed by a resident when taking their medications is as follows:

(a) *Independent self-administration* is when the resident does not need help taking medications and is able to directly take medications by eating or drinking, inhaling, by shot, through the skin or other means;

(b) *Self-administration with assistance*, as described in chapter 246-888 WAC, is when a resident is assisted in taking their medication by a nonpractitioner; and

(c) *Medication administration* is when medications are administered to the resident by a person legally authorized to do so, such as but not limited to a physician, nurse or pharmacist or through nurse delegation.

(3) The home must contact the resident's practitioner who will decide if a reassessment is necessary when:

(a) The resident has a change in the health status, medications, physical or mental limitations, or environment that might change the resident's need for medication assistance; or

(b) There is a need for a resident to have more than one type of medication assistance.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10440, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10445 Medication—Independent—Self-administration. The adult family home must ensure residents who have medication assistance assessed as independent self-administration:

(1) Administer their own medications; and

(2) Are allowed to keep their prescribed and over-the-counter medications securely locked in either their room or another agreed upon area if documented in the resident negotiated care plan.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10445, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10450 Medication—Self-administration with assistance. (1) For the purposes of this section "enabler" means a physical device used to facilitate a resident's self-administration of a prescribed or over-the-counter medication. Physical devices include, but are not limited to a medicine cup, glass, cup, spoons, bowl, prefilled syringes, syringes used to measure oral liquids, specially adapted table surfaces, drinking straw, piece of cloth, and the resident's hand.

(2) The adult family home must ensure that the resident can:

- (a) Put the medication into their own mouth; or
- (b) Apply, inject, or instill the medications.

(2009 Ed.)

(3) The home must:

(a) Provide set-up assistance just before the resident takes or applies the medication; or

(b) Only give oral medications through a gastrostomy or "g-tube" when ordered by the practitioner; and

(c) Ensure the resident is aware they are taking a medication, however the resident does not have to name the medication, effects or side effects.

(4) Self-administration with assistance:

(a) Does not include shots or intravenous medications as defined in WAC 246-888-020, except for a prefilled insulin syringe;

(b) May include steadying or guiding a resident's hand while applying or instilling medications such as ointments, eye, ear and nasal preparations, but does not include the practice of "hand-over-hand" (total physical assistance) administration;

(c) May include transferring the medications from one container to another to make a single dose such as pouring a liquid from the medication container to a calibrated spoon or measuring cup;

(d) May include reminding or coaching the resident to take their medication;

(e) Does not include direct assistance with intravenous and injectable medications except the home may carry a prefilled insulin syringe which the resident can administer;

(f) May include using an enabler; and

(g) Could include delivering a prefilled insulin syringe to the resident if the resident independently self-administers the injection per WAC 246-888-020.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10450, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10455 Medication—Administration.

For residents assessed with requiring the administration of medications, the adult family home must ensure medication administration is:

(1) Performed by a person as defined in chapter 69.41 RCW; or

(2) By nurse delegation per WAC 246-840-910 through 246-840-970; unless

(3) Done by a family member or legally appointed resident representative.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10455, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10460 Medication—Negotiated care plan. The adult family home must ensure that each resident's negotiated care plan addresses:

(1) The amount of medication assistance needed by each resident, including but not limited to:

(a) The reasons why a resident needs that amount of medication assistance; and

(b) When there is a need for the resident to have more than one type of medication assistance.

(2) How the resident will get their medications when the resident is away from the home or when a family member or resident representative is assisting with medications is not available.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10460, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10465 Medication—Altering—Requirements. (1) For the purposes of this section "altering a medication" means the alteration of prescribed or over the counter medications and includes, but is not limited to crushing tablets, cutting tablets in half; opening capsules and mixing powdered medications with food or liquids.

(2) The adult family home must consult with the practitioner or pharmacist before altering a medication and if the practitioner or pharmacist agrees with altering a medication, record the:

- (a) Time;
- (b) Date; and
- (c) Name of the person who provided the consultation.

(3) The home must ensure the resident is aware that a medication is:

- (a) Altered; and/or
- (b) Put in the resident's food or drink.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10465, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10470 Medication—Timing—Special directions. (1) The adult family home must ensure medications are given:

(a) At the specific time(s) ordered by the practitioner; and

(b) As follows, when the practitioner does not order a medication to be given at a specific time:

(i) One time per day, approximately every twenty four hours;

(ii) Two times a day, approximately twelve hours apart;

(iii) Three times a day, approximately six hours apart; and

(iv) Four times a day, approximately four hours apart.

(2) The home must ensure all directions given by the practitioner are followed when assisting or giving each resident medication. This includes but is not limited to:

- (a) Before meals;
- (b) After meals;
- (c) With or without food; and
- (d) At bed time.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10470, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10475 Medication—Log. The adult family home must:

(1) Keep an up-to-date daily medication log for each resident except for residents assessed as medication independent with self-administration.

(2) Include in each medication log the:

- (a) Name of the resident;
- (b) Name of all prescribed and over-the-counter medications;
- (c) Dosage of the medication;
- (d) Frequency which the medications are taken; and
- (e) Approximate time the resident must take each medication.

(3) Ensure the medication log includes:

(a) Initials of the staff who assisted or gave each resident medication(s);

(b) If the medication was refused and the reason for the refusal; and

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(c) Documentation of any changes or new prescribed medications including:

(i) The change;

(ii) The date of the change;

(iii) A logged call requesting written verification of the change; and

(iv) A copy of written verification of the change from the practitioner received by the home by mail, facsimile, or other electronic means, or on new original labeled container from the pharmacy.

(4) Ensure that the changed or new medication is received from the pharmacy.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10475, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10480 Medication organizers. The adult family home must ensure:

(1) A licensed nurse, pharmacist, the resident or the resident's family member fills a resident's medication organizer;

(2) Prescribed and over-the-counter medications placed in a medication organizer come from the original container labeled for the resident by the pharmacist or pharmacy service;

(3) Each resident and anyone giving care to a resident can readily identify medications in the medication organizer;

(4) Medication organizer labels clearly show the following:

(a) The name of the resident;

(b) A list of all prescribed and over-the-counter medications;

(c) The dosage of each medication;

(d) The frequency which the medications are given.

(5) The person filling the medication organizer updates the labels on the medication organizer when the practitioner changes a medication.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10480, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10485 Medication storage. The adult family home must ensure all prescribed and over-the-counter medications are stored:

(1) In locked storage;

(2) In the original container with legible and original labels; and

(3) Appropriately for each medication, such as if refrigeration is required for a medication and the medication is kept in refrigerator in locked storage.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10485, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10490 Medication disposal—Written policy—Required. The adult family home must have and implement a written policy addressing the disposition of resident prescribed medications that are unused, leftover, or remaining after the resident leaves the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10490, filed 10/16/07, effective 1/1/08.]

SPECIALTY CARE**WAC 388-76-10495 Specialty care—Designations.**

The department may designate an adult family home to provide specialty care in one or more of the following areas:

- (1) Developmental disability;
- (2) Mental illness; and
- (3) Dementia.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10495, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10500 Granting specialty care designation—Requirements. The department will grant a specialty designation when:

(1) The provider, entity representative and resident manager has successfully completed training in one or more of the specialty care designated areas;

(2) The home provides the department with written documentation:

(a) Of successful completion of the required specialty care training or challenge test for each person in subsection (1) of this section; and

(b) For the specialty care training for all caregivers in the adult family home provided by a person knowledgeable in specialty care.

(3) The home ensures the specialty care need of each resident is met.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10500, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10505 Specialty care—Admitting and retaining residents. The provider or entity representative must not admit or keep a resident with specialty care needs, such as developmental disability, mental illness or dementia as defined in WAC 388-76-10000, if the provider, entity representative, resident manager and staff have not completed the specialty care training required by chapter 388-112 WAC.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10505, filed 10/16/07, effective 1/1/08.]

RESIDENT RIGHTS**WAC 388-76-10510 Resident rights—Basic rights.**

The adult family home must ensure that each resident:

- (1) Receives appropriate services;
- (2) Is treated with courtesy;
- (3) Continues to enjoy basic civil and legal rights;
- (4) Has the chance to exercise reasonable control over life decisions such as choice, participation, and privacy;
- (5) Is provided the opportunity to engage in religious, political, civic, recreational, and other social activities of their choice;
- (6) Is cared for in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life including a safe, clean, comfortable, and home-like environment; and
- (7) Is allowed to use his or her personal belongings to the extent possible.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10510, filed 10/16/07, effective 1/1/08.]

(2009 Ed.)

WAC 388-76-10515 Resident rights—Exercise of rights. The adult family home must:

(1) Protect each resident's right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the home;

(2) Protect and promote the rights of each resident and assist the resident to exercise his or her rights as a resident of the home, as a citizen or resident of the United States and the state of Washington.

(3) Be free of interference, coercion, discrimination, and reprisal from the home in exercising his or her rights; and

(4) Ensure the resident's right to choose a representative who may exercise the resident's rights to the extent provided by law.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10515, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10520 Resident rights—General notice. The adult family home must:

(1) Inform each resident both orally and in writing in a language the resident understands of resident rights and all rules and regulations governing resident conduct and responsibilities during the stay in the home;

(2) Ask the resident to sign and date they received the information; and

(3) Provide a statement indicating whether the provider or entity representative will accept medicaid or other public funds as a source of payment for services.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10520, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10525 Resident rights—Description. The adult family home must give each resident a written description of resident's rights that includes a:

(1) Description of how the home will protect personal funds;

(2) Posting of names, addresses, and telephone numbers of the:

- (a) State survey and certification agency;
- (b) State licensing office;
- (c) State ombudsmen program; and
- (d) Protection and advocacy systems.

(3) Statement informing the resident that he or she may file a complaint with the appropriate state licensing agency concerning alleged abandonment, abuse, neglect, or financial exploitation.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10525, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10530 Resident rights—Notice of services. The adult family home must provide each resident notice in writing and in a language the resident understands before admission, and at least once every twenty-four months after admission of the:

(1) Services, items, and activities customarily available in the home or arranged for by the home as permitted by the license;

(2) Charges for those services, items, and activities including charges for services, items, and activities not covered by the home's per diem rate or applicable public benefit programs; and

(3) Rules of the home's operations.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10530, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10535 Resident rights—Notice of change to services. (1) The adult family home must inform each resident:

(a) In writing; and

(b) In advance of changes in the availability of, or the charges for services, items, or activities, or of changes in the home's rules.

(2) The home must provide notice:

(a) Thirty days before the change, except in emergencies; or

(b) Fourteen days before the change, if there has been a substantial and continuing change in the resident's condition necessitating substantially greater or lesser services, items, or activities.

(3) The home is not required to give notice:

(a) If the home gives each resident written notice of the availability and charges of services, items and activities before admission, when there are changes and every twenty-four months; and

(b) If the resident is provided different or additional services, items or activities from the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10535, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10540 Resident rights—Disclosure of fees and notice requirements—Deposits. (1) Before admission, if the adult family home requires payment of an admissions fee, deposit, or a minimum stay fee, by or on behalf of a person seeking admission, the home must give the resident full disclosure in writing in a language the resident understands.

(2) The disclosure must include:

(a) A statement of the amount of any admissions fees, deposits, prepaid charges, or minimum stay fees;

(b) The home's advance notice or transfer requirements; and

(c) The amount of the deposits, admission fees, prepaid charges, or minimum stay fees that will be refunded to the resident if the resident leaves the home.

(3) The home must ensure that the receipt of the disclosures required under subsection (1) of this section is in writing and signed and dated by the resident and the home.

(4) If the home does not provide these disclosures, the home must not keep the deposits, admission fees, prepaid charges, or minimum stay fees.

(5) If a resident dies, is hospitalized or is transferred and does not return to the home, the adult family home:

(a) Must refund any deposit or charges already paid less the home's per diem rate for the days the resident actually resided, reserved or retained a bed in the home in spite of any minimum stay policy or discharge notice requirements; except that

(b) May keep an additional amount to cover its reasonable and actual expenses incurred as a result of a private-pay resident's move, not to exceed five days per diem charges; unless the resident has given advance notice in compliance with the admission agreement.

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(6) All adult family homes covered under this section are required to refund any and all refunds due the resident within thirty days from the resident's date of discharge from the home.

(7) Nothing in this section applies to provisions in contracts negotiated between a home or and a certified health plan, health or disability insurer, health maintenance organization, managed care organization, or similar entities.

(8) If the home requires the implementation of an admission agreement by or on behalf of an individual seeking admission the home must ensure the terms of the agreement are consistent with the requirements of this section, chapters 70.128, 70.129 and 74.34 RCW, and other applicable state and federal laws.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10540, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10545 Resident rights—Admitting and keeping residents. The adult family home must:

(1) Only admit or keep individuals whose needs the home can safely serve in the home:

(a) With appropriate available staff; and

(b) Through the provision of reasonable accommodations required by state and federal law.

(2) Not admit an individual before obtaining a thorough assessment of the resident's needs and preferences, except in cases of a genuine emergency;

(3) Ensure that the admission of the individual does not negatively affect the ability of the home to meet the needs of or endangers the safety of other residents; and

(4) Comply with all applicable federal and state requirements regarding nondiscrimination.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10545, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10550 Resident rights—Adult family home staffing—Notification required. The adult family home must provide the following information to prospective residents and current residents:

(1) Information about the provider, entity representative and resident manager, if there is a resident manager:

(a) Availability in the home, including a general statement about how often he or she is in the home;

(b) Education and training relevant to resident caregiving;

(c) Caregiving experience;

(d) His or her primary responsibilities, including whether he or she makes daily general care management decisions; and

(e) How to contact the provider, entity representative or resident manager when he or she is not in the home.

(2) Information about a licensed practical nurse or registered nurse, if there is one, who is in any way involved in the care of residents:

(a) Who the licensed practical nurse or registered nurse is employed by;

(b) The specific routine hours that the licensed practical nurse or registered nurse is on-site, if they are on-site routinely;

(c) His or her primary responsibilities, including whether he or she makes daily general care management decisions;

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(d) The nonroutine times when the licensed practical nurse or registered nurse will be available, such as on-call; and

(e) A description of what the provider or entity representative will do to make available the services of a licensed nurse in an emergency or change in a resident's condition.

(3) A statement indicating whether the provider, entity provider, caregiver or staff is qualified or willing to become qualified to perform nurse delegation as allowed under state law.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10550, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10555 Resident rights—Financial affairs. Each resident has the right to manage his or her financial affairs, and the adult family home cannot require any resident to deposit their personal funds with the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10555, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10560 Resident rights—Adult family home management of resident financial affairs. If the adult family home agrees to manage a resident's personal funds, the home must do all of the following:

(1) Hold, safeguard, manage, and account for the personal funds of the resident deposited with the home;

(2) Have a written authorization from the resident;

(3) Deposit a resident's personal funds in excess of one hundred dollars in an interest-bearing account or accounts separate from any of the home's operating accounts, and that credits all interest earned on residents' funds to that account;

(4) If funds are pooled accounts, there must be a separate accounting for each resident's share; and

(5) Keep a resident's personal funds that do not exceed one hundred dollars in a noninterest-bearing account, interest-bearing account, or petty cash fund.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10560, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10565 Resident rights—Adult family home system for management of resident financial affairs. The adult family home that manages resident funds must:

(1) Develop and maintain a system that assures a full, complete, and separate accounting of each resident's personal funds given to the home on the resident's behalf;

(2) Ensure the:

(a) System prevents resident funds from being mixed with the home's funds or with the funds of any person other than another resident; and

(b) Individual financial record is available upon request to the resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10565, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10570 Resident rights—Financial affairs related to resident death. If a resident's personal funds are deposited with the adult family home, the home must give the resident's funds and a final accounting of the funds within forty-five days after the resident's death to the

individual or probate jurisdiction administering the resident's estate; except for a resident who received long-term care services paid by the state, the home must send funds and accounting to the state of Washington, department of social and health services, office of financial recovery.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10570, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10575 Resident rights—Privacy. (1) The adult family home must ensure the right of each resident to personal privacy that includes:

(a) The home;

(b) Medical treatment;

(c) Clinical or resident records;

(d) Personal care; and

(e) Visits and meetings of family and resident groups; however

(2) The resident right to personal privacy does not require the home to provide a private room for each resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10575, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10580 Resident rights—Grievances. The adult family home must:

(1) Ensure each resident's right to voice grievances, including those about care and treatment given or not given that has been furnished as well as that which has not been furnished; and

(2) Make prompt efforts to resolve grievances the resident may have, including those about the behavior of other residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10580, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10585 Resident rights—Examination of inspection results. The adult family home must:

(1) Ensure each resident is given an opportunity to examine the most recent inspection report of the home and related plans of correction; and

(2) Post a notice in a visible location in the home indicating the inspection report is available for review.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10585, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10590 Resident rights—Contact with client advocates. The adult family home must ensure that each resident:

(1) Receives information from client advocate agencies; and

(2) Has opportunities to contact client advocate agencies.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10590, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10595 Resident rights—Advocacy access and visitation rights. The adult family home must not interfere with each resident's right to have access to and from:

(1) Any representative of the state;

(2) The resident's own physician;

(3) The state long-term care ombudsman program as established under chapter 43.190 RCW;

(4) The agency responsible for the protection and advocacy system for developmentally disabled individuals as established under Part C of the developmental disabilities assistance and bill of rights act;

(5) The agency responsible for the protection and advocacy system for mentally ill individuals as established under the protection and advocacy for mentally ill individuals act;

(6) Immediate family or other relatives of the resident and others who are visiting with the consent of the resident, subject to reasonable limits to protect the rights of others and to the resident's right to deny or withdraw consent at any time;

(7) The agency responsible for the protection and advocacy system for individuals with disabilities as established under section 509 of the Rehabilitation Act of 1973, as amended, who are not served under the mandates of existing protection and advocacy systems created under federal law; and

(8) The resident's representative or an entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10595, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10600 Resident rights—Mail and telephone privacy. The adult family home must ensure each resident's right to privacy in communications, including the right to:

- (1) Send and receive unopened mail without delay;
- (2) Have writing paper, postage, and pens or pencils available that have been paid for by resident; and
- (3) Be able to use a telephone where calls can be made without being overheard.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10600, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10605 Resident rights—Personal property and storage space. The adult family home must ensure each resident's right to keep and use personal possessions, including some furnishings, and appropriate clothing, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10605, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10610 Resident rights—Waiver of liability. The adult family home must not ask the resident for, or make the resident sign waivers of:

- (1) Potential liability for losses of personal property or injury; and
- (2) Residents' rights set forth in chapters 70.128, 70.129, 74.34 RCW, this chapter or in the applicable licensing laws.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10610, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10615 Resident rights—Transfer and discharge. (1) The adult family home must allow each resident to stay in the home, and not transfer or discharge the resident unless:

(a) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the home;

(b) The safety or health of individuals in the home is or would otherwise be endangered;

(c) The resident has failed to make the required payment for his or her stay; or

(d) The home ceases to operate.

(2) Before a home transfers or discharges a resident, the home must:

(a) First attempt through reasonable accommodations to avoid the transfer or discharge, unless agreed to by the resident;

(b) Notify the resident and representative and make a reasonable effort to notify, if known, an interested family member of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand;

(c) Record the reasons in the resident's record; and

(d) Include in the notice the items described in subsection (5) of this section.

(3) Except as specified in (4) of this section, the home must give notice of the transfer or discharge at least thirty days before the resident is transferred or discharged.

(4) The home may make the notice as soon as practicable before transfer or discharge when:

(a) The safety and health of the individuals in the home would be endangered;

(b) An immediate transfer or discharge is required by the resident's urgent medical needs; or

(c) A resident has not resided in the home for thirty days.

(5) The home must include the following in the written notice specified in subsection (2) of this section:

(a) The reason for transfer or discharge;

(b) The effective date of transfer or discharge;

(c) The location where the resident is transferred or discharged;

(d) The name, address, and telephone number of the state long-term care ombudsman;

(e) For residents with developmental disabilities, the mailing address and telephone number of the agency responsible for the protection and advocacy of developmentally disabled individuals; and

(f) For residents who are mentally ill, the mailing address and telephone number of the agency responsible for the protection and advocacy of mentally ill individuals.

(6) The home must give residents enough preparation and orientation to ensure a safe and orderly transfer or discharge from the home.

(7) If the home discharges a resident in violation of this section, the home must readmit the resident to the home as soon as a gender-appropriate bed becomes available.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10615, filed 10/16/07, effective 1/1/08.]

QUALITY OF LIFE

WAC 388-76-10620 Resident rights—Quality of life—General. (1) The adult family home must promote care for residents in a manner and in an environment that main-

tains or enhances each resident's dignity and respect in full recognition of his or her individuality.

(2) Within reasonable home rules designed to protect the rights and quality of life of residents, the home must ensure the resident's right to:

(a) Choose activities, schedules, and health care consistent with his or her interests, assessments, and negotiated care plan;

(b) Interact with members of the community both inside and outside the home;

(c) Make choices about aspects of his or her life in the home that are significant to the resident;

(d) Wear his or her own clothing and decide his or her own dress, hair style, or other personal effects according to individual preference;

(e) Unless adjudged incompetent or otherwise found to be legally incapacitated to:

(i) Be informed in advance about recommended care and services and of any recommended changes in the care and services;

(ii) Participate in planning care and treatment or changes in care and treatment;

(iii) Direct his or her own service plan and changes in the service plan, or

(iv) Refuse any particular service so long as such refusal is documented in the record of the resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10620, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10625 Resident rights—Quality of life—Meetings. The adult family home must ensure:

(1) A resident's right to:

(a) Organize and take part in resident groups in the home;

(b) Have family meet in the home with the families of other residents; and

(c) Have staff or visitors attend meetings at the group's invitation.

(2) The home must provide a resident or family group, if one exists, with meeting space.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10625, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10630 Resident rights—Quality of life—Adult family home response to issues. When a resident or family group exists, the adult family home must listen to the views and act upon the grievances and recommendations of residents and families about proposed policy and operational decisions affecting resident care and life in the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10630, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10635 Resident rights—Quality of life—Work. The adult family home must respect the resident's right to refuse to perform services for the home except as voluntarily agreed to by the resident and the home and documented in the resident's negotiated care plan.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10635, filed 10/16/07, effective 1/1/08.]

(2009 Ed.)

WAC 388-76-10640 Resident rights—Quality of life—Resident participation. The adult family home must ensure each resident's right to join in social, religious, and community activities that do not interfere with the rights of other residents in the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10640, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10645 Resident rights—Quality of life—Reasonable accommodation. The adult family home must ensure each resident:

(1) Receives reasonable accommodation to meet the needs and preferences of the resident, except when the reasonable accommodation endangers the health or safety of the individual or other residents; and

(2) Has the ability to share a double room with his or her spouse when both spouses consent to the arrangement.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10645, filed 10/16/07, effective 1/1/08.]

MEDICAL DEVICES AND RESTRAINTS

WAC 388-76-10650 Medical devices. Before the adult family home uses medical devices for any resident, the home must:

(1) Review the resident assessment to determine the resident's need for and use of a medical device;

(2) Ensure the resident negotiated care plan includes the resident use of a medical device or devices; and

(3) Provide the resident and family with enough information about the significance and level of the safety risk of use of the device to enable them to make an informed decision about whether or not to use the device.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10650, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10655 Physical restraints. The adult family home must ensure:

(1) Each resident's right to be free from physical restraints used for discipline or convenience;

(2) Less restrictive alternatives have been tried;

(3) That physical restraints used have been assessed as necessary to treat the resident's medical symptoms; and

(4) That if physical restraints are used to treat a resident's medical symptoms that the restraints are applied and immediately supervised on-site by a:

(a) Licensed registered nurse;

(b) Licensed practical nurse; or

(c) Licensed physician; and

(d) For the purposes of this subsection, immediate supervised means that the licensed person is in the home and quickly and easily available.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10655, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10660 Chemical restraints. (1) For the purposes of this section "chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

(2) The adult family home must ensure that:

(a) Each resident is free from chemical restraints used for discipline or convenience;

(b) The resident assessment indicates that a chemical restraint is necessary to treat the resident's medical symptoms;

(c) In situations when a psychopharmacological drug is used for a resident, the home must ensure that the:

(i) Drug is prescribed by a physician or health care professional with prescriptive authority;

(ii) Resident's negotiated care plan includes strategies and modifications of the environment and staff behavior to address the symptoms for which the medication is prescribed;

(iii) Changes in medication only occur when the prescriber decides it is medically necessary; and

(iv) Resident has given informed consent for its use.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10660, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10665 Involuntary seclusion. The adult family home must ensure a resident's right to be free from involuntary seclusion or isolation of the resident against his or her will.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10665, filed 10/16/07, effective 1/1/08.]

ABUSE

WAC 388-76-10670 Prevention of abuse. The adult family home must:

(1) Meet the requirements of chapter 74.34 RCW;

(2) Ensure each resident's right to be free from abandonment, verbal, sexual, physical and mental abuse, exploitation, financial exploitation, neglect, and involuntary seclusion;

(3) Protect each resident who is an alleged victim of abandonment, verbal, sexual, physical and mental abuse, exploitation, financial exploitation, neglect, and involuntary seclusion; and

(4) Prevent future potential abandonment, verbal, sexual, physical and mental abuse, exploitation, financial exploitation, neglect, and involuntary seclusion from occurring.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10670, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10673 Abuse and neglect reporting—Mandated reporting to department—Required. (1) In accordance with chapter 74.34 RCW, all adult family home providers, entity representatives, resident managers, owners, caregivers, staff, and students that provide care and services to residents, are mandated reporters and must report to the department when there is:

(a) A reasonable cause to believe that a vulnerable adult has been abandoned, abused, neglected, exploited or financially exploited; or

(b) Suspected abandonment, abuse, neglect, exploitation, or financial exploitation of a vulnerable adult.

(2) Reports must be made to:

(a) The centralized toll free telephone number provided by the department; and

(b) Law enforcement agencies, as required under chapter 74.34 RCW.

[Title 388 WAC—p. 454]

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 08-05-098, § 388-76-10673, filed 2/15/08, effective 3/17/08.]

WAC 388-76-10675 Adult family home rules and policies related to abuse—Required. The adult family home must develop and implement written rules and policies that:

(1) Do not allow abandonment, abuse, neglect of any resident, exploitation or financial exploitation of any resident;

(2) Require staff to report possible abuse, and other related incidents, as required in chapter 74.34 RCW; and

(3) Do not interfere with the requirement that employees and other mandated reporters file reports directly with the department, and with law enforcement, if they suspect sexual or physical assault to have occurred.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10675, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10680 Staff behavior related to abuse. The adult family home must ensure that staff do not abandon, abuse, neglect, seclude, exploit, or financially exploit any resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10680, filed 10/16/07, effective 1/1/08.]

PHYSICAL PLANT BASIC REQUIREMENTS

WAC 388-76-10685 Bedrooms. The adult family home must:

(1) Ensure each resident's bedroom is an outside room, which allows entrance of natural light;

(2) Ensure window and door screens:

(a) Do not hinder emergency escape; and

(b) Prevent entrance of flies and other insects.

(3) Ensure each resident's bedroom has direct access to hallways and corridors and unrestricted or free access to common use areas;

(4) Make separate bedrooms available for each sex;

(5) Make reasonable efforts to accommodate residents wanting to share the room;

(6) Provide each bedroom with a minimum usable floor space as required in WAC 388-76-10690.

(7) Ensure no more than two residents to a bedroom;

(8) Unless the resident chooses to provide their own furniture and bedding, the home must provide each resident a bed thirty-six inches or more wide with:

(a) A clean, comfortable mattress;

(b) A waterproof cover for use when needed or requested by the resident;

(c) Clean sheets and pillow cases;

(d) Adequate clean blankets to meet the needs of each resident; and

(e) Clean pillows.

(9) Not use the upper bunk of double-deck beds for a resident's bed;

(10) Provide a call bell or intercom system if the provider, entity representative, resident manager or caregiver bedroom is not within hearing distance of each resident bedroom and the system is required by the department;

(11) Ensure that members of the household, other than residents, do not share bedrooms with residents; and

(2009 Ed.)

(12) Ensure a resident does not share a bedroom with a person under eighteen years of age, unless the person is the resident's own child.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10685, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10690 Bedroom usable floor space—In adult family homes after the effective date of this chapter.

(1) For the purposes of this section "vestibule" means a small room or hall between an outer door and the main part of the resident bedroom.

(2) The adult family home must ensure each resident bedroom has a minimum usable floor space as follows, excluding the floor space for toilet rooms, closets, lockers, wardrobes and vestibules:

(a) Single occupancy bedrooms with at least eighty square feet; and

(b) Double occupancy bedrooms with at least one-hundred twenty square feet.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10690, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10695 Building codes—Structural requirements. (1) For single family dwellings used as an adult family home after July 1, 2007, the home must ensure the building meets the requirements of WAC 51-51-0325 Section R325 if the building is:

(a) New; or

(b) An existing building converted for use as an adult family home.

(2) For buildings licensed as a home before July 1, 2007, the requirement of subsection (1) of this section does not apply if:

(a) The building sells or transfers to a new owner; and

(b) The new owner takes possession of the building before the issuance of the license.

(3) The home must ensure that every area used by residents:

(a) Has direct access to at least one exit which does not pass through other areas such as a room or garage subject to being locked or blocked from the opposite side; and

(b) Is not accessible only by or with the use of a:

(i) Ladder;

(ii) Folding stairs; or

(iii) Trap door.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10695, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10700 Building official—Inspection and approval. The adult family home must have the building inspected and approved for use as an adult family home by the local building official:

(1) Before licensing; and

(2) After any construction changes that:

(a) Affect resident's ability to exit the home; or

(b) Change, add or modify a resident's bedroom.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10700, filed 10/16/07, effective 1/1/08.]

(2009 Ed.)

WAC 388-76-10705 Common use areas. (1) For the purposes of this section, common use areas:

(a) Are areas and rooms of the adult family home that residents use each day for tasks such as eating, visiting, and leisure activities; and

(b) Include but are not limited to dining and eating rooms, living and family rooms, and any entertainment and recreation areas.

(2) The adult family home must ensure common use areas are:

(a) Homelike, with furnishings that each resident may use;

(b) Large enough for all residents to use at the same time; and

(c) Not used as bedrooms or sleeping areas.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10705, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10710 Construction and remodeling—Relocation of residents. Before moving all residents out of the adult family home for construction or remodeling, the home must:

(1) Notify the residents of the move date and the resident's options consistent with chapter 70.129 RCW;

(2) Notify the department at least thirty days before the anticipated move, including:

(a) The location to which the residents will be moved;

(b) The home's plans for providing and ensuring care and services during the relocation;

(c) The home's plans for returning residents to the building; and

(d) The projected time frame for completing the construction or remodeling.

(3) Obtain the department's approval of the relocation plans before moving the residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10710, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10715 Doors—Ability to open. The adult family home must ensure:

(1) Every bedroom and bathroom door opens from the inside and outside;

(2) Every closet door opens from the inside and outside; and

(3) All exit doors leading to the outside will open from the inside without a key or any special knowledge or effort by residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10715, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10720 Electronic monitoring equipment—Audio monitoring and video monitoring. (1) The adult family home must not use audio monitoring equipment:

(a) In the home;

(b) In combination with video monitoring equipment; and

(c) Except as provided in section WAC 388-76-10725.

(2) The home may video monitor and video record activities in the home, without an audio component, only in the following areas:

(a) Entrances and exits if the cameras are:

- (i) Focused only on the entrance or exit doorways; and
- (ii) Not focused on areas where residents gather.
- (b) Outdoor areas not commonly used by residents; and
- (c) Designated smoking areas, subject to the following conditions when:

(i) Residents are assessed as needing supervision for smoking;

(ii) A staff person watches the video monitor at any time the area is used by such residents;

(iii) The video camera is clearly visible;

(iv) The video monitor is not viewable by general public; and

(v) The home notifies all residents in writing of the video monitoring equipment.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10720, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10725 Electronic monitoring equipment—Resident requested use. (1) The adult family home must limit resident-requested audio or video monitoring equipment to the sleeping room of the resident who requested the monitoring.

(2) If the resident requests audio or video monitoring, before any electronic monitoring occurs the home must ensure:

(a) Appropriate actions are taken to ensure electronic monitoring is consistent with and does not violate chapter 9.73 RCW;

(b) The resident has identified a threat to the resident's health, safety or personal property and has requested electronic monitoring;

(c) The resident's roommate has provided written consent to electronic monitoring, if the resident has a roommate; and

(d) The resident and the home have agreed upon a specific duration for the electronic monitoring documented in writing.

(3) The home must reevaluate the need for the electronic monitoring with the resident at least quarterly and:

(a) Must document the reevaluation in writing; and

(b) Have each reevaluation signed and dated by the resident.

(4) The home must immediately stop electronic monitoring if the:

(a) Resident no longer wants electronic monitoring;

(b) Roommate objects or withdraws the consent to the electronic monitoring, or

(c) Resident becomes unable to give consent.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10725, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10730 Grab bars and hand rails. (1) The adult family home must install grab bars or hand rails to meet the needs of each resident.

(2) At a minimum, grab bars must be installed and securely fastened in:

(a) Bathing facilities such as tubs and showers; and

(b) Next to toilets, if needed by any resident.

(3) If needed by any resident, hand rails must be installed and conveniently located on:

(a) A step or steps; and

(b) Ramps.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10730, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10735 Kitchen facilities. (1) The adult family home must ensure the kitchen facilities include adequate space for:

(a) Food handling;

(b) Preparation; and

(c) Food storage.

(2) The home must keep the kitchen and equipment in a clean and sanitary manner.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10735, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10740 Lighting. The adult family home must provide:

(1) Adequate light fixtures for each task a resident or staff does; and

(2) Emergency lighting, such as working flashlights for staff and residents that are readily accessible.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10740, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10745 Local codes and ordinances. The adult family home must:

(1) Meet all applicable local licensing, zoning, building and housing codes as they pertain to a single family dwelling;

(2) Meet state and local fire safety regulations as they pertain to a single family dwelling; and

(3) Check with local authorities to ensure the home meets all local codes and ordinances.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10745, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10750 Safety and maintenance. The adult family home must:

(1) Keep the home both internally and externally in good repair and condition with a safe, comfortable, sanitary, home-like environment that is free of hazards;

(2) Provide clean, functioning, safe, adequate household items and furnishings to meet the needs of each resident;

(3) Provide safe and functioning systems for:

(a) Heating;

(b) Cooling, which may include air circulating fans;

(c) Hot and cold water;

(d) Electricity;

(e) Plumbing;

(f) Garbage disposal;

(g) Sewage;

(h) Cooking;

(i) Laundry;

(j) Artificial and natural light;

(k) Ventilation; and

(l) Any other feature of the home.

(4) Ensure water temperature does not exceed one hundred twenty degrees Fahrenheit at all fixtures used by or accessible to residents, such as:

(a) Tubs;

(b) Showers; and

(c) Sinks.

(5) Provide storage for toxic substances, poisons, and other hazardous materials that is only accessible to residents under direct supervision, unless the resident is assessed for and the negotiated care plan indicates it is safe for the resident to use the materials unsupervised;

(6) Provide rapid access for all staff to any bedroom, toilet room, shower room, closet, other room occupied by each resident;

(7) Keep all firearms locked and accessible only to authorized persons; and

(8) Keep the home free from:

- (a) Rodents;
- (b) Flies;
- (c) Cockroaches, and
- (d) Other vermin.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10750, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10755 Sewage and liquid wastes. The adult family home must ensure sewage and liquid wastes are discharged into:

(1) A public sewer system; or

(2) An independent sewage system approved by the local health authority.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10755, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10760 Site. The adult family home must ensure the home:

(1) Is on a well drained site free from:

- (a) Hazardous conditions;
- (b) Excessive noise;
- (c) Dust; and
- (d) Smoke or odors.

(2) Has a road accessible at all times to emergency vehicles.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10760, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10765 Storage. The adult family home must:

(1) Supply each resident with adequate and reasonable storage space for:

- (a) Clothing;
- (b) Personal possessions; and
- (c) Upon request, lockable container or storage space for small items, unless the:
 - (i) Resident has a private room; and
 - (ii) The resident room can be locked by the resident.

(2) Provide locked storage for all prescribed and over-the-counter medications as per WAC 388-76-10485.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10765, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10770 Telephones. The adult family home must provide:

- (1) At least one working nonpay telephone in the home;
- (2) Residents reasonable access to the telephone; and

(2009 Ed.)

(3) Privacy for the resident when making or receiving calls.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10770, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10775 Temperature and ventilation.

The adult family home must:

(1) Keep room temperature at:

- (a) Sixty-eight degrees Fahrenheit or more during waking hours;
- (b) Sixty degrees Fahrenheit or more during sleeping hours; and
- (c) Not more than seventy-eight degrees Fahrenheit day or night.

(2) Provide ventilation in the home to ensure the health and comfort of each resident is met.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10775, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10780 Toilets and bathing facilities. (1)

The adult family home must ensure the home has toilets and bathing facilities that provide each resident with privacy and include:

(a) One indoor flush toilet for each five persons including residents and household members in the home; and

(b) Sinks with hot and cold running water.

(2) Homes licensed after July 1, 2007, must ensure each resident has access to a toilet, shower or tub without going through another resident's room.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10780, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10785 Water hazards—Enclosures and safety devices. (1) For the purposes of this section "water hazard" means any body of water over twenty-four inches in depth that can be accessed by a resident, and includes but is not limited to:

- (a) In-ground, above-ground, and on-ground pools;
- (b) Hot tubs, spas; or
- (c) Fixed-in-place wading pools.

(2) The adult family home must:

- (a) Protect each resident from risks of bodies of water of any depth and water hazards;
- (b) Ensure that water hazard protection complies with this section and the requirements of the:
 - (i) International Residential Code (IRC); and
 - (ii) Washington state amendments to the International Residential Code (IRC).

(c) Provide each area which allows direct access to a water hazard with:

- (i) A minimum of forty-eight inch high fences and gates to enclose or protect each resident from the water hazard;
- (ii) Alarms that produce an audible warning when opened on all doors and screens, if present and gates.

(3) After July 1, 2007, existing adult family homes are required to meet the requirements of this section when installing or making construction changes to the following:

- (a) In-ground, above-ground and on-ground pools;
- (b) Hot tubs, spas;
- (c) Decorative water features; or

[Title 388 WAC—p. 457]

(d) Fixed-in-place wading pools.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10785, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10790 Water supply. The adult family home must:

- (1) Obtain local health authority approval to use a private water supply;
- (2) Provide a clean and healthy drinking water supply for the home; and
- (3) Label any nonpotable water to avoid use as a drinking water source.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10790, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10795 Windows. (1) The adult family home must ensure the sill height of the bedroom window is not more than forty-four inches above the floor.

(2) For homes licensed after July 1, 2007, the department will not approve alternatives to the sill height requirement such as step(s), raised platform(s) or other devices placed by or under the window openings.

(3) The bedroom window must have the following:

(a) A minimum opening area of 5.7 square feet except a grade level floor window openings may have a minimum clear opening of 5.0 square feet;

(b) A minimum opening height of twenty-four inches; and

(c) A minimum opening width of twenty inches.

(4) The home must ensure the bedroom window can be opened from inside the room without keys or tools.

(5) When resident bedroom windows are fitted with storm windows, the home must equip the storm windows with release mechanisms that:

(a) Easily open from the inside; and

(b) Do not require a key or special knowledge or effort to open.

(6) The home must ensure that each basement and each resident bedroom window, that meets the requirements of subsection (1), (2) and (3) of this section, are kept free from obstructions that might block or interfere with access for emergency escape or rescue.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10795, filed 10/16/07, effective 1/1/08.]

FIRE PROTECTION

WAC 388-76-10800 Adult family home located outside of public fire protection. If the adult family home is located in an area without public fire protection, the home must have written verification of adequate fire protection from the fire authority.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10800, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10805 Automatic smoke detectors. The adult family home must ensure approved automatic smoke detectors are:

(1) Installed, at a minimum, in the following locations:

(a) Every bedroom used by a resident;

(b) In proximity to the area where the resident or adult family home staff sleeps; and

(c) On every level of a multilevel home.

(2) Installed in a manner so that the fire warning is heard in all parts of the home upon activation of a single detector; and

(3) Kept in working condition at all times.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10805, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10810 Fire extinguishers. (1) The adult family home must have an approved five pound 2A:10B-C rated fire extinguisher on each floor of the home.

(2) The home must ensure the fire extinguishers are:

(a) Installed according to manufacturer recommendations;

(b) Inspected and serviced annually;

(c) In proper working order; and

(d) Readily available for use at all times.

(3) If required by the local fire authority, the home must provide different fire extinguishers in place of the fire extinguishers required in subsection (1) of this section.

[Statutory Authority: RCW 70.128.040. 08-09-028, § 388-76-10810, filed 4/8/08, effective 5/9/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10810, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10815 Notice required—Compliance with building code and fire protection. Before a resident is admitted, the adult family home must disclose in writing in a language understood by the prospective resident the following:

(1) Whether or not resident bedrooms comply with the current building code including evacuation standards; and

(2) If the home is located outside a public fire district, the source and plan for on-site fire protection.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10815, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10820 Resident evacuation capabilities and location of resident bedrooms. (1) The adult family home must ensure each resident who has an evacuation capability of Level 2 or Level 3, as defined in WAC 388-76-10870, has a bedroom located on grade level and exiting the building does not require the use of:

(a) Stairs;

(b) Elevator; or

(c) Lift.

(2) The home must install alternative emergency evacuation protection equipment when serving hearing or visually impaired residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10820, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10825 Space heaters and stoves. The adult family home must ensure:

(1) The following space heaters are not used in a home except during a power outage and the portable heater is only safe source of heat:

(a) Oil;

(b) Gas;

(c) Kerosene; and

(d) Electric.

(2) Stoves and heaters do not block residents, staff or household members from escaping.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10825, filed 10/16/07, effective 1/1/08.]

DISASTER AND EMERGENCY PREPAREDNESS

WAC 388-76-10830 Emergency and disaster plan—Required. The adult family home must have written emergency and disaster plan and procedures to meet the needs of each resident during emergencies and disasters.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10830, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10835 Elements of an emergency and disaster plan. The adult family home must ensure the emergency and disaster plan includes:

(1) Plans for responding to natural and man-made emergencies and disasters that may reasonably occur at the home;

(2) Actions to be taken by staff and residents when an emergency or disaster strikes; and

(3) The fire drill plan for evacuation of the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10835, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10840 Emergency food supply. The adult family home must have an on-site emergency food supply that can be stored with other food in the home and that:

(1) Will last for a minimum of seventy-two hours; and

(2) Meets the dietary needs of each resident, including any specific dietary restrictions any resident may have.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10840, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10845 Emergency drinking water supply. The adult family home must have an on-site emergency supply of drinking water that:

(1) Will last for a minimum of seventy-two hours for each resident;

(2) Is at least three gallons for each resident;

(3) Is stored in food grade or glass containers;

(4) Is chemically treated or replaced every six months; and

(5) Is stored appropriately.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10845, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10850 Emergency medical supplies. The adult family home must have emergency medical supplies that include:

(1) First-aid supplies; and

(2) A first-aid manual.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10850, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10855 Emergency and disaster plan training—Required. The adult family home must ensure all staff are trained on the emergency and disaster plan and pro-

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cedures when they begin work in the home and all staff and residents review the emergency and disaster plan and procedures at least annually.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10855, filed 10/16/07, effective 1/1/08.]

FIRE DRILL PLAN FOR EMERGENCY EVACUATION

WAC 388-76-10860 Fire drill plan and procedures for emergency evacuation—Required. The adult family home must:

(1) Have a fire drill plan and procedures for the emergency evacuation of all residents from the adult family home; and

(2) Not admit and keep residents the provider or entity representative cannot safely evacuate from the adult family home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10860, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10865 Emergency evacuation from adult family home. The adult family home must be able to evacuate all people living in the home:

(1) From the home to a safe location outside the home; and

(2) In five minutes or less.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10865, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10870 Resident evacuation capability levels—Identification required. The adult family home must ensure that each resident preliminary service plan and negotiated care plan contains the resident's ability to evacuate the home according to the following levels:

(1) **Level 1** - resident is capable of walking or traversing a normal pathway to safety without the physical assistance of another individual;

(2) **Level 2** - resident is physically and mentally capable of traversing a normal pathway to safety with mobility aids, but unable to ascend or descend stairs without the physical assistance of another individual; and

(3) **Level 3** - resident is unable to walk or transverse a normal pathway to safety without the physical assistance of another individual.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10870, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10880 Emergency evacuation adult family home floor plan. The adult family home must ensure each resident with an evacuation capability of Level 2 or Level 3 has a bedroom on a ground-level floor which:

(1) Has at least two means of exiting the bedroom; and

(2) Exiting from the bedroom does not require the use of:

(a) Stairs;

(b) Elevators; or

(c) A platform lift.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10880, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10885 Elements of emergency evacuation floor plan. The adult family home must ensure the emergency evacuation floor plan has:

(1) An accurate floor plan of the home, including rooms, hallways, exits (such as doorways and windows) to the outside of the home;

(2) Emergency evacuation routes showing the paths to take to exit the home; and

(3) The location for the residents to meet outside the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10885, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10890 Posting the emergency evacuation floor plan—Required. The adult family home must display an emergency evacuation floor plan on each floor of the home in:

(1) A visible location in the home; and

(2) Common areas normally used by residents, staff and visitors.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10890, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10895 Emergency evacuation drills—Frequency and participation. The adult family home must ensure:

(1) Emergency evacuation drills occur at least every two months; and

(2) All residents take part in at least one emergency evacuation drill each calendar year involving full evacuation from the home to a safe location.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10895, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10900 Documentation of emergency evacuation drills—Required. The adult family home must document in writing the emergency evacuation drills which must include:

(1) Names of each resident and staff involved in the drill;

(2) Name of the person conducting the drill;

(3) Date and time of the drill; and

(4) The length of time it took to evacuate all residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10900, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10905 Emergency evacuation—Notification of department required. The adult family home must immediately call the department's complaint toll free complaint telephone number of:

(1) Any fire; or

(2) Emergency evacuation from the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10905, filed 10/16/07, effective 1/1/08.]

INSPECTIONS—COMPLAINT INVESTIGATIONS— MONITORING VISITS

WAC 388-76-10910 Inspections—Complaint investigations—Monitoring visits—General. The department must conduct unannounced inspections, complaint investigations and monitoring visits to determine if the adult family

home is in compliance with chapters 70.128, 70.129 and 74.34 RCW, this chapter and other applicable laws and regulations.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10910, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10915 Department staff access—Willful interference prohibited. The adult family home must ensure:

(1) Department staff have access to:

(a) The home, residents, including former residents;

(b) Resident records, includes former residents records; and

(c) Facility staff and relevant staff records.

(2) The home and staff do not willfully interfere or fail to cooperate with department staff in the performance of official duties.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10915, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10920 Inspection and investigation reports—Provided by department. The department will mail or hand deliver the department's report to the provider or entity representative:

(1) Within ten working days of completion of the inspection process; or

(2) Within ten calendar days of completion of the inspection if the home does not have a deficiency.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10920, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10925 Disclosure of inspection and complaint investigation reports. Upon request, the department must provide the public with copies, subject to applicable public disclosure and confidentiality requirements, of:

(1) Inspection and complaint investigation reports as soon as they are completed;

(2) The home's plan of correction, if a copy is available at the time of the request; and

(3) Any final written decision by the department to take an enforcement action.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10925, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10930 Plan of correction (POC)—Required. The plan of correction included on the inspection report must:

(1) Be completed by the adult family home and returned to the department within ten days of receiving the inspection report;

(2) Include an attestation statement stating:

(a) What the home did or will do to correct each deficiency;

(b) That all deficiencies are or will be corrected;

(c) The home will stay in compliance with the licensing requirements;

(d) Dates, acceptable to the department, by which each cited deficiency has been or will be corrected; and

(e) A signature by the home, certifying that the home has or will correct each deficiency.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10930, filed 10/16/07, effective 1/1/08.]

RESIDENT ADVOCATE ACCESS

WAC 388-76-10935 Washington protection and advocacy—Long-term care ombudsman—Official duties—Penalty for interference. The adult family home must not willfully interfere with a representative of the following in the performance of official duties:

(1) Washington protection and advocacy system as defined under RCW 71A.10.080; or

(2) Long-term care ombudsman as defined under chapter 43.190 RCW, the state regulations for the long-term care ombudsman and under federal law.

(3) The department must impose a civil penalty as per WAC 388-76-10975 for any such willful interference with a representative of the long-term care ombudsman program.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10935, filed 10/16/07, effective 1/1/08.]

REMEDIES

WAC 388-76-10940 Remedies—Generally. The department may take one or more of the following actions in any case which the department finds that an adult family home failed or refused to comply with the applicable requirements of chapters 70.128, 70.129, or 74.34 RCW or this chapter:

- (1) Denial of an application for a license;
- (2) Impose reasonable conditions on a license;
- (3) Impose civil penalties;
- (4) Order stop placement; and/or
- (5) Suspension or revocation of a license.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10940, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10945 Remedies—Serious risk—Recurring violations—Uncorrected violations. The department must impose a remedy or remedies listed in WAC 388-76-10940 when violations of chapter 70.128, 70.129 and 74.34 RCW and this chapter pose a serious risk to any resident, are recurring or are uncorrected.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10945, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10950 Remedies—History and actions by individuals. The department will consider the history and actions of the following individual or combination of individuals when imposing remedies:

- (1) Applicant;
- (2) Provider;
- (3) Entity representative;
- (4) Person affiliated with the applicant;
- (5) Resident manager;
- (6) A partner, officer, director or managerial employee of the entity;
- (7) Spouse of the provider or entity representative;
- (8) An owner:
 - (a) Of fifty-one percent or more of the entity;

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(b) Who exercises control over the daily operations of the home.

(9) A caregiver; or

(10) Any person who:

(a) Has unsupervised access to residents in the home; and

(b) Lives in the home but who is not a resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10950, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10955 Remedies—Department must impose remedies. The department must impose a remedy or remedies if the department finds any person listed in WAC 388-76-10950 has:

(1) A history of prior violations of chapter 70.128 RCW or any law relating to residential care facilities within the past five years that resulted in revocation, suspension, or non-renewal of a license or contract with the department;

(2) When providing care or services to children or vulnerable adults:

(a) Been found to be in significant noncompliance with federal or state regulations; or

(b) Had a license for the care of children or vulnerable adults suspended or revoked.

(3) Been enjoined from operating a facility for the care and services of children or adults;

(4) A stipulated finding of fact, conclusion of law, an agreed order, finding of fact, conclusion of law, final order issued by a disciplining authority or final decision by any federal or state agency or department, a court of law, or entered into a state registry or department or agency list with a finding of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW;

(5) Had a revocation or suspension of a license for the care of children or adults;

(6) Had a revocation, cancellation, suspension or non-renewal of:

(a) A medicaid or medicare provider agreement by the contracting agency; or

(b) Any agreement with a public agency for the care and treatment of children or vulnerable adults, when the action was taken by the public agency.

(7) Been convicted of any crime listed in RCW 43.43.-830 or 43.43.842;

(8) Been found by a court:

(a) In a protection proceeding under chapter 74.34 RCW to have abandoned, neglected, abused, or financially exploited a vulnerable adult; or

(b) In a domestic relations proceeding under Title 26 RCW to have sexually or physically abused, neglected or exploited any minor.

(9) Been found in any final decision issued by a disciplinary board to have:

(a) Sexually or physically abused, neglected or exploited any minor or a person with a developmental disability; or

(b) Abandoned, abused, neglected or financially exploited any vulnerable adult.

(10) Found in any dependency action under RCW 13.34.030 (5)(b) to have sexually or physically abused, neglected or exploited any minor; or

(11) Failed to pay the annual licensing fee.

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[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10955, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10960 Remedies—Department may impose remedies. The department may impose a remedy or remedies if the department finds any person listed in WAC 388-76-10950 has:

- (1) Been convicted of a crime:
 - (a) As defined under RCW 43.43.830 or 43.43.842;
 - (b) Relating to financial exploitation as defined under RCW 43.43.830 or 43.43.842;
 - (c) Or a felony against a person if the conviction reasonably relates to the competency of the person to own or operate an adult family home;
 - (d) Involving a firearm used in the commission of a felony or in any act of violence against a person;
 - (e) Or engaged in illegally selling or distributing drugs, illegal use of drugs or excessive use of alcohol within the past five years without the evidence of rehabilitation.
- (2) Been found by a court in a protection proceeding under chapter 74.34.RCW to have abandoned, abused, neglected, or financially exploited a vulnerable adult;
- (3) Been found in a final decision issued by a disciplinary board to have sexually or physically abused, neglected or exploited any minor person or a person with a developmental disability or to have abused or financially exploited any vulnerable adult;
- (4) Been found in any dependency action under RCW 13.34.030(5) to have sexually abused, neglected or exploited any minor or to have physically abused any minor;
- (5) Been found in a court domestic relations proceeding under Title 26 RCW to have:
 - (a) Sexually abused, neglected or exploited any minor or to have physically abused any minor;
 - (b) Committed an act of domestic violence toward a family or household member.
- (6) Had a sanction, corrective, or remedial action taken by federal, state, county, or municipal officials or safety officials related to the care or treatment of children or vulnerable adults;
- (7) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;
- (8) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached to the application or in any matter under investigation by the department;
- (9) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;
- (10) Willfully prevented or interfered with or failed to cooperate with any inspection, investigation or monitoring visit made by the department;
- (11) Failed or refused to comply with:
 - (a) A condition imposed on a license or a stop placement order;
 - (b) The applicable requirements of chapters 70.128, 70.129, 74.34 RCW or this chapter.
- (12) Misappropriated property of a resident;
- (13) Been denied a license or license renewal to operate a facility that was licensed to care for children or vulnerable adults;

(14) Exceeded licensed capacity in the operation of an adult family home;

(15) Operated a facility for the care of children or adults without a license or revoked license;

(16) Relinquished or returned a license in connection with the operation of any facility for the care of children or adults, or did not seek license renewal following written notification of the licensing agency's intention of denial, suspension, cancellation or revocation of a license;

(17) Had resident trust funds or assets of an entity providing care to children or vulnerable adults seized by the Internal Revenue Service or a state entity for failure to pay income or payroll taxes;

(18) Failed to meet financial obligations as the obligations fell due in the normal course of business, thereby impeding the ability to provide care and services to residents;

(19) Refused to permit authorized department representatives to interview residents or to have access to resident records or home;

(20) Interfered with a long-term care ombudsman or department staff in the performance of his or her duties; or

(21) Found to be in noncompliance with the requirements established in chapters 70.128, 70.129, 74.34 RCW, this chapter or other applicable laws and regulations.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10960, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10965 Remedies—Specific—Denial of application for license. The department decision to deny an application for a license is specified in:

- (1) WAC 388-76-10115;
- (2) WAC 388-76-10120;
- (3) WAC 388-76-10125; and
- (4) WAC 388-76-10940.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10965, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10970 Remedies—Specific—Condition(s) on license. (1) The department may impose reasonable conditions on the license.

(2) Conditions the department may impose on a license include, but are not limited to the following:

- (a) Correction within a specified time;
- (b) Training related to the deficiencies;
- (c) Limits on the type of residents the provider or entity representative may admit or serve;
- (d) Discharge of any resident when the department finds discharge is needed to meet that resident's needs or for the protection of other residents;
- (e) Change in license capacity;
- (f) Removal of the adult family home's designation as a specialized home;
- (g) Prohibition of access to residents by a specified person; and
- (h) Demonstration of ability to meet financial obligations necessary to continue operation.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10970, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10975 Remedies—Specific—Civil penalties. (1) The department may impose civil penalties of not more than one hundred dollars per day per violation except that:

(a) Fines up to one thousand dollars can be issued for willful interference with a representative of the long-term care ombudsman per RCW 70.129.150; and

(b) Fines up to three thousand dollars can be issued for retaliation against a resident, employee, or any other person making a complaint, providing information to, or cooperating with, the ombudsman, the department, the attorney's general office, or a law enforcement agency per RCW 74.34.060(7).

(2) When the provider or entity provider fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from any contract payment due to the provider or entity provider from the department.

(3) Civil monetary penalties are due twenty-eight days after the provider, entity representative or the owner or operator of an unlicensed adult family home is served with notice of the penalty unless the provider or entity representative requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If the hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest accrues beginning thirty days after the department serves the provider or entity provider with notice of the penalty at a rate of one percent per month as per RCW 43.20B.695.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10975, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10980 Remedies—Specific—Stop placement—Admissions prohibited. (1) The department may order stop placement and prohibit the admission of residents if the home does not meet the requirements of chapters 70.128, 70.129, 74.32 RCW or this chapter.

(2) Once imposed, the adult family home must not admit any person until the stop placement order is terminated.

(3) If the home requests, the department may approve readmission of a resident to the home from a hospital or nursing home during the stop placement.

(4) The department must end the stop placement when the department finds the:

(a) Deficiencies necessitating the stop placement have been corrected; and

(b) Home can show it has the capacity to maintain adequate care and service.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10980, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10985 Remedies—May extend to multiple homes. (1) When the department finds that a licensed provider or entity representative also operates an unlicensed adult family home, the department may impose a remedy or remedies listed in WAC 388-76-10940 on the provider or entity representative and the provider's or entity representative's licensed adult family home or homes.

(2) When the department finds that violations existing in an adult family home are of such nature as to present a serious risk or harm to residents of other homes operated by the same provider or entity representative, and after the department

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investigates other homes licensed by the same provider or entity representative the department may impose remedies on those other homes.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10985, filed 10/16/07, effective 1/1/08.]

INFORMAL DISPUTE RESOLUTION, NOTICE AND APPEALS

WAC 388-76-10990 Informal dispute resolution (IDR). (1) When a provider or entity representative disagrees with the department's finding of a violation under this chapter, the provider or entity representative shall have the right to have the violation reviewed by the department under the department's dispute resolution process.

(2) The purpose of the review is to give the provider or entity representative an opportunity to present information which might warrant modification or deletion of a finding of a violation.

(3) The provider or entity representative may submit a written statement for review.

(4) In addition to a written statement, the provider or entity representative may ask to present the information in person to a department designee.

(5) Requests for review must be made in writing to the department at the address provided in the department's certified letter within ten working days of receipt of the written finding of a violation.

(6) When requested by the provider or entity representative, the department must expedite the dispute resolution process to review violations upon which a department order imposing license suspension, revocation, stop placement, or condition on a license is based.

(7) Orders of the department imposing license suspension, stop placement, or conditions on a license are effective immediately upon notice and shall continue pending dispute resolution.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10990, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10995 Notice, hearing rights, and effective dates relating to imposition of remedies. (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 70.128 RCW, except that orders of the department imposing license suspension, stop placement, or conditions on license are effective immediately upon notice and must continue pending a final administrative decision.

(2) A provider contesting any decision by the department to impose a remedy must within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the board of appeals at the mailing address contained in WAC 388-02-0030; and

(b) Include in or with the application:

(i) The reasons for contesting the department decision; and

(ii) A copy of the contested department decision.

(3) Administrative proceedings are governed by chapter 34.05 RCW, RCW 43.20A.215, where applicable, this section, and chapter 388-02 WAC. If any provision in this sec-

tion conflicts with chapter 388-02 WAC, the provision in this section governs.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 07-21-080, § 388-76-10995, filed 10/16/07, effective 1/1/08.]

RESIDENT PROTECTION PROGRAM

WAC 388-76-11000 Resident protection program—Investigation of reports. (1) The department may investigate allegations of abandonment, abuse, neglect, exploitation, and financial exploitation of a resident.

(2) A department investigation may include an investigation of allegations about one or more of the following:

- (a) A provider;
- (b) Employee of the adult family home;
- (c) Entity representative;
- (d) Anyone affiliated with a provider; and
- (e) Caregiver.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 08-05-098, § 388-76-11000, filed 2/15/08, effective 3/17/08.]

WAC 388-76-11005 Resident protection program—Notice of preliminary finding. (1) The department will notify the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident in writing within ten working days of making a preliminary finding of abandonment, abuse, neglect, exploitation, or financial exploitation of a resident. The written notice:

(a) Will not include the identities of the alleged victim, reporter and witnesses; and

(b) Will include the necessary information for the individual to ask for an administrative hearing to challenge the preliminary finding.

(2) The department must make a reasonable, good faith effort to find the last known address of the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident.

(3) The department may extend the time frame for notification beyond ten working days for good cause.

(4) The department will serve notice of the preliminary finding as provided in chapter 388-02 WAC.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 08-05-098, § 388-76-11005, filed 2/15/08, effective 3/17/08.]

WAC 388-76-11010 Resident protection program—Reporting preliminary finding. (1) In a manner consistent with confidentiality requirements concerning the resident, witnesses, and reporter, the department may provide notification of a preliminary finding to:

- (a) Other divisions within the department;
- (b) The agency or program identified under RCW 74.34.068 with which the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident is associated as an employee;
- (c) The employer or program that is currently associated with the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident, if known;
- (d) Law enforcement; and
- (e) Other investigative authorities consistent with chapter 74.34 RCW.

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(2) The notification will identify the finding as a preliminary finding.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 08-05-098, § 388-76-11010, filed 2/15/08, effective 3/17/08.]

WAC 388-76-11015 Resident protection program—Disputing a preliminary finding. (1) The individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident may request an administrative hearing to challenge a preliminary finding made by the department.

(2) The request must be made in writing to the office of administrative hearings.

(3) The office of administrative hearings must receive the individual's written request for an administrative hearing within thirty calendar days of the date written on the notice of the preliminary finding.

(4) The written request for a hearing must include:

(a) The individual's full legal name, current mailing address and telephone number;

(b) A brief explanation of why the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident disagrees with the preliminary finding;

(c) A description of any assistance needed in the administrative appeal process by the individual, including a foreign or sign language interpreter or any reasonable accommodation for a disability; and

(d) The individual's signature.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 08-05-098, § 388-76-11015, filed 2/15/08, effective 3/17/08.]

WAC 388-76-11020 Resident protection program—Hearing procedures to dispute preliminary finding. (1) Chapters 34.05 and 74.34 RCW, chapter 388-02 WAC, and the provisions of this chapter govern any appeal regarding a preliminary finding.

(2) If a conflict exists between the provisions of this chapter and chapter 388-02 WAC, the provisions of this chapter prevail.

(3) If an administrative law judge within the office of administrative hearings determines that a preponderance of the evidence supports the preliminary finding that the individual abandoned, abused, neglected, exploited, or financially exploited a resident, then the administrative law judge will issue an initial order.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 08-05-098, § 388-76-11020, filed 2/15/08, effective 3/17/08.]

WAC 388-76-11025 Resident protection program—Finalizing a preliminary finding. (1) A preliminary finding becomes a final finding when:

(a) The department notifies the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident there is a preliminary finding pursuant to WAC 388-76-11005; and

(b) The individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident does not ask for an administrative hearing; or

(c) The administrative law judge:

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(i) Dismisses the hearing following withdrawal of the appeal or default; or

(ii) Issues an initial order upholding the finding and the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident fails to appeal the initial order to the department's board of appeals; or

(d) The board of appeals issues a final order upholding the finding.

(2) A final finding is permanent.

(3) A final finding will only be removed from the department or agency list of individuals found to have abandoned, abused, neglected, exploited, or financially exploited a vulnerable adult if it is rescinded following judicial review.

(4) The department may remove a single finding of neglect from its records based upon a written petition by the individual found to have neglected a resident provided that at least one calendar year must have passed between the date a request was made to remove the finding of neglect and the date the final finding was finalized and recorded.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 08-05-098, § 388-76-11025, filed 2/15/08, effective 3/17/08.]

WAC 388-76-11030 Resident protection program—Appeal of administrative law judge's initial order or finding. (1) If the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident or the department disagrees with the administrative law judge's decision, either party may challenge this decision by filing a petition for review with the department's board of appeals under chapter 34.05 RCW, Administrative Procedure Act, and chapter 388-02 WAC.

(2) If the department appeals the administrative law judge's decision, the department will not change the finding in the department's records until a final hearing decision is issued.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 08-05-098, § 388-76-11030, filed 2/15/08, effective 3/17/08.]

WAC 388-76-11035 Resident protection program—Reporting final findings. The department will report a final finding of abandonment, abuse, neglect, exploitation, and financial exploitation within ten working days to the following:

(1) The individual found to have abandoned, abused, neglected, exploited, or financially exploited a resident and for whom there is a final finding;

(2) The provider or entity representative that was associated with the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident during the time of the incident;

(3) The adult family home or program that is currently associated with the individual, if known;

(4) The appropriate licensing, certification or registration authority;

(5) The federal or state department or agency list of individuals found to have abandoned, abused, neglected, exploited, or financially exploited a vulnerable adult; and

(6) The findings may be disclosed to the public upon request subject to applicable public disclosure laws.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 08-05-098, § 388-76-11035, filed 2/15/08, effective 3/17/08.]

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WAC 388-76-11040 Resident protection program—Disclosure of investigative and finding information. (1) Confidential information about residents and mandated reporters received from the department may only be used by the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident to challenge findings through the appeals process.

(2) Confidential information such as the name and other personal identifying information of the reporter, witnesses, or the resident will be redacted from documents unless release of that information is consistent with chapter 74.34 RCW and other applicable state and federal laws.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. 08-05-098, § 388-76-11040, filed 2/15/08, effective 3/17/08.]

Chapter 388-78A WAC

BOARDING HOME LICENSING RULES

(Formerly chapter 246-316 WAC)

WAC

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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

388-78A-0010	Purpose. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0010, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0020	Definitions. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0020, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0030	Applicability. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0030, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0040	Other requirements. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0040, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0050	Resident characteristics. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0050, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0150 Signing negotiated service agreement. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0150, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0060	Individuals in buildings prior to licensing. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0060, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0160 Basic boarding home services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0160, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0070	Initial assessment. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0070, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0170 Activities. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0170, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0080	Timing of initial assessment. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0080, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0180 Medication services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0180, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0090	Qualified assessor. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0090, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0190 Prescribed medication authorizations. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0190, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-010	Definitions. [Statutory Authority: RCW 18.20.090 and 18.20.240. 98-24-038, § 388-78A-010, filed 11/24/98, effective 1/1/99. Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-010, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.-090. 94-13-180, § 246-316-010, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-001, filed 4/14/89; 83-13-068 (Order 264), § 248-16-001, filed 6/16/83; Order 147, § 248-16-001, filed 6/29/77; Order 97, § 248-16-001, filed 4/5/74; § 248-16-001, filed 10/3/67; Emergency Regulation filed 8/4/67; Regulation.16.001, effective 3/11/60; Subsec. 6, Rule 1 and Subsec. 7, Rule 2, filed 5/31/61.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.	388-78A-020 Licensure—Initial, renewal, day care approval respite care, modifications. [Statutory Authority: RCW 18.20.-240. 99-15-067, § 388-78A-020, filed 7/19/99, effective 8/19/99; 98-20-021, recodified as § 388-78A-020, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-020, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.43.830 through 43.43.842. 93-16-030 (Order 381), § 246-316-020, filed 7/26/93, effective 8/26/93. Statutory Authority: RCW 18.20.090 and 34.05.220. 92-02-018 (Order 224), § 246-316-020, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-020, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 34.05 RCW, RCW 34.05.220 (1)(a) and 18.20.909 [18.20.090]. 90-06-019 (Order 039), § 248-16-031, filed 2/28/90, effective 3/1/90. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-031, filed 4/14/89.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
388-78A-0100	Assessment topics. [Statutory Authority: RCW 18.20.-090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0100, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0200 Medication refusal. [Statutory Authority: RCW 18.20.-090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0200, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0110	On-going assessments. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0110, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0210 Nonavailability of medications. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0210, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0120	Resident participation in assessments. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0120, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0220 Alteration of medications. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0220, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0130	Service agreement planning. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0130, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0230 Storing, securing, and accounting for medications. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0230, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0140	Negotiated service agreement contents. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0140, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective	388-78A-0240 Resident controlled medications. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0240, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
		388-78A-0250 Medication organizers. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-

	78A-0250, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0370	Dementia care. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0370, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0260	Family assistance with medication. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0260, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0380	Restricted egress. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0380, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0270	Food and nutrition services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0270, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0390	Resident records. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0390, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0280	Need to provide nursing services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0280, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-040	Administrator. [Statutory Authority: RCW 18.20.240.99-15-067, § 388-78A-040, filed 7/19/99, effective 8/19/99; 98-20-021, recodified as § 388-78A-040, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090.94-13-180, § 246-316-040, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.43.830 through 43.43.842.93-16-030 (Order 381), § 246-316-040, filed 7/26/93, effective 8/26/93. Statutory Authority: RCW 18.20.090.92-02-018 (Order 224), § 246-316-040, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040.91-02-049 (Order 121), recodified as § 246-316-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090.89-09-034 (Order 2786), § 248-16-036, filed 4/14/89.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
388-78A-0290	Tube feeding. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0290, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0400	Protection of resident records. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0400, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-030	Responsibilities and rights—Licensee and department. [Statutory Authority: RCW 18.20.240.98-20-021, recodified as § 388-78A-030, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090.94-13-180, § 246-316-030, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-030, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040.91-02-049 (Order 121), recodified as § 246-316-030, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090.89-09-034 (Order 2786), § 248-16-033, filed 4/14/89.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.	388-78A-0410	Content of resident records. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0410, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0300	Supervision of nursing services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0300, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0420	Format of resident records. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0420, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0310	Responsibilities of nursing supervisor. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0310, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0430	Record retention. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0430, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0320	Resident-arranged services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0320, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0440	Resident review of records. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0440, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0330	Coordination of health care services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0330, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-045	Criminal history, disclosure, and background inquiries. [Statutory Authority: RCW 18.20.240.98-20-021, recodified as § 388-78A-045, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090.94-13-180, § 246-316-045, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.43.830 through 43.43.842.93-16-030 (Order 381), § 246-316-045, filed 7/26/93, effective 8/26/93.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
388-78A-0340	Implementation of negotiated service agreement. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0340, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0450	Resident register. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0450, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0350	Monitoring residents' well-being. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0350, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0460	Staff. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0460, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed
388-78A-0360	Adult day care. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0360, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.		

388-78A-0470	7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. Criminal history background checks. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0470, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0570	Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. Notification of change in administrator. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0570, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0480	TB tests. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0480, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0580	Use of home health/home care. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0580, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0490	Specialized training for developmental disabilities. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0490, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0590	Management agreements. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0590, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-050	Staff. [Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-78A-050, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.-240. 99-15-067, § 388-78A-050, filed 7/19/99, effective 8/19/99; 98-20-021, recodified as § 388-78A-050, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-050, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.43.830 through 43.43.842. 93-16-030 (Order 381), § 246-316-050, filed 7/26/93, effective 8/26/93. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-050, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-046, filed 4/14/89.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.	388-78A-060	HIV/AIDS education and training. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-060, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-060, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-060, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.310. 89-21-038 (Order 3), § 248-16-048, filed 10/12/89, effective 11/12/89.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
388-78A-0500	Specialized training for mental illness. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0500, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0600	Policies and procedures. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0600, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0510	Specialized training for dementia. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0510, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0605	Pets. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0605, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0520	Administrator qualifications. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0520, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0610	Infection control. [Statutory Authority: RCW 18.20.-090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0610, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0530	Qualifying administrator training program. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0530, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0620	Reporting abuse and neglect. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0620, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0540	Administrator training requirements. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0540, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0630	Reporting significant change in a resident's condition. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0630, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-055	Policies and procedures. [Statutory Authority: RCW 18.20.240. 99-15-067, § 388-78A-055, filed 7/19/99, effective 8/19/99; 98-20-021, recodified as § 388-78A-055, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-055, filed 6/21/94, effective 7/22/94.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.	388-78A-0635	Reporting fires and incidents. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0635, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0550	Administrator training documentation. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0550, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0640	Resident rights. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0640, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0560	Administrator responsibilities. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0560, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04.	388-78A-0650	Services by resident for boarding home. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0650, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
		388-78A-0660	Boarding home use of audio and video monitoring. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0660, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04,

	effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.		Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0670	Resident use of electronic monitoring. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0670, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0790	Criteria for increasing licensed bed capacity. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0790, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0680	Safety measures and disaster preparedness. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0680, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-080	Communication system. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-080, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-080, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-080, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-060, filed 4/14/89; 83-13-068 (Order 264), § 248-16-060, filed 6/16/83; Order 147, § 248-16-060, filed 6/29/77; Regulation.16.060, effective 3/11/60.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
388-78A-0690	Disclosure of services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0690, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.		
388-78A-070	Construction. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-070, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-070, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-070, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-070, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-057, filed 4/14/89.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.	388-78A-0800	Building requirements and exemptions. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0800, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0700	Timing of disclosure. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0700, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0810	Conversion of licensed nursing homes. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0810, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0710	Licensee qualifications. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0710, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0820	Licenses for multiple buildings. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0820, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0720	Necessary information. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0720, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0830	Required reviews of building plans. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0830, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0730	Application process. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0730, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0840	Relocation of residents during construction. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0840, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0740	Requirements to change boarding home licensee. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0740, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0850	Vacant buildings. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0850, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0750	Annual renewal. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0750, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0860	Changing use of rooms. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0860, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0760	Licensee's responsibilities. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0760, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0870	Time frame for approval. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0870, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0770	Change in licensee. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0770, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-0880	Retention of approved construction documents. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0880, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0780	Changes in licensed bed capacity. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0780, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04.	388-78A-0890	Applicable building codes. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0890, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
		388-78A-090	Water supply. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-090, filed 9/25/98,

	effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-090, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-090, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-090, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-070, filed 4/14/89; 83-13-068 (Order 264), § 248-16-070, filed 6/16/83; Order 147, § 248-16-070, filed 6/29/77; Regulation .16.070, effective 3/11/60.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.	388-78A-1020	Laundry. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1020, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0900	Area for nursing supplies and equipment. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0900, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-1030	Day rooms. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1030, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0910	Communication system. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0910, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-1040	Storage space. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1040, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0920	Two-way intercom systems. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0920, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-1050	Stairs—Ramps. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1050, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0930	Water supply. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0930, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-1060	Guardrails—Handrails. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1060, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0940	Sewage and liquid waste disposal. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0940, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-1070	Maintenance and housekeeping. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1070, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0950	Garbage and refuse disposal. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0950, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-1080	Safe storage of supplies and equipment. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1080, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0960	Lighting. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0960, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-1090	Areas for cleaning and storing soiled equipment, supplies and laundry. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1090, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
388-78A-0970	Heating-cooling—Temperature. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0970, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-1100	Sewage and liquid waste disposal. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-1100, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-100, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-100, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-100, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-080, filed 4/14/89; Order 147, § 248-16-080, filed 6/29/77; Regulation .16.080, effective 3/11/60.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
388-78A-0980	Ventilation. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0980, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.	388-78A-1110	Garbage and refuse disposal. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-1110, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-110, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-110, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-090, filed 4/14/89; 83-13-068 (Order 264), § 248-16-090, filed 6/16/83; Order 147, § 248-16-090, filed 6/29/77; Regulation .16.090, effective 3/11/60.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
388-78A-0990	Resident room—Room furnishings-storage. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-0990, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.		
388-78A-1000	Calculating floor space. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1000, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.		
388-78A-1010	Toilet rooms and bathrooms. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1010, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.		

- 16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-1120 Responsibilities during inspections. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1120, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-1130 Communication during inspections. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1130, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-1140 Communication following inspections. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1140, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-1150 Statements of deficiencies and plans of correction. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1150, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-1160 Authorized enforcement remedies. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1160, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-1170 Statutory circumstances resulting in discretionary enforcement remedies. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1170, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-1180 Circumstances resulting in required enforcement remedies. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1180, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-1190 Statutorily required enforcement remedies; denial, suspension, revocation, or nonrenewal of license. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1190, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-120 Lighting. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-120, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-120, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-120, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-105, filed 4/14/89; 83-13-068 (Order 264), § 248-16-105, filed 6/16/83.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-1200 Other circumstances resulting in discretionary enforcement remedies. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1200, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-1210 Informal dispute resolution. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1210, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-1220 Appeal rights. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1220, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-1230 Fees. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. 03-16-047, § 388-78A-1230, filed 7/31/03, effective 9/1/04.] Repealed by 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.
- 388-78A-130 Heating—Temperature. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-130, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-130, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-130, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-110, filed 4/14/89; 83-13-068 (Order 264), § 248-16-110, filed 6/16/83; Order 147, § 248-16-110, filed 6/29/77; Regulation .16.110, effective 3/11/60.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-140 Ventilation. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-140, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-140, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-140, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-115, filed 4/14/89; 83-13-068 (Order 264), § 248-16-115, filed 6/16/83.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-150 Resident room—Room furnishings—Storage. [Statutory Authority: RCW 18.20.240. 99-15-067, § 388-78A-150, filed 7/19/99, effective 8/19/99; 98-20-021, recodified as § 388-78A-150, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-150, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-150, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-150, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-121, filed 4/14/89.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-160 Toilet rooms and bathrooms. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-160, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-160, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-160, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-131, filed 4/14/89.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-170 Food and nutrition services. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-170, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-170, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-170, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-170, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-141, filed 4/14/89.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-180 Day rooms. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-180, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-180, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-180, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-150, filed 4/14/89; 83-13-068 (Order 264), § 248-16-150, filed 6/16/83; Order 147, § 248-16-150, filed 6/29/77; § 248-16-150, filed 10/3/67; Emergency Regulation, filed 8/4/67; Regulation .16.150, effective 3/11/60.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

- 388-78A-190 Laundry. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-190, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-190, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-190, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-160, filed 4/14/89; 83-13-068 (Order 264), § 248-16-160, filed 6/16/83; Regulation .16.160, effective 3/11/60.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-200 Storage space. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-200, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-200, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-200, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-200, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-170, filed 4/14/89; 83-13-068 (Order 264), § 248-16-170, filed 6/16/83; Regulation .16.170, effective 3/11/60.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-210 Stairs—Ramps. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-210, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-210, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-210, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-180, filed 4/14/89; 83-13-068 (Order 264), § 248-16-180, filed 6/16/83; Regulation .16.180, effective 3/11/60.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-220 Guardrails—Handrails. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-220, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-220, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-220, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-190, filed 4/14/89; 83-13-068 (Order 264), § 248-16-190, filed 6/16/83; Regulation .16.190, effective 3/11/60.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-230 Maintenance and housekeeping. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-230, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-230, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-230, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-202, filed 4/14/89; 83-13-068 (Order 264), § 248-16-202, filed 6/16/83; Order 147, § 248-16-202, filed 6/29/77.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-240 Criteria for accepting and retaining residents. [Statutory Authority: RCW 18.20.240. 99-15-067, § 388-78A-240, filed 7/19/99, effective 8/19/99; 98-20-021, recodified as § 388-78A-240, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-240, filed 6/21/94, effective 7/22/94; 94-01-058, § 246-316-240, filed 12/8/93, effective 1/8/94; 92-02-018 (Order 224), § 246-316-240, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-240, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-213, filed 4/14/89; 83-13-068 (Order 264), § 248-16-213, filed 6/16/83; Order 147, § 248-16-213, filed 6/29/77.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-250 Resident rights. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-250, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-250, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-250, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-215, filed 4/14/89; 83-13-068 (Order 264), § 248-16-215, filed 6/16/83; Order 147, § 248-16-215, filed 6/29/77; Order 116, § 248-16-215, filed 5/23/75; § 248-16-215, filed 10/3/67; Emergency Regulation, filed 8/4/67.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-260 Resident services. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-260, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-260, filed 6/21/94, effective 7/22/94; 94-01-058, § 246-316-260, filed 12/8/93, effective 1/8/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-260, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-216, filed 4/14/89.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-265 Limited nursing services. [Statutory Authority: RCW 18.20.090. 02-17-027, § 388-78A-265, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 18.20.240. 99-15-067, § 388-78A-265, filed 7/19/99, effective 8/19/99; 98-20-021, recodified as § 388-78A-265, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-265, filed 6/21/94, effective 7/22/94.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-268 Health care services—Resident-arranged. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-268, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-268, filed 6/21/94, effective 7/22/94.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-280 Notification—Change in resident's condition. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-280, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-280, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-280, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-223, filed 4/14/89; 83-13-068 (Order 264), § 248-16-223, filed 6/16/83; Order 147, § 248-16-223, filed 6/29/77.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-290 Safety measures and quality assurance. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-290, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-290, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-290, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-226, filed 4/14/89; 83-13-068 (Order 264), § 248-16-226, filed 6/16/83; Order 147, § 248-16-226, filed 6/29/77.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-300 Medication services. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-300, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-300, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-300, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-229, filed 4/14/89.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.
- 388-78A-310 Resident register. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-310, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW

18.20.090. 94-13-180, § 246-316-310, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.-040. 91-02-049 (Order 121), recodified as § 246-316-310, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-230, filed 4/14/89; 83-13-068 (Order 264), § 248-16-230, filed 6/16/83; Order 147, § 248-16-230, filed 6/29/77; Order 116, § 248-16-230, filed 5/23/75; § 248-16-230, filed 10/3/67; Emergency Regulation, filed 8/4/67; Regulation .16.230, effective 3/11/60; Subsection 1, filed 5/31/61.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-320 Resident health record. [Statutory Authority: RCW 18.20.240. 99-15-067, § 388-78A-320, filed 7/19/99, effective 8/19/99; 98-20-021, recodified as § 388-78A-320, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-320, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-320, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-320, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-235, filed 4/14/89; 83-13-068 (Order 264), § 248-16-235, filed 6/16/83.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-330 Adult day care. [Statutory Authority: RCW 18.20.240. 99-15-067, § 388-78A-330, filed 7/19/99, effective 8/19/99; 98-20-021, recodified as § 388-78A-330, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-330, filed 6/21/94, effective 7/22/94; 92-02-018 (Order 224), § 246-316-330, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-330, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-300, filed 4/14/89.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-335 Residents—Dementia care. [Statutory Authority: RCW 18.20.090. 00-01-086, § 388-78A-335, filed 12/14/99, effective 1/14/00. Statutory Authority: RCW 18.20.-240. 98-20-021, recodified as § 388-78A-335, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. 94-13-180, § 246-316-335, filed 6/21/94, effective 7/22/94.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-340 Exemptions. [Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-340, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.-090. 94-13-180, § 246-316-340, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-316-340, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. 89-09-034 (Order 2786), § 248-16-900, filed 4/14/89. Statutory Authority: 1985 c 213. 86-08-002 (Order 2348), § 248-16-900, filed 3/20/86; Order 147, § 248-16-900, filed 6/29/77.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-990 Fees. [Statutory Authority: RCW 18.20.090 and 18.20.240. 98-24-038, § 388-78A-990, filed 11/24/98, effective 1/1/99. Statutory Authority: RCW 18.20.240. 98-20-021, recodified as § 388-78A-990, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.-050, 43.70.110 and 43.70.250. 98-01-165, § 246-316-990, filed 12/22/97, effective 1/22/98; 96-12-027, § 246-316-990, filed 5/30/96, effective 6/30/96. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020. 95-12-097, § 246-316-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 43.70.110 and 43.70.250. 94-13-180, § 246-316-990, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.-250. 92-12-086 (Order 276), § 246-316-990, filed 6/2/92, effective 7/1/92. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-316-990, filed 12/27/90, effective 1/31/91.] Repealed by 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

GENERAL

WAC 388-78A-2010 Purpose. This chapter is written to implement chapter 18.20 RCW, to promote the safety and well-being of boarding home residents, to specify standards for boarding home operators, and to further establish requirements for the operation of boarding homes.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2010, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2020 Definitions. "Abandonment" means action or inaction by a person with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a resident. In instances of abuse of a resident who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a resident, which have the following meanings:

(1) **"Mental abuse"** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a resident from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing;

(2) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints;

(3) **"Sexual abuse"** means any form of nonconsensual sexual contact, including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person and a resident, whether or not it is consensual;

(4) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a resident causing the resident to act in a way that is inconsistent with relevant past behavior, or causing the resident to perform services for the benefit of another.

"Activities of daily living" means the following tasks related to basic personal care: Bathing; toileting; dressing; personal hygiene; mobility; transferring; and eating.

"Adult day services" means care and services provided to a nonresident individual by the boarding home on the boarding home premises, for a period of time not to exceed ten continuous hours, and does not involve an overnight stay.

"Ambulatory" means capable of walking or traversing a normal path to safety without the physical assistance of another individual:

(1) **"Nonambulatory"** means unable to walk or traverse a normal path to safety without the physical assistance of another individual;

(2) **"Semiambulatory"** means physically and mentally capable of traversing a normal path to safety with the use of

mobility aids, but unable to ascend or descend stairs without the physical assistance of another individual.

"Applicant" means the person, as defined in this section, that has submitted, or is in the process of submitting, an application for a boarding home license.

"Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

"Bathing fixture" means a bathtub, shower or sit-down shower.

"Bathroom" means a room containing at least one bathing fixture.

"Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with this chapter to seven or more residents after July 1, 2000. However, a boarding home that is licensed for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" does not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the Department of Housing and Urban Development. "Boarding home" may also include persons associated with the boarding home to carry out its duties under this chapter.

"Building code" means the building codes and standards adopted by the Washington state building code council.

"Caregiver" means anyone providing hands-on personal care to another person including, but not limited to: Cuing, reminding or supervision of residents, on behalf of a boarding home, except volunteers who are directly supervised. Direct supervision means oversight by a person who has demonstrated competency in the basic training (and specialty training if required), or who has been exempted from the basic training requirements, is on the premises, and is quickly and easily available to the caregiver.

"Construction review services" means the office of construction review services within the Washington state department of health.

"Continuing care contract" means, as stated in RCW 70.38.025, a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

"Continuing care retirement community" means, as stated in RCW 70.38.025, an entity which provides shelter and services under continuing care contracts with its mem-

bers and which sponsors or includes a health care facility or a health service.

"Contractor" means an agency or person who contracts with a licensee to provide resident care, services or equipment.

"Crimes relating to financial exploitation" means the same as "crimes relating to financial exploitation" as defined in RCW 43.43.830 or 43.43.842.

"Department" means the Washington state department of social and health services.

"Dietitian" means an individual certified under chapter 18.138 RCW.

"Document" means to record, with signature, title, date and time:

(1) Information about medication administration, medication assistance or disposal, a nursing care procedure, accident, occurrence or change in resident condition that may affect the care or needs of a resident; and

(2) Processes, events or activities that are required by law, rule or policy.

"Domiciliary care" means:

(1) Assistance with activities of daily living provided by the boarding home either directly or indirectly; or

(2) Health support services, if provided directly or indirectly by the boarding home; or

(3) Intermittent nursing services, if provided directly or indirectly by the boarding home.

"Enforcement remedy" means one or more of the department's responses to a boarding home's noncompliance with chapter 18.20 RCW and this chapter, as authorized by RCW 18.20.190.

"Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage other than for the vulnerable adult's profit or advantage.

"Food service worker" means according to chapter 246-217 WAC an individual who works (or intends to work) with or without pay in a food service establishment and handles unwrapped or unpackaged food or who may contribute to the transmission of infectious diseases through the nature of his/her contact with food products and/or equipment and facilities. This does not include persons who simply assist residents with meals.

"General responsibility for the safety and well-being of the resident" means the provision of the following:

(1) Prescribed general low sodium diets;

(2) Prescribed general diabetic diets;

(3) Prescribed mechanical soft foods;

(4) Emergency assistance;

(5) Monitoring of the resident;

(6) Arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary;

(7) Coordinating health care services with outside health care providers consistent with WAC 388-78A-2350;

(8) Assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices;

(9) Observation of the resident for changes in overall functioning;

(10) Blood pressure checks as scheduled;

(11) Responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or

(12) Medication assistance as permitted under RCW 69.41.085 and as described in RCW 69.41.010 and chapter 246-888 WAC.

"Harm" means a physical or mental or emotional injury or damage to a resident including those resulting from neglect or violations of a resident's rights.

"Health support services" means any of the following optional services:

- (1) Blood glucose testing;
- (2) Puree diets;
- (3) Calorie controlled diabetic diets;
- (4) Dementia care;
- (5) Mental health care; or
- (6) Developmental disabilities care.

"Independent living unit" means:

- (1) Independent senior housing;
- (2) Independent living unit in a continuing care retirement community or other similar living environments;
- (3) Boarding home unit where domiciliary services are not provided; or
- (4) Boarding home unit where one or more items listed under "general responsibilities" are not provided.

"Independent senior housing" means an independent living unit occupied by an individual or individuals sixty or more years of age.

"Infectious" means capable of causing infection or disease by entrance of organisms into the body, which grow and multiply there, including, but not limited to, bacteria, viruses, protozoans, and fungi.

"Licensee" means the person, as defined in this chapter, to whom the department issues the boarding home license.

"Licensed resident bed capacity" means the resident occupancy level requested by the licensee and approved by the department. All residents receiving domiciliary care or the items or services listed under general responsibility for the safety and well-being of the resident as defined in this section count towards the licensed resident bed capacity. Adult day services clients do not count towards the licensed resident bed capacity.

"Majority owner" means any person that owns:

- (1) More than fifty percent interest; or
- (2) If no one person owns more than fifty percent interest, the largest interest portion; or
- (3) If more than one person owns equal largest interest portions, then all persons owning those equal largest interest portions.

"Manager" means the person defined in this chapter, providing management services on behalf of the licensee.

"Management agreement" means a written, executed agreement between the licensee and the manager regarding the provision of certain services on behalf of the licensee.

"Mandated reporter":

- (1) Is an employee of the department, law enforcement officer, social worker, professional school personnel, individual provider, an employee of a facility, an operator of a facility, an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or

hospice agency, county coroner or medical examiner, Christian Science practitioner, or health care provider subject to chapter 18.130 RCW; and

(2) For the purpose of the definition of mandated reporter, "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW (boarding homes), chapter 18.51 RCW (nursing homes), chapter 70.128 RCW (adult family homes), chapter 72.36 RCW (soldiers' homes), chapter 71A.20 RCW (residential habilitation centers), or any other facility licensed by the department.

"Maximum facility capacity" means the maximum number of individuals that the boarding home may serve at any one time, as determined by the department.

(1) The maximum facility capacity includes all residents and respite care residents and adult day services clients.

(2) The maximum facility capacity is equal to the lesser of:

(a) The sum of the number of approved bed spaces for all resident rooms (total number of approved bed spaces), except as specified in subsection (3); or

(b) Twice the seating capacity of the dining area(s) consistent with WAC 388-78A-2300 (1)(h); or

(c) The number of residents permitted by calculating the ratios of toilets, sinks, and bathing fixtures to residents consistent with WAC 388-78A-3030; or

(d) For boarding homes licensed on or before December 31, 1988, the total day room area in square feet divided by ten square feet, consistent with WAC 388-78A-3050; or

(e) For boarding homes licensed after December 31, 1988, the total day room area in square feet divided by twenty square feet, consistent with WAC 388-78A-3050.

(3) For the purposes of providing adult day services consistent with WAC 388-78A-2360, one additional adult day services client may be served, beyond the total number of approved bed spaces, for each additional sixty square feet of day room area greater than the area produced by multiplying the total number of approved bed spaces by twenty square feet, provided that:

(a) There is a [at] least one toilet and one hand washing sink accessible to adult day services clients for every eight adult day services clients or fraction thereof;

(b) The total number of residents and adult day services clients does not exceed twice the seating capacity of the dining area(s) consistent with WAC 388-78A-2300 (1)(h); and

(c) The adult day services program area(s) and building do not exceed the occupancy load as determined by the local building official or state fire marshal.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the resident by an individual legally authorized to do so.

"Medication assistance" means assistance with self-administration of medication rendered by a nonpractitioner to a resident of a boarding home in accordance with chapter 246-888 WAC.

"Medication organizer" means a container with separate compartments for storing oral medications organized in daily doses.

"Medication service" means any service provided either directly or indirectly by a boarding home related to medication administration, medication administration pro-

vided through nurse delegation, medication assistance, or resident self-administration of medication.

"Neglect" means:

(1) A pattern of conduct or inaction resulting in the failure to provide the goods and services that maintain physical or mental health of a resident, or that fails to avoid or prevent physical or mental harm or pain to a resident; or

(2) An act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

"Nonresident individual" means an individual who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in a boarding home and may receive one or more of the services listed in WAC 388-78A-2030 (2)(a) through (g). A nonresident individual may not receive domiciliary care as defined in this section, directly or indirectly by the boarding home, and may not receive the items or services listed under general responsibility for the safety and well-being of the resident as defined in this section, except during the time the person is receiving adult day services as defined in this section.

"Nonpractitioner" means any individual who is not a practitioner as defined in WAC 388-78A-2020 and chapter 69.41 RCW.

"Nurse" means an individual currently licensed under chapter 18.79 RCW as either a:

(1) **"Licensed practical nurse"** (LPN); or

(2) **"Registered nurse"** (RN).

"Over-the-counter (OTC) medication" means any medication that may be legally purchased without a prescriptive order, including, but not limited to, aspirin, antacids, vitamins, minerals, or herbal preparations.

"Person" means any individual, firm, partnership, corporation, company, association, joint stock association or any other legal or commercial entity.

"Physician" means an individual licensed under chapter 18.57 or 18.71 RCW.

"Practitioner" includes a licensed physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant. Refer to chapter 69.41 RCW for a complete listing of practitioners.

"Prescribed medication" means any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Prescriber" means a health care practitioner authorized by Washington state law to prescribe drugs.

"Problem" means a violation of any WAC or RCW applicable to the operation of a boarding home:

(1) **"Recurring problem"** means, for all purposes other than those described in RCW 18.20.400, that the department has cited the boarding home for a violation of WAC or RCW and the circumstances of (a) or (b) of this subsection are present:

(a) The department previously imposed an enforcement remedy for a violation of the same section of WAC or RCW for substantially the same problem following any type of inspection within the preceding thirty-six months; or

(b) The department previously cited a violation under the same section of WAC or RCW for substantially the same problem following any type of inspection on two occasions within the preceding thirty-six months.

(c) If the previous violation in (a) or (b) of this subsection was pursuant to WAC or RCW that has changed at the time of the new violation, citation to the equivalent current WAC or RCW section is sufficient.

(d) When there is a change in licensees between the first and the second or third citations, the new licensee must accept, and the department will consider, the prior licensee's compliance and enforcement record as part of the new licensee's compliance record at that boarding home if any person affiliated with the new licensee was affiliated with the prior licensee at the same boarding home. A person is considered affiliated with the licensee if the person is an applicant for the boarding home license, or is listed on the license application as a partner, officer, director, or majority owner of the applicant.

(2) **"Serious problem"** means:

(a) There has been a violation of a WAC or RCW; and

(b) Significant harm has actually occurred to a resident; or

(c) It is likely that significant harm or death will occur to a resident.

(3) **"Uncorrected problem"** means the department has cited a violation of WAC or RCW following any type of inspection and the violation remains uncorrected at the time the department makes a subsequent inspection for the specific purpose of verifying whether such violation has been corrected. When a change in licensees occurs, the new licensee is responsible for correcting any remaining violations that may exist, including complying with any plan of correction in effect immediately prior to the change in licensees.

"Prospective resident" means an individual who is seeking admission to a licensed boarding home and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

"Reasonable accommodation" and **"reasonably accommodate"** have the meaning given in federal and state antidiscrimination laws and regulations which include, but are not limited to, the following:

(1) Reasonable accommodation means that the boarding home must:

(a) Not impose admission criteria that excludes individuals unless the criteria is necessary for the provision of boarding home services;

(b) Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

(c) Provide additional aids and services to the resident.

(2) Reasonable accommodations are not required if:

(a) The resident or individual applying for admission presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

(b) The reasonable accommodations would fundamentally alter the nature of the services provided by the boarding home; or

(c) The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

"RCW" means Revised Code of Washington.

"Records" means:

(1) **"Active records"** means the current, relevant documentation regarding residents necessary to provide care and services to residents; or

(2) **"Inactive records"** means historical documentation regarding the provision of care and services to residents that is no longer relevant to the current delivery of services and has been thinned from the active record.

"Resident" means an individual who:

(1) Chooses to reside in a boarding home, including an individual receiving respite care;

(2) Is not related by blood or marriage to the operator of the boarding home;

(3) Receives basic services; and

(4) Receives one or more of the services listed under general responsibility for the safety and well-being of the resident, and may receive domiciliary care or respite care provided directly, or indirectly, by the boarding home.

"Resident's representative" means:

(1) The legal representative who is the person or persons identified in RCW 7.70.065 and who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident; or

(2) If there is no legal representative, a person designated voluntarily by a competent resident in writing, to act in the resident's behalf concerning the care and services provided by the boarding home and to receive information from the boarding home if there is no legal representative. The resident's representative may not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident. The resident's representative under this subsection shall not have authority to act on behalf of the resident once the resident is no longer competent. The resident's competence shall be determined using the criteria in RCW 11.88.010 (1)(e).

"Respite care" means short-term care for any period in excess of twenty-four continuous hours for a resident to temporarily relieve the family or other caregiver of providing that care.

"Restraint" means any method or device used to prevent or limit free body movement, including, but not limited to:

(1) Confinement, unless agreed to as provided in WAC 388-78A-2370;

(2) **"Chemical restraint"** which means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms; and

(3) **"Physical restraint"** which means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and not required to treat the resident's medical symptoms.

"Room" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

(1) **"Sleeping room"** means a room where a resident is customarily expected to sleep and contains a resident's bed.

(2) **"Resident living room"** means the common space in a resident unit that is not a sleeping room, bathroom or closet.

"Significant change" means a change in the resident's physical, mental, or psychosocial status that causes either life-threatening conditions or clinical complications.

"Special needs" means a developmental disability, mental illness, or dementia.

"Staff person" means any boarding home employee or temporary employee or contractor, whether employed or retained by the licensee or any management company, or volunteer.

"State fire marshal" means the director of fire protection under the direction of the chief of the Washington state patrol.

"Toilet" means a disposal apparatus used for urination and defecation, fitted with a seat and flushing device.

"Volunteer" means an individual who interacts with residents without reimbursement.

"Vulnerable adult" includes a person:

(1) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(2) Found incapacitated under chapter 11.88 RCW; or

(3) Who has a developmental disability as defined under RCW 71A.10.020; or

(4) Admitted to any facility, including any boarding home; or

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(6) Receiving services from an individual provider.

(7) For the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

"WAC" means Washington Administrative Code.

"Willful" means the deliberate, or nonaccidental, action or inaction by an alleged perpetrator that he/she knows or reasonably should have known could cause a negative outcome, including harm, injury, pain or anguish.

"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW administered by the Washington state department of labor and industries.

[Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. 08-05-099, § 388-78A-2020, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 18.20.090 and 2006 c 242. 06-13-028, § 388-78A-2020, filed 6/13/06, effective 7/14/06. Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2020, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2020, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2030 Applicability. (1) A person must have a boarding home license issued by the department under chapter 18.20 RCW and this chapter, except as otherwise exempted by RCW 18.20.170 and subsection (2) of this section, if the person advertises as, or operates, or maintains a facility that meets the definition of a "boarding home" in this

chapter, within Washington state and provides housing, one or more basic services, and one or more of the following:

- (a) Assumes general responsibility for the safety and well-being of the residents;
- (b) Provides assistance with activities of daily living, either directly or indirectly;
- (c) Provides health support services, either directly or indirectly;
- (d) Provides intermittent nursing services, either directly or indirectly.

(2) A boarding home license is not required for one or more of the following services that may be provided to a non-resident individual. These services may not include continual care or supervision of a nonresident individual without a boarding home license:

- (a) Emergency assistance provided on an intermittent or nonroutine basis to any nonresident individual; or
- (b) Systems employed by independent senior housing, or independent living units in continuing care retirement communities, to respond to the potential need for emergency services for nonresident individuals; or
- (c) Infrequent, voluntary, and nonscheduled blood pressure checks for nonresident individuals; or
- (d) Nurse referral services provided at the request of a nonresident individual to determine whether referral to an outside health care provider is recommended; or
- (e) Making health care appointments at the request of nonresident individuals; or
- (f) Preadmission assessment, at the request of the non-resident individual; or
- (g) Services customarily provided under landlord tenant agreements governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW; or
- (h) Housing nonresident individuals who, without ongoing assistance from the boarding home, initiate and arrange for services with a practitioner licensed under Title 18 RCW or a home health, hospice, or home care agency licensed under chapter 70.127 RCW, or other persons as permitted by the boarding home.

(3) This section does not prohibit a boarding home from furnishing written information concerning available community resources to nonresident individuals or the individual's family members or legal representatives. However, the boarding home may not require the use of any particular service provider.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2030, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2040 Other requirements. (1) The boarding home must comply with all other applicable federal, state, county and municipal statutes, rules, codes and ordinances, including without limitations those that prohibit discrimination.

(2) The boarding home must have its building approved by the Washington state fire marshal in order to be licensed.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2040, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2050 Resident characteristics. The boarding home may admit and retain an individual as a resident in a boarding home only if:

(1) The boarding home can safely and appropriately serve the individual with appropriate available staff providing:

- (a) The scope of care and services described in the boarding home's disclosure information, except if the boarding home chooses to provide additional services consistent with RCW 18.20.300(4); and
- (b) The reasonable accommodations required by state or federal law, including providing any specialized training to caregivers that may be required according to WAC 388-78A-2490 through 388-78A-2510;

(2) The individual does not require the frequent presence and frequent evaluation of a registered nurse, excluding those individuals who are receiving hospice care or individuals who have a short-term illness that is expected to be resolved within fourteen days as long as the boarding home has the capacity to meet the individual's identified needs; and

(3) The individual is ambulatory, unless the boarding home is approved by the Washington state director of fire protection to care for semiambulatory or nonambulatory residents.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2050, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2050, filed 7/30/04, effective 9/1/04.]

ASSESSMENT AND MONITORING

WAC 388-78A-2060 Preadmission assessment. The boarding home must conduct a preadmission assessment for each prospective resident that includes the following information, unless unavailable despite the best efforts of the boarding home:

- (1) Medical history;
- (2) Necessary and contraindicated medications;
- (3) A licensed medical or health professional's diagnosis, unless the individual objects for religious reasons;
- (4) Significant known behaviors or symptoms that may cause concern or require special care;
- (5) Mental illness diagnosis, except where protected by confidentiality laws;
- (6) Level of personal care needs;
- (7) Activities and service preferences; and
- (8) Preferences regarding other issues important to the applicant, such as food and daily routine.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2060, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2070 Timing of preadmission assessment. (1) Unless there is an emergency, the boarding home must complete the preadmission assessment of the prospective resident before each prospective resident moves into the boarding home.

(2) The boarding home must ensure the preadmission assessment is completed within five calendar days of the resident moving into the boarding home when the resident moves in under emergency conditions.

(3) For the purposes of this section, "emergency" means any circumstances when the prospective resident would otherwise need to remain in an unsafe setting or be without adequate and safe housing.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2070, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2080 Qualified assessor. The boarding home must ensure the person responsible for completing a preadmission assessment of a prospective resident:

- (1) Has a master's degree in social services, human services, behavioral sciences or an allied field and two years social service experience working with adults who have functional or cognitive disabilities; or
- (2) Has a bachelor's degree in social services, human services, behavioral sciences, or an allied field and three years social service experience working with adults who have functional or cognitive disabilities; or
- (3) Has a valid Washington state license to practice nursing, in accordance with chapters 18.79 RCW and 246-840 WAC; or
- (4) Is a physician with a valid state license to practice medicine; or
- (5) Has three years of successful experience acquired prior to September 1, 2004, assessing prospective and current boarding home residents in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2080, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2090 Full assessment topics. The boarding home must obtain sufficient information to be able to assess the capabilities, needs, and preferences for each resident, and must complete a full assessment addressing the following, within fourteen days of the resident's move-in date, unless extended by the department for good cause:

- (1) Individual's recent medical history, including, but not limited to:
 - (a) A licensed medical or health professional's diagnosis, unless the resident objects for religious reasons;
 - (b) Chronic, current, and potential skin conditions; or
 - (c) Known allergies to foods or medications, or other considerations for providing care or services.
- (2) Currently necessary and contraindicated medications and treatments for the individual, including:
 - (a) Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is able to independently self-administer, or safely and accurately direct others to administer to him/her;
 - (b) Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is able to self-administer when he/she has the assistance of a caregiver; and
 - (c) Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is not able to self-administer, and needs to have administered to him or her.
- (3) The individual's nursing needs when the individual requires the services of a nurse on the boarding home premises.

- (4) Individual's sensory abilities, including:
 - (a) Vision; and
 - (b) Hearing.
- (5) Individual's communication abilities, including:
 - (a) Modes of expression;
 - (b) Ability to make self understood; and
 - (c) Ability to understand others.
- (6) Significant known behaviors or symptoms of the individual causing concern or requiring special care, including:
 - (a) History of substance abuse;
 - (b) History of harming self, others, or property; or
 - (c) Other conditions that may require behavioral intervention strategies;
 - (d) Individual's ability to leave the boarding home unsupervised; and
 - (e) Other safety considerations that may pose a danger to the individual or others, such as use of medical devices or the individual's ability to smoke unsupervised, if smoking is permitted in the boarding home.
- (7) Individual's special needs, by evaluating available information, or if available information does not indicate the presence of special needs, selecting and using an appropriate tool, to determine the presence of symptoms consistent with, and implications for care and services of:
 - (a) Mental illness, or needs for psychological or mental health services, except where protected by confidentiality laws;
 - (b) Developmental disability;
 - (c) Dementia. While screening a resident for dementia, the boarding home must:
 - (i) Base any determination that the resident has short-term memory loss upon objective evidence; and
 - (ii) Document the evidence in the resident's record.
 - (d) Other conditions affecting cognition, such as traumatic brain injury.
- (8) Individual's level of personal care needs, including:
 - (a) Ability to perform activities of daily living;
 - (b) Medication management ability, including:
 - (i) The individual's ability to obtain and appropriately use over-the-counter medications; and
 - (ii) How the individual will obtain prescribed medications for use in the boarding home.
 - (9) Individual's activities, typical daily routines, habits and service preferences.
 - (10) Individual's personal identity and lifestyle, to the extent the individual is willing to share the information, and the manner in which they are expressed, including preferences regarding food, community contacts, hobbies, spiritual preferences, or other sources of pleasure and comfort.
 - (11) Who has decision-making authority for the individual, including:
 - (a) The presence of any advance directive, or other legal document that will establish a substitute decision maker in the future;
 - (b) The presence of any legal document that establishes a current substitute decision maker; and
 - (c) The scope of decision-making authority of any substitute decision maker.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2090, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2100 On-going assessments. The boarding home must:

- (1) Complete a full assessment addressing the elements set forth in WAC 388-78A-2090 for each resident at least annually;
- (2) Complete an assessment specifically focused on a resident's identified problems and related issues:
 - (a) Consistent with the resident's change of condition as specified in WAC 388-78A-2120;
 - (b) When the resident's negotiated service agreement no longer addresses the resident's current needs and preferences;
 - (c) When the resident has an injury requiring the intervention of a practitioner.
- (3) Ensure the staff person performing the on-going assessments is qualified to perform them.

[Statutory Authority: RCW 18.20.090, 06-01-047, § 388-78A-2100, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-2100, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2110 Resident participation in assessments. The boarding home must directly involve each resident or prospective resident, to the extent possible, along with any appropriate resident representative to the extent he or she is willing and capable, in the preadmission assessment and on-going assessment process.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-2110, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2120 Monitoring residents' well-being. The boarding home must:

- (1) Observe each resident consistent with his or her assessed needs and negotiated service agreement;
- (2) Identify any changes in the resident's physical, emotional, and mental functioning that are a:
 - (a) Departure from the resident's customary range of functioning; or
 - (b) Recurring condition in a resident's physical, emotional, or mental functioning that has previously required intervention by others.
- (3) Evaluate, in order to determine if there is a need for further action:
 - (a) The changes identified in the resident per subsection (2) of this section; and
 - (b) Each resident when an accident or incident that is likely to adversely affect the resident's well-being, is observed by or reported to staff persons.
- (4) Take appropriate action in response to each resident's changing needs.

[Statutory Authority: RCW 18.20.090, 06-01-047, § 388-78A-2120, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-2120, filed 7/30/04, effective 9/1/04.]

NEGOTIATED SERVICE AGREEMENT

WAC 388-78A-2130 Service agreement planning. The boarding home must:

- (1) Develop an initial resident service plan, based upon discussions with the resident and the resident's representative if the resident has one, and the preadmission assessment of a qualified assessor, upon admitting a resident into a boarding

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home. The boarding home must ensure the initial resident service plan:

- (a) Integrates the assessment information provided by the department's case manager for each resident whose care is partially or wholly funded by the department;
 - (b) Identifies the resident's immediate needs; and
 - (c) Provides direction to staff and caregivers relating to the resident's immediate needs, capabilities, and preferences.
- (2) Complete the negotiated service agreement for each resident using the resident's preadmission assessment, initial resident service plan, and full assessment information, within thirty days of the resident moving in;
- (3) Review and update each resident's negotiated service agreement consistent with WAC 388-78A-2120:
- (a) Within a reasonable time consistent with the needs of the resident following any change in the resident's physical, mental, or emotional functioning; and
 - (b) Whenever the negotiated service agreement no longer adequately addresses the resident's current assessed needs and preferences.
- (4) Review and update each resident's negotiated service agreement as necessary following an annual full assessment;
- (5) Involve the following persons in the process of developing and updating a negotiated service agreement:
- (a) The resident;
 - (b) The resident's representative to the extent he or she is willing and capable, if the resident has one;
 - (c) Other individuals the resident wants included;
 - (d) The department's case manager, if the resident is a recipient of medicaid assistance, or any private case manager, if available; and
 - (e) Staff designated by the boarding home.
- (6) Ensure:
- (a) Individuals participating in developing the resident's negotiated service agreement:
 - (i) Discuss the resident's assessed needs, capabilities, and preferences; and
 - (ii) Negotiate and agree upon the care and services to be provided to support the resident; and
 - (b) Staff persons document in the resident's record the agreed upon plan for services.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-2130, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2140 Negotiated service agreement contents. The boarding home must develop, and document in the resident's record, the agreed upon plan to address and support each resident's assessed capabilities, needs and preferences, including the following:

- (1) The care and services necessary to meet the resident's needs, including:
 - (a) The plan to monitor the resident and address interventions for current risks to the resident's health and safety that were identified in one or more of the following:
 - (i) The resident's preadmission assessment;
 - (ii) The resident's full assessments;
 - (iii) On-going assessments of the resident;
 - (b) The plan to provide assistance with activities of daily living, if provided by the boarding home;
 - (c) The plan to provide necessary intermittent nursing services, if provided by the boarding home;

(d) The plan to provide necessary health support services, if provided by the boarding home;

(e) The resident's preferences for how services will be provided, supported and accommodated by the boarding home.

(2) Clearly defined respective roles and responsibilities of the resident, the boarding home staff, and resident's family or other significant persons in meeting the resident's needs and preferences. Except as specified in WAC 388-78A-2290 and 388-78A-2340(5), if a person other than a caregiver is to be responsible for providing care or services to the resident in the boarding home, the boarding home must specify in the negotiated service agreement an alternate plan for providing care or service to the resident in the event the necessary services are not provided. The boarding home may develop an alternate plan:

(a) Exclusively for the individual resident; or

(b) Based on standard policies and procedures in the boarding home provided that they are consistent with the reasonable accommodation requirements of state and federal law.

(3) The times services will be delivered, including frequency and approximate time of day, as appropriate;

(4) The resident's preferences for activities and how those preferences will be supported;

(5) Appropriate behavioral interventions, if needed;

(6) A communication plan, if special communication needs are present;

(7) The resident's ability to leave the boarding home premises unsupervised; and

(8) The boarding home must not require or ask the resident or the resident's representative to sign any negotiated service or risk agreement, that purports to waive any rights of the resident or that purports to place responsibility or liability for losses of personal property or injury on the resident.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2140, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2150 Signing negotiated service agreement. The boarding home must ensure that the negotiated service agreement is agreed to and signed at least annually by:

(1) The resident, or the resident's representative if the resident has one and is unable to sign or chooses not to sign;

(2) A representative of the boarding home duly authorized by the boarding home to sign on its behalf; and

(3) Any public or private case manager for the resident, if available.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2150, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2160 Implementation of negotiated service agreement. The boarding home must provide the care and services as agreed upon in the negotiated service agreement to each resident unless a deviation from the negotiated service agreement is mutually agreed upon between the boarding home and the resident or the resident's representative at the time the care or services are scheduled.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2160, filed 7/30/04, effective 9/1/04.]

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BOARDING HOME SERVICES

WAC 388-78A-2170 Required boarding home services. (1) The boarding home must provide housing and assume general responsibility for the safety and well-being of each resident, as defined in this chapter, consistent with the resident's assessed needs and negotiated service agreement.

(2) The boarding homes must provide each resident with the following basic services, consistent with the resident's assessed needs and negotiated service agreement:

(a) **Activities** - Arranging for activities in accordance with WAC 388-78A-2180;

(b) **Housekeeping** - Providing a safe, clean and comfortable environment for each resident, including personal living quarters and all other resident accessible areas of the building;

(c) **Laundry** - Keeping the resident's clothing clean and in good repair, and laundering towels, washcloths, bed linens on a weekly basis or more often as necessary to maintain cleanliness;

(d) **Meals** - Providing meals in accordance with WAC 388-78A-2300; and

(e) **Nutritious snacks** - Providing nutritious snack items on a scheduled and nonscheduled basis, and providing nutritious snacks in accordance with WAC 388-78A-2300.

(3) The boarding home must:

(a) Provide care and services to each resident by staff persons who are able to communicate with the resident in a language the resident understands; or

(b) Make provisions for communications between staff persons and residents to ensure an accurate exchange of information.

(4) The boarding home must ensure each resident is able to obtain individually preferred personal care items when:

(a) The preferred personal care items are reasonably available; and

(b) The resident is willing and able to pay for obtaining the preferred items.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2170, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2180 Activities. The boarding home must:

(1) Provide space and staff support necessary for:

(a) Each resident to engage in independent or self-directed activities that are appropriate to the setting, consistent with the resident's assessed interests, functional abilities, preferences, and negotiated service agreement; and

(b) Group activities at least three times per week that may be planned and facilitated by caregivers consistent with the collective interests of a group of residents.

(2) Make available routine supplies and equipment necessary for activities described in subsection (1) of this section.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2180, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2190 Activities of daily living. Assistance with activities of daily living is an optional service that the boarding home may provide.

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(1) If a boarding home chooses not to provide assistance with activities of daily living:

(a) The boarding home must admit or retain only those residents who are independent in activities of daily living; except that

(b) A resident, or the resident's representative, may independently arrange for outside services to assist with activities of daily living.

(2) When a boarding home chooses to provide, either directly or indirectly, assistance with activities of daily living, the boarding home must provide that assistance consistent with the reasonable accommodation requirements in state and federal laws.

(3) When a boarding home chooses to provide, either directly or indirectly, assistance with activities of daily living, the boarding home must provide to each resident, consistent with the resident's assessed needs, minimal assistance with the following activities of daily living:

(a) **Bathing:** Minimal assistance with bathing means the boarding home must provide the resident with occasional:

(i) Reminding or cuing to wash and dry all areas of the body as needed;

(ii) Stand-by assistance getting into and out of the tub or shower; and

(iii) Physical assistance limited to steadying the resident during the activity.

(b) **Dressing:** Minimal assistance with dressing means the boarding home must provide the resident with occasional:

(i) Reminding or cuing to put on, take off, or lay out clothing, including prostheses when the assistance of a licensed nurse is not required;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during the activity.

(c) **Eating:** Minimal assistance with eating means the boarding home must provide the resident with occasional:

(i) Reminding or cuing to eat and drink; and

(ii) Physical assistance limited to cutting food up, preparing food and beverages, and bringing food and fluids to the resident.

(d) **Personal hygiene:** Minimal assistance with personal hygiene means the boarding home must provide the resident with occasional:

(i) Reminding and cuing to comb hair, perform oral care and brush teeth, shave, apply makeup, and wash and dry face, hands and other areas of the body;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during the activity.

(e) **Transferring:** Minimal assistance in transferring means the boarding home must provide the resident with occasional:

(i) Reminders or cuing to move between surfaces, for example to and from the bed, chair and standing;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during self-transfers.

(f) **Toileting:** Minimal assistance in toileting means the boarding home must provide the resident with occasional:

(i) Reminders and cuing to toilet, including resident self-care of ostomy or catheter, to wipe and cleanse, and to change and adjust clothing, protective garments and pads;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during the activity.

(g) **Mobility:** Minimal assistance in mobility means the boarding home must provide the resident with occasional:

(i) Reminding or cuing to move between locations on the boarding home premises;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during the activity.

(4) The boarding home may choose to provide more than minimal assistance with activities of daily living consistent with state and federal law.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2190, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2200 Health support services. Health support services are an optional service that the boarding home may provide. The boarding home may choose to provide any of the following health support services; however, a boarding home may or may not need to provide additional health support services to comply with the reasonable accommodation requirements in federal and state law. The boarding home may provide:

(1) Blood glucose testing;

(2) Puree diets;

(3) Calorie controlled diabetic diets;

(4) Dementia care;

(5) Mental health care; and

(6) Developmental disabilities care.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2200, filed 7/30/04, effective 9/1/04.]

Respite

WAC 388-78A-2202 Respite—General. A boarding home:

(1) May provide short term respite care;

(2) Must limit the length of stay for an individual on respite to thirty calendar days or less; and

(3) Must not use respite as a placement pending the resident's admission to the boarding home.

[Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. 09-01-079, § 388-78A-2202, filed 12/15/08, effective 1/15/09.]

WAC 388-78A-2204 Respite—Information. When a boarding home provides respite care, before or at the time of admission, the boarding home must obtain sufficient information about the individual to meet the individual's anticipated needs. That information must include at a minimum:

(1) The resident's legal name;

(2) The name, phone number and address of the resident's representative, if applicable;

(3) The name and address of the adult family home, boarding home, or other location where the resident normally lives, with the name of a contact person and the contact person's phone number;

(4) The name, address, and telephone number of the resident's attending physician, and alternate physician if any;

(5) Medical and social history, which may be obtained from a respite care assessment and respite service plan performed by a case manager designated by an area agency on aging under contract with the department, and mental and physical assessment data; and

(6) Physician's orders for diet, medication, and routine care consistent with the resident's status on admission.

[Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. 09-01-079, § 388-78A-2204, filed 12/15/08, effective 1/15/09.]

WAC 388-78A-2206 Respite—Assessment. The boarding home must ensure that any individual on respite has assessments performed, where needed, and if the assessment of the individual shows symptoms of:

(1) Tuberculosis, follow required tuberculosis testing requirements; and

(2) Other infectious conditions or diseases, follow the appropriate infection control processes.

[Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. 09-01-079, § 388-78A-2206, filed 12/15/08, effective 1/15/09.]

WAC 388-78A-2208 Respite—Negotiated service agreement. With the participation of the individual, and where appropriate their representative, the boarding home must develop a negotiated service agreement, to maintain or improve the individual's health and functional status during their stay in the boarding home.

[Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. 09-01-079, § 388-78A-2208, filed 12/15/08, effective 1/15/09.]

Medications

WAC 388-78A-2210 Medication services. (1) A boarding home providing medication service, either directly or indirectly, must:

(a) Meet the requirements of chapter 69.41 RCW Legend drugs—Prescription drugs, and other applicable statutes and administrative rules; and

(b) Develop and implement systems that support and promote safe medication service for each resident.

(2) The boarding home must ensure the following residents receive their medications as prescribed, except as provided in WAC 388-78A-2230 and 388-78A-2250:

(a) Each resident who requires medication assistance and his or her negotiated service agreement indicates the boarding home will provide medication assistance; and

(b) If the boarding home provides medication administration services, each resident who requires medication administration and his or her negotiated service agreement indicates the boarding home will provide medication administration.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2210, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2220 Prescribed medication authorizations. (1) Before the boarding home may provide medication assistance or medication administration to a resident for prescribed medications, the boarding home must have one of the following:

(a) A prescription label completed by a licensed pharmacy;

(b) A written order from the prescriber;

(c) A facsimile or other electronic transmission of the order from the prescriber; or

(d) Written documentation by a nurse of a telephone order from the prescriber.

(2) The documentation required above in subsection (1) of this section must include the following information:

(a) The name of the resident;

(b) The name of the medication;

(c) The dosage and dosage frequency of the medication; and

(d) The name of the prescriber.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2220, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2230 Medication refusal. (1) When a resident who is receiving medication assistance or medication administration services from the boarding home chooses to not take his or her medications, the boarding home must:

(a) Respect the resident's right to choose not to take medication;

(b) Document the time, date and medication the resident did not take;

(c) Notify the physician of the refusal and follow any instructions provided, unless there is a staff person available who, acting within his or her scope of practice, is able to evaluate the significance of the resident not getting his or her medication, and such staff person;

(i) Conducts an evaluation; and

(ii) Takes the appropriate action, including notifying the prescriber or primary care practitioner when there is a consistent pattern of the resident choosing to not take his or her medications.

(2) The boarding home must comply with subsection (1) of this section, unless the prescriber or primary care practitioner has provided the boarding home with:

(a) Specific directions for addressing the refusal of the identified medication;

(b) The boarding home documents such directions; and

(c) The boarding home is able to fully comply with such directions.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2230, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2240 Nonavailability of medications. When the boarding home has assumed responsibility for obtaining a resident's prescribed medications, the boarding home must obtain them in a correct and timely manner.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2240, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2250 Alteration of medications. The boarding home must generally provide medications in the form they are prescribed when administering medications or providing medication assistance to a resident. The boarding home may provide medications in an altered form consistent with the following:

(1) Alteration includes, but is not limited to, crushing tablets, cutting tablets in half, opening capsules, mixing powdered medications with foods or liquids, or mixing tablets or capsules with foods or liquids.

(2) Residents must be aware that the medication is being altered or added to their food.

(3) A pharmacist or other practitioner practicing within their scope of practice must determine that it is safe to alter a medication.

(4) If the medication is altered, documentation of the appropriateness of the alteration must be on the prescription container, or in the resident's record.

(5) Alteration of medications for self-administration with assistance is provided in accordance with chapter 246-888 WAC.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2250, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2260 Storing, securing, and accounting for medications. (1) The boarding home must secure medications for residents who are not capable of safely storing their own medications.

(2) The boarding home must ensure all medications under the boarding home's control are properly stored:

- (a) In containers with pharmacist-prepared label or original manufacturer's label;
- (b) Together for each resident and physically separated from other residents' medications;
- (c) Separate from food or toxic chemicals;
- (d) In a locked compartment that is accessible only to designated responsible staff persons; and
- (e) In environments recommended on the medication label.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2260, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2270 Resident controlled medications. (1) The boarding home must ensure all medications are stored in a manner that prevents each resident from gaining access to another resident's medications.

(2) The boarding home must allow a resident to control and secure the medications that he or she self-administers or self-administers with assistance if the boarding home assesses the resident to be capable of safely and appropriately storing his or her own medications and the resident desires to do so.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2270, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2270, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2280 Medication organizers. (1) The boarding home must ensure no staff person other than a nurse or licensed pharmacist fills medication organizers for residents.

(2) The boarding home must ensure that any nurse who fills a medication organizer for a resident labels the medication organizer with:

- (a) The name of the resident;
- (b) The name of the medications in the organizer; and
- (c) The frequency of the dosage.

(2009 Ed.)

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2280, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2280, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2290 Family assistance with medications and treatments. (1) A boarding home may permit a resident's family member to administer medications or treatments or to provide medication or treatment assistance, including obtaining medications or treatment supplies, to the resident.

(2) The boarding home must disclose to the department, residents, the residents' legal representatives, if any, and if not the residents' representative if any, and to interested consumers upon request, information describing whether the boarding home permits such family administration or assistance and, if so, the extent of any limitations or conditions.

(3) If the boarding home allows family assistance with or administration of medications and treatments, and the resident and a family member(s) agree a family member will provide medication or treatment assistance, or medication or treatment administration to the resident, the boarding home must request that the family member submit to the boarding home a written plan for such assistance or administration that includes at a minimum:

- (a) By name, the family member who will provide the medication or treatment assistance or administration;
- (b) A description of the medication or treatment assistance or administration that the family member will provide, to be referred to as the primary plan;
- (c) An alternate plan if the family member is unable to fulfill his or her duties as specified in the primary plan;
- (d) An emergency contact person and telephone number if the boarding home observes changes in the resident's overall functioning or condition that may relate to the medication or treatment plan; and
- (e) Other information determined necessary by the boarding home.

(4) The plan for family assistance with medications or treatments must be signed and dated by:

- (a) The resident, if able;
- (b) The resident's representative, if any;
- (c) The resident's family member responsible for implementing the plan; and
- (d) A representative of the boarding home authorized by the boarding home to sign on its behalf.

(5) The boarding home may, through policy or procedure, require the resident's family member to immediately notify the boarding home of any changes in the medication or treatment plans for family assistance or administration.

(6) The boarding home must require that whenever a resident's family provides medication assistance or medication administration services, the resident's significant medications remain on the boarding home premises whenever the resident is on the boarding home premises.

(7) The boarding home's duty of care shall be limited to: Observation of the resident for changes in overall functioning consistent with RCW 18.20.280; notification to the person or persons identified in RCW 70.129.030 when there are observed changes in the resident's overall functioning or condition, or when the boarding home is aware that both the pri-

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mary and alternate plan are not implemented; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2290, filed 7/30/04, effective 9/1/04.]

Food

WAC 388-78A-2300 Food and nutrition services. (1)

The boarding home must:

- (a) Provide a minimum of three meals a day:
 - (i) At regular intervals;
 - (ii) With no more than fourteen hours between the evening meal and breakfast, unless the boarding home provides a nutritious snack after the evening meal and before breakfast.
 - (b) Provide sufficient time and staff support for residents to consume meals;
 - (c) Ensure all menus:
 - (i) Are written at least one week in advance and delivered to residents' rooms or posted where residents can see them, except as specified in (f) of this subsection;
 - (ii) Indicate the date, day of week, month and year;
 - (iii) Include all food and snacks served that contribute to nutritional requirements;
 - (iv) Are kept at least six months;
 - (v) Provide a variety of foods; and
 - (vi) Are not repeated for at least three weeks, except that breakfast menus in boarding homes that provide a variety of daily choices of hot and cold foods are not required to have a minimum three-week cycle.
 - (d) Prepare on-site, or provide through a contract with a food service establishment located in the vicinity and that meets the requirements of chapter 246-215 WAC, palatable, attractively served meals and nourishments that meet the current recommended dietary allowances established by the Food and Nutrition Board, National Research Council, adjusted for:
 - (i) Age, gender and activities, unless medically contraindicated; and
 - (ii) Individual preferences to the extent reasonably possible.
 - (e) Substitute foods, when changes in the current day's menu are necessary, of equal nutrient value and record changes on the original menu;
 - (f) Make available and known to residents alternate choices in entrees for midday and evening meals that are of comparable quality and nutritional value. The boarding home is not required to post alternate choices in entrees on the menu one week in advance, but must record on the menus the alternate choices in entrees that are served;
 - (g) Develop, make known to residents, and implement a process for residents to express their views and comment on the food services; and
 - (h) Maintain a dining area or areas approved by the department with a seating capacity for fifty percent or more of the residents per meal setting, or ten square feet times the licensed resident bed capacity, whichever is greater.
 - (2) The boarding home must plan in writing, prepare on-site or provide through a contract with a food service estab-

lishment located in the vicinity that meets the requirements of chapter 246-215 WAC, and serve to each resident as ordered:

- (a) Prescribed general low sodium, general diabetic, and mechanical soft food diets according to a diet manual. The boarding home must ensure the diet manual is:
 - (i) Available to and used by staff persons responsible for food preparation;
 - (ii) Approved by a dietitian; and
 - (iii) Reviewed and updated as necessary or at least every five years.
 - (b) Prescribed nutrient concentrates and supplements when prescribed in writing by a health care practitioner.
 - (3) The boarding home may provide to a resident at his or her request and as agreed upon in the resident's negotiated service agreement, nonprescribed:
 - (a) Modified or therapeutic diets;
 - (b) Nutritional concentrates or supplements.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2300, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2300, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2305 Food sanitation. The boarding home must:

- (1) Manage food, and maintain any on-site food service facilities in compliance with chapter 246-215 WAC, Food service;
- (2) Ensure employees working as food service workers obtain a food worker card according to chapter 246-217 WAC; and
- (3) Ensure a resident obtains a food worker card according to chapter 246-217 WAC whenever:
 - (a) The resident is routinely or regularly involved in the preparation of food to be served to other residents;
 - (b) The resident is paid for helping to prepare food; or
 - (c) The resident is preparing food to be served to other residents as part of an employment-training program.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2305, filed 12/15/05, effective 1/15/06.]

Intermittent Nursing Services and Resident-Arranged Services

WAC 388-78A-2310 Intermittent nursing services.

- (1) Intermittent nursing services are an optional service that the boarding home may provide.
- (2) The boarding home may choose to provide any of the following intermittent nursing services through appropriately licensed and credentialed staff; however, the facility may or may not need to provide additional intermittent nursing services to comply with the reasonable accommodation requirements in federal or state law:
 - (a) Medication administration;
 - (b) Administration of health treatments;
 - (c) Diabetic management;
 - (d) Nonroutine ostomy care;
 - (e) Tube feeding; and
 - (f) Nurse delegation consistent with chapter 18.79 RCW.
 - (3) The boarding home must clarify on the disclosure form any limitations, additional services, or conditions that may apply under this section.

(4) In providing intermittent nursing services, the boarding home must observe the resident for changes in overall functioning and respond appropriately when there are observable or reported changes in the resident's physical, mental or emotional functioning.

(5) The boarding home may provide intermittent nursing services to the extent permitted by RCW 18.20.160.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2310, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2320 Intermittent nursing services systems. (1) When a boarding home provides intermittent nursing services to any resident, either directly or indirectly, the boarding home must:

(a) Develop and implement systems that support and promote the safe practice of nursing for each resident; and

(b) Ensure the requirements of chapters 18.79 RCW and 246-840 WAC are met.

(2) The boarding home providing nursing services, either directly or indirectly, must ensure that the nursing services systems include:

(a) Nursing services supervision;

(b) Nurse delegation, if provided;

(c) Initial and on-going assessments of the nursing needs of each resident;

(d) Development of, and necessary amendments to, the nursing component of the negotiated service agreement for each resident;

(e) Implementation of the nursing component of each resident's negotiated service agreement; and

(f) Availability of the supervisor, in person, by pager, or by telephone, to respond to residents' needs on the boarding home premises as necessary.

(3) The boarding home must ensure that all nursing services, including nursing supervision, assessments, and delegation, are provided in accordance with applicable statutes and rules, including, but not limited to:

(a) Chapter 18.79 RCW, Nursing care;

(b) Chapter 18.88A RCW, Nursing assistants;

(c) Chapter 246-840 WAC, Practical and registered nursing;

(d) Chapter 246-841 WAC, Nursing assistants; and

(e) Chapter 246-888 WAC, Medication assistance.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2320, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2330 Tube feeding. (1) Tube feeding services are an optional service that a boarding home may provide.

(2) The boarding home must provide intermittent nursing services to develop and implement the nursing component of the negotiated service agreement, administer feedings and necessary medications, and provide routine care of the tube insertion site whenever any resident requiring tube feeding is not able to:

(a) Independently and safely manage:

(i) Maintenance of the tube insertion site;

(ii) Necessary medication administration through the tube; and

(iii) Feeding administration through the tube.

(b) Arrange for an outside resource to provide:

(i) Maintenance of the tube insertion site;

(ii) Necessary medication administration through the tube; and

(iii) Feeding administration through the tube.

(3) The boarding home is not required to provide nursing services to a resident simply because the resident requires tube feeding if the resident can either independently manage or arrange for an outside resource to perform the tasks specified in subsection (2)(a) and (b) of this section.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2330, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2340 Resident-arranged services. (1) The boarding home must allow a resident to arrange to receive on-site care and services from:

(a) A practitioner, licensed under Title 18 RCW regulating health care professions; and

(b) A home health, hospice, or home care agency licensed under chapter 70.127 RCW.

(2) The boarding home may permit the resident or the resident's legal representative, if any, to independently arrange for other persons to provide on-site care and services to the resident.

(3) The boarding home is not required to supervise the activities of a person providing care or services to a resident when the resident or resident's representative has independently arranged for or contracted with the person.

(4) The boarding home may establish policies and procedures that describe reasonable limitations, conditions, or requirements that must be met prior to an outside service provider being allowed on-site.

(5) When the resident or the resident's representative, if any, independently arranges for outside services under subsection (1) of this section, the boarding home's duty of care, and any negligence that may be attributed thereto, shall be limited to: The responsibilities described under subsection (3) of this section; observation of the resident for changes in overall functioning, consistent with RCW 18.20.280; notification to the person or persons identified in RCW 70.129.030 when there are observed changes in the resident's overall functioning or condition; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2340, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2350 Coordination of health care services. (1) The boarding home must coordinate services with external health care providers to meet the residents' needs, consistent with the resident's negotiated service agreement.

(2) The boarding home must develop, implement and inform residents of the boarding home's policies regarding how the boarding home interacts with external health care providers, including:

(a) The conditions under which health care information regarding a resident will be shared with external health care providers, consistent with chapter 70.02 RCW; and

(b) How residents' rights to privacy will be protected, including provisions for residents to authorize the release of health care information.

(3) The boarding home may disclose health care information about a resident to external health care providers without the resident's authorization if the conditions in RCW 70.02.050 are met.

(4) If the conditions in RCW 70.02.050 are not met, the boarding home must request, but may not require, a resident to authorize the boarding home and the external health care provider to share the resident's health care information when:

(a) The boarding home becomes aware that a resident is receiving health care services from a source other than the boarding home; and

(b) The resident has not previously authorized the boarding home to release health care information to an external health care provider.

(5) When a resident authorizes the release of health care information or resident authorization is not required under RCW 70.02.050, the boarding home must contact the external health care provider and coordinate services.

(6) When authorizations to release health care information are not obtained, or when an external health care provider is unresponsive to the boarding home's efforts to coordinate services, the boarding home must:

(a) Document the boarding home's actions to coordinate services;

(b) Provide notice to the resident of the risks of not allowing the boarding home to coordinate care with the external provider; and

(c) Address known associated risks in the resident's negotiated service agreement.

(7) When coordinating care or services, the boarding home must:

(a) Integrate relevant information from the external provider into the resident's preadmission assessment and reassessment, and when appropriate, negotiated service agreement; and

(b) Respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2350, filed 7/30/04, effective 9/1/04.]

Service Delivery and Monitoring

Adult Day Services

WAC 388-78A-2360 Adult day services. (1) The boarding home may, but is not required to, provide an adult day services program for nonresidents.

(2) If adult day services are provided, the boarding home must:

(a) Ensure each adult day services client receives appropriate supervision and agreed upon care and services during the time spent in the day services program;

(b) Ensure the care and services provided to adult day services clients do not compromise the care and services provided to boarding home residents;

(c) Ensure the total number of residents plus adult day services clients does not exceed the boarding home's maximum facility capacity;

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(d) Only accept adult day services clients who are appropriate for boarding home care and services, consistent with WAC 388-78A-2050;

(e) Provide sufficient furniture for the comfort of day services clients, in addition to furniture provided for residents;

(f) Notify appropriate individuals specified in the client's record and consistent with WAC 388-78A-2640 when there is a significant change in the condition of an adult day services client;

(g) Investigate and document incidents and accidents involving adult day services clients consistent with WAC 388-78A-2700;

(h) Maintain a separate register of adult day services clients; and

(i) Maintain a record for each adult day services client.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2360, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2360, filed 7/30/04, effective 9/1/04.]

Dementia Care

WAC 388-78A-2370 Dementia care. (1) The boarding home must, to the fullest extent reasonably possible, obtain for each resident who has symptoms consistent with dementia as assessed per WAC 388-78A-2090(7):

(a) Information regarding the resident's significant life experiences, including:

(i) Family members or other significant relationships;

(ii) Education and training;

(iii) Employment and career experiences;

(iv) Religious or spiritual preferences;

(v) Familiar roles or sources of pride and pleasure.

(b) Information regarding the resident's ability or inability to:

(i) Articulate his or her personal needs; and

(ii) Initiate activity.

(c) Information regarding any patterns of resident behavior that express the resident's needs or concerns that the resident is not able to verbalize. Examples of such behaviors include, but are not limited to:

(i) Agitation;

(ii) Wandering;

(iii) Resistance to care;

(iv) Social isolation; and

(v) Aggression.

(2) The boarding home, in consultation with the resident's family or others familiar with the resident, must evaluate the significance and implications of the information obtained per subsection (1) of this section and integrate appropriate aspects into an individualized negotiated service agreement for the resident.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2370, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2380 Restricted egress. A boarding home must ensure all of the following conditions are present before moving residents into units or buildings with exits that may restrict a resident's egress:

(1) Each resident, or a person authorized under RCW 7.70.065 to provide consent on behalf of the resident, consents to living in such unit or building.

(2) Each resident assessed as being cognitively and physically able to safely leave the boarding home is able to do so independently without restriction.

(3) Each resident, assessed as being cognitively able to safely leave the boarding home and who has physical challenges that make exiting difficult, is able to leave the boarding home when the resident desires and in a manner consistent with the resident's negotiated service agreement.

(4) Each resident who is assessed as being unsafe to leave the boarding home unescorted is able to leave the boarding home consistent with his or her negotiated service agreement.

(5) Areas from which egress is restricted are equipped throughout with an approved automatic fire detection system and automatic fire sprinkler system electrically interconnected with a fire alarm system that transmits an alarm off site to a twenty-four hour monitoring station.

(6) Installation of special egress control devices in all proposed construction issued a project number by construction review services on or after September 1, 2004 for construction related to this section, must conform to standards adopted by the state building code council.

(7) Installation of special egress control devices in all construction issued a project number by construction review services before September 1, 2004 for construction related to this section, must conform to the following:

(a) The egress control device must automatically deactivate upon activation of either the sprinkler system or the smoke detection system.

(b) The egress control device must automatically deactivate upon loss of electrical power to any one of the following:

- (i) The egress control device itself;
- (ii) The smoke detection system; or
- (iii) The means of egress illumination.

(c) The egress control device must be capable of being deactivated by a signal from a switch located in an approved location.

(d) An irreversible process which will deactivate the egress control device must be initiated whenever a manual force of not more than fifteen pounds is applied for two seconds to the panic bar or other door-latching hardware. The egress control device must deactivate within an approved time period not to exceed a total of fifteen seconds. The time delay must not be field adjustable.

(e) Actuation of the panic bar or other door-latching hardware must activate an audible signal at the door.

(f) The unlatching must not require more than one operation.

(g) A sign must be provided on the door located above and within twelve inches of the panic bar or other door-latching hardware reading:

"Keep pushing. The door will open in fifteen seconds. Alarm will sound."

The sign lettering must be at least one inch in height and must have a stroke of not less than one-eighth inch.

(h) Regardless of the means of deactivation, relocking of the egress control device must be by manual means only at the door.

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(8) The boarding home must have a system in place to inform and permit visitors, staff persons and appropriate residents how they can exit without sounding the alarm.

(9) Units or buildings from which egress is restricted are equipped with a secured outdoor space for walking which:

- (a) Is accessible to residents without staff assistance;
- (b) Is surrounded by walls or fences at least seventy-two inches high;
- (c) Has areas protected from direct sunshine and rain throughout the day;
- (d) Has walking surfaces that are firm, stable, slip-resistant and free from abrupt changes and are suitable for individuals using wheelchairs and walkers; and
- (e) Has suitable outdoor furniture.

[Statutory Authority: RCW 18.20.090, 06-01-047, § 388-78A-2380, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2380, filed 7/30/04, effective 9/1/04.]

Resident Records

WAC 388-78A-2390 Resident records. The boarding home must maintain adequate records concerning residents to enable the boarding home:

- (1) To effectively provide the care and services agreed upon with the resident; and
- (2) To respond appropriately in emergency situations.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2390, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2400 Protection of resident records. The boarding home must:

- (1) Maintain a systematic and secure method of identifying and filing resident records for easy access;
- (2) Maintain resident records and preserve their confidentiality in accordance with applicable state and federal statutes and rules, including chapters 70.02 and 70.129 RCW;
- (3) Allow authorized representatives of the department and other authorized regulatory agencies access to resident records;
- (4) Provide any resident or other individual or organization access to resident records upon written consent of the resident or the resident's representative, unless state or federal law provide for broader access;
- (5) Allow authorized agents, such as a management company, to use resident records solely for the purpose of providing care and services to residents and ensure that agents do not disclose such records except in a manner consistent with law; and
- (6) Maintain ownership and control of resident records, except that resident records may be transferred to a subsequent person licensed by the department to operate the boarding home.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2400, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2410 Content of resident records. The boarding home must organize and maintain resident records in a format that the boarding home determines to be useful and functional to enable the effective provision of care and

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services to each resident. Active resident records must include the following:

(1) Resident identifying information, including resident's:

- (a) Name;
- (b) Birth date;
- (c) Move-in date; and
- (d) Sleeping room identification.

(2) Current name, address, and telephone number of:

- (a) Resident's primary health care provider;
- (b) Resident's representative, if the resident has one;
- (c) Individual(s) to contact in case of emergency, illness or death; and

(d) Family members or others, if any, the resident requests to be involved in the development or delivery of services for the resident.

(3) Resident's written acknowledgment of receipt of:

(a) Required disclosure information prior to moving into the boarding home; and

(b) Information required by long-term care resident rights per RCW 70.129.030.

(4) The resident's assessment and reassessment information.

(5) Clinical information such as admission weight, height, blood pressure, temperature, blood sugar and other laboratory tests required by the negotiated service agreement.

(6) The resident's negotiated service agreement consistent with WAC 388-78A-2140.

(7) Any orders for medications, treatments, and modified or therapeutic diets, including any directions for addressing a resident's refusal of medications, treatments, and prescribed diets.

(8) Medical and nursing services provided by the boarding home for a resident, including:

(a) A record of providing medication assistance and medication administration, which contains:

(i) The medication name, dose, and route of administration;

(ii) The time and date of any medication assistance or administration;

(iii) The signature or initials of the person providing any medication assistance or administration; and

(iv) Documentation of a resident choosing to not take his or her medications.

(b) A record of any nursing treatments, including the signature or initials of the person providing them.

(9) Documentation consistent with WAC 388-78A-2120 Monitoring resident well-being.

(10) Staff interventions or responses to subsection (9) of this section, including any modifications made to the resident's negotiated service agreement.

(11) Notices of and reasons for relocation as specified in RCW 70.129.110.

(12) The individuals who were notified of a significant change in the resident's condition and the time and date of the notification.

(13) When available, a copy of any legal documents in which:

(a) The resident has appointed another individual to make his or her health care, financial, or other decisions;

(b) The resident has created an advance directive or other legal document that establishes a surrogate decision maker in the future and/or provides directions to health care providers; and

(c) A court has established guardianship on behalf of the resident.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2410, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2420 Record retention. (1) The boarding home must maintain on the boarding home premises in a resident's active record(s) all relevant information and documentation necessary for meeting a resident's current assessed needs.

(2) The boarding home may remove outdated information from the resident's active records that is no longer significant or relevant to the resident's current assessed service and care needs, and maintain it in an inactive record that must remain on the boarding home premises as long as the resident remains in the boarding home.

(3) The boarding home must maintain all documentation filed in a closed resident record, on the boarding home premises for six months after the date the resident leaves the boarding home and on the boarding home premises or another location for five years after the date the resident leaves the boarding home.

(4) All active, inactive, and closed resident records must be available for review by department staff and other authorized persons.

(5) If a boarding home ceases to operate as a licensed boarding home, the most recent licensee must make arrangements to ensure that the former residents' records are retained according to the times specified in this section and are available for review by department staff and other authorized individuals.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2420, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2430 Resident review of records. (1) The boarding home must assemble all records pertaining to a resident and make them available to a resident within twenty-four hours of the resident's or the resident's representative's request to review the resident's records per RCW 70.129.030.

(2) The boarding home must provide to the resident or the resident's representative, photocopies of the records or any portions of the records pertaining to the resident, within two working days of the resident's or resident's representative's request for the records.

(a) For the purposes of this section, "working days" means Monday through Friday, except for legal holidays.

(b) The boarding home may charge the resident or the resident's representative a fee not to exceed twenty-five cents per page for the cost of photocopying the resident's record.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2430, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2440 Resident register. (1) The boarding home must maintain in the boarding home a single current roster of all boarding home residents, their roommates

and identification of the rooms in which such persons reside or sleep.

(2) The boarding home must make this roster immediately available to:

- (a) Authorized department staff;
- (b) Representatives of the long-term care ombudsman's office; and
- (c) Representatives of the Washington state fire protection bureau when conducting fire safety inspections.

(3) The boarding home must maintain a readily available permanent, current book, computer file, or register with entries in ink or typewritten, of all former boarding home residents within the past five years, including:

- (a) Date of moving in;
- (b) Full name;
- (c) Date of birth;
- (d) Date of moving out;
- (e) Reason for moving out; and
- (f) New address if known.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2440, filed 7/30/04, effective 9/1/04.]

ADMINISTRATION

Staff

WAC 388-78A-2450 Staff. (1) Each boarding home must provide sufficient, trained staff persons to:

- (a) Furnish the services and care needed by each resident consistent with his or her negotiated service agreement;
- (b) Maintain the boarding home free of safety hazards; and

(c) Implement fire and disaster plans.

(2) The boarding home must:

(a) Develop and maintain written job descriptions for the administrator and each staff position and provide each staff person with a copy of his or her job description before or upon the start of employment;

(b) Verify staff persons' work references prior to hiring;

(c) Verify prior to hiring that staff persons have the required licenses, certification, registrations, or other credentials for the position, and that such licenses, certifications, registrations, and credentials are current and in good standing;

(d) Document and retain for twelve weeks, weekly staffing schedules, as planned and worked;

(e) Ensure all resident care and services are provided only by staff persons who have the training, credentials, experience and other qualifications necessary to provide the care and services;

(f) Ensure at least one caregiver, who is eighteen years of age or older and has current cardiopulmonary resuscitation and first-aid cards, is present and available to assist residents at all times:

(i) When one or more residents are present on the boarding home premises; and

(ii) During boarding home activities off of the boarding home premises.

(g) Ensure caregiver provides on-site supervision of any resident voluntarily providing services for the boarding home;

(h) Provide staff orientation and appropriate training for expected duties, including:

(i) Organization of boarding home;

(ii) Physical boarding home layout;

(iii) Specific duties and responsibilities;

(iv) How to report resident abuse and neglect consistent with chapter 74.34 RCW and boarding home policies and procedures;

(v) Policies, procedures, and equipment necessary to perform duties;

(vi) Needs and service preferences identified in the negotiated service agreements of residents with whom the staff persons will be working; and

(vii) Resident rights, including without limitation, those specified in chapter 70.129 RCW.

(i) Develop and implement a process to ensure caregivers:

(i) Acquire the necessary information from the preadmission assessment, on-going assessment and negotiated service agreement relevant to providing services to each resident with whom the caregiver works;

(ii) Are informed of changes in the negotiated service agreement of each resident with whom the caregiver works; and

(iii) Are given an opportunity to provide information to responsible staff regarding the resident when assessments and negotiated service agreements are updated for each resident with whom the caregiver works.

(j) Ensure all caregivers have access to resident records relevant to effectively providing care and services to the resident.

(3) The boarding home must:

(a) Ensure that staff persons meet the training requirements specified in chapter 388-112 WAC;

(b) Protect all residents by ensuring any staff person suspected or accused of abuse does not have access to any resident until the boarding home investigates and takes action to ensure resident safety;

(c) Not interfere with the investigation of a complaint, coerce a resident or staff person regarding cooperating with a complaint investigation, or conceal or destroy evidence of alleged improprieties occurring within the boarding home;

(d) Prohibit staff persons from being directly employed by a resident or a resident's family during the hours the staff person is working for the boarding home;

(e) Maintain the following documentation on the boarding home premises, during employment, and at least two years following termination of employment:

(i) Staff orientation and training pertinent to duties, including, but not limited to:

(A) Training required by chapter 388-112 WAC, including as appropriate for each staff person, orientation, basic training or modified basic training, specialty training, nurse delegation core training, and continuing education;

(B) Cardiopulmonary resuscitation;

(C) First aid; and

(D) HIV/AIDS training.

(ii) Criminal history disclosure and background checks as required in WAC 388-78A-2470; and

(iii) Documentation of contacting work references and professional licensing and certification boards as required by subsection (1) of this section.

(4) The boarding home is not required to keep on the boarding home premises, staff records that are unrelated to staff performance of duties. Such records include, but are not limited to, pay records, and health and insurance benefits for staff.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2450, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2460 Quality assurance committee.

(1) To ensure the proper delivery of services and the maintenance and improvement in quality of care through self-review, any boarding home licensed under this chapter may maintain a quality assurance committee that, at a minimum, includes:

(a) A licensed registered nurse under chapter 18.79 RCW;

(b) The administrator; and

(c) Three other members from the staff of the boarding home.

(2) When established, the quality assurance committee shall meet at least quarterly to identify issues that may adversely affect quality of care and services to residents and to develop and implement plans of action to correct identified quality concerns or deficiencies in the quality of care provided to residents.

(3) To promote quality of care through self-review without the fear of reprisal, and to enhance the objectivity of the review process, the department shall not require, and the long-term care ombudsman program shall not request, disclosure of any quality assurance committee records or reports, unless the disclosure is related to the committee's compliance with this section, if:

(a) The records or reports are not maintained pursuant to statutory or regulatory mandate; and

(b) The records or reports are created for and collected and maintained by the committee.

(4) If the boarding home refuses to release records or reports that would otherwise be protected under this section, the department may then request only that information that is necessary to determine whether the boarding home has a quality assurance committee and to determine that it is operating in compliance with this section. However, if the boarding home offers the department documents generated by, or for, the quality assurance committee as evidence of compliance with boarding home requirements, the documents are not protected as quality assurance committee documents when in the possession of the department.

(5) Good faith attempts by the committee to identify and correct quality deficiencies shall not be used as a basis for sanctions.

(6) Any records that are created for and collected and maintained by the quality assurance committee shall not be discoverable or admitted into evidence in a civil action brought against a boarding home.

(7) Notwithstanding any records created for the quality assurance committee, the facility shall fully set forth in the resident's records, available to the resident, the department, and others as permitted by law, the facts concerning any inci-

dent of injury or loss to the resident, the steps taken by the facility to address the resident's needs, and the resident outcome.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2460, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2470 Criminal history disclosure and background checks.

(1) This section applies to any individual associated with the licensee or boarding home who may have unsupervised access to residents, including but not limited to:

(a) Employees;

(b) Managers;

(c) Volunteers who are not residents;

(d) Contractors; and

(e) Students.

(2) The boarding home must:

(a) Ensure any individual associated with the licensee or boarding home who may have unsupervised access to residents has had a background check of conviction records, pending charges and disciplinary board decisions completed within the past two years, and is repeated every two years thereafter, and that individual has not been:

(i) Convicted of a crime against children or other persons as defined in RCW 43.43.830 or 43.43.842;

(ii) Convicted of crimes relating to financial exploitation as defined in RCW 43.43.830 or 43.43.842;

(iii) Found in any disciplinary board final decision to have abused a vulnerable adult as defined in RCW 43.43.830;

(iv) The subject in a protective proceeding under chapter 74.34 RCW;

(v) Convicted of criminal mistreatment; or

(vi) Found by the department to have abandoned, abused, neglected or exploited a minor, or abandoned, abused, neglected, exploited, or financially exploited a vulnerable person, provided the individual was offered an administrative hearing to contest the finding, and the finding was upheld, or the individual failed to timely appeal the finding.

(b) Not hire or retain, directly or by contract, or accept as a volunteer, any individual prohibited from having unsupervised access to residents under (a) of this subsection, except as provided in subsection (6) of this section and RCW 43.43.842.

(3) Prior to first starting his or her duties, the boarding home must:

(a) Require each prospective employee, manager, volunteer, contractor and student associated with the licensee or boarding home who may have unsupervised access to residents to disclose, consistent with RCW 43.43.834(2), whether he or she:

(i) Has been convicted of a crime, including any of the following as defined in RCW 43.43.830:

(A) All crimes against children or their persons;

(B) All crimes relating to financial exploitation; and

(C) All crimes relating to drugs;

(ii) Has had findings made against him or her in any civil adjudicative proceeding as defined in RCW 43.43.830; or

(iii) Has both convictions for (i) and findings made against him or her under (ii).

(b) Require each individual making the disclosures required in subsection (3)(a) of this section:

- (i) To make the disclosures in writing;
- (ii) To swear under penalty of perjury that the contents of the disclosure are accurate; and
- (iii) To sign the disclosure statement.

(4) Prior to first starting his or her duties, the boarding home must take one or more of the following three actions for each prospective employee, manager, volunteer, contractor and student associated with the licensee or boarding home who may have unsupervised access to residents:

(a) Initiate a background check on the individual through the department, which includes taking the following actions:

(i) Informing the individual that a background check is required.

(ii) Requiring the individual to complete and sign a DSHS background authorization form prior to the individual having unsupervised access to residents;

(iii) Submitting all background check authorization forms to the department's:

(A) Aging and disability services administration with the initial application for licensure; and

(B) Background check central unit for currently licensed boarding homes.

(iv) Verbally informing the named individual of his/her individual background check results and offering to provide him or her a copy of the background check results within ten days of receipt.

(b) Obtain from the individual's prior employer a copy of the completed criminal background inquiry information for the individual, subject to the following conditions:

(i) The prior employer was a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW;

(ii) The nursing home, boarding home or adult family home providing completed criminal background inquiry information for the individual is reasonably known to be the individual's most recent employer;

(iii) No more than twelve months has elapsed from the date the individual was employed by the nursing home, boarding home or adult family home and the date of the individual's current application;

(iv) The background inquiry for the individual is no more than two years old; and

(v) The boarding home has no reason to believe the individual has or may have a disqualifying conviction or finding as described in RCW 43.43.842.

(c) When using staff persons from a home health, hospice, or home care agency licensed under chapter 70.127 RCW, or a nursing pool registered under chapter 18.52C RCW, the boarding home must establish, maintain and follow a written agreement with the agency or pool to ensure the requirements of subsection (2) of this section are met for the agency or pool staff who may work in the boarding home.

(5) The boarding home must ensure that all disclosure statements, and background check results obtained by the boarding home, are:

(a) Maintained on-site in a confidential and secure manner;

(b) Used for employment purposes only;

(c) Not disclosed to any individual except:

(i) The individual named on the background check result;

(ii) Authorized state and federal employees;

(iii) The Washington state patrol auditor; and

(iv) As otherwise authorized in chapter 43.43 RCW.

(d) Retained and available for department review:

(i) During the individual's employment or association with a facility; and

(ii) At least two years following termination of employment or association with a facility.

(6) The boarding home may conditionally hire, directly or by contract, an individual having unsupervised access to residents pending a background inquiry, provided the boarding home:

(a) Obtains a criminal history background check authorization form from the individual prior to the individual beginning work;

(b) Submits the criminal history background check authorization form to the department no later than one business day after the individual started working; and

(c) Has received three positive references for the individual.

(7) The department may require the boarding home or any other individual associated with the boarding home who has unsupervised access to residents to complete additional disclosure statements or background inquiries if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

[Statutory Authority: Chapters 18.20 and 74.34 RCW. 09-01-052, § 388-78A-2470, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. 08-05-099, § 388-78A-2470, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2470, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2470, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2480 TB tests. (1) The boarding home must ensure each staff person, except for volunteers and contractors, is screened for tuberculosis, as follows:

(a) Except when a staff person provided the boarding home with documentation of a previous positive Mantoux skin test, a staff person hired before September 1, 2004 must have had:

(i) A tuberculin skin test by the Mantoux method within six months preceding the date of employment in the boarding home; and

(ii) A second tuberculin skin test within one to three weeks after a negative Mantoux test if the staff person was thirty-five years of age or older at the time of hiring.

(b) A staff person hired on or after September 1, 2004 must have a baseline two-step skin test initiated within three days of being hired unless the staff person meets the requirements in (c) or (d) of this subsection. The skin tests must be:

(i) Given no less than one and no more than three weeks apart;

(ii) By intradermal (Mantoux) administration of purified protein derivative (PPD);

(iii) Read between forty-eight and seventy-two hours following administration, by trained personnel; and

(iv) Recorded in millimeters of induration.

(c) A staff person needs to have only a one-step skin test within three days of being hired if:

(i) There is documented history of a negative result from previous two-step testing; or

(ii) There was a documented negative result from one-step skin testing in the previous twelve months.

(d) A staff person does not need to be skin tested for tuberculosis if he/she has:

(i) Documented history of a previous positive skin test consisting of ten or more millimeters of induration; or

(ii) Documented evidence of adequate therapy for active disease; or

(iii) Documented evidence of adequate preventive therapy for infection.

(e) If a skin test results in a positive reaction, the boarding home must:

(i) Ensure that the staff person has a chest X ray within seven days;

(ii) Report positive chest X rays to the appropriate public health authority; and

(iii) Follow precautions ordered by a physician or public health authority.

(2) The boarding home must:

(a) Keep in the boarding home for the duration of the staff person's employment, and at least two years following termination of employment, records of:

(i) Tuberculin test results;

(ii) Reports of X-ray findings; and

(iii) Physician or public health official orders.

(b) Provide staff persons with a copy of the records specified in (a) of this subsection:

(i) During the time the staff person is employed in the boarding home, limited to one copy per report; and

(ii) When requested by the staff person.

(3) The boarding home must ensure that caregivers caring for a resident with suspected tuberculosis comply with the WISHA standard for respiratory protection.

[Statutory Authority: RCW 18.20.090. 06-24-073, § 388-78A-2480, filed 12/4/06, effective 1/4/07; 06-01-047, § 388-78A-2480, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2480, filed 7/30/04, effective 9/1/04.]

Specialized Training

WAC 388-78A-2490 Specialized training for developmental disabilities. (1) The boarding home must provide caregivers with specialized training, consistent with chapter 388-112 WAC, to serve residents with developmental disabilities, whenever at least one of the residents in the boarding home has a developmental disability as defined in WAC 388-823-0040, that is the resident's primary special need.

(2) Nothing in this section is intended to require additional specialty training beyond that required by WAC 388-112-0115.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2490, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2490, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2500 Specialized training for mental illness. (1) The boarding home must provide caregivers with specialized training, consistent with chapter 388-112 WAC, to serve residents with mental illness, whenever at least one of the residents in the boarding home has a mental illness that is the resident's primary special need and is a person who has been diagnosed with or treated for an Axis I or Axis II diagnosis, as described in the *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision*, and:

(a) Who has received the diagnosis or treatment within the previous two years; and

(b) Whose diagnosis was made by, or treatment provided by, one of the following:

(i) A licensed physician;

(ii) A mental health professional;

(iii) A psychiatric advanced registered nurse practitioner; or

(iv) A licensed psychologist.

(2) Nothing in this section is intended to require additional specialty training beyond that required by WAC 388-112-0115.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2500, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2500, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2510 Specialized training for dementia. (1) The boarding home must provide caregivers with specialized training, consistent with chapter 388-112 WAC, to serve residents with dementia, whenever at least one of the residents in the boarding home has a dementia that is the resident's primary special need and has symptoms consistent with dementia as assessed per WAC 388-78A-2090(7).

(2) Nothing in this section is intended to require additional specialty training beyond that required by WAC 388-112-0115.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2510, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2510, filed 7/30/04, effective 9/1/04.]

Administrator

WAC 388-78A-2520 Administrator qualifications. (1) The licensee must appoint an administrator who is at least twenty-one years old and who is not a resident, and is qualified to perform the administrator's duties specified in WAC 388-78A-2560.

(2) The licensee must only appoint as a boarding home administrator an individual who meets at least one of the following qualifications listed in (a) through (f) of this subsection:

(a) The individual was actively employed as a boarding home administrator and met existing qualifications on September 1, 2004;

(b) The individual holds a current Washington state nursing home administrator license in good standing;

(c) Prior to assuming duties as a boarding home administrator, the individual has met the qualifications listed in both (c)(i) and (ii) of this subsection:

(i) Obtained certification of completing a recognized administrator training course consisting of a minimum of

twenty-four hours of instruction or equivalent on-line training or certification of passing an administrator examination, from or endorsed by a department-recognized national accreditation health or personal care organization such as:

(A) The American Association of Homes and Services for the Aging; or

(B) The American College of Health Care Administrators; or

(C) The American Health Care Association; or

(D) The Assisted Living Federation of America; or

(E) The National Association of Board of Examiners of Long Term Care Administrators.

(ii) Three years paid experience:

(A) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(B) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

(d) The individual holds an associate degree in a related field of study such as health, social work, or business administration and meets the qualifications listed in either (d)(i), (ii) or (iii) of this subsection:

(i) Obtains certification of completing a recognized administrator training course consisting of a minimum of twenty-four hours of instruction or equivalent on-line training, or certification of passing an administrator examination, within six months of beginning duties as the administrator, from or endorsed by a department-recognized national accreditation health or personal care organization such as:

(A) The American Association of Homes and Services for the Aging; or

(B) The American College of Health Care Administrators; or

(C) The American Health Care Association; or

(D) The Assisted Living Federation of America; or

(E) The National Association of Board of Examiners of Long Term Care Administrators.

(ii) Has two years paid experience:

(A) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(B) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

(iii) Has completed a qualifying administrator training program supervised by a qualified administrator according to WAC 388-78A-2530.

(e) The individual holds a bachelor's degree in a related field of study such as health, social work, or business administration and meets the qualifications listed in either (e)(i), (ii) or (iii) of this subsection:

(i) Obtains certification of completing a recognized administrator training course consisting of a minimum of twenty-four hours of instruction or equivalent on-line training, or certification of passing an administrator examination, within six months of beginning duties as the administrator, from or endorsed by a department-recognized national accreditation health or personal care organization such as:

(A) The American Association of Homes and Services for the Aging; or

(B) The American College of Health Care Administrators; or

(C) The American Health Care Association; or

(D) The Assisted Living Federation of America; or

(E) The National Association of Board of Examiners of Long Term Care Administrators.

(ii) Has one year paid experience:

(A) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(B) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

(iii) Has completed a qualifying administrator training program supervised by a qualified administrator according to WAC 388-78A-2530.

(f) Before assuming duties as an administrator, the individual has five years of paid experience:

(i) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(ii) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2520, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2520, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2530 Qualifying administrator training program. Before the licensee appoints an individual who must have completed a qualifying administrator training program in order to qualify as a boarding home administrator, the licensee must verify the individual has completed the training and obtain documentation from the individual that the training program met the following requirements:

(1) The department was notified of the beginning date of the administrator training program;

(2) The administrator training program was at least six months in duration following notification of the department;

(3) Only training, supervision, and experience occurring following notification of the department were credited to the qualifying training;

(4) The supervising administrator met the qualifications to be an administrator specified in WAC 388-78A-2520;

(5) The trainee was a full-time employee of a boarding home and spent at least forty percent of his/her time for six months of the training program performing administrative duties customarily assigned to boarding home administrators or included in the job description of the administrator for the boarding home in which the training occurred;

(6) The supervising administrator was present on-site at the boarding home during the time the trainee performed administrator duties;

(7) The supervising administrator spent a minimum of one hundred direct contact hours with the trainee during the six months supervising and consulting with the trainee;

(8) Both the trainee and supervising administrator signed documentation of the trainee's qualifying experience and the supervising administrator's performance of required oversight duties; and

(9) The individual completing the qualifying administrator training program maintains the documentation of completing the program.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2530, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2540 Administrator training requirements. The licensee must ensure the boarding home administrator:

(1) Meets the training requirements of chapter 388-112 WAC; and

(2) Completes department training on Washington state statutes and administrative rules related to the operation of a boarding home.

(a) The training must include, but is not limited to, an overview of:

(i) Chapter 18.20 RCW, Boarding homes;

(ii) Chapter 43.43 RCW, Criminal history background checks;

(iii) Chapter 74.34 RCW, Abuse of vulnerable adults;

(iv) Chapter 70.129 RCW, Long-term care resident rights;

(v) Chapter 388-78A WAC, Boarding home licensing rules; and

(vi) Chapter 388-112 WAC, Long-term care services training.

(b) Individuals hired as boarding home administrators after September 1, 2004, must complete department required training within thirty days of assuming duties as a boarding home administrator.

(c) Individuals employed as boarding home administrators on September 1, 2004, must complete department required training by November 1, 2004.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2540, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2550 Administrator training documentation. The boarding home must maintain for department review, documentation of the administrator completing:

(1) Training required per chapter 388-112 WAC, Long-term care services training;

(2) Department training in an overview of Washington state statutes and administrative rules related to the operation of a boarding home;

(3) As applicable, certification from a department-recognized national accreditation health or personal care organization; and

(4) As applicable, the qualifying administrator-training program.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2550, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2560 Administrator responsibilities. The licensee must ensure the administrator:

(1) Directs and supervises the overall twenty-four-hour-per-day operation of the boarding home;

(2) Ensures residents receive adequate care and services that meet the standards of this chapter;

(3) Is readily accessible to meet with residents;

(4) Complies with the boarding home's policies;

(5) When the administrator is not available on the premises, either:

(a) Is available by telephone or electronic pager; or

(b) Designates a person approved by the licensee to act in place of the administrator. The designee must be:

(i) Qualified by experience to assume designated duties; and

(ii) Authorized to make necessary decisions and direct operations of the boarding home during the administrator's absence.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2560, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2570 Notification of change in administrator. The licensee must notify the department in writing within ten calendar days of the effective date of a change in the boarding home administrator. The notice must include the full name of the new administrator and the effective date of the change.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2570, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2580 Use of home health/home care. If a boarding home licensee also has a home health or home care license, the licensee may not provide care or services to nonresident individuals living in independent living units on the boarding home premises under the home health or home care license if:

(1) The licensee assumes general responsibility for the safety and well-being of the individual;

(2) The individual requiring such services is not able to receive them in his or her own home and is required to move to another room as a condition for receiving such services;

(3) The individual receiving such services is required to receive them from the licensee as a condition for residing in the building, and is not free to receive such services from any appropriately licensed provider of his or her choice; or

(4) The licensee provides other care or services to the individual that falls under the jurisdiction of boarding home licensing and this chapter.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2580, filed 7/30/04, effective 9/1/04.]

Management Agreements

WAC 388-78A-2590 Management agreements. (1) If the licensee uses a manager, the licensee must have a written management agreement approved by the department that is consistent with this section.

(2) The licensee may enter into a management agreement only if the management agreement creates a principal/agent relationship between the licensee and the manager.

(3) The licensee must ensure the manager acts in conformance with a department-approved management agreement with the boarding home licensee.

(4) A licensee must not delegate the following to a manager:

(a) The licensee's responsibility to ensure that the boarding home is operated in a manner consistent with all laws and rules applicable to boarding homes;

(b) The licensee's responsibility to review, acknowledge and sign all boarding home initial and renewal license applications.

(5) The licensee must ensure that its manager does not represent itself as, or give the appearance that it is the licensee.

(6) A duly authorized manager may execute resident leases or agreements on behalf of the licensee, but all such resident leases or agreements must be between the licensee and the resident.

(7) The licensee must notify the department of its use of a manager and provide a copy of any written management agreement to the department upon the following:

- (a) Initial application for a license;
- (b) Retention of a manager following initial application;
- (c) Change of managers; or
- (d) Modification of existing management agreement.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2590, filed 7/30/04, effective 9/1/04.]

Policies and Procedures

WAC 388-78A-2600 Policies and procedures. (1) The boarding home must develop and implement policies and procedures in support of services that are provided and are necessary to:

(a) Maintain or enhance the quality of life for residents including resident decision-making rights;

(b) Provide the necessary care and services for residents, including those with special needs;

(c) Safely operate the boarding home; and

(d) Operate in compliance with state and federal law, including, but not limited to, chapters 7.70, 11.88, 11.92, 11.94, 69.41, 70.122, 70.129, and 74.34 RCW, and any rules promulgated under these statutes.

(2) The boarding home must develop, implement and train staff persons on policies and procedures to address what staff persons must do:

(a) Related to suspected abandonment, abuse, neglect, exploitation, or financial exploitation of any resident;

(b) When there is reason to believe a resident is not capable of making necessary decisions and no substitute decision maker is available;

(c) When a substitute decision maker is no longer appropriate;

(d) When a resident stops breathing or a resident's heart appears to stop beating, including, but not limited to, any action staff persons must take related to advance directives and emergency care;

(e) When a resident does not have a personal physician or health care provider;

(f) In response to medical emergencies;

(g) When there are urgent situations in the boarding home requiring additional staff support;

(h) In the event of an internal or external disaster, consistent with WAC 388-78A-2700;

(i) To supervise and monitor residents, including accounting for residents who leave the premises;

(j) To appropriately respond to aggressive or assaultive residents, including, but not limited to:

- (i) Actions to take if a resident becomes violent;
- (ii) Actions to take to protect other residents; and
- (iii) When and how to seek outside intervention.

(k) To prevent and limit the spread of infections consistent with WAC 388-78A-2610;

(l) To manage residents' medications, consistent with WAC 388-78A-2210 through 388-78A-2290; sending medications with a resident when the resident leaves the premises;

(m) When services related to medications and treatments are provided under the delegation of a registered nurse consistent with chapter 246-840 WAC;

(n) Related to food services consistent with chapter 246-215 WAC and WAC 388-78A-2300;

(o) Regarding the safe operation of any boarding home vehicles used to transport residents, and the qualifications of the drivers;

(p) To coordinate services and share resident information with outside resources, consistent with WAC 388-78A-2350;

(q) Regarding the management of pets in the boarding home, if permitted, consistent with WAC 388-78A-2620;

(r) When receiving and responding to resident grievances consistent with RCW 70.129.060; and

(s) Related to providing respite care services consistent with RCW 18.20.350, if respite care is offered.

(3) The boarding home must make the policies and procedures specified in subsection (2) of this section available to staff persons at all times and must inform residents and residents' representatives of their availability and make them available upon request.

[Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. 09-01-079, § 388-78A-2600, filed 12/15/08, effective 1/15/09. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. 08-05-099, § 388-78A-2600, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2600, filed 7/30/04, effective 9/1/04.]

Infection Control

WAC 388-78A-2610 Infection control. (1) The boarding home must institute appropriate infection control practices in the boarding home to prevent and limit the spread of infections.

(2) The boarding home must:

(a) Develop and implement a system to identify and manage infections;

(b) Restrict a staff person's contact with residents when the staff person has a known communicable disease in the infectious stage that is likely to be spread in the boarding home setting or by casual contact;

(c) Provide staff persons with the necessary supplies, equipment and protective clothing for preventing and controlling the spread of infections;

(d) Provide all resident care and services according to current acceptable standards for infection control;

(e) Perform all housekeeping, cleaning, laundry, and management of infectious waste according to current acceptable standards for infection control;

(f) Report communicable diseases in accordance with the requirements in chapter 246-100 WAC.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2610, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2620 Pets. If a boarding home allows pets to live on the premises, the boarding home must:

(1) Develop, implement and disclose to potential and current residents, policies regarding:

(a) The types of pets that are permitted in the boarding home; and

(b) The conditions under which pets may be in the boarding home.

(2) Ensure animals living on the boarding home premises:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state;

(b) Are certified by a veterinarian to be free of diseases transmittable to humans;

(c) Are restricted from central food preparation areas.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2620, filed 7/30/04, effective 9/1/04.]

Reporting Requirements

WAC 388-78A-2630 Reporting abuse and neglect. (1) The boarding home must ensure that each staff person:

(a) Makes a report to the department's Aging and Disability Services Administration Complaint Resolution Unit hotline consistent with chapter 74.34 RCW in all cases where the staff person has reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred; and

(b) Makes an immediate report to the appropriate law enforcement agency and the department consistent with chapter 74.34 RCW of all incidents of suspected sexual abuse or physical abuse of a resident.

(2) The boarding home must prominently post so it is readily visible to staff, residents and visitors, the department's

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toll-free telephone number for reporting resident abuse and neglect.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2630, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2640 Reporting significant change in a resident's condition. (1) The boarding home must consult with the resident's representative, the resident's physician, and other individual(s) designated by the resident as soon as possible whenever:

(a) There is a significant change in the resident's condition;

(b) The resident is relocated to a hospital or other health care facility; or

(c) The resident dies.

(2) The boarding home must notify any agency responsible for paying for the resident's care and services as soon as possible whenever:

(a) The resident is relocated to a hospital or other health care facility; or

(b) The resident dies.

(3) Whenever the conditions in subsection (1) or (2) of this section occur, the boarding home must document in the resident's records:

(a) The date and time each individual was contacted; and

(b) The individual's relationship to the resident.

(4) In case of a resident's death, the boarding home must notify the coroner if required by RCW 68.50.010.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2640, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2650 Reporting fires and incidents. The boarding home must immediately report to the department's aging and disability services administration:

(1) Any accidental or unintended fire, or any deliberately set but improper fire, such as arson, in the boarding home;

(2) Any unusual incident that required implementation of the boarding home's disaster plan, including any evacuation of all or part of the residents to another area of the boarding home or to another address; and

(3) Circumstances which threaten the boarding home's ability to ensure continuation of services to residents.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2650, filed 7/30/04, effective 9/1/04.]

Resident Rights

WAC 388-78A-2660 Resident rights. The boarding home must:

(1) Comply with chapter 70.129 RCW, Long-term care resident rights;

(2) Ensure all staff persons provide care and services to each resident consistent with chapter 70.129 RCW;

(3) Not use restraints on any resident;

(4) Promote and protect the residents' exercise of all rights granted under chapter 70.129 RCW;

(5) Provide care and services to each resident in compliance with applicable state statutes related to substitute health care decision making, including chapters 7.70, 70.122, 11.88, 11.92, and 11.94 RCW;

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(6) Reasonably accommodate residents consistent with applicable state and/or federal law; and

(7) Not allow any staff person to abuse or neglect any resident.

[Statutory Authority: RCW 18.20.090, 06-01-047, § 388-78A-2660, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-2660, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2670 Services by resident for boarding home. If a resident performs services for the boarding home, the boarding home must ensure:

(1) The resident freely volunteers to perform the services without coercion or pressure from staff persons;

(2) The resident performing services does not supervise, or is not placed in charge of, other residents; and

(3) If the resident regularly performs voluntary services for the benefit of the boarding home, the volunteer activity is addressed in the resident's negotiated service agreement.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-2670, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2680 Electronic monitoring equipment—Audio monitoring and video monitoring. (1) Except as provided in this section or in WAC 388-78A-2690, the boarding home must not use the following in the facility or on the premises:

(a) Audio monitoring equipment; or

(b) Video monitoring equipment if it includes an audio component.

(2) The boarding home may video monitor and video record activities in the facility or on the premises, without an audio component, only in the following areas:

(a) Entrances and exits as long as the cameras are:

(i) Focused only on the entrance or exit doorways; and

(ii) Not focused on areas where residents gather.

(b) Areas used exclusively by staff persons such as, medication preparation and storage areas or food preparation areas, if residents do not go into these areas;

(c) Outdoor areas not commonly used by residents, such as, but not limited to, delivery areas; and

(d) Designated smoking areas, subject to the following conditions:

(i) Residents have been assessed as needing supervision for smoking;

(ii) A staff person watches the video monitor at any time the area is used by such residents;

(iii) The video camera is clearly visible;

(iv) The video monitor is not viewable by general public; and

(v) The facility notifies all residents in writing of the use of video monitoring equipment.

[Statutory Authority: Chapters 18.20 and 74.34 RCW, 09-01-052, § 388-78A-2680, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-2680, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2690 Electronic monitoring equipment—Resident requested use. (1) The boarding home must not use audio or video monitoring equipment to monitor any resident unless:

(a) The resident has requested the monitoring; and

(b) The monitoring is only used in the sleeping room of the resident who requested the monitoring.

(2) If the resident requests audio or video monitoring, before any electronic monitoring occurs, the boarding home must ensure:

(a) That the electronic monitoring does not violate chapter 9.73 RCW;

(b) The resident has identified a threat to the resident's health, safety or personal property;

(c) The resident's roommate has provided written consent to electronic monitoring, if the resident has a roommate; and

(d) The resident and the boarding home have agreed upon a specific duration for the electronic monitoring and the agreement is documented in writing.

(3) The boarding home must:

(a) Reevaluate the need for the electronic monitoring with the resident at least quarterly; and

(b) Have each reevaluation in writing, signed and dated by the resident.

(4) The boarding home must immediately stop electronic monitoring if the:

(a) Resident no longer wants electronic monitoring;

(b) Roommate objects or withdraws the consent to the electronic monitoring; or

(c) The resident becomes unable to give consent.

(5) For the purpose of consenting to video electronic monitoring without an audio component, the term "resident" includes the resident's surrogate decision maker.

(6) For the purposes of consenting to any audio electronic monitoring, the term "resident" includes:

(a) The individual residing in the boarding home; or

(b) The resident's court-appointed guardian or attorney-in-fact who has obtained a court order specifically authorizing the court-appointed guardian or attorney-in-fact to consent to electronic monitoring of the resident.

(7) If a resident's decision maker consents to audio electronic monitoring as specified in (6) above, the boarding home must maintain a copy of the court order authorizing such consent in the resident's record.

[Statutory Authority: Chapters 18.20 and 74.34 RCW, 09-01-052, § 388-78A-2690, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-2690, filed 7/30/04, effective 9/1/04.]

Safety and Disaster Preparedness

WAC 388-78A-2700 Safety measures and disaster preparedness. (1) The boarding home must take necessary action to promote the safety of each resident whenever the resident is on the boarding home premises or under the supervision of staff persons, consistent with the resident's negotiated service agreement.

(2) The boarding home must:

(a) Maintain the premises free of hazards;

(b) Maintain any vehicles used for transporting residents in a safe condition;

(c) Investigate and document investigative actions and findings for any alleged or suspected neglect or abuse or

exploitation, accident or incident jeopardizing or affecting a resident's health or life. The boarding home must:

- (i) Determine the circumstances of the event;
- (ii) When necessary, institute and document appropriate measures to prevent similar future situations if the alleged incident is substantiated; and
- (iii) Protect other residents during the course of the investigation.
- (d) Provide appropriate hardware on doors of storage rooms, closets and other rooms to prevent residents from being accidentally locked in;
- (e) Provide, and tell staff persons of, a means of emergency access to resident-occupied bedrooms, toilet rooms, bathing rooms, and other rooms;
- (f) Provide emergency lighting or flashlights in all areas of the boarding home. For all boarding homes first issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the boarding home must provide emergency lighting in all areas of the boarding home;
 - (g) Make sure first-aid supplies are:
 - (i) Readily available and not locked;
 - (ii) Clearly marked;
 - (iii) Able to be moved to the location where needed; and
 - (iv) Stored in containers that protect them from damage, deterioration, or contamination.
 - (h) Make sure first-aid supplies are appropriate for:
 - (i) The size of the boarding home;
 - (ii) The services provided;
 - (iii) The residents served; and
 - (iv) The response time of emergency medical services.
- (i) Develop and maintain a current disaster plan describing measures to take in the event of internal or external disasters, including, but not limited to:
 - (i) On-duty staff persons' responsibilities;
 - (ii) Provisions for summoning emergency assistance;
 - (iii) Plans for evacuating residents from area or building;
 - (iv) Alternative resident accommodations;
 - (v) Provisions for essential resident needs, supplies and equipment including water, food, and medications; and
 - (vi) Emergency communication plan.

[Statutory Authority: RCW 18.20.090, 06-01-047, § 388-78A-2700, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-2700, filed 7/30/04, effective 9/1/04.]

Disclosure

WAC 388-78A-2710 Disclosure of services. (1) The boarding home must disclose to residents, the resident's representative, if any, and interested consumers upon request, the scope of care and services it offers, on the department's approved disclosure forms. The disclosure form shall not be construed as an implied or express contract between the boarding home and the resident, but is intended to assist consumers in selecting boarding home services.

(2) The boarding home must provide the services disclosed.

(3) The boarding home must provide a minimum of thirty days written notice to the residents and the residents' representatives, if any:

(a) Before the effective date of any decrease in the scope of care or services provided by the boarding home, due to circumstances beyond the boarding home's control; and

(b) Before the effective date of any voluntary decrease in the scope of care or services provided by the boarding home, and any such decrease in the scope of services provided will not result in the discharge of one or more residents.

(4) The boarding home must provide a minimum of ninety days written notice to the residents and the residents' representative, if any, before the effective date of any voluntary decrease in the scope of care or services provided by the boarding home, and any such decrease in the scope of services provided will result in the discharge of one or more residents.

(5) If the boarding home increases the scope of services that it chooses to provide, the boarding home must promptly provide written notice to the residents and residents' representative, if any, and must indicate the date on which the increase in the scope of care or services is effective.

(6) When the care needs of a resident exceed the disclosed scope of care or services that a boarding home provides, the boarding home may exceed the care or services disclosed consistent with RCW 70.129.030(3) and 70.129.110(3)(a).

(7) Even though the boarding home may disclose that it can provide certain care or services to residents or prospective residents or residents' representative, if any, the boarding home may deny admission to a prospective resident when the boarding home determines that the needs of the prospective resident cannot be met, as long as the boarding home operates in compliance with state and federal law, including reasonable accommodation requirements and RCW 70.129.030(3).

(8) The boarding home must notify prospective residents of their rights regarding health care decision making consistent with applicable state and federal laws and rules, before or at the time the individual moves into the boarding home.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-2710, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2720 Timing of disclosure. (1) The boarding home must provide the disclosure form completed by the boarding home:

(a) In response to a request by a prospective resident or his or her representative, if any, for written information about the boarding home's services and capabilities; or

(b) At the time the boarding home provides an application for residency, an admission agreement or contract, if not previously received by the prospective resident or his or her representative, if any.

(2) The boarding home is not required to provide the disclosure of care and services contained on the department's approved disclosure forms:

(a) In advertisements;

(b) In general marketing information to the public; or

(c) To persons seeking general information regarding residential care resources in the community.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-2720, filed 7/30/04, effective 9/1/04.]

Licensing

WAC 388-78A-2730 Licensee's responsibilities. (1)

The boarding home licensee is responsible for:

- (a) The operation of the boarding home;
 - (b) Complying at all times with the requirements of this chapter, chapter 18.20 RCW, and other applicable laws and rules; and
 - (c) The care and services provided to the boarding home residents.
- (2) The licensee must:
- (a) Maintain the occupancy level at or below the licensed resident bed capacity of the boarding home;
 - (b) Maintain and post in a size and format that is easily read, in a conspicuous place on the boarding home premises:
 - (i) A current boarding home license, including any related conditions on the license;
 - (ii) The name, address and telephone number of:
 - (A) The department;
 - (B) Appropriate resident advocacy groups; and
 - (C) The state and local long-term care ombudsman with a brief description of ombudsman services.
 - (iii) A copy of the report, including the cover letter, and plan of correction of the most recent full inspection conducted by the department.
 - (c) Ensure any party responsible for holding or managing residents' personal funds is bonded or obtains insurance in sufficient amounts to specifically cover losses of resident funds; and provides proof of bond or insurance to the department.
 - (3) The licensee must not delegate to any person responsibilities that are so extensive that the licensee is relieved of responsibility for the daily operations and provisions of services in the boarding home.
 - (4) The licensee must act in accord with any department-approved management agreement, if the licensee has entered into a management agreement.
 - (5) The licensee must appoint the boarding home administrator consistent with WAC 388-78A-2520.

[Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. 09-01-079, § 388-78A-2730, filed 12/15/08, effective 1/15/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2730, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2740 Licensee qualifications. The department must consider separately and jointly as applicants each person named in the application for a boarding home license.

- (1) If the department finds any person unqualified as specified in WAC 388-78A-3190, the department must deny, terminate, or not renew the license.
- (2) If the department finds any person unqualified as specified in WAC 388-78A-3170, the department may deny, terminate, or not renew the license.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2740, filed 7/30/04, effective 9/1/04.]

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WAC 388-78A-2750 Application process. To apply for a boarding home license, a person must:

- (1) Submit to the department a complete license application on forms designated by the department at least ninety days prior to the proposed effective date of the license;
- (2) Submit all relevant attachments specified in the application;
- (3) Submit criminal history background requests as required in WAC 388-78A-2470;
- (4) Sign the application;
- (5) Submit the license fee as specified in WAC 388-78A-3230;
- (6) Submit verification that construction plans have been approved by construction review services;
- (7) Submit a revised application before the license is issued if any information has changed since the initial license application was submitted;
- (8) Submit a revised application containing current information about the proposed licensee or any other persons named in the application, if a license application is pending for more than one year; and
- (9) If the licensee's agent prepares an application on the licensee's behalf, the licensee must review, sign and attest to the accuracy of the information contained in the application.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2750, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2760 Necessary information. In making a determination whether to issue a boarding home license, in addition to the information for each person named in the application, the department may review other documents and information the department deems relevant, including inspection and complaint investigation findings for each facility with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2760, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2770 Change in licensee. (1) The licensee of a boarding home must change whenever the following events occur, including, but not limited to:

- (a) The licensee's form of legal organization is changed (e.g., a sole proprietor forms a partnership or corporation);
- (b) The licensee transfers ownership of the boarding home business enterprise to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the boarding home is also transferred;
- (c) The licensee dissolves, or consolidates or merges with another legal organization and the licensee's legal organization does not survive;
- (d) If, during any continuous twenty-four-month period, fifty percent or more of the "**licensed entity**" is transferred, whether by a single transaction or multiple transactions, to:
 - (i) A different person (e.g., new or former shareholders or partners); or
 - (ii) A person that had less than a five percent ownership interest in the boarding home at the time of the first transaction.

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(e) Any other event or combination of events that results in a substitution, elimination, or withdrawal of the licensee's control of the boarding home. As used in this section, "control" means the possession, directly or indirectly, of the power to direct the management, operation and/or policies of the licensee or boarding home, whether through ownership, voting control, by agreement, by contract or otherwise.

(2) The licensee is not required to change when the following, without more, occur:

(a) The licensee contracts with a party to manage the boarding home enterprise for the licensee pursuant to an agreement as specified in WAC 388-78A-2590; or

(b) The real property or personal property assets of the boarding home are sold or leased, or a lease of the real property or personal property assets is terminated, as long as there is not a substitution or substitution of control of the licensee or boarding home.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2770, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2780 Requirements to change boarding home licensee. (1) In order to change the licensee of a boarding home, the current licensee must notify the department and all residents of the proposed change in licensee at least ninety days prior to the proposed date of change, including the following information:

(a) Name of the present licensee and prospective licensee;

(b) Name and address of the boarding home for which the licensee is being changed;

(c) Date of proposed change; and

(d) If the boarding home contracts with the department or other public agencies that may make payments for residential care on behalf of residents, the anticipated effect the change of licensee will have on residents whose care and services are supported through these contracts.

(2) The prospective licensee must, at least ninety days prior to the proposed date of change:

(a) Sign the application;

(b) Submit the annual license fee, if a license fee is due;

(c) Submit evidence of control of the real estate on which the boarding home is located, such as a purchase and sales agreement, lease contract, or other appropriate document;

(d) Submit a revised application if any information included on the original application is no longer accurate; and

(e) Complete and submit a revised application if requested by the department.

(3) Send a letter to the department stating the licensee's intent to relinquish the boarding home license on the effective date of change in licensee.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2780, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2790 Annual renewal. To renew a boarding home license, the boarding home must:

(1) Submit a completed license renewal application on forms designated by the department, at least thirty days prior to the license expiration date;

(2) Sign the application;

(3) Submit the annual license fee as specified in WAC 388-78A-3230; and

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(4) If the licensee's agent prepares a renewal application on the licensee's behalf, the licensee must review, sign and attest to the accuracy of the information contained on the renewal application.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2790, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2800 Changes in licensed bed capacity. To change the licensed bed capacity in a boarding home, the boarding home must:

(1) Submit a completed request for approval to the department at least one day before the intended change;

(2) Submit the prorated fee required according to WAC 388-78A-3230; and

(3) Post an amended license obtained from the department, indicating the new bed capacity.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2800, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2810 Criteria for increasing licensed bed capacity. Before the licensed bed capacity in a boarding home may be increased, the boarding home must:

(1) Obtain construction review services' review and approval of the additional rooms or beds, and related auxiliary spaces, if not previously reviewed and approved; and

(2) Ensure the increased licensed bed capacity does not exceed the maximum facility capacity as determined by the department.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2810, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2820 Building requirements and exemptions. (1) To get a building approved for licensing, a person must:

(a) Design plans according to the building code, local codes and ordinances, and this chapter;

(b) Submit construction documents, including any change orders and addenda to:

(i) Construction review services per WAC 388-78A-2850 and include:

(A) A minimum of two sets of final construction drawings complying with the requirements of this chapter, stamped by a Washington state licensed architect or engineer; and

(B) A functional program description; and

(ii) Local county or municipal building departments per local codes to obtain necessary building permits.

(c) Conform to the approved construction documents during construction in accordance with chapter 18.20 RCW;

(d) Obtain written approval from construction review services prior to deviating from approved construction documents;

(e) Provide construction review services with a:

(i) Written notice of completion date;

(ii) Copy of reduced floor plan(s); and

(iii) Copy of certificate of occupancy issued by the local building department; and

(f) Obtain authorization from the department prior to providing boarding home services in the new construction area.

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(2) The department may exempt the boarding home from meeting a specific requirement related to the physical environment if the department determines the exemption will not:

- (a) Jeopardize the health or safety of residents;
- (b) Adversely affect the residents' quality of life; or
- (c) Change the fundamental nature of the boarding home operation into something other than a boarding home.

(3) A boarding home wishing to request an exemption must submit a written request to the department, including:

- (a) A description of the requested exemption; and
- (b) The specific WAC requirement for which the exemption is sought.

(4) The boarding home may not appeal the department's denial of a request for an exemption.

(5) The boarding home must retain a copy of each approved exemption in the boarding home.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2820, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2830 Conversion of licensed nursing homes. (1) If a person intends to convert a licensed nursing home building into a licensed boarding home, the building must meet all boarding home licensing requirements specified in this chapter and chapter 18.20 RCW unless the licensee has a contract with the department to provide enhanced adult residential care services in the boarding home per RCW 18.20.220.

(2) If the licensee provides contracted enhanced adult residential care services in the building converted from a licensed nursing home into a licensed boarding home, the boarding home licensing requirements for the physical structure are considered to be met if the most recent nursing home inspection report for the nursing home building demonstrates compliance, and compliance is maintained, with safety standards and fire regulations:

(a) As required by RCW 18.51.140; and

(b) Specified in the applicable building code, as required by RCW 18.51.145, including any waivers that may have been granted, except that the licensee must ensure the building meets the licensed boarding home standards, or their functional equivalency, for:

(i) Resident to bathing fixture ratio required per WAC 388-78A-3030;

(ii) Resident to toilet ratio required per WAC 388-78A-3030;

(iii) Corridor call system required per WAC 388-78A-2930;

(iv) Resident room door closures; and

(v) Resident room windows required per WAC 388-78A-3010.

(3) If the licensee does not continue to provide contracted enhanced adult residential care services in the boarding home converted from a licensed nursing home, the licensee must meet all boarding home licensing requirements specified in this chapter and chapter 18.20 RCW.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2830, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2840 Licenses for multiple buildings.

(1) The licensee may have multiple buildings operating under a single boarding home license if:

(a) All of the buildings are located on the same property with the same legal description; or

(b) All of the buildings are located on contiguous properties undivided by:

(i) Public streets, not including alleyways used primarily for delivery services or parking; or

(ii) Other land that is not owned and maintained by the owners of the property on which the boarding home is located.

(2) The licensee must have separate boarding home licenses for buildings that are not located on the same or contiguous properties.

(3) Buildings that construction review services reviewed only as an addition to, or a remodel of, an existing boarding home must not have separate boarding home licenses.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2840, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2850 Required reviews of building plans. (1) A person or boarding home must notify construction review services of all planned construction regarding boarding homes prior to beginning work on any of the following:

(a) A new building or portion thereof to be used as a boarding home;

(b) An addition of, or modification or alteration to an existing boarding home, including, but not limited to, the boarding home's:

(i) Physical structure;

(ii) Electrical fixtures or systems;

(iii) Mechanical equipment or systems;

(iv) Fire alarm fixtures or systems;

(v) Fire sprinkler fixtures or systems;

(vi) Carpeting;

(vii) Wall coverings 1/28 inch thick or thicker; or

(viii) Kitchen or laundry equipment.

(c) A change in the department-approved use of an existing boarding home or portion of a boarding home; and

(d) An existing building or portion thereof to be converted for use as a boarding home.

(2) A person or boarding home does not need to notify construction review services of the following:

(a) Repair or maintenance of equipment, furnishings or fixtures;

(b) Replacement of equipment, furnishings or fixtures with equivalent equipment, furnishings or fixtures;

(c) Repair or replacement of damaged construction if the repair or replacement is performed according to construction documents approved by construction review services within eight years preceding the current repair or replacement;

(d) Painting; or

(e) Cosmetic changes that do not affect resident activities, services, or care and are performed in accordance with the current edition of the building code.

(3) The boarding home must submit plans to construction review services as directed by construction review services and consistent with WAC 388-78A-2820 for approval prior to beginning any construction. The plans must provide an analysis of likely adverse impacts on current boarding home residents and plans to eliminate or mitigate such adverse impacts.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2850, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2860 Relocation of residents during construction. (1) Prior to moving residents out of the boarding home during construction, the boarding home must:

(a) Notify the residents and the residents' representatives at least thirty days prior to the anticipated move date, of the required move and their options consistent with chapter 70.129 RCW;

(b) Notify the department at least thirty days prior to the anticipated move date, of the boarding home's plans for relocating residents, including:

(i) The location to which the residents will be relocated;

(ii) The boarding home's plans for providing care and services during the relocation;

(iii) The boarding home's plans for returning residents to the building; and

(iv) The projected time frame for completing the construction.

(c) Obtain the department's approval for the relocation plans prior to relocating residents.

(2) If the boarding home moves out all of the residents from the boarding home without first obtaining the department's approval of the relocation plans, the boarding home is closed for business and the department may revoke the licensee's boarding home license.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2860, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2870 Vacant buildings. Whenever a boarding home moves out all residents and ceases operation for reasons other than construction, as specified in WAC 388-78A-2860, the licensee must relinquish the boarding home license or the department may revoke the boarding home license.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2870, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2880 Changing use of rooms. Prior to using a room for a purpose other than what was approved by construction review services, the boarding home must:

(1) Notify construction review services:

(a) In writing;

(b) Thirty days or more before the intended change in use;

(c) Describe the current and proposed use of the room; and

(d) Provide all additional documentation as requested by construction review services.

(2) Obtain the written approval of construction review services for the new use of the room.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2880, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2890 Time frame for approval. (1) A person or the licensee must:

(a) Obtain approval by construction review services, of final construction documents prior to starting any construction, except for fire alarm plans, fire sprinkler plans, and landscaping plans.

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(b) Obtain approval by construction review services, of landscaping, fire alarm and fire sprinkler plans prior to their installation.

(2) The department will not issue a boarding home license unless:

(a) Construction review services:

(i) Notifies the department that construction has been completed; and

(ii) Provides the department:

(A) A copy of the certificate of occupancy granted by the local building official;

(B) A copy of the functional program; and

(C) A reduced copy of the approved floor plan indicating room numbers or names and the approved use; and

(b) The state fire marshal has inspected and approved the boarding home for fire protection.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2890, filed 7/30/04, effective 9/1/04.]

Building

WAC 388-78A-2900 Retention of approved construction documents. The boarding home must retain on the boarding home premises:

(1) Specification data on materials used in construction, for the life of the product;

(2) Stamped "approved" set of construction documents.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2900, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2910 Applicable building codes. (1) Newly licensed boarding homes and construction in existing boarding homes must meet the requirements of all the current building codes and applicable sections of this chapter.

(2) Existing licensed boarding homes must continue to meet the building codes in force at the time of their initial licensing.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2910, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2910, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2920 Area for nursing supplies and equipment. (1) If the boarding home provides intermittent nursing services, the boarding home must provide on the boarding home premises for the safe and sanitary:

(a) Storage and handling of clean and sterile nursing equipment and supplies; and

(b) Cleaning and disinfecting of soiled nursing equipment.

(2) For all boarding homes first issued a project number by construction review services on or after September 1, 2004 for construction related to this section, in which intermittent nursing services are provided, or upon initiating intermittent nursing services within an existing boarding home, the boarding home must provide the following two separate rooms in each boarding home building, accessible only by staff persons:

(a) A "clean" utility room for the purposes of storing and preparing clean and sterile nursing supplies, equipped with:

(i) A work counter or table;

(ii) A handwashing sink, with soap and paper towels or other approved hand-drying device; and

(iii) Locked medication storage, if medications are stored in this area, that is separate from all other stored items consistent with WAC 388-78A-2260.

(b) A "soiled" utility room for the purposes of storing soiled linen, cleaning and disinfecting soiled nursing care equipment, and disposing of refuse and infectious waste, equipped with:

(i) A work counter or table;

(ii) A two-compartment sink for handwashing and equipment cleaning and sanitizing;

(iii) A clinical service sink or equivalent for rinsing and disposing of waste material;

(iv) Soap and paper towels or other approved hand-dry device; and

(v) Locked storage for cleaning supplies, if stored in the area.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2920, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2920, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2930 Communication system. (1) The boarding home must:

(a) Provide residents and staff persons with the means to summon on-duty staff assistance:

(i) From resident units;

(ii) From common areas accessible to residents;

(iii) From corridors accessible to residents; and

(iv) For boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, all bathrooms, all toilet rooms, resident living rooms and sleeping rooms.

(b) Provide residents, families, and other visitors with a means to contact a staff person inside the building from outside the building after hours.

(2) The boarding home must provide one or more non-pay telephones:

(a) In each building located for ready access by staff persons; and

(b) On the premises with reasonable access and privacy by residents.

(3) In boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the boarding home must equip each resident room with two telephone lines.

(4) If a boarding home that is issued a project number by construction services on or after September 1, 2004 chooses to install an intercom system, the intercom system must be equipped with a mechanism that allows a resident to control:

(a) Whether or not announcements are broadcast into the resident's room; and

(b) Whether or not voices or conversations within the resident's room can be monitored or listened to by persons outside the resident's room.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2930, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2930, filed 7/30/04, effective 9/1/04.]

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WAC 388-78A-2940 Two-way intercom systems. The boarding home may use a two-way intercom system between staff persons and residents in other rooms only when:

(1) A resident initiates the contact; or

(2) Staff persons announce to the resident that the intercom has been activated at the time it is activated, and:

(a) The resident and any others in the room agree to continue the contact;

(b) The boarding home deactivates the intercom when the conversation is complete; and

(c) The boarding home ensures each resident is aware the intercom is operating at all times the intercom is in use in the resident's room.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2940, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2940, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2950 Water supply. The boarding home must:

(1) Provide water meeting the provisions of chapter 246-290 WAC, Group A public water supplies or chapter 246-291 WAC, Group B public water systems;

(2) Maintain the boarding home water systems free of cross-connections as specified in the edition of *Cross-Connection Control Manual*, published by the Pacific Northwest Section of the American Water Works Association, in effect on the date a construction review fee is paid to the department of health, construction review services;

(3) Provide hot and cold water under adequate pressure readily available throughout the boarding home;

(4) Provide all sinks in resident rooms, toilet rooms and bathrooms, and bathing fixtures used by residents with hot water between 105°F and 120°F at all times; and

(5) Label or color code nonpotable water supplies "unsafe for domestic use."

[Statutory Authority: Chapters 18.20 and 74.34 RCW. 09-01-052, § 388-78A-2950, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2950, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2960 Sewage and liquid waste disposal. The boarding home must:

(1) Ensure that all sewage and waste water drain into a municipal sewage disposal system according to chapter 246-271 WAC, if available; or

(2) Provide on-site sewage disposal systems designed, constructed, and maintained as required by chapters 246-272 and 173-240 WAC, and local ordinances.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2960, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2960, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2970 Garbage and refuse disposal. The boarding home must:

(1) Provide an adequate number of garbage containers to store refuse generated by the boarding home:

(a) Located in a storage area convenient for resident and staff use;

(b) Constructed of nonabsorbent material;

(c) Cleaned and maintained to prevent:

- (i) Entrance of insects, rodents, birds, or other pests;
 - (ii) Odors; and
 - (iii) Other nuisances.
- (2) Assure garbage and waste containers are emptied frequently to prevent hazards and nuisances; and
- (3) Provide for safe and sanitary collection and disposal of:
- (a) Garbage and refuse;
 - (b) Infectious waste; and
 - (c) Waste grease from the kitchen.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2970, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2980 Lighting. (1) The boarding home must maintain electric light fixtures and lighting necessary for the comfort and safety of residents and for the activities of residents and staff.

(2) The boarding home must provide enough lighting in each resident's room to meet the resident's needs, preferences and choices.

(3) New boarding home construction must, at a minimum, meet the Illuminating Engineering Society of North America (IESNA) recommendations for lighting in common areas as established in the IESNA lighting handbook. The applicable handbook is the edition in effect on the date a construction review fee is paid to the department of health, construction review services, for new boarding home construction.

(4) Existing boarding home construction must maintain, at a minimum, the Illuminating Engineering Society of North America (IESNA) recommendations for lighting in common areas as established in the IESNA lighting handbook. The applicable handbook is the edition in effect on the date a construction review fee was paid to the department of health, construction review services, for the boarding home or that portion of the boarding home that underwent construction review.

[Statutory Authority: Chapters 18.20 and 74.34 RCW. 09-01-052, § 388-78A-2980, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2980, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2990 Heating-cooling—Temperature. The boarding home must:

(1) Equip each resident-occupied building with an approved heating system capable of maintaining a minimum temperature of 70°F per the building code. The boarding home must:

- (a) Maintain the boarding home at a minimum temperature of 60°F during sleeping hours; and
- (b) Maintain the boarding home at a minimum of 68°F during waking hours, except in rooms:
 - (i) Designated for activities requiring physical exertion; or

(ii) Where residents can individually control the temperature in their own living units, independent from other areas.

(2) Equip each resident-occupied building with a mechanical air cooling system or equivalent capable of maintaining a temperature of 75°F in communities where the design dry bulb temperature exceeds 85°F for one hundred

seventy-five hours per year or two percent of the time, as specified in the latest edition of "*Recommended Outdoor Design Temperatures—Washington State*," published by the Puget Sound chapter of the American Society of Heating, Refrigeration, and Air-Conditioning Engineers;

(3) Equip each boarding home issued a project number by construction review services on or after September 1, 2004 for construction related to this section, with a backup source of heat in enough common areas to keep all residents adequately warm during interruptions of normal heating operations;

(4) Prohibit the use of portable space heaters unless approved in writing by the Washington state director of fire protection; and

(5) Equip each resident sleeping room and resident living room in boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, with individual temperature controls located between thirty and forty-eight inches above the floor capable of maintaining room temperature plus or minus 3°F from setting, within a range of minimum 60°F to maximum 85°F.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-2990, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-2990, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3000 Ventilation. The boarding home must:

- (1) Ventilate rooms to:
 - (a) Prevent excessive odors or moisture; and
 - (b) Remove smoke.
- (2) Designate and ventilate smoking areas, if smoking is permitted in the boarding home, to prevent air contamination throughout the boarding home;
- (3) Provide intact sixteen mesh screens on operable windows and openings used for ventilation; and
- (4) Prohibit screens that may restrict or hinder escape or rescue through emergency exit openings.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3000, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3010 Resident room—Room furnishings-storage. (1) The boarding home must ensure each resident has a sleeping room that has:

- (a) Eighty or more square feet of usable floor space in a one-person sleeping room;
- (b) Seventy or more square feet of usable floor space per individual in a sleeping room occupied by two or more individuals, except:
 - (i) When a resident sleeping room is located within a private apartment; and
 - (ii) The private apartment includes a resident sleeping room, a resident living room, and a private bathroom; and
 - (iii) The total square footage in the private apartment equals or exceeds two hundred twenty square feet excluding the bathroom; and
 - (iv) There are no more than two residents living in the apartment; and
 - (v) Both residents mutually agree to share the resident sleeping room; and

(vi) All other requirements of this section are met, then the two residents may share a sleeping room with less than one hundred forty square feet.

(c) A maximum sleeping room occupancy of:

(i) Four individuals if the boarding home was licensed before July 1, 1989, and licensed continuously thereafter; and

(ii) Two individuals if the boarding home, after June 30, 1989:

(A) Applied for initial licensure; or

(B) Applied to increase the number of resident sleeping rooms; or

(C) Applied to change the use of rooms into sleeping rooms.

(d) Unrestricted direct access to a hallway, living room, outside, or other common-use area;

(e) One or more outside windows with:

(i) Window sills at or above grade, with grade extending horizontally ten or more feet from the building; and

(ii) Adjustable curtains, shades, blinds, or equivalent for visual privacy.

(f) One or more duplex electrical outlets per bed if the boarding home was initially licensed after July 1, 1983;

(g) A light control switch located by the entrance for a light fixture in the room;

(h) An individual towel and washcloth rack or equivalent, except when there is a private bathroom attached to the resident sleeping or living room, the individual towel and washcloth rack may be located in the attached private bathroom;

(i) In all boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, and when requested by a resident in a boarding home licensed on or before September 1, 2004, provide a lockable drawer, cupboard or other secure space measuring at least one-half cubic foot with a minimum dimension of four inches;

(j) Separate storage facilities for each resident in or immediately adjacent to the resident's sleeping room to adequately store a reasonable quantity of clothing and personal possessions;

(k) A configuration to permit all beds in the resident sleeping room to be spaced at least three feet from other beds unless otherwise requested by all affected residents.

(2) The boarding home must ensure each resident sleeping room contains:

(a) A comfortable bed for each resident, except when two residents mutually agree to share a bed. The bed must be thirty-six or more inches wide for a single resident and fifty-four or more inches wide for two residents, appropriate for size, age and physical condition of the resident and room dimensions, including, but not limited to:

(i) Standard household bed;

(ii) Studio couch;

(iii) Hide-a-bed;

(iv) Day bed; or

(v) Water bed, if structurally and electrically safe.

(b) A mattress for each bed which:

(i) Fits the bed frame;

(ii) Is in good condition; and

(iii) Is at least four inches thick unless otherwise requested or necessary for resident health or safety.

(c) One or more comfortable pillows for each resident;

(d) Bedding for each bed, in good repair; and

(e) Lighting at the resident's bedside when requested by the resident.

(3) The boarding home must not allow a resident sleeping room to be used as a passageway or corridor.

(4) The boarding home may use or allow use of carpets and other floor coverings only when the carpet is:

(a) Securely fastened to the floor or provided with non-skid backing; and

(b) Kept clean and free of hazards, such as curling edges or tattered sections.

(5) The boarding home must ensure each resident has either a sleeping room or resident living room that contains a sturdy, comfortable chair appropriate for the age and physical condition of the resident. This requirement does not mean a boarding home is responsible for supplying specially designed orthotic or therapeutic chairs, including those with mechanical lifts or adjustments.

[Statutory Authority: RCW 18.20.090, 06-01-047, § 388-78A-3010, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-3010, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3020 Calculating floor space. Usable floor space in a resident's sleeping room is calculated by measuring from interior wall surface to interior wall surface:

(1) Including:

(a) Areas under moveable furniture; and

(b) Areas of door swings and entryways into the sleeping room.

(2) Excluding:

(a) Areas under ceilings less than seven feet six inches high;

(b) Closet space and built-in storage;

(c) Areas under counters, sinks, or appliances; and

(d) Bathrooms and toilet rooms.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW, 04-16-065, § 388-78A-3020, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3030 Toilet rooms and bathrooms. (1)

The boarding home must provide private or common-use toilet rooms and bathrooms to meet the needs of each resident.

(2) The boarding home must provide each toilet room and bathroom with:

(a) Water resistant, smooth, low gloss, nonslip and easily cleanable materials;

(b) Washable walls to the height of splash or spray;

(c) Grab bars installed and located to minimize accidental falls including one or more grab bars at each:

(i) Bathing fixture; and

(ii) Toilet.

(d) Plumbing fixtures designed for easy use and cleaning and kept in good repair; and

(e) Adequate ventilation to the outside of the boarding home. For boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, must provide mechanical ventilation to the outside.

(3) The boarding home must provide each toilet room with a:

- (a) Toilet with a clean, nonabsorbent seat free of cracks;
- (b) Handwashing sink in or adjacent to the toilet room.

For boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the handwashing sink must be in the toilet room or in an adjacent private area that is not part of a common use area of the boarding home; and

(c) Suitable mirror with adequate lighting for general illumination.

(4) For boarding homes approved for construction or initially licensed after August 1, 1994, the boarding home must provide a toilet and handwashing sink in, or adjoining, each bathroom.

(5) When providing common-use toilet rooms and bathrooms, the boarding home must provide toilets and handwashing sinks for residents in the ratios of one toilet and one handwashing sink for every eight residents or fraction as listed in the following table:

Number of Residents	Number of Toilets*	Number of Handwashing Sinks
1-8	1	1
9-16	2	2
17-24	3	3
25-32	4	4
33-40	5	5
41-48	6	6
49-56	7	7
57-64	8	8
65-72	9	9
73-80	10	10
81-88	11	11
89-96	12	12
97-104	13	13
105-112	14	14
113-120	15	15
121-128	16	16
129-136	17	17
137-144	18	18
145-152	19	19
153-160	20	20
161-168	21	21
169-176	22	22
177-184	23	23

*When two or more toilets are contained in a single bathroom, they are counted as one toilet.

(6) When providing common-use toilet rooms and bathrooms, the boarding home must provide bathing fixtures for residents in the ratio of one bathing fixture for every twelve residents or fraction thereof as listed in the following table:

Number of Residents	Number of Bathing Fixtures
1-12	1
13-24	2
25-36	3
37-48	4
49-60	5
61-72	6

Number of Residents	Number of Bathing Fixtures
73-84	7
85-96	8
97-108	9
109-120	10
121-132	11
133-144	12
145-160	13
161-172	14
173-184	15
185-196	16

(7) When providing common-use toilet rooms and bathrooms, the boarding home must:

(a) Designate toilet rooms containing more than one toilet for use by men or women;

(b) Designate bathrooms containing more than one bathing fixture for use by men or women;

(c) Equip each toilet room and bathroom designed for use by, or used by, more than one person at a time, in a manner to ensure visual privacy for each person using the room. The boarding home is not required to provide additional privacy features in private bathrooms with a single toilet and a single bathing fixture located within a private apartment;

(d) Provide a handwashing sink with soap and single use or disposable towels, blower or equivalent hand-drying device in each toilet room, except that single-use or disposable towels or blowers are not required in toilet rooms or bathrooms that are located within a private apartment;

(e) Provide reasonable access to bathrooms and toilet rooms for each resident by:

(i) Locating a toilet room on the same floor or level as the sleeping room of the resident served;

(ii) Locating a bathroom on the same floor or level, or adjacent floor or level, as the sleeping room of the resident served;

(iii) Providing access without passage through any kitchen, pantry, food preparation, food storage, or dishwashing area, or from one bedroom through another bedroom; and

(f) Provide and ensure toilet paper is available at each common-use toilet.

(8) In boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the boarding home must ensure twenty-five percent of all the bathing fixtures in the boarding home are roll-in type showers that have:

(a) One-half inch or less threshold that may be a collapsible rubber water barrier;

(b) A minimum size of thirty-six inches by forty-eight inches; and

(c) Single lever faucets located within thirty-six inches of the seat so the faucets are within reach of persons seated in the shower.

[Statutory Authority: Chapters 18.20 and 74.34 RCW. 09-01-052, § 388-78A-3030, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-3030, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3030, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3040 Laundry. (1) The boarding home must provide laundry and linen services on the premises, or by commercial laundry.

(2) The boarding home must handle, clean, and store linen according to acceptable methods of infection control. The boarding home must:

(a) Provide separate areas for handling clean laundry and soiled laundry;

(b) Ensure clean laundry is not processed in, and does not pass through, areas where soiled laundry is handled;

(c) Ensure areas where clean laundry is stored are not exposed to contamination from other sources; and

(d) Ensure all staff persons wear gloves and uses other appropriate infection control practices when handling soiled laundry.

(3) The boarding home must use washing machines that have a continuous supply of hot water with a temperature of 140°F measured at the washing machine intake, or that automatically dispense a chemical sanitizer as specified by the manufacturer, whenever the boarding home washes:

(a) Boarding home laundry;

(b) Boarding home laundry combined with residents' laundry into a single load; or

(c) More than one resident's laundry combined into a single load.

(4) The boarding home or a resident washing an individual resident's personal laundry, separate from other laundry, may wash the laundry at temperatures below 140°F and without the use of a chemical sanitizer.

(5) The boarding home must ventilate laundry rooms and areas to the outside of the boarding home, including areas or rooms where soiled laundry is held for processing by off site commercial laundry services.

(6) The boarding home must locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

(7) For all boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the boarding home must provide a laundry area where residents' may do their personal laundry that is:

(a) Equipped with:

(i) A utility sink;

(ii) A table or counter for folding clean laundry;

(iii) At least one washing machine and one clothes dryer; and

(iv) Mechanical ventilation to the outside of the boarding home.

(b) Is arranged to reduce the chances of soiled laundry contaminating clean laundry.

(8) The boarding home may combine areas for soiled laundry with other areas when consistent with WAC 388-78A-3110.

(9) The boarding home may combine areas for handling and storing clean laundry with other areas when consistent with WAC 388-78A-3120.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-3040, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3040, filed 7/30/04, effective 9/1/04.]

(2009 Ed.)

WAC 388-78A-3050 Day rooms. (1) The boarding home must provide one or more day room areas in which residents may participate in social and recreational activities. Day room areas include, but are not limited to:

(a) Solariums;

(b) Enclosed sun porches;

(c) Recreation rooms;

(d) Dining rooms; and

(e) Living rooms.

(2) The boarding home must provide a total minimum floor space for day room areas of:

(a) One hundred fifty square feet, or ten square feet per resident, whichever is larger, in boarding homes licensed on or before December 31, 1988; or

(b) One hundred fifty square feet, or twenty square feet per resident, whichever is larger, in boarding homes licensed after December 31, 1988.

(3) The boarding home must provide day room areas with comfortable furniture and furnishings that meet the residents' needs.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3050, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3060 Storage space. The boarding home must:

(1) Provide adequate storage space for supplies, equipment and linens;

(2) Provide separate, locked storage for disinfectants and poisonous compounds; and

(3) Maintain storage space to prevent fire or safety hazards.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3060, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3070 Stairs—Ramps. The boarding home must maintain nonskid surfaces on all stairways and ramps used by residents.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3070, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3080 Guardrails—Handrails. (1) The boarding home must install and maintain sturdy handrails according to building code requirements, located:

(a) In halls and corridors, if necessary for resident safety;

(b) On each side of interior and exterior stairways with more than one step riser, unless the department approves in writing having a handrail on one side only; and

(c) On each side of interior and exterior ramps with slopes greater than one to twenty.

(2) The boarding home must install guardrails if the department determines guardrails are necessary for resident safety.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3080, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3090 Maintenance and housekeeping.

(1) The boarding home must:

(a) Provide a safe, sanitary and well-maintained environment for residents;

(b) Keep exterior grounds, boarding home structure, and component parts safe, sanitary and in good repair;

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(c) Keep facilities, equipment and furnishings clean and in good repair;

(d) Ensure each resident or staff person maintains the resident's quarters in a safe and sanitary condition; and

(e) Equip a housekeeping supply area on the premises with:

(i) A utility sink or equivalent means of obtaining and disposing of mop water, separate from food preparation and service areas;

(ii) Storage for wet mops, ventilated to the outside of the boarding home; and

(iii) Locked storage for cleaning supplies.

(2) For boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the boarding home must provide housekeeping supply room(s):

(a) Located on each floor of the boarding home, except only one housekeeping supply room is required for boarding homes licensed for sixteen or fewer beds when there is a means other than using a stairway, for transporting mop buckets between floors;

(b) In proximity to laundry and kitchen areas; and

(c) Equipped with:

(i) A utility sink or equivalent means of obtaining and disposing of mop water, away from food preparation and service areas;

(ii) Storage for wet mops;

(iii) Locked storage for cleaning supplies; and

(iv) Mechanical ventilation to the outside of the boarding home.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-3090, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3090, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3100 Safe storage of supplies and equipment. The boarding home must secure potentially hazardous supplies and equipment commensurate with the assessed needs of residents and their functional and cognitive abilities. In determining what supplies and equipment may be accessible to residents, the boarding home must consider at a minimum:

(1) The residents' characteristics and needs;

(2) The degree of hazardousness or toxicity posed by the supplies or equipment;

(3) Whether or not the supplies and equipment are commonly found in a private home, such as hand soap or laundry detergent; and

(4) How residents with special needs are individually protected without unnecessary restrictions on the general population.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3100, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3110 Areas for cleaning and storing soiled equipment, supplies and laundry. (1) The boarding home may combine areas used for storing, handling and cleaning soiled laundry and linens, areas used for cleaning and disinfecting soiled nursing care equipment, areas for disposing of refuse and infectious waste, and/or areas for storing

housekeeping and cleaning supplies, into a single area on the premises only when the boarding home equips the area with:

(a) A two-compartment sink for handwashing and sanitizing;

(b) A clinical service sink or equivalent for rinsing and disposing of waste material;

(c) A work counter or table;

(d) Mechanical ventilation to the outside of the boarding home; and

(e) Locked storage for cleaning supplies, if stored in the area.

(2) The boarding home must ensure that any work or function performed in or around a combined utility area as described in subsection (1) of this section is performed without significant risk of contamination to:

(a) Storing or handling clean or sterile nursing supplies or equipment;

(b) Storing or handling clean laundry;

(c) Providing resident care;

(d) Food storage, preparation, or service; or

(e) Other operations, services or functions in the boarding home sensitive to infection control practices.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3110, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3120 Areas for handling and storing clean supplies and equipment. The boarding home may combine areas used for handling and storing clean laundry, and areas used for storing, preparing and handling clean and sterile nursing supplies, equipment and medications, into a single area on the premises only when the boarding home:

(1) Equips the area with:

(a) A handwashing sink; and

(b) A work counter or table.

(2) Ensures that any work or function performed in the area is performed without significant risk of contamination from other sources; and

(3) Stores medications separate from all other stored items consistent with WAC 388-78A-2260.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3120, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3130 Plant restrictions. The boarding home must not use poisonous or toxic plants in areas of the boarding home premises accessible to residents who, based on their diagnosed condition or cognitive disabilities, may ingest or have harmful contact with such plants.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3130, filed 7/30/04, effective 9/1/04.]

Inspections, Enforcement Remedies, and Appeals

WAC 388-78A-3140 Responsibilities during inspections. The boarding home must:

(1) Cooperate with the department during any on-site inspection or complaint investigation;

(2) Provide requested records to the representatives of the department; and

(3) Ensure the boarding home administrator or the administrator's designee is available during any inspection or

complaint investigation to respond to questions or issues identified by department staff.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3140, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3150 Statements of deficiencies. The department will give the administrator or the administrator's designee a written statement of deficiencies report specifying any violations of chapters 18.20, 70.129, or 74.34 RCW, this chapter, or any other applicable laws or rules that the department found during any inspection or complaint investigation.

[Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. 09-01-079, § 388-78A-3150, filed 12/15/08, effective 5/1/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3150, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3152 Plan of correction—Required.

(1) The boarding home must comply with all applicable licensing laws and regulations at all times.

(2) When the department finds the boarding home out of compliance with any licensing law or regulation the department will send the home an inspection report with an attestation of correction statement for each cited deficiency.

(3) The boarding home must complete an attestation of correction for any inspection report as the department requires.

(4) For purposes of this section an "attestation of correction statement" means a statement developed by the department and signed and dated by the home, that the home:

- (a) Has or will correct each cited deficiency; and
- (b) Will maintain correction of each cited deficiency.

(5) The home must be able to show to the department, upon request, that, for each deficiency cited, the home has:

- (a) A plan of correction and maintaining correction;
- (b) Corrected or is correcting each deficiency; and
- (c) Maintained or is maintaining compliance.

(6) On each attestation of correction statement, the home must:

- (a) Give a date, approved by the department, showing when the cited deficiency has been or will be corrected; and
- (b) By signature and date showing that the home has or will correct, and maintain correction, of each deficiency.

(7) The home must return the inspection report, with completed attestation of correction statements, to the department within ten calendar days of receiving the report.

[Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. 09-01-079, § 388-78A-3152, filed 12/15/08, effective 5/1/09.]

WAC 388-78A-3160 Authorized enforcement remedies. (1) Whenever the circumstances in WAC 388-78A-3170(1) are present, the department may impose any enforcement remedies authorized by RCW 18.20.050(4), 18.20.185 (7) and 18.20.190 on a boarding home, including:

- (a) Denying a boarding home license;
- (b) Suspending a boarding home license;
- (c) Revoking a boarding home license;
- (d) Refusing to renew a boarding home license;
- (e) Suspending admissions to a boarding home;
- (f) Suspending admissions to a boarding home of a specific category or categories of residents as related to cited problems;

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(g) Imposing conditions on the boarding home license; and/or

(h) Imposing civil penalties of not more than one hundred dollars per day per violation.

(2) Notwithstanding subsection (1) of this section, the department may impose a civil penalty on a boarding home of up to three thousand dollars per day per violation for interference, coercion, discrimination and/or reprisal by a boarding home as set forth in RCW 18.20.185(7).

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3160, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3170 Circumstances resulting in enforcement remedies. (1) The department is authorized to impose enforcement remedies described in WAC 388-78A-3160 if any person described in subsection (2) of this section is found by the department to have:

(a) A history of significant noncompliance with federal or state laws or regulations in providing care or services to frail elders, vulnerable adults or children, whether as a licensee, contractor, managerial employee or otherwise. Evidence of significant noncompliance may include, without limitation:

(i) Citations for violation of laws or regulations imposed by regulating entities;

(ii) Sanctions for violation of laws or regulations imposed by regulating entities;

(iii) Involuntary termination, cancellation, suspension, or nonrenewal of a medicaid contract or medicare provider agreement, or any other agreement with a public agency for the care or treatment of children, frail elders or vulnerable adults;

(iv) Been denied a license relating to the care of frail elders, vulnerable adults or children; or

(v) Relinquished or failed to renew a license relating to care of frail elders, vulnerable adults or children following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of a license.

(b) Failed to provide appropriate care to frail elders, vulnerable adults or children under a contract, or having such contract terminated or not renewed by the contracting agency due to such failure;

(c) Been convicted of a felony, or a crime against a person, if the conviction reasonably relates to the competency of the person to operate a boarding home;

(d) Failed or refused to comply with the requirements of chapter 18.20 RCW, applicable provisions of chapter 70.129 RCW or this chapter;

(e) Retaliated against a staff person, resident or other individual for:

(i) Reporting suspected abuse or other alleged improprieties;

(ii) Providing information to the department during the course of the department conducting an inspection of the boarding home; or

(iii) Providing information to the department during the course of the department conducting a complaint investigation in the boarding home.

(f) Operated a facility for the care of children or adults without a current, valid license or under a defunct or revoked license;

(g) Been convicted of a crime committed on a boarding home premises; knowingly permitted, aided or abetted an illegal act on a boarding home premises; or engaged in the illegal use of drugs or the excessive use of alcohol;

(h) Abused, neglected or exploited a vulnerable adult or knowingly failed to report alleged abuse, neglect or exploitation of a vulnerable adult as required by chapter 74.34 RCW;

(i) Failed to exercise fiscal accountability and responsibility involving a resident, the department, public agencies, or the business community; or to have insufficient financial resources or unencumbered income to sustain the operation of the boarding home;

(j) Knowingly or with reason to know, made false statements of material fact in the application for the license or the renewal of the license or any data attached thereto, or in any matter under investigation by the department;

(k) Willfully prevented or interfered with or attempted to impede in any way any inspection or investigation by the department, or the work of any authorized representative of the department or the lawful enforcement of any provision of this chapter;

(l) Refused to allow department representatives or agents to examine any part of the licensed premises including the books, records and files required under this chapter;

(m) Moved all residents out of the boarding home without the department's approval and to be no longer operating as a boarding home; or

(n) Demonstrated any other factors that give evidence the applicant lacks the appropriate character, suitability and competence to provide care or services to vulnerable adults.

(2) This section applies to any boarding home:

(a) Applicant;

(b) Partner, officer or director;

(c) Manager or managerial employee; or

(d) Majority owner of the applicant or licensee:

(i) Who is involved in the management or operation of the boarding home;

(ii) Who may have direct access to boarding home residents;

(iii) Who controls or supervises the provision of care or services to boarding home residents; or

(iv) Who exercises control over daily operations of the boarding home.

(3) For other circumstances resulting in discretionary enforcement remedies, see WAC 388-78A-3200.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3170, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3180 Required enforcement remedies. The department must impose an appropriate remedy consistent with RCW 18.20.125 and as otherwise authorized by RCW 18.20.185 or 18.20.190 whenever the department finds a boarding home has:

(1) A serious problem, a recurring problem, or an uncorrected problem;

(2) Created a hazard that causes or is likely to cause death or serious harm to one or more residents;

(3) Discriminated or retaliated in any manner against a resident, employee, or any other person because that person or any other person made a complaint or provided informa-

tion to the department, the attorney general, a law enforcement agency, or the long-term care ombudsman; or

(4) Willfully interfered with the performance of official duties by a long-term care ombudsman.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3180, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3190 Denial, suspension, revocation, or nonrenewal of license statutorily required. (1) The department must deny, suspend, revoke or refuse to renew a boarding home license if any person described in subsection (2) of this section who has unsupervised access to residents, is:

(a) Convicted of a crime against children or other persons or crimes relating to financial exploitation as defined under RCW 43.43.830 or 43.43.842; or

(b) Found by a court in a protection proceeding or in a civil damages lawsuit under chapter 74.34 RCW to have abused, neglected, abandoned or exploited a vulnerable adult; or

(c) Found in any dependency action under chapter 13.34 RCW to have sexually assaulted, neglected, exploited, or physically abused any minor; or

(d) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused, exploited, or physically abused any minor; or

(e) Found in any final decision issued by a disciplinary board to have sexually or physically abused or neglected or exploited any minor or any vulnerable adult, or has a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW.

(2) This section applies to any boarding home:

(a) Applicant;

(b) Partner, officer or director;

(c) Manager or managerial employee; or

(d) Owner of five percent or more of the applicant:

(i) Who is involved in the operation of the boarding home; or

(ii) Who may have direct access to the boarding home residents; or

(iii) Who controls or supervises the provision of care or services to the boarding home residents; or

(iv) Who exercises control over daily operations.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-3190, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3190, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3200 Progression of enforcement remedies. (1) When the department cites a boarding home for an initial problem that does not represent a recurring problem, serious problem or uncorrected problem, and that results in minimal or moderate harm that is limited in scope, the department may:

(a) Require a plan of correction from the boarding home;

(b) Impose conditions on the boarding home license; and/or

(c) Impose a civil penalty.

(2) The department may take any of the actions specified in subsection (1) of this section and/or impose a stop-placement or limited stop-placement on a boarding home when:

(a) There is a reasonable probability, at the time the stop-placement or limited stop-placement is imposed, at least a moderate degree of harm will occur or recur as a result of a single problem or by a combination of problems; and

(b) The threatening problem is more than an isolated event or occurrence.

(3) The department may take any of the actions specified in subsections (1) and (2) of this section and/or summarily suspend a boarding home's license when:

(a) There is an imminent threat that a serious degree of harm may occur to residents as a result of a single problem or a combination of problems; and

(b) The threatening problem is more than an isolated event or occurrence.

(4) The department may take any of the actions specified in subsections (1), (2) and (3) of this section and/or revoke a boarding home's license when:

(a) The department has cause to summarily suspend the boarding home's license;

(b) There is a current problem with the boarding home and the boarding home has a history of having enforcement remedies imposed by the department;

(c) There is a current problem with the boarding home and the boarding home has a history of noncompliance representing problems that were at least moderate in nature and moderate in scope;

(d) The boarding home has moved all residents out of the boarding home without the department's approval and is no longer operating as a boarding home; or

(e) There is a serious current problem, which may not warrant a summary suspension, with the boarding home that does not have a history of noncompliance. Examples of the types of serious current problems that may warrant license revocation include, but are not limited to:

(i) The licensee has been found or convicted by a court of competent jurisdiction to have engaged in fraudulent activity; or

(ii) The licensee is experiencing significant financial problems resulting in poor care or jeopardizing the care and services that can be provided to residents, and possible business failure; or

(f) The boarding home fails to cooperate with the department during any inspection or complaint investigation.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3200, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3210 Informal dispute resolution.

The boarding home has a right to an informal dispute resolution meeting according to department procedure and consistent with RCW 18.20.195. The boarding home must make a request for an informal dispute resolution meeting in writing within ten days of the receipt of the written notice of deficiency.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3210, filed 7/30/04, effective 9/1/04.]

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WAC 388-78A-3220 Appeal rights. (1) An applicant or boarding home:

(a) May contest an enforcement remedy imposed by the department pursuant to RCW 18.20.190 according to the provisions of chapter 34.05 RCW and chapters 10-08 and 388-02 WAC;

(b) Must file any request for an adjudicative proceeding with the office of administrative hearings at the mailing address specified in the notice of imposition of an enforcement remedy within twenty-eight days of receiving the notice.

(2) Orders of the department imposing licensing suspension, stop-placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

[Statutory Authority: RCW 18.20.090. 06-01-047, § 388-78A-3220, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3220, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3230 Fees. The boarding home must:

(1) Submit an annual license fee of seventy-nine dollars per bed of the licensed resident bed capacity as determined by and in accordance with RCW 18.20.050;

(2) Submit an additional one hundred fifty dollars when billed by the department for:

(a) A third on-site visit required by the boarding home's failure to adequately correct problems identified in a statement of deficiencies; and

(b) A full out-of-sequence inspection resulting from information gathered during a complaint investigation.

(3) Submit an additional late fee in the amount of ten dollars per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark; and

(4) Submit to construction review services a fee for the review of the construction documents per the review fee schedule that is based on the project cost.

[Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. 04-16-065, § 388-78A-3230, filed 7/30/04, effective 9/1/04.]

Resident Protection Program

WAC 388-78A-3400 Investigation of reports. (1) The department may investigate allegations of abandonment, abuse, neglect, exploitation, and financial exploitation of a resident.

(2) A department investigation may include an investigation of allegations about one or more of the following:

(a) A licensee;

(b) Boarding home administrator;

(c) Employee of the boarding home;

(d) Entity representative;

(e) Anyone affiliated with the boarding home; and

(f) Caregiver.

[Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. 08-05-099, § 388-78A-3400, filed 2/15/08, effective 3/17/08.]

WAC 388-78A-3410 Notice of preliminary finding.

(1) The department will notify the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident in writing within ten working days of

making a preliminary finding of abandonment, abuse, neglect, exploitation, or financial exploitation of a resident. The written notice:

(a) Will not include the identities of the alleged victim, reporter and witnesses; and

(b) Will include the necessary information for the individual to ask for an administrative hearing to challenge the preliminary finding.

(2) The department must make a reasonable, good faith effort to find the last known address of the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident.

(3) The department may extend the time frame for notification beyond ten working days for good cause.

(4) The department will serve notice of the preliminary finding as provided in chapter 388-02 WAC.

[Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. 08-05-099, § 388-78A-3410, filed 2/15/08, effective 3/17/08.]

WAC 388-78A-3420 Reporting preliminary findings.

(1) In a manner consistent with confidentiality requirements concerning the resident, witnesses, and reporter, the department may provide notification of a preliminary finding to:

(a) Other divisions within the department;

(b) The agency or program identified under RCW 74.34.068 with which the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident is associated as an employee;

(c) The employer or program that is currently associated with the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident, if known;

(d) Law enforcement; and

(e) Other investigative authorities consistent with chapter 74.34 RCW.

(2) The notification will identify the finding as a preliminary finding.

[Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. 08-05-099, § 388-78A-3420, filed 2/15/08, effective 3/17/08.]

WAC 388-78A-3430 Disputing a preliminary finding. (1) The individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident may request an administrative hearing to challenge a preliminary finding made by the department.

(2) The request must be made in writing to the office of administrative hearings.

(3) The office of administrative hearings must receive the individual's written request for an administrative hearing within thirty calendar days of the date written on the notice of the preliminary finding.

(4) The written request for a hearing must include:

(a) The individual's full legal name, current mailing address and the telephone number;

(b) A brief explanation of why the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident disagrees with the preliminary finding;

(c) A description of any assistance needed in the administrative appeal process by the individual, including a foreign or sign language interpreter or any reasonable accommodation for a disability; and

(d) The individual's signature.

[Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. 08-05-099, § 388-78A-3430, filed 2/15/08, effective 3/17/08.]

WAC 388-78A-3440 Hearing procedures to dispute preliminary finding. (1) Chapters 34.05 and 74.34 RCW, chapter 388-02 WAC, and the provisions of this chapter govern any appeal regarding a preliminary finding.

(2) If a conflict exists between the provisions of this chapter and chapter 388-02 WAC, the provisions of this chapter prevail.

(3) If an administrative law judge within the office of administrative hearings determines that a preponderance of the evidence supports the preliminary finding that the individual abandoned, abused, neglected, exploited, or financially exploited a resident, then the administrative law judge will issue an initial order.

[Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. 08-05-099, § 388-78A-3440, filed 2/15/08, effective 3/17/08.]

WAC 388-78A-3450 Finalizing a preliminary finding. (1) A preliminary finding becomes a final finding when:

(a) The department notifies the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident there is a preliminary finding pursuant to WAC 388-78A-3410; and

(b) The individual alleged to have abandoned, abused, neglected, exploited or financially exploited a resident does not ask for an administrative hearing; or

(c) The administrative law judge:

(i) Dismisses the hearing following withdrawal of the appeal or default;

(ii) Dismisses the appeal for failure to comply with time limits under WAC 388-78A-3430; or

(iii) Issues an initial order upholding the finding and the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident fails to appeal the initial order to the department's board of appeals.

(d) The board of appeals issues a final order upholding the finding.

(2) A final finding is permanent.

(3) A final finding will only be removed from the department or agency list of individuals found to have abandoned, abused, neglected, exploited, or financially exploited a vulnerable adult if it is rescinded following judicial review.

(4) The department may remove a single finding of neglect from its records based upon a written petition by the individual found to have neglected a resident provided that at least one calendar year must have passed between the date a request was made to remove the finding of neglect and the date the final finding was finalized and recorded. If the department denies the petition, its decision may not be appealed.

[Statutory Authority: Chapters 18.20 and 74.34 RCW. 09-01-052, § 388-78A-3450, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. 08-05-099, § 388-78A-3450, filed 2/15/08, effective 3/17/08.]

WAC 388-78A-3460 Appeal of administrative law judge's initial order. (1) If the individual alleged to have abandoned, abused, neglected, exploited, or financially

exploited a resident or the department disagrees with the administrative law judge's decision, either party may challenge this decision by filing a petition for review with the department's board of appeals under chapter 34.05 RCW, Administrative Procedure Act, and chapter 388-02 WAC.

(2) If the department appeals the administrative law judge's decision, the department will not change the finding in the department's records until a final hearing decision is issued.

[Statutory Authority: Chapters 18.20 and 74.34 RCW. 09-01-052, § 388-78A-3460, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. 08-05-099, § 388-78A-3460, filed 2/15/08, effective 3/17/08.]

WAC 388-78A-3470 Reporting final findings. The department will report a final finding of abandonment, abuse, neglect, exploitation and financial exploitation within ten working days to the following:

(1) The individual found to have abandoned, abused, neglected, exploited, or financially exploited a resident and for whom there is a final finding;

(2) The boarding home licensee or entity representative that was associated with the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident during the time of the incident;

(3) The employer or program that is currently associated with the individual, if known;

(4) The appropriate licensing, certification or registration authority;

(5) The federal or state department or agency list of individuals found to have abandoned, abused, neglected, exploited, or financially exploited a vulnerable adult; and

(6) The findings may be disclosed to the public upon request subject to applicable public disclosure laws.

[Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. 08-05-099, § 388-78A-3470, filed 2/15/08, effective 3/17/08.]

WAC 388-78A-3480 Disclosure of investigative and finding information. (1) Confidential information about residents and mandated reporters received from the department may only be used by the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident to challenge findings through the appeal process.

(2) Confidential information such as the name and other personal identifying information of the reporter, witnesses, or the resident will be redacted from documents unless release of that information is consistent with chapter 74.34 RCW and other applicable state and federal laws.

[Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. 08-05-099, § 388-78A-3480, filed 2/15/08, effective 3/17/08.]

Chapter 388-79 WAC

GUARDIANSHIP FEES FOR CLIENTS OF THE DEPARTMENT

WAC

388-79-010	Purpose.
388-79-020	Definitions.
388-79-030	Maximum fees and costs.
388-79-040	Procedure to revise award letter after June 15, 1998, but before September 1, 2003.
388-79-050	Procedure for allowing fees and costs from client participation after September 1, 2003.

(2009 Ed.)

WAC 388-79-010 Purpose. These rules implement RCW 11.92.180 and 43.20B.460 to the extent that those statutes require the department to establish by rule the maximum amount of guardianship fees and additional compensation for administrative costs that may be allowed by the court for a guardian or limited guardian of an incapacitated person who is a Medicaid client of the department and is thus required by federal law to contribute to the cost of the client's long-term care.

[Statutory Authority: RCW 11.92.180, 43.20B.460, 03-16-022, § 388-79-010, filed 7/28/03, effective 8/28/03; 98-10-055, § 388-79-010, filed 4/30/98, effective 5/31/98.]

WAC 388-79-020 Definitions. "Administrative costs" or "costs" means necessary costs paid by the guardian including attorney fees.

"Client" means a person who is eligible for and is receiving Medicaid-funded long-term care.

"Guardianship fees" or "fees" means necessary fees charged by a guardian for services rendered on behalf of a client.

"Participation" means the amount the client pays from current monthly income toward the cost of the client's long-term care.

[Statutory Authority: RCW 11.92.180, 43.20B.460, 03-16-022, § 388-79-020, filed 7/28/03, effective 8/28/03; 98-10-055, § 388-79-020, filed 4/30/98, effective 5/31/98.]

WAC 388-79-030 Maximum fees and costs. The superior court may allow guardianship fees and administrative costs in an amount set out in an order. For orders entered after June 15, 1998, where the order establishes or continues a legal guardianship for a department client, and requires a future review or accounting; then unless otherwise modified by the process described in WAC 388-79-040:

(1) The amount of guardianship fees shall not exceed one hundred seventy-five dollars per month;

(2) The amount of administrative costs directly related to establishing a guardianship for a department client shall not exceed seven hundred dollars; and

(3) The amount of administrative costs shall not exceed a total of six hundred dollars during any three-year period.

[Statutory Authority: RCW 11.92.180, 43.20B.460, 03-16-022, § 388-79-030, filed 7/28/03, effective 8/28/03; 98-10-055, § 388-79-030, filed 4/30/98, effective 5/31/98.]

WAC 388-79-040 Procedure to revise award letter after June 15, 1998, but before September 1, 2003. After June 15, 1998, but before September 1, 2003, where a department client is subject to a guardianship then the department shall be entitled to notice of proceedings as described in RCW 11.92.150.

(1) The notice shall be given to the appropriate regional administrator of the program serving the department client. A list of the regional administrators will be available upon request.

(2) If the fees and costs requested and established by the order are equal to or lower than the maximum amount set by this rule then the award letter or document setting the department's client's participation shall be adjusted to reflect that

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amount upon receipt by the department of the court order setting a monthly amount.

(3) Should fees and costs above those requested in WAC 388-79-030 be requested:

(a) The appropriate regional administrator will be given notice of the hearing as described in RCW 11.92.150, and provided with copies of all supporting documents filed with the court.

(b) Should the court determine after consideration of the facts, law and evidence of the case, that fees and costs higher than normally allowed in WAC 388-79-030 are just and reasonable and should be allowed then the award letter or document setting the department client's participation shall be adjusted to reflect that amount upon receipt by the department of the court order setting a monthly amount.

[Statutory Authority: RCW 11.92.180, 43.20B.460. 03-16-022, § 388-79-040, filed 7/28/03, effective 8/28/03; 98-10-055, § 388-79-040, filed 4/30/98, effective 5/31/98.]

WAC 388-79-050 Procedure for allowing fees and costs from client participation after September 1, 2003.

(1) After September 1, 2003, where a client is subject to a guardianship the department shall be entitled to notice of proceedings as described in RCW 11.92.150.

(2) The notice must be served to the department's regional administrator of the program that is providing services to the client. A list of the regional administrators will be furnished upon request.

(3) If the fees and costs requested and established by the order are equal to or less than the maximum amounts allowed under WAC 388-79-030, then the department will adjust the client's current participation to reflect the amounts allowed upon receipt by the department of the court order setting the monthly amounts.

(4) Should fees and costs in excess of the amounts allowed in WAC 388-79-030 be requested:

(a) At least ten days before filing the request with the court, the guardian must present the request in writing to the appropriate regional administrator to allow the department an opportunity to consider whether the request should be granted on an exceptional basis.

(b) In considering a request for extraordinary fees or costs, the department must consider the following factors:

(i) The department's obligation under federal and state law to ensure that federal medicaid funding is not jeopardized by noncompliance with federal regulations limiting deductions from the client's participation amount;

(ii) The usual and customary guardianship services for which the maximum fees and costs under WAC 388-79-030 must be deemed adequate for a medicaid client, including but not limited to:

- (A) Acting as a representative payee;
- (B) Managing the client's financial affairs;
- (C) Preserving and/or disposing of property;
- (D) Making health care decisions;
- (E) Visiting and/or maintaining contact with the client;
- (F) Accessing public assistance programs on behalf of the client;
- (G) Communicating with the client's service providers; and

(H) Preparing any reports or accountings required by the court.

(iii) Extraordinary services provided by the guardian, such as:

- (A) Unusually complicated property transactions;
- (B) Substantial interactions with adult protective services or criminal justice agencies;
- (C) Extensive medical services setup needs and/or emergency hospitalizations; and
- (D) Litigation other than litigating an award of guardianship fees or costs.

(c) Should the court determine after consideration of the facts and law that fees and costs in excess of the amounts allowed in WAC 388-79-030 are just and reasonable and should be allowed, then the department will adjust the client's current participation to reflect the amounts allowed upon receipt by the department of the court order setting the monthly amounts.

(5) In no event may a client's participation be prospectively or retrospectively reduced to pay fees and costs incurred before the effective date of the client's medicaid eligibility; or during any subsequent time period when the client was not eligible for, or did not receive long-term care services; or after the client has died. There is no client participation towards DDD certified and contracted supported living services under chapter 388-820 WAC, so the department has no responsibility to reimburse the client for guardianship fees when those fees result in the client having insufficient income to pay their living expenses.

(6) If the court at a prior accounting has allowed the guardian to receive fees and costs from the client's monthly income in advance of services rendered by the guardian, and the client dies before the next accounting, the fees and costs allowed by the court at the final accounting may be less than, but may not exceed, the amounts advanced and paid to the guardian from the client's income.

(7) Guardians must furnish the regional administrator with complete packets to include all documents filed with the court and with formal notice clearly identifying the amount requested.

[Statutory Authority: RCW 11.92.180, 43.20B.460. 03-16-022, § 388-79-050, filed 7/28/03, effective 8/28/03.]

Chapter 388-96 WAC NURSING FACILITY MEDICAID PAYMENT SYSTEM

WAC

388-96-010	Definitions.
388-96-020	Prospective cost-related payment.
388-96-026	New contractors.
388-96-107	Requests for extensions.
388-96-108	Failure to submit final reports.
388-96-117	Certification requirement.
388-96-119	Reports—False information.
388-96-122	Amendments to reports.
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388-96-217	Civil fines.
388-96-218	Proposed, preliminary, and final settlements.
388-96-310	Interest on other excess payments.
388-96-366	Facility records and handling of resident moneys.
388-96-369	The nursing facility shall maintain a subsidiary ledger with an account for each resident for whom the facility holds money.
388-96-372	The nursing facility may maintain a petty cash fund originating from resident personal funds of an

	amount reasonable and necessary for the size of the facility and the needs of the residents.	388-96-749	Variable return—Quartiles and percentages.
388-96-375	Resident personal funds control/disbursement.	388-96-757	Payment for veterans' homes.
388-96-378	Resident personal funds availability.	388-96-760	Upper limits to the payment rate.
388-96-381	Procedure for refunding resident personal funds.	388-96-762	Allowable land.
388-96-384	Liquidation or transfer of resident personal funds.	388-96-766	Notification.
388-96-502	Indirect and overhead costs.	388-96-767	Appraisal values.
388-96-505	Offset of miscellaneous revenues.	388-96-771	Receivership.
388-96-525	Education and training.	388-96-776	Add-ons to the property and financing allowance payment rate—Capital improvements.
388-96-530	What will be allowable compensation for owners, relatives, licensed administrator, assistant administrator, and/or administrator-in-training?	388-96-777	Add-ons to the prospective rate—Initiated by the department.
388-96-532	Does the contractor have to maintain time records?	388-96-781	Exceptional direct care component rate allocation—Covered medicaid residents.
388-96-534	Joint cost allocation disclosure (JCAD).	388-96-782	Exceptional therapy care and exceptional direct care—Payment.
388-96-535	Management agreements, management fees, and central office services.	388-96-783	Certificate of capital authorization (CCA).
388-96-536	Does the department limit the allowable compensation for an owner or relative of an owner?	388-96-802	May the nursing facility (NF) contractor bill the department for a medicaid resident's day of death, discharge, or transfer from the NF?
388-96-540	Will the department allow the cost of an administrator-in-training?	388-96-803	When a nursing facility (NF) contractor becomes aware of a change in the medicaid resident's income and/or resources, must he or she report it?
388-96-542	Home office or central office.	388-96-901	Disputes.
388-96-553	Capitalization.	388-96-904	Administrative review—Adjudicative proceeding.
388-96-554	Expensing.	388-96-905	Case mix accuracy review of MDS nursing facility resident assessments.
388-96-559	Cost basis of land and depreciation base.		
388-96-561	Cost basis of land and depreciation base—Donated or inherited assets.		
388-96-565	Lives.		
388-96-572	Handling of gains and losses upon retirement of depreciable assets—Other periods.		
388-96-580	Operating leases of office equipment.		
388-96-585	Unallowable costs.		
388-96-704	Prospective payment rates.	388-96-015	Phase-in of other definitions. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-015, filed 2/25/81.] Repealed by 81-22-081 (Order 1712), filed 11/4/81. Statutory Authority: RCW 74.09.120.
388-96-705	Payment for services after settlement.		
388-96-708	Reinstatement of beds previously removed from service under chapter 70.38 RCW—Effect on prospective payment rate.		
388-96-709	Prospective rate revisions—Reduction in licensed beds.	388-96-023	Conditions of participation. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-023, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 91-22-025 (Order 3270), § 388-96-023, filed 10/29/91, effective 11/29/91; 83-19-047 (Order 2025), § 388-96-023, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-023, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-023, filed 6/1/78; Order 1262, § 388-96-023, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-710	Prospective payment rate for new contractors.		
388-96-713	Rate determination.		
388-96-718	Public process for determination of rates.		
388-96-723	Comparison of the statewide weighted average payment rate for all nursing facilities with the weighted average payment rate identified in the Biennial Appropriations Act.		
388-96-724	Advance notice—Nursing facility component rate reduction taken under RCW 74.46.421.		
388-96-725	RCW 74.46.421 rate reduction—A nursing facility's rates.	388-96-029	Change of ownership. [Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-029, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-029, filed 9/16/83; Order 1262, § 388-96-029, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-726	RCW 74.46.421 nursing facility component rates below the statewide weighted average payment rate identified in the Biennial Appropriations Act.		
388-96-730	Methodology for reducing a nursing facility's medicaid payment rate in order to reduce the statewide weighted average nursing facility medicaid payment rate to equal or be less than the weighted average payment rate identified in the Biennial Appropriations Act.	388-96-032	Termination of contract. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-032, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-032, filed 8/19/85. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-032, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-032, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-032, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-032, filed 6/1/78; Order 1262, § 388-96-032, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-731	Nursing facilities' rate reductions pursuant to RCW 74.46.421.		
388-96-738	What default case mix group and weight must the department use for case mix grouping when there is no minimum data set resident assessment for a nursing facility resident?		
388-96-739	How will the department determine which resident assessments are medicaid resident assessments?		
388-96-740	Medicaid case mix index—When a facility does not meet the ninety percent minimum data set (MDS) threshold as identified in RCW 74.46.501.	388-96-100	Standards for funding patient care services in skilled nursing/intermediate care facilities. [Order 1168, § 388-96-100, filed 11/3/76.] Repealed by Order 1262, filed 12/30/77.
388-96-741	When the nursing facility does not have facility average case mix indexes for the four quarters specified in RCW 74.46.501 (7)(b) for determining the cost per case mix unit, what will the department use to determine the nursing facility's cost per case mix unit?	388-96-101	Reports. [Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-101, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-101, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-101, filed 9/16/83; 79-03-021 (Order 1370), § 388-96-101, filed 2/21/79; Order 1262, § 388-96-101, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-742	Licensed beds to compute the ninety percent minimum data set (MDS) threshold rather than a nursing facility's quarterly average census.		
388-96-744	How will the department set the therapy care rate and determine the median cost limit per unit of therapy?		
388-96-746	How much therapy consultant expense for each therapy type will the department allow to be added to the total allowable one-on-one therapy expense?	388-96-103	Skilled nursing care patients. [Order 1168, § 388-96-103, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.
388-96-747	Constructed, remodeled or expanded facilities.		
388-96-748	Financing allowance component rate allocation.		

388-96-104	Due dates for reports. [Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-104, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-104, filed 9/16/83; 79-03-021 (Order 1370), § 388-96-104, filed 2/21/79; Order 1262, § 388-96-104, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-203	Initial financial survey report and budgetary report for new providers. [Order 1168, § 388-96-203, filed 11/3/76.] Repealed by Order 1262, filed 12/30/77.
388-96-106	Minimum licensed personnel requirements for skilled nursing facilities. [Order 1168, § 388-96-106, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.	388-96-204	Field audits. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-204, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-204, filed 4/17/90, effective 5/18/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-204, filed 12/23/87. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-204, filed 8/19/85. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-204, filed 12/4/84. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-204, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-204, filed 9/16/83; Order 1262, § 388-96-204, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-109	Intermediate care facility patients. [Order 1168, § 388-96-109, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.	388-96-206	Prospective daily payment. [Order 1168, § 388-96-206, filed 11/3/76.] Repealed by Order 1262, filed 12/30/77.
388-96-110	Improperly completed or late reports. [Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-110, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-110, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-110, filed 9/16/83; 82-09-033 (Order 1791), § 388-96-110, filed 4/14/82; 80-06-122 (Order 1510), § 388-96-110, filed 5/30/80, effective 7/1/80; Order 1262, § 388-96-110, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-207	Preparation for audit by the contractor. [Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-207, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-207, filed 9/16/83; Order 1262, § 388-96-207, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-112	Minimum licensed personnel requirements for intermediate care facilities. [Order 1168, § 388-96-112, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.	388-96-209	Flat rate payment system option. [Order 1168, § 388-96-209, filed 11/3/76.] Repealed by Order 1262, filed 12/30/77.
388-96-113	Completing reports and maintaining records. [Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-113, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-113, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-113, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-113, filed 8/19/85. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-113, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-113, filed 9/16/83; 83-05-007 (Order 1944), § 388-96-113, filed 2/4/83; 82-11-065 (Order 1808), § 388-96-113, filed 5/14/82; 80-09-083 (Order 1527), § 388-96-113, filed 7/22/80; Order 1262, § 388-96-113, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-210	Scope of field audits. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-210, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-210, filed 9/14/93, effective 10/15/93; 89-11-100 (Order 2799), § 388-96-210, filed 5/24/89. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-210, filed 9/16/83; Order 1262, § 388-96-210, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-116	Provider classification. [Order 1169, § 388-96-116, filed 11/10/76.] Repealed by Order 1257, filed 12/21/77.	388-96-213	Inadequate documentation. [Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-213, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-213, filed 9/16/83; Order 1262, § 388-96-213, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-118	Exception to dual contract. [Order 1168, § 388-96-118, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.	388-96-216	Deadline for completion of audits. [Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-216, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-216, filed 9/16/83; Order 1262, § 388-96-216, filed 12/30/77.] Repealed by 95-19-037 (Order 3896), filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18.
388-96-125	Reporting for an abbreviated period. [Statutory Authority: RCW 74.09.120. 79-04-102 (Order 1387), § 388-96-125, filed 4/4/79; Order 1262, § 388-96-125, filed 12/30/77.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.	388-96-219	Disclosure of audit narratives and summaries. [Order 1262, § 388-96-219, filed 12/30/77.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.
388-96-128	Requirements for retention of records by the contractor. [Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-128, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-128, filed 9/16/83; Order 1262, § 388-96-128, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-220	Principles of settlement. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-220, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-220, filed 9/16/83.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-131	Requirement for retention of reports by the department. [Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-131, filed 9/16/83; Order 1262, § 388-96-131, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-221	Preliminary settlement. [Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-221, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-221, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-221, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.09.120 and 74.46.800. 89-11-100 (Order 2799), § 388-96-221, filed 5/24/89. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-221, filed 12/23/87. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-221, filed 9/16/83.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-134	Disclosure of nursing home reports. [Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-134, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-134, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-134, filed 9/16/83; Order 1262, § 388-96-134, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-222	Settlement. [Statutory Authority: RCW 74.09.120. 83-05-007 (Order 1944), § 388-96-222, filed 2/4/83; 81-22-080 (Order 1716), § 388-96-222, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-
388-96-200	Condition of qualification for participation in the Washington state cost-related reimbursement system. [Order 1168, § 388-96-200, filed 11/3/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-201	Desk review. [Order 1262, § 388-96-201, filed 12/30/77.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.		

	024 (Order 1613), § 388-96-222, filed 2/25/81. Statutory Authority: RCW 74.09.120. 79-12-085 (Order 1461), § 388-96-222, filed 11/30/79; 79-04-059 (Order 1382), § 388-96-222, filed 3/28/79. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-222, filed 6/1/78; Order 1262, § 388-96-222, filed 12/30/77.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.	388-96-308	Late reports. [Order 1205, § 388-96-308, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
		388-96-309	Incorrect or false report. [Order 1114, § 388-96-309, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
		388-96-311	Forms. [Order 1205, § 388-96-311, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
		388-96-312	Amended annual or semiannual report. [Order 1114, § 388-96-312, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
388-96-223	Shifting. [Statutory Authority: RCW 74.09.120. 81-15-049 (Order 1669), § 388-96-223, filed 7/15/81; 80-15-114 (Order 1561), § 388-96-223, filed 10/22/80; Order 1262, § 388-96-223, filed 12/30/77.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.	388-96-314	Completion of reports. [Order 1205, § 388-96-314, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
		388-96-315	Flat rate option for providers (flat rate system). [Order 1114, § 388-96-315, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
388-96-224	Final settlement. [Statutory Authority: RCW 74.46.150, [74.46.]160, [74.46.]170 and [74.46.]800. 97-17-040, § 388-96-224, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-224, filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-224, filed 12/23/87. Statutory Authority: RCW 74.09.120 and 74.46.800. 85-13-060 (Order 2240), § 388-96-224, filed 6/18/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-224, filed 9/16/83.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-317	Certification of reports. [Order 1205, § 388-96-317, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
		388-96-318	Reporting requirements. [Order 1114, § 388-96-318, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
		388-96-320	False reports. [Order 1205, § 388-96-320, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
		388-96-321	Extensions. [Order 1114, § 388-96-321, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
		388-96-323	Amendments. [Order 1205, § 388-96-323, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
		388-96-324	Delinquent semiannual or annual reports. [Order 1114, § 388-96-324, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
388-96-225	Date settlement becomes final. [Statutory Authority: RCW 74.09.120. 83-05-007 (Order 1944), § 388-96-225, filed 2/4/83; 81-22-080 (Order 1716), § 388-96-225, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-225, filed 2/25/81; Order 1262, § 388-96-225, filed 12/30/77.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.	388-96-325	Abbreviated reporting period. [Order 1205, § 388-96-325, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
		388-96-326	Retention of records. [Order 1205, § 388-96-326, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
		388-96-327	Determination of prospective daily payment rate. [Order 1114, § 388-96-327, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-226	Shifting provisions. [Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-226, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-226, filed 9/14/93, effective 10/15/93. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-226, filed 12/23/87. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-226, filed 9/16/83.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-330	Rate adjustments and payments. [Order 1114, § 388-96-330, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-333	Annual report settlement. [Order 1114, § 388-96-333, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-336	Contested annual settlement. [Order 1114, § 388-96-336, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-339	Final settlement date. [Order 1114, § 388-96-339, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-227	Interest on settlements. [Statutory Authority: RCW 74.09.120. 83-05-007 (Order 1944), § 388-96-227, filed 2/4/83; 81-22-080 (Order 1716), § 388-96-227, filed 11/4/81.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.	388-96-342	Uniform system of accounting and reporting. [Order 1169, § 388-96-342, filed 11/10/76; Order 1114, § 388-96-342, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
		388-96-345	Uniform statistical reporting. [Order 1114, § 388-96-345, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
388-96-228	Cost savings. [Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-228, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-228, filed 9/14/93, effective 10/15/93. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-228, filed 12/23/87. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-228, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-228, filed 9/16/83.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-348	Method of accounting. [Order 1114, § 388-96-348, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
		388-96-351	Nursing home reports. [Order 1239, § 388-96-351, filed 8/23/77; Order 1205, § 388-96-351, filed 4/13/77; Order 1114, § 388-96-351, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-354	Final settlement report. [Order 1114, § 388-96-354, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-229	Procedures for overpayments and underpayments. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-229, filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-229, filed 12/23/87. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-229, filed 9/16/83.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-357	Provider records. [Order 1114, § 388-96-357, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
		388-96-360	Audits by the department. [Order 1114, § 388-96-360, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-363	Report certification. [Order 1114, § 388-96-363, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
		388-96-387	Illustration of final settlement form. [Order 1114, § 388-96-387, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-300	Required reports. [Order 1205, § 388-96-300, filed 4/13/77; Order 1114, § 388-96-300, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-400	The prospective cost-related reimbursement system. [Order 1168, § 388-96-400, filed 11/3/76; Order 1114, § 388-96-400, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-302	Report dates. [Order 1205, § 388-96-302, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.	388-96-403	Control areas and associated cost centers. [Order 1168, § 388-96-403, filed 11/3/76; Order 1114, § 388-96-403, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-303	Uniform reporting forms. [Order 1169, § 388-96-303, filed 11/10/76; Order 1114, § 388-96-303, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.	388-96-406	Payment of the actual allowable costs by cost center. [Order 1168, § 388-96-406, filed 11/3/76; Order 1114, § 388-96-406, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-305	Approval required for extensions. [Order 1205, § 388-96-305, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.	388-96-409	Discretionary allowance. [Order 1114, § 388-96-409, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-306	Short-period report procedure. [Order 1114, § 388-96-306, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.		

388-96-412	Expense allocation procedures. [Order 1114, § 388-96-412, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-507	Costs of meeting standards. [Statutory Authority: RCW 74.09.120, 91-22-025 (Order 3270), § 388-96-507, filed 10/29/91, effective 11/29/91; 81-22-081 (Order 1712), § 388-96-507, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-507, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-507, filed 6/1/78; Order 1262, § 388-96-507, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-415	Expense identification. [Order 1114, § 388-96-415, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-508	Travel expenses for members of trade association boards of directors. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-508, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-508, filed 5/30/84.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-418	Expense recoveries and adjustments. [Order 1114, § 388-96-418, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-509	Boards of directors fees. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-509, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-509, filed 5/30/84.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-421	Allocation of expenses. [Order 1114, § 388-96-421, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-510	Billing period. [Order 1114, § 388-96-510, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-424	Multifacility provider. [Order 1114, § 388-96-424, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-513	Limit on costs to related organizations. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-513, filed 9/14/93, effective 10/15/93; 81-06-024 (Order 1613), § 388-96-513, filed 2/25/81; Order 1262, § 388-96-513, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-427	Uniform system of accounting. [Order 1114, § 388-96-427, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-520	Suspension of reimbursement formula. [Order 1114, § 388-96-520, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-430	Separate and distinct SNF and/or ICF. [Order 1114, § 388-96-430, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-521	Start up costs. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-521, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-521, filed 9/16/83; Order 1262, § 388-96-521, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-433	Combined multifacility. [Order 1114, § 388-96-433, 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-523	Organization costs. [Statutory Authority: RCW 74.46.-800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-523, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-523, filed 9/16/83. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-523, filed 2/25/81; Order 1262, § 388-96-523, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-436	Prospective cost reimbursement for combined multifacility. [Order 1114, § 388-96-436, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-529	Total compensation—Owners, relatives, and certain administrative personnel. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-529, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-529, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-529, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-529, filed 2/25/81; Order 1262, § 388-96-529, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-439	Payment of the lower of actual costs or prospective per diem rates. [Order 1114, § 388-96-439, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-531	Owner or relative—Compensation. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-531, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-531, filed 9/16/83. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-531, filed 2/25/81; Order 1262, § 388-96-531, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-442	Multifacility flat rate option for providers (flat rate system). [Order 1114, § 388-96-442, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-533	Maximum allowable compensation of certain administrative personnel. [Statutory Authority: RCW 74.46.-800. 94-12-043 (Order 3737), § 388-96-533, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-533, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-533, filed 12/21/88. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-533, filed 12/23/87. Statutory Authority: RCW 74.46.800. 86-10-055 (Order 2372), § 388-96-533, filed 5/7/86, effective 7/1/86; 84-12-039 (Order 2105), § 388-96-533, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-533, filed
388-96-445	Medical recipient rates. [Order 1114, § 388-96-445, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-448	Medical recipient rates by level of care. [Order 1114, § 388-96-448, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-451	Prospective daily payment rate. [Order 1114, § 388-96-451, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-454	Prospective rate—Inadequate data. [Order 1114, § 388-96-454, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-457	Prospective rate revision. [Order 1114, § 388-96-457, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-458	Prospective rate—Projected (budgeted) cost increases. [Order 1114, § 388-96-458, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-460	Prospective rate—New facility. [Order 1114, § 388-96-460, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-463	Prospective rate—Change in ownership—New provider. [Order 1114, § 388-96-463, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-466	Prospective rate—Change in ownership—Nonarmslength transaction. [Order 1114, § 388-96-466, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-470	Prospective rate—Change in ownership—Armslength transaction. [Order 1114, § 388-96-470, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-473	Final daily settlement rate. [Order 1114, § 388-96-473, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-476	Notification of prospective and final rates. [Order 1114, § 388-96-476, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-479	Adjustments, errors, or omissions. [Order 1114, § 388-96-479, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-500	Provider billing instructions—Nursing home statement. [Order 1114, § 388-96-500, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-501	Allowable costs. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-501, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-501, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-501, filed 6/1/78; Order 1262, § 388-96-501, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.		
388-96-503	Substance prevails over form. [Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-503, filed 11/4/81. Statutory Authority: RCW 74.09.-120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-503, filed 2/25/81; Order 1262, § 388-96-503, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.		

	9/16/83; 81-22-081 (Order 1712), § 388-96-533, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-533, filed 2/25/81. Statutory Authority: RCW 74.09.120. 80-06-122 (Order 1510), § 388-96-533, filed 5/30/80, effective 7/1/80. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-533, filed 6/1/78; Order 1262, § 388-96-533, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-569	Retirement of depreciable assets. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-569, filed 9/14/93, effective 10/15/93; 91-22-025 (Order 3270), § 388-96-569, filed 10/29/91, effective 11/29/91; 81-06-024 (Order 1613), § 388-96-569, filed 2/25/81; Order 1262, § 388-96-569, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-537	Temporary contract labor. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-537, filed 2/25/81.] Repealed by 81-22-081 (Order 1712), filed 11/4/81. Statutory Authority: RCW 74.09.120.	388-96-571	Handling of gains and losses upon retirement of depreciable assets settlement periods prior to 1/1/81 and rate periods prior to 7/1/82. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-571, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-571, filed 6/1/78; Order 1262, § 388-96-571, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-539	Allowable interest. [Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-539, filed 9/16/83; 83-05-007 (Order 1944), § 388-96-539, filed 2/4/83; 81-22-081 (Order 1712), § 388-96-539, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-539, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-539, filed 6/1/78; Order 1262, § 388-96-539, filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.	388-96-573	Recovery of excess over straight-line depreciation. [Statutory Authority: RCW 74.09.120. 83-05-007 (Order 1944), § 388-96-573, filed 2/4/83; Order 1262, § 388-96-573, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-541	Offset of interest income. [Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-541, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-541, filed 2/25/81; Order 1262, § 388-96-541, filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.	388-96-587	Phase-in of other unallowable costs. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-587, filed 2/25/81.] Repealed by 81-22-081 (Order 1712), filed 11/4/81. Statutory Authority: RCW 74.09.120.
388-96-543	Expense for construction interest. [Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-543, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-543, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-543, filed 2/25/81; Order 1262, § 388-96-543, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-600	Reasonable costs. [Order 1114, § 388-96-600, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-545	Operating leases of equipment. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-545, filed 2/25/81.] Repealed by 81-22-081 (Order 1712), filed 11/4/81. Statutory Authority: RCW 74.09.120.	388-96-602	Substance of recoverable cost transactions. [Order 1114, § 388-96-602, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-547	Operating leases of facilities and equipment. [Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-547, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-547, filed 2/25/81; Order 1262, § 388-96-547, filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.	388-96-604	Costs due to changes imposed by regulatory agencies. [Order 1114, § 388-96-604, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-549	Rental expense paid to related organizations. [Order 1262, § 388-96-549, filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.	388-96-606	Nonreimbursable services and expenses. [Order 1114, § 388-96-606, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-555	Depreciation expense. [Order 1262, § 388-96-555, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-608	Recovery of expenses. [Order 1114, § 388-96-608, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-557	Depreciable assets. [Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-557, filed 12/4/84; 83-19-047 (Order 2025), § 388-96-557, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-557, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-557, filed 2/25/81; Order 1262, § 388-96-557, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-610	Physical property. [Order 1114, § 388-96-610, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-563	Depreciation base of assets previously used in medical care program. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-563, filed 2/25/81.] Repealed by 81-22-081 (Order 1712), filed 11/4/81. Statutory Authority: RCW 74.09.120.	388-96-612	Depreciation. [Order 1114, § 388-96-612, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-567	Methods of depreciation. [Statutory Authority: RCW 74.46.800. 86-10-055 (Order 2372), § 388-96-567, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-567, filed 8/19/85. Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-567, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-567, filed 2/25/81; Order 1262, § 388-96-567, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-614	Historical cost depreciation for new providers and for depreciable assets purchased subsequent to July 1, 1974. [Order 1114, § 388-96-614, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-616	Election of depreciation method for depreciable assets purchased prior to July 1, 1974, by providers entering cost reimbursement at its inception. [Order 1169, § 388-96-616, filed 11/10/76; Order 1114, § 388-96-616, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-618	Guideline lives and methods of depreciation. [Order 1114, § 388-96-618, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-620	Disposal of depreciable assets. [Order 1114, § 388-96-620, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-622	Gains or losses on disposition of major-minor equipment. [Order 1114, § 388-96-622, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-624	Historical cost trade-ins. [Order 1114, § 388-96-624, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-626	Purchase of facility as an ongoing operations. [Order 1114, § 388-96-626, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-628	Partial change of ownership interest. [Order 1114, § 388-96-628, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-630	Donated assets. [Order 1114, § 388-96-630, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-632	Capitalization vs. expense. [Order 1114, § 388-96-632, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-634	Construction in process. [Order 1114, § 388-96-634, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-636	Amortization expense of leasehold improvements. [Order 1114, § 388-96-636, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-638	Leased facilities and equipment. [Order 1114, § 388-96-638, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-640	Interest expense. [Order 1114, § 388-96-640, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.

388-96-642	Interest rate. [Order 1114, § 388-96-642, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-644	Recovery of interest income. [Order 1114, § 388-96-644, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-646	Interest expense—Related organization. [Order 1114, § 388-96-646, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-648	Construction interest expense. [Order 1114, § 388-96-648, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-650	In-service educational activities. [Order 1114, § 388-96-650, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-652	Owner-administrator compensation and/or allowances. [Order 1114, § 388-96-652, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-654	Relatives of owner compensation and/or allowances. [Order 1114, § 388-96-654, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-656	Owner-administrator of multiple facilities (groups). [Order 1114, § 388-96-656, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-658	Owner allowances. [Order 1114, § 388-96-658, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-660	Preopening expenses. [Order 1114, § 388-96-660, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-662	Discretionary allowance. [Order 1114, § 388-96-662, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-664	Costs of related organization. [Order 1114, § 388-96-664, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-666	Rentals or leases from related organization. [Order 1114, § 388-96-666, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-668	Service charges from related organization. [Order 1114, § 388-96-668, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-700	Appeals [Order 1114, § 388-96-700, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	
388-96-701	Reimbursement principles. [Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-701, filed 1/9/78.] Repealed by 81-15-049 (Order 1669), filed 7/15/81. Statutory Authority: RCW 74.09.120.	
388-96-707	Program services not covered by the reimbursement rate. [Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-707, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-707, filed 6/1/78. Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-707, filed 1/9/78.] Repealed by 94-12-043 (Order 3737), filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800.	
388-96-714	Nursing facility Medicaid rate allocations—Economic trends and conditions adjustment factors. [Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-714, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-714, filed 11/30/99, effective 12/31/99.] Repealed by 04-21-027, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.-431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8.	
388-96-716	Cost areas or cost centers. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-716, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-716, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.-800. 92-16-013 (Order 3424), § 388-96-716, filed 7/23/92, effective 8/23/92. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-716, filed 12/23/87. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-716, filed 12/4/84; 83-19-047 (Order 2025), § 388-96-716, filed 9/16/83; 81-15-049 (Order 1669), § 388-96-716, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-716, filed 5/30/80, effective 7/1/80; 78-02-013 (Order 1264), § 388-96-716, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	
388-96-717	Desk review adjustments. [Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-717, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025),	717, filed 9/16/83.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
		388-96-719
		Method of rate determination. [Statutory Authority: RCW 74.46.430. 97-17-040, § 388-96-719, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-719, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-719, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-719, filed 9/14/93, effective 10/15/93; 90-09-061 (Order 2970), § 388-96-719, filed 4/17/90, effective 5/18/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-719, filed 12/23/87. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-719, filed 8/19/85. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-719, filed 5/30/84. Statutory Authority: RCW 74.09.-120. 83-19-047 (Order 2025), § 388-96-719, filed 9/16/83; 82-17-071 (Order 1867), § 388-96-719, filed 8/18/82; 82-12-068 (Order 1820), § 388-96-719, filed 6/2/82; 82-04-073 (Order 1756), § 388-96-719, filed 2/3/82; 81-15-049 (Order 1669), § 388-96-719, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-719, filed 5/30/80, effective 7/1/80; 79-12-085 (Order 1461), § 388-96-719, filed 11/30/79; 78-11-043 (Order 1353), § 388-96-719, filed 10/20/78. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-719, filed 6/1/78. Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-719, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
		388-96-720
		Redistribution pool. [Statutory Authority: RCW 74.09.120. 82-11-065 (Order 1808), § 388-96-720, filed 5/14/82.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.
		388-96-721
		Priorities in establishing rates and responding to appeals of desk-review adjustments. [Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-721, filed 5/30/84.] Repealed by 94-12-043 (Order 3737), filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800.
		388-96-722
		Nursing services cost area rate. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-722, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-722, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-722, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-722, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.09.180 and 74.46.800. 91-22-025 (Order 3270), § 388-96-722, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 74.46.800 and 74.09.120. 91-12-026 (Order 3185), § 388-96-722, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-722, filed 12/21/88. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-722, filed 12/23/87. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-722, filed 4/20/87; 86-10-055 (Order 2372), § 388-96-722, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-722, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-722, filed 9/16/83; 82-11-065 and 82-13-050 (Orders 1808 and 1808A), § 388-96-722, filed 5/14/82 and 6/14/82; 81-15-049 (Order 1669), § 388-96-722, filed 7/15/81; 81-06-024 (Order 1613), § 388-96-722, filed 2/25/81; 80-06-122 (Order 1510), § 388-96-722, filed 5/30/80, effective 7/1/80; 79-12-085 (Order 1461), § 388-96-722, filed 11/30/79. Statutory Authority: RCW 18.51.310 and 74.09.120. 78-11-013 (Order 1349), § 388-96-722, filed 10/9/78. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-722, filed 6/1/78. Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-722, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
		388-96-727
		Food cost area rate. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-727, filed 9/12/95, effective 10/13/95.

	Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-727, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-727, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-727, filed 9/16/83; 81-15-049 (Order 1669), § 388-96-727, filed 7/15/81; 79-12-085 (Order 1461), § 388-96-727, filed 11/30/79; 78-02-013 (Order 1264), § 388-96-727, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.		74.09.120. 93-19-074 (Order 3634), § 388-96-745, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-745, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-745, filed 4/17/90, effective 5/18/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-745, filed 12/23/87. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-745, filed 4/20/87. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-745, filed 12/4/84.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-728	How will the nursing facility's "hold harmless" direct care rate be determined? [Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 25 and RCW 74.46.800. 98-20-023, § 388-96-728, filed 9/25/98, effective 10/1/98.] Repealed by 04-21-027, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8.	388-96-750	Return on investment. [Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-750, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-750, filed 9/16/83; 81-22-080 (Order 1716), § 388-96-750, filed 11/4/81; 80-15-114 (Order 1561), § 388-96-750, filed 10/22/80; 80-06-122 (Order 1510), § 388-96-750, filed 5/30/80, effective 7/1/80; 79-04-061 (Order 1381), § 388-96-750, filed 3/28/79.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.
388-96-729	When will the department use the "hold harmless rate" to pay for direct care services? [Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 25 and RCW 74.46.800. 98-20-023, § 388-96-729, filed 9/25/98, effective 10/1/98.] Repealed by 04-21-027, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8.	388-96-752	Documentation of leased assets. [Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-752, filed 12/4/84.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-732	How will the department determine whether its notice pursuant to WAC 388-96-724 was timely? [Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-732, filed 5/29/01, effective 6/29/01.] Repealed by 04-21-027, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8.	388-96-753	Return on investment—Effect of funding granted under WAC 388-96-774, 388-96-776, and 388-96-777. [Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-753, filed 5/26/94, effective 6/26/94.] Repealed by 95-19-037 (Order 3896), filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18.
388-96-735	Administrative cost area rate. [Statutory Authority: RCW 74.46.800. 97-17-040, § 388-96-735, filed 8/14/97, effective 9/14/97; 96-15-056, § 388-96-735, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-735, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-735, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-735, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-735, filed 12/4/84; 83-19-047 (Order 2025), § 388-96-735, filed 9/16/83; 82-11-065 (Order 1808), § 388-96-735, filed 5/14/82; 81-15-049 (Order 1669), § 388-96-735, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-735, filed 5/30/80, effective 7/1/80; 79-12-085 (Order 1461), § 388-96-735, filed 11/30/79; 78-02-013 (Order 1264), § 388-96-735, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-754	A contractor's return on investment. [Statutory Authority: RCW 74.46.530. 97-17-040, § 388-96-754, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-754, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-754, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-754, filed 9/14/93, effective 10/15/93; 91-22-025 (Order 3270), § 388-96-754, filed 10/29/91, effective 11/29/91; 90-09-061 (Order 2970), § 388-96-754, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-754, filed 12/21/88. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-754, filed 4/20/87; 86-10-055 (Order 2372), § 388-96-754, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-754, filed 8/19/85. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-754, filed 12/4/84.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-737	Operational cost area rate. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-737, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-737, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-737, filed 9/14/93, effective 10/15/93.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.	388-96-756	Enhancement cost area rate. [Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-756, filed 12/23/87.] Repealed by 93-19-074 (Order 3634), filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800 and 74.09.120.
388-96-743	Property cost area rate. [Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-743, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-743, filed 10/13/82; 81-15-049 (Order 1669), § 388-96-743, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-743, filed 5/30/80, effective 7/1/80; 79-12-085 (Order 1461), § 388-96-743, filed 11/30/79; 78-02-013 (Order 1264), § 388-96-743, filed 1/9/78.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.	388-96-761	Home office, central office, and other off-premises assets. [Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-761, filed 5/30/84.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
388-96-745	Property cost area reimbursement rate. [Statutory Authority: RCW 74.46.800 and 74.46.530. 97-17-040, § 388-96-745, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-745, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-745, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-745, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and	388-96-763	Rates for recipients requiring exceptionally heavy care. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-763, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-763, filed 5/26/94, effective 6/26/94; 92-16-013 (Order 3424), § 388-96-763, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-763, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-763, filed 12/21/88. Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-763, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-763, filed 6/1/78. Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-763, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.

- 388-96-764 Activities assistants. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-764, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-764, filed 5/30/84.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-765 Ancillary care. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-765, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-765, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-765, filed 5/30/84.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-768 Minimum wage. [Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-768, filed 9/14/93, effective 10/15/93; 90-09-061 (Order 2970), § 388-96-768, filed 4/17/90, effective 5/18/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-768, filed 12/23/87.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-769 Adjustments required due to errors or omissions. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-769, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 86-10-055 (Order 2372), § 388-96-769, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120. 82-11-065 (Order 1808), § 388-96-769, filed 5/14/82; 81-22-081 (Order 1712), § 388-96-769, filed 11/4/81; 78-02-013 (Order 1264), § 388-96-769, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-772 Requests for revision of a prospective rate. [Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-772, filed 11/4/81; 78-02-013 (Order 1264), § 388-96-772, filed 1/9/78.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.
- 388-96-773 Adjustments to prospective rates. [Statutory Authority: RCW 74.09.120 and 74.46.800. 85-13-065 (Order 2245), § 388-96-773, filed 6/18/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-773, filed 9/16/83.] Repealed by 90-09-061 (Order 2970), filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800.
- 388-96-774 Add-ons to the prospective rate—Staffing. [Statutory Authority: RCW 74.46.460. 97-17-040, § 388-96-774, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-774, filed 7/16/96, effective 8/16/96; 94-12-043 and 94-14-016 (Order 3737 and 3737A), § 388-96-774, filed 5/26/94 and 6/23/94, effective 6/26/94 and 7/24/94; 93-17-033 (Order 3615), § 388-96-774, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-774, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.09.120 and 74.46.800. 90-09-061 (Order 2970), § 388-96-774, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-774, filed 12/21/88. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-774, filed 12/23/87. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-774, filed 4/20/87. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-774, filed 8/19/85.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-775 Public review of rate-setting methods and standards. [Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-775, filed 1/9/78.] Repealed by 93-19-074 (Order 3634), filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800 and 74.09.120.
- 388-96-778 Public disclosure of rate-setting methodology. [Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-778, filed 1/9/78.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-779 Exceptional therapy care—Designated nursing facilities. [Statutory Authority: RCW 74.46.800, 74.46.508. 00-12-098, § 388-96-779, filed 6/7/00, effective 7/8/00.] Repealed by 04-21-027, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8.
- 388-96-780 Exceptional therapy care—Covered medicaid residents. [Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-780, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 74.46.800, 74.46.508. 00-12-098, § 388-96-780, filed 6/7/00, effective 7/8/00.] Repealed by 04-21-027, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8.
- 388-96-801 Billing period. [Order 1262, § 388-96-801, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-804 Billing procedures. [Statutory Authority: RCW 74.09.120, 82-20-024 and 82-20-036 (Orders 1883 and 1883A), § 388-96-804, filed 9/29/82 and 9/30/82; Order 1262, § 388-96-804, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-807 Charges to patients. [Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-807, filed 12/21/88. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-807, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-807, filed 10/13/82; Order 1262, § 388-96-807, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-810 Payment. [Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-810, filed 7/16/96, effective 8/16/96; Order 1262, § 388-96-810, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-813 Suspension of payment. [Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-813, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-813, filed 9/16/83; Order 1262, § 388-96-813, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-816 Termination of payments. [Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-816, filed 9/16/83; Order 1262, § 388-96-816, filed 12/30/77.] Repealed by 98-20-023, filed 9/25/98, effective 10/1/98.
- 388-96-900 Definitions. [Order 1169, § 388-96-900, filed 11/10/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-902 Recoupment of undisputed overpayments. [Statutory Authority: RCW 74.09.120. 82-11-065 (Order 1808), § 388-96-902, filed 5/14/82.] Repealed by 95-19-037 (Order 3896), filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18.

WAC 388-96-010 Definitions. Unless the context indicates otherwise, the following definitions apply in this chapter.

"Accounting" means activities providing information, usually quantitative and often expressed in monetary units, for:

- (1) Decision making;
- (2) Planning;
- (3) Evaluating performance;
- (4) Controlling resources and operations; and
- (5) External financial reporting to investors, creditors, regulatory authorities, and the public.

"Administration and management" means activities used to maintain, control, and evaluate the efforts and resources of an organization for the accomplishment of the objectives and policies of that organization.

"Allowable costs" means documented costs that are necessary, ordinary, and related to the care of medicaid recipients, and are not expressly declared nonallowable by this chapter or chapter 74.46 RCW. Costs are ordinary if they are of the nature and magnitude that prudent and cost conscious management would pay.

"Allowable depreciation costs" means depreciation costs of tangible assets, whether owned or leased by the contractor, meeting the criteria specified in RCW 74.46.330.

"Assignment of contract" means:

- (1) A new nursing facility licensee has elected to care for medicaid residents;
- (2) The department finds no good cause to object to continuing the medicaid contract at the facility; and
- (3) The new licensee accepts assignment of the immediately preceding contractor's contract at the facility.

"Capitalized lease" means a lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

"Cash method of accounting" means a method of accounting in which revenues are recorded when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

"Change of ownership" means a substitution, elimination, or withdrawal of the individual operator or operating entity contracting with the department to deliver care services to medical care recipients in a nursing facility and ultimately responsible for the daily operational decisions of the nursing facility.

(1) Events which constitute a change of ownership include, but are not limited to, the following:

(a) Changing the form of legal organization of the contractor, e.g., a sole proprietor forms a partnership or corporation;

(b) Transferring ownership of the nursing facility business enterprise to another party, regardless of whether ownership of some or all of the real property and/or personal property assets of the facility are also transferred;

(c) Dissolving of a partnership;

(d) Dissolving the corporation, merging the corporation with another corporation, which is the survivor, or consolidating with one or more other corporations to form a new corporation;

(e) Transferring, whether by a single transaction or multiple transactions within any continuous twenty-four-month period, fifty percent or more of the stock to one or more:

(i) New or former stockholders; or

(ii) Present stockholders each having held less than five percent of the stock before the initial transaction;

(f) Substituting of the individual operator or the operating entity by any other event or combination of events that results in a substitution or substitution of control of the individual operator or the operating entity contracting with the department to deliver care services; or

(g) A nursing facility ceases to operate.

(2) Ownership does not change when the following, without more, occurs:

(a) A party contracts with the contractor to manage the nursing facility enterprise as the contractor's agent, i.e., subject to the contractor's general approval of daily operating and management decisions; or

(b) The real property or personal property assets of the nursing facility change ownership or are leased, or a lease of them is terminated, without a substitution of individual operator or operating entity and without a substitution of control of the operating entity contracting with the department to deliver care services.

"Charity allowance" means a reduction in charges made by the contractor because of the indigence or medical indigence of a patient.

"Component rate allocation(s)" means the initial component rate allocation(s) of the rebased rate for a rebase period effective July 1. If a month and a day, other than July 1, with a year precedes "component rate allocation(s)," it means the initial component rate allocation(s) of the rebased rate of the rebase period has been amended or updated effective the date that precedes it, e.g., October 1, 1999 direct care component rate allocation.

"Contract" means an agreement between the department and a contractor for the delivery of nursing facility services to medical care recipients.

"Cost report" means all schedules of a nursing facility's cost report submitted according to the department's instructions.

"Courtesy allowances" means reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

"Donated asset" means an asset the contractor acquired without making any payment for the asset either in cash, property, or services. An asset is not a donated asset if the contractor:

(1) Made even a nominal payment in acquiring the asset; or

(2) Used donated funds to purchase the asset.

"Equity capital" means total tangible and other assets which are necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

"Fiscal year" means the operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods. As determined by context or otherwise, "fiscal year" may also refer to a state fiscal year extending from July 1 through June 30 of the following year and comprising the first or second half of a state fiscal biennium.

"Gain on sale" means the actual total sales price of all tangible and intangible nursing facility assets including, but not limited to, land, building, equipment, supplies, goodwill, and beds authorized by certificate of need, minus the net book value of such assets immediately prior to the time of sale.

"Intangible asset" is an asset that lacks physical substance but possesses economic value.

"Interest" means the cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

"Multiservice facility" means a facility at which two or more types of health or related care are delivered, e.g., a hospital and nursing facility, or a boarding home and nursing facility.

"Nonadministrative wages and benefits" means wages, benefits, and corresponding payroll taxes paid for nonadministrative personnel, not to include administrator, assistant administrator, or administrator-in-training.

"Nonallowable costs" means the same as "unallowable costs."

"Nonrestricted funds" means funds which are not restricted to a specific use by the donor, e.g., general operating funds.

"Nursing facility occupancy percentage" is determined by multiplying the number of calendar days for the cost report period by the number of licensed beds for the same cost report period. Then, the nursing facility's actual resident days for the same cost report period is divided by the product. When the nursing facility under chapter 70.38 RCW reinstates or reduces the number of licensed beds, then under WAC 388-96-708 or 388-96-709 the number of licensed beds after reinstatement or reduction will be used. In all determinations that require a nursing facility occupancy percentage, the department will use the greater of either a nursing facility's occupancy percentage or eighty-five percent.

"Per diem (per patient day or per resident day) costs" means total allowable costs for a fiscal period divided by total patient or resident days for the same period.

"Prospective daily payment rate" means the rate assigned by the department to a contractor for providing service to medical care recipients prior to the application of settlement principles.

"Recipient" means a medicaid recipient.

"Related care" includes:

- (1) The director of nursing services;
- (2) Activities and social services programs;
- (3) Medical and medical records specialists; and
- (4) Consultation provided by:
 - (a) Medical directors; and
 - (b) Pharmacists.

"Relative" includes:

- (1) Spouse;
- (2) Natural parent, child, or sibling;
- (3) Adopted child or adoptive parent;
- (4) Stepparent, stepchild, stepbrother, stepsister;
- (5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law;
- (6) Grandparent or grandchild; and
- (7) Uncle, aunt, nephew, niece, or cousin.

"Start up costs" means the one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start up costs include:

- (1) Administrative and nursing salaries;
- (2) Utility costs;
- (3) Taxes;
- (4) Insurance;
- (5) Repairs and maintenance; and
- (6) Training costs.

Start up costs do not include expenditures for capital assets.

"Total rate allocation" means the initial rebased rate for a rebase period effective July 1. If a month and a day, other than July 1, with a year precedes "total rate allocation," it means the initial rebased rate of the rebase period has been amended or updated effective the date that precedes it, e.g., October 1, 1999 direct care component rate allocation.

"Unallowable costs" means costs which do not meet every test of an allowable cost.

"Uniform chart of accounts" means a list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

"Vendor number" means a number assigned to each contractor delivering care services to medical care recipients.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-010, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-010, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-010, filed 9/25/98, effective 10/1/98; 97-17-040, § 388-96-010, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-010, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-010, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-010, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 91-22-025 (Order 3270), § 388-96-010, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-010, filed 4/17/90, effective 5/18/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-010, filed 12/23/87. Statutory Authority: RCW 74.09.120 and 74.46.800. 85-13-060 (Order 2240), § 388-96-010, filed 6/18/85. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-010, filed 12/4/84. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-010, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-010, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-010, filed 10/13/82; 81-22-081 (Order 1712), § 388-96-010, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-010, filed 2/25/81. Statutory Authority: RCW 74.09.120. 80-09-083 (Order 1527), § 388-96-010, filed 7/22/80; 79-04-061 (Order 1381), § 388-96-010, filed 3/28/79. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-010, filed 6/1/78; Order 1262, § 388-96-010, filed 12/30/77.]

WAC 388-96-020 Prospective cost-related payment.

The nursing facility medicaid payment system is the system used by the department to pay for nursing facility services provided to medical care recipients. Payment for nursing facility care shall be determined in accordance with this chapter and chapter 74.46 RCW. The provisions of chapter 74.46 RCW are incorporated by reference in this chapter as if fully set forth.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-020, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.09.120 and 74.46.800. 85-13-065 (Order 2245), § 388-96-020, filed 6/18/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-020, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-020, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-020, filed 6/1/78; Order 1262, § 388-96-020, filed 12/30/77.]

WAC 388-96-026 New contractors. (1) For purposes of administering the payment system, the department shall consider a "new contractor" as one who receives a new vendor number and:

(a) Builds from the ground-up a new facility; and operates the new facility with completely new staff, administration and residents. If the "new contractor" operated a nursing facility immediately before the opening of the new facility, then the "new contractor" must operate the new facility with:

(i) Staff and administration that are substantially to completely different than the previous operation of the "new contractor"; and

(ii) A resident population that is substantially to completely different than the residents residing in the previous nursing facility; or

(b) Currently operates, acquires, or assumes responsibility for operating an existing nursing facility that was not

operated under a medicaid contract immediately prior to the effective date of the new medicaid contract; or

(c) Purchases or leases a nursing facility that, at the time of the purchase or lease, was operated under a medicaid contract.

(2) A new contractor shall submit:

(a) At least sixty days before the effective date of the contract or assignment, a statement disclosing the identity of individuals or organizations who:

(i) Have a beneficial ownership interest in the current operating entity or the land, building, or equipment of the facility; or

(ii) Have a beneficial ownership interest in the purchasing or leasing entity.

(b) By March 31st of the following year, a cost report for the period from the effective date of the contract or assignment through December 31st of year the contract or assignment was effective.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 19(11) and RCW 74.46.800. 98-20-023, § 388-96-026, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-026, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-026, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-026, filed 12/21/88. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-026, filed 9/16/83; Order 1262, § 388-96-026, filed 12/30/77.]

WAC 388-96-107 Requests for extensions. (1) A contractor may request in writing an extension for submitting cost reports. Contractor requests shall:

(a) Be addressed to the manager, residential rates program;

(b) State the circumstances prohibiting compliance with the report due date; and

(c) Be received by the department at least ten days prior to the due date of the report.

(2) The department may grant two extensions of up to thirty days each, only if the circumstances, stated clearly, indicate the due date cannot be met and the following conditions are present:

(a) The circumstances were not foreseeable by the provider; and

(b) The circumstances were not avoidable by advance planning.

[Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-107, filed 12/21/88. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-107, filed 9/16/83; Order 1262, § 388-96-107, filed 12/30/77.]

WAC 388-96-108 Failure to submit final reports. (1) If a nursing facility's contract is terminated or assigned, and the nursing facility does not submit a final cost report as required by RCW 74.46.040, the nursing facility shall return to the department all payments made to the terminating or assigning contractor relating to the period for which a report has not been received within sixty days after the terminating or assigning contractor receives a written demand from the department.

(2) Effective sixty days after the terminating or assigning contractor receives a written demand for payment, interest

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will begin to accrue payable to the department on any unpaid balance at the rate of one percent per month.

[Statutory Authority: RCW 74.46.040 and 74.46.050 as amended by 1998 c 322 §§ 3 and 4. 98-20-023, § 388-96-108, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-108, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-108, filed 9/16/83. Statutory Authority: RCW 74.08.090. 82-21-025 (Order 1892), § 388-96-108, filed 10/13/82.]

WAC 388-96-117 Certification requirement. The contractor as defined in RCW 74.46.020(13) must certify under penalty of perjury that the cost report or an amendment to it is a true, correct, and complete representation of actual costs related to patient care prepared in accordance with applicable instructions provided by the department, chapter 388-96 WAC, and chapter 74.46 RCW. Further, where other costs not related to patient care are shown, they are classified as unallowable.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-117, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-117, filed 8/19/85; Order 1262, § 388-96-117, filed 12/30/77.]

WAC 388-96-119 Reports—False information. (1) If a contractor knowingly or with reason to know files a report containing false information, such action constitutes good cause for termination of its contract with the department.

(2) In accordance with RCW 74.46.531, the department will make adjustments to payment rates because a false report was filed.

(3) Contractors filing false reports may be referred for prosecution under applicable statutes.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 19(11) and 31 and RCW 74.46.800. 98-20-023, § 388-96-119, filed 9/25/98, effective 10/1/98; Order 1262, § 388-96-119, filed 12/30/77.]

WAC 388-96-122 Amendments to reports. (1) For the purpose of determining allowable costs, the department shall consider an amendment to an annual report only if filed by the provider before the receipt by the provider of the notification scheduling the department's audit. The contractor may file an amendment subsequent to such notification and pursuant to the provisions of RCW 74.46.531 to adjust a payment rate allocation because of an error or omission. When the provider files an amendment, the department shall consider it only if significant errors or omissions are discovered. The department shall deem errors or omissions "significant" when the errors or omissions would mean a net difference of two cents or more per patient day or one thousand dollars or more in reported costs, whichever is higher, in any component rate allocation. To file an amendment, only those cost report pages where changes appear need to be filed, together with the certification required by WAC 388-96-117.

(2) If an amendment is filed, a contractor shall also submit with the amendment an account of the circumstances relating to and the reasons for the amendment, along with supporting documentation. The department shall refuse to consider an amendment resulting in a more favorable settlement or payment rate allocation to a contractor if the amendment is not the result of circumstances beyond the control of

the contractor or the result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question.

(3) Acceptance or use by the department of an amendment to a cost report shall in no way be construed as a release of applicable civil or criminal liability.

[Statutory Authority: Chapter 74.46 as amended by 1998 c 322 §§ 19(11) and 31 and RCW 74.46.800. 98-20-023, § 388-96-122, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800. 86-10-055 (Order 2372), § 388-96-122, filed 5/7/86, effective 7/1/86; 84-12-039 (Order 2105), § 388-96-122, filed 5/30/84. Statutory Authority: RCW 74.09.120. 82-11-065 (Order 1808), § 388-96-122, filed 5/14/82; 79-03-021 (Order 1370), § 388-96-122, filed 2/21/79; Order 1262, § 388-96-122, filed 12/30/77.]

WAC 388-96-202 Scope of audit or department audit. (1) The department will review the contractor's record-keeping and accounting practices and, where appropriate, make written recommendations for improvements.

(2) The department's audit will result in a schedule of summarizing adjustments to the contractor's cost report. The schedule will show whether such adjustments eliminate costs reported or include costs not reported. Each adjustment listed will include an explanation for the adjustment, the cost report account, and the dollar amount. In accordance with chapter 74.46 RCW, the department will comply with the purpose of department audits by verifying that:

(a) Supporting records are in agreement with reported data;

(b) Only those assets, liabilities, and revenue and expense items the department has specified as allowable have been included by the contractor in computing the costs of services provided under its contract;

(c) Allowable costs have been accurately determined and are necessary, ordinary, and related to resident care;

(d) Related organizations and beneficial ownerships or interests have been correctly disclosed;

(e) Home office or central office costs have been reported and allocated in accordance with the provisions of this chapter and chapter 74.46 RCW;

(f) Recipient and nonmedicaid resident trust funds have been properly maintained and disbursed;

(g) Facility receivables do not include benefits or payments to which the provider is not entitled; and

(h) The contractor is otherwise in compliance with the provisions of this chapter and chapter 74.46 RCW.

(3) In complying with the purpose of department audits in chapter 74.46 RCW, the department may select any or all schedules of a facility's cost report. The department will audit cost reports, resident trust fund accounts, and facility receivables of each nursing facility participating in the medicaid payment system as determined necessary by the department.

(4) When determining the contractor's final settlement, the department will apply to reported costs adjustments written under subsection (2), whether used for the purpose of establishing component rate allocations as described in chapter 74.46 RCW or to ascertain contractor compliance with subsection (2).

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-202, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 8 and RCW 74.46.800. 98-20-023, § 388-96-202, filed 9/25/98, effective 10/1/98.]

WAC 388-96-217 Civil fines. (1) When the department finds that a current or former contractor, or any partner, officer, director, owner of five percent or more of the stock of a current or former corporate contractor, or managing agent has failed or refused to comply with any requirement of chapters 74.46 RCW or 388-96 WAC, the department may assess monetary penalties of a civil nature not to exceed one thousand dollars per violation. Every day of noncompliance with any requirement of chapters 74.46 RCW or 388-96 WAC is a separate violation.

(2) The department may fine a contractor or former contractor or any partner, officer, director, owner of five percent or more of the stock of a current or former corporate contractor, or managing agent for the following but is not limited to the following in its fine assessments:

(a) Failure to file a mathematically accurate and complete cost report, including a final cost report, on or prior to the applicable due date established by this chapter or authorized by extension granted in writing by the department; or

(b) Failure to permit an audit authorized by this chapter or to grant access to all records and documents deemed necessary by the department to complete such an audit.

(3) The department shall send notice of a fine assessed under subsection (2) of this section by certified mail return receipt requested to the current contractor, administrator, or former contractor informing the addressee of the following:

(a) The fine shall become effective the date of receipt of the notice by the addressee; and

(b) If within two weeks of the date of receipt of the notice by the addressee, an acceptable cost report is received by the department; an audit is allowed; or access to documentation is allowed, as applicable, the department may waive the fine.

(4)(a) The department may fine a current or former contractor, or any partner, officer, director, owner of a current or former corporate contractor, or managing agent for failure to comply with RCW 74.46.630.

(b) The department shall send notice of a fine assessed under (a) of this subsection by certified mail, to the current contractor, administrator, or former contractor informing the addressee that the fine shall become effective upon receipt of notice by the addressee.

[Statutory Authority: RCW 74.46.050, 74.46.431, 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-217, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-217, filed 5/26/94, effective 6/26/94; 87-09-058 (Order 2485), § 388-96-217, filed 4/20/87.]

WAC 388-96-218 Proposed, preliminary, and final settlements. (1) For each component rate, the department shall calculate a proposed, preliminary or final settlement at the lower of prospective payment rate or audited allowable costs, except as otherwise provided in this chapter [and chapter 74.46 RCW].

(2) As part of the cost report, the proposed settlement report is due in accordance with RCW 74.46.040. In the proposed preliminary settlement report, a contractor shall compare the contractor's payment rates during a cost report period, weighted by the number of resident days reported for the same cost report period to the contractor's allowable costs for the cost report period. [In accordance with RCW 74.46.-

100, 74.46.155 and 74.46.165] the contractor shall take into account all authorized shifting, retained savings, and upper limits to rates on a cost center basis.

(a) The department will:

(i) Review the proposed preliminary settlement report for accuracy; and

(ii) Accept or reject the proposal of the contractor. If accepted, the proposed preliminary settlement report shall become the preliminary settlement report. If rejected, the department shall issue, by component payment rate allocation, a preliminary settlement report fully substantiating disallowed costs, refunds, or underpayments due and adjustments to the proposed preliminary settlement.

(b) When the department receives the proposed preliminary settlement report:

(i) By the cost report due date specified in RCW 74.46.040, it will issue the preliminary settlement report within one hundred twenty days of the cost report due date; or

(ii) After the cost report due date specified in RCW 74.46.040, it will issue the preliminary settlement report within one hundred twenty days of the date the cost report was received.

(c) In its discretion, the department may designate a date later than the dates specified in subsection (2)(b)(i) and (ii) of this section to issue preliminary settlements.

(d) A contractor shall have twenty-eight days after receipt of a preliminary settlement report to contest such report under WAC 388-96-901 and 388-96-904. Upon expiration of the twenty-eight day period, the department shall not review or adjust a preliminary settlement report. Any administrative review of a preliminary settlement shall be limited to calculation of the settlement, to the application of settlement principles and rules, or both, and shall not encompass rate or audit issues.

(3) The department shall issue a final settlement report to the contractor after the completion of the department audit process, including exhaustion or termination of any administrative review and appeal of audit findings or determinations requested by the contractor, but not including judicial review as may be available to and commenced by the contractor.

(a) The department shall prepare a final settlement by component payment rate allocation and shall fully substantiate disallowed costs, refunds, underpayments, or adjustments to the cost report and financial statements, reports, and schedules submitted by the contractor. The department shall take into account all authorized shifting, savings, and upper limits to rates on a component payment rate allocation basis. For the final settlement report, the department shall compare:

(i) The payment rates it paid the contractor for the facility in question during the report period, weighted by the number of allowable resident days reported for the period each rate was in effect to the contractor's;

(ii) Audited allowable costs for the reporting period; or

(iii) Reported costs for the nonaudited reporting period.

(b) A contractor shall have twenty-eight days after the receipt of a final settlement report to contest such report pursuant to WAC 388-96-901 and 388-96-904. Upon expiration of the twenty-eight day period, the department shall not review a final settlement report. Any administrative review of a final settlement shall be limited to calculation of the settle-

ment, the application of settlement principles and rules, or both, and shall not encompass rate or audit issues.

(c) The department shall reopen a final settlement if it is necessary to make adjustments based upon findings resulting from a department audit performed pursuant to RCW 74.46-100. The department may also reopen a final settlement to recover an industrial insurance dividend or premium discount under RCW 51.16.035 in proportion to a contractor's medicare recipient days.

(4)(a) In computing a preliminary or final settlement, a contractor must comply with the requirements of RCW 74.46.165 (2), (3), and (4) for retaining or refunding to the department payments made in excess of the adjusted costs of providing services corresponding to each component rate allocation.

(b) The facility shall refund all amounts due the department within sixty days after the date of decision or termination plus interest on any unpaid balance after sixty days will accrue at one percent per month. Repayment will be without prejudice to obtain review of the settlement determination pursuant to WAC 388-96-901 and 388-96-904. After an administrative hearing and/or judicial review, if the payment obligation is reduced, then the department will rescind the difference between the accrued interest on the payment obligation and the interest that would have accrued on the reduced payment obligation from the date interest began to accrue on the original payment obligation.

(5) In determining whether a facility has forfeited unused rate funds in its direct care, therapy care and support services component rates under authority of RCW 74.46.165, the following rules shall apply:

(a) Federal or state survey officials shall determine when a facility is not in substantial compliance or is providing substandard care, according to federal and state nursing facility survey regulations;

(b) Correspondence from state or federal survey officials notifying a facility of its compliance status shall be used to determine the beginning and ending dates of any period(s) of noncompliance; and

(c) Forfeiture shall occur if the facility was out of substantial compliance more than ninety days during the settlement period. The ninety-day period need not be continuous if the number of days of noncompliance exceed ninety days during the settlement period regardless of the length of the settlement period. Also, forfeiture shall occur if the nursing facility was determined to have provided substandard quality of care at any time during the settlement period.

(6)(a) For calendar year 1998, the department will calculate two settlements covering the following periods:

(i) January 1, 1998 through September 30, 1998; and

(ii) October 1, 1998 through December 31, 1998.

(b) The department will use medicare rates weighted by total patient days (i.e., medicare and non-medicare days) to divide 1998 costs between the two settlement periods identified in subsection (6)(a) of this section.

(c) The department will net the two settlements for 1998 to determine a nursing facility's 1998 settlement.

[Statutory Authority: RCW 74.46.155, 74.46.165, 74.46.431, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-218, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-218, filed 5/29/01, effective 6/29/01. Statutory Authority:

Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-218, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 9 and 10 and RCW 74.46.800, 98-20-023, § 388-96-218, filed 9/25/98, effective 10/1/98.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 388-96-310 Interest on other excess payments.

(1) Any contractor obtaining benefits or payments under the medical assistance program to which such contractor is not entitled or in an amount to which such contractor is not entitled, shall be liable for such benefits or payments received and for interest on the amount of benefits or payments from the date of receipt until repayment is made to the department at the rate of one percent per month, unless the contractor establishes the overpayment was the result of errors made by the department.

(2) Interest charged by the department or interest expense incurred by the contractor, from whatever source, in making refund to the department shall not be reimbursable by the department as an allowable cost. The contractor may, by payment of a disputed settlement in whole or in part, stop accrual of interest on the amount paid. Such payment will be without prejudice to obtain review of a settlement determination.

[Statutory Authority: RCW 74.09.120, 83-19-047 (Order 2025), § 388-96-310, filed 9/16/83.]

WAC 388-96-366 Facility records and handling of resident moneys. (1) A nursing facility may not require residents to deposit personal funds with the facility. A facility may hold a resident's personal funds only if the resident or resident's guardian provides written authorization.

(2) Once a nursing facility accepts the written authorization of the resident or resident's guardian, the facility shall hold, safeguard, and account for such personal funds under an established system in accordance with this chapter. The nursing facility shall establish and maintain as a service to the residents a bookkeeping system, incorporated in the business records and adequate for audit, for all resident moneys received by the facility.

(3) The nursing facility shall maintain the resident's or guardian's written authorization in the resident's file. The facility shall deposit any resident's personal funds in excess of fifty dollars in an interest-bearing resident personal fund account or accounts, separate from any of the facility's operating accounts, and credit all interest earned on an account to the account. With respect to any other personal funds, the facility shall keep such funds in a noninterest-bearing account or petty cash fund maintained for residents.

(4) The facility shall give the resident at least a quarterly reporting of all financial transactions involving personal funds held for the resident by the facility. The facility shall send the representative payee, the guardian, or other designated agents of the resident a copy of the quarterly accounting report.

(5) The nursing facility shall further maintain a written record of all personal property deposited with the facility for safekeeping by or for the resident. The facility shall issue or obtain written receipts upon taking possession or disposing of

such property and retain copies and/or originals of such receipts. The facility shall maintain records adequate for audit.

(6) The facility shall purchase a surety bond, or otherwise provide assurances or security satisfactory to the department, to assure the security of all personal funds of residents deposited with the facility.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120, 90-20-075 (Order 3070), § 388-96-366, filed 9/28/90, effective 10/1/90. Statutory Authority: RCW 74.46.800, 87-09-058 (Order 2485), § 388-96-366, filed 4/20/87; Order 1168, § 388-96-366, filed 11/3/76; Order 1114 § 388-96-366, filed 4/21/76.]

WAC 388-96-369 The nursing facility shall maintain a subsidiary ledger with an account for each resident for whom the facility holds money.

(1) The facility shall assure a full and complete separate accounting of each resident's personal funds. Each account record and related supporting information and documentation shall:

- (a) Be maintained at the facility;
- (b) Be kept current;
- (c) Be balanced each month; and
- (d) Show in writing and in detail, with supporting verification, all moneys received on behalf of the individual resident and the disposition of all moneys so received.

(2) Each account shall be reasonably accessible to the resident or the resident's guardian or legal representative and shall be available for audit and inspection by a department representative. Each account shall be maintained for a minimum of four years. A medicaid provider shall notify each Title XIX medicaid recipient or guardian and the home and community services office of the department that serves the area when the amount in the account of any Title XIX medicaid recipient reaches two hundred dollars less than the applicable dollar resource limit for supplemental security income (SSI) eligibility set forth in Title XVI of the Social Security Act.

(3) When notice is given under subsection (2) of this section, the facility shall notify the recipient or guardian that if the amount in the account, in addition to the value of the recipient's other nonexempt resources, reaches the dollar resource limit determined under Title XVI, the recipient may lose eligibility for SSI medical assistance or benefits under Title XVI.

(4) After the recipient's admission to the facility, accumulation toward the Title XVI limit is permitted only from the clothing and personal incidentals allowance and other income that the department specifically designates as exempt income.

(5) No resident funds may be overdrawn (show a debit balance). If a resident wants to spend an amount greater than the facility is holding for the resident, the home may provide money from its own funds and collect the debt by installments from that portion of the resident's allowance remaining at the end of each month. No interest may be charged to residents for such loans.

(6) The facility may not impose a charge against the personal funds of a medicare or medicaid recipient for any item or service for which payment is made under the Title XVIII medicare program or the Title XIX medicaid program. In order to ensure that medicaid recipients are not charged for

services provided under the Title XIX program, any charge for medical services otherwise properly made to a recipient's personal funds shall be supported by a written denial from the department.

(a) Mobility aids including walkers, wheelchairs, or crutches requested for the exclusive use by a medicaid recipient shall have a written denial from the department of social and health services before a recipient's personal funds may be charged.

(b) Requests for medically necessary services and supplies not funded under the provisions of chapter 388-96 WAC or chapter 388-86 WAC (reimbursement rate or coupon system) shall have a written denial from the department before a medicaid recipient's personal funds may be charged.

(c) A written denial from the department is not required when the pharmacist verifies that a drug is not covered by the program, e.g., items on the FDA list of ineffective or possible effective drugs, nonformulary over-the-counter (OTC) medications. The pharmacist's notation to this effect is sufficient.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-369, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.800, 01-12-037, § 388-96-369, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-369, filed 9/28/90, effective 10/1/90. Statutory Authority: RCW 74.42.620 and 74.46.800. 85-17-070 (Order 2275), § 388-96-369, filed 8/21/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-369, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-369, filed 10/13/82; Order 1168, § 388-96-369, filed 11/3/76; Order 1114, § 388-96-369, filed 4/21/76.]

WAC 388-96-372 The nursing facility may maintain a petty cash fund originating from resident personal funds of an amount reasonable and necessary for the size of the facility and the needs of the residents. (1) This petty cash fund shall be an imprest fund limited to one thousand dollars unless the facility demonstrates good cause for the department to grant a higher limit. All moneys over and above the petty cash limit shall be deposited intact in an interest bearing account or accounts maintained for resident personal funds, separate and apart from any other bank account of the facility or other facilities. All interest earned on an account containing resident personal funds shall be credited to such account.

(2) Cash deposits of recipient allowances must be made intact to the resident personal fund account within one week from the time that payment is received from the department, Social Security Administration, or other payer.

(3) Any related bankbooks, bank statements, checkbook, check register, and all voided and cancelled checks, shall be made available for audit and inspection by a department representative, and shall be maintained by the home for not less than four years.

(4) No service charges for such checking account shall be paid by residents or deducted from resident personal funds.

(5) The resident personal fund account or accounts per bank shall be reconciled monthly to the resident personal funds per resident ledgers.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-372, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-372, filed

(2009 Ed.)

9/28/90, effective 10/1/90. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-372, filed 9/16/83; Order 1114, § 388-96-372, filed 4/21/76.]

WAC 388-96-375 Resident personal funds control/disbursement. Personal funds shall be held and used for the benefit of the resident and are not to be turned over to anyone other than the resident or the resident's guardian without the written consent of the resident, the resident's designated agent as appointed by power of attorney, or appropriate department of social and health services personnel as designated by the CSO administrator.

(1) When money is received, a receipt shall be filled out in duplicate:

(a) One copy shall be given to the person making payment or deposit; and

(b) The other copy shall be retained in the receipt book for easy reference.

(2) Checks received by residents shall be endorsed by the resident. Schedule I-A(6e) of the agreement states in part: "Each patient receiving a check or state warrant is responsible for endorsement by his own signature. Only when the patient is incapable of signing his name may the Provider assume the responsibility of securing the patient's mark "X" followed by the name of the patient and the signature of two witnesses."

(3) If both a facility operating account and a resident personal fund account are at the same bank, the resident portion of checks which include care payments can be deposited directly to the resident account by including a resident account deposit slip for the correct amount with the checks and the operating account deposit slip.

(4) The resident's ledger sheet shall be credited with the allowance received. This shall be referenced with the receipt number and shall be supported by a copy of the deposit slip (one copy for all deposits made).

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-375, filed 9/28/90, effective 10/1/90. Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-375, filed 10/13/82; Order 1168, § 388-96-375, filed 11/3/76; Order 1114, § 388-96-375, filed 4/21/76.]

WAC 388-96-378 Resident personal funds availability. Funds held for any resident shall be available for the resident's personal and incidental needs when requested by the resident or one of the individuals designated in WAC 388-96-375.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-378, filed 9/28/90, effective 10/1/90; Order 1114, § 388-96-378, filed 4/21/76.]

WAC 388-96-381 Procedure for refunding resident personal funds. (1) When a resident is discharged or transferred, the balance of the resident's personal funds shall be returned to the individual designated in WAC 388-96-375 within one week and a receipt obtained. In some cases it may be advisable to mail the refund to the resident's new residence.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-381, filed 9/28/90, effective 10/1/90; Order 1114, § 388-96-381, filed 4/21/76.]

WAC 388-96-384 Liquidation or transfer of resident personal funds. (1) Upon the death of a resident, the facility shall promptly convey the resident's personal funds held by the facility with a final accounting of such funds to the department or to the individual or probate jurisdiction administering the resident's estate.

(a) If the deceased resident was a recipient of long-term care services paid for in whole or in part by the state of Washington then the personal funds held by the facility and the final accounting shall be sent to the state of Washington, department of social and health services, office of financial recovery (or successor office).

(b) The personal funds of the deceased resident and final accounting must be conveyed to the individual or probate jurisdiction administering the resident's estate or to the state of Washington, department of social and health services, office of financial recovery (or successor office) no later than the thirtieth day after the date of the resident's death.

(i) When the personal funds of the deceased resident are to be paid to the state of Washington, those funds shall be paid by the facility with a check, money order, certified check or cashier's check made payable to the secretary, department of social and health services, and mailed to the Office of Financial Recovery, Estate Recovery Unit, P.O. Box 9501, Olympia, Washington 98507-9501, or such address as may be directed by the department in the future.

(ii) The check, money order, certified check or cashier's check or the statement accompanying the payment shall contain the name and social security number of the deceased individual from whose personal funds account the moneys are being paid.

(c) The department of social and health services shall establish a release procedure for use of funds necessary for burial expenses.

(2) In situations where the resident leaves the nursing home without authorization and the resident's whereabouts is unknown:

(a) The nursing facility shall make a reasonable attempt to locate the missing resident. This includes contacting:

- (i) Friends,
- (ii) Relatives,
- (iii) Police,
- (iv) The guardian, and
- (v) The home and community services office in the area.

(b) If the resident cannot be located after ninety days, the nursing facility shall notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The nursing facility shall deliver to the department of revenue the balance of the resident's personal funds within twenty days following such notification.

(3) Prior to the sale or other transfer of ownership of the nursing facility business, the facility operator shall:

(a) Provide each resident or resident representative with a written accounting of any personal funds held by the facility;

(b) Provide the new operator with a written accounting of all resident funds being transferred; and

(c) Obtain a written receipt for those funds from the new operator.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-384, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 74.46 RCW, 1999

c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-384, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-384, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-384, filed 9/28/90, effective 10/1/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-384, filed 12/23/87. Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-384, filed 10/13/82; Order 1168, § 388-96-384, filed 11/3/76; Order 1114, § 388-96-384, filed 4/21/76.]

WAC 388-96-502 Indirect and overhead costs. Subject to the provisions of this chapter and chapter 74.46 RCW, when a contractor provides goods or services that are not reimbursable, any indirect or overhead costs associated with their provision must be allocated to such goods or services on a reasonable basis approved by the department and must not be reported as allowable costs.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-502, filed 9/25/98, effective 10/1/98. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-502, filed 12/23/87. Statutory Authority: RCW 74.46.800. 86-10-055 (Order 2372), § 388-96-502, filed 5/7/86, effective 7/1/86; 84-12-039 (Order 2105), § 388-96-502, filed 5/30/84.]

WAC 388-96-505 Offset of miscellaneous revenues.

(1) The contractor shall reduce allowable costs whenever the item, service, or activity covered by such costs generates revenue or financial benefits (e.g., purchase discounts, refunds of allowable costs or rebates) other than through the contractor's normal billing for care services; except, the department shall not deduct from the allowable costs of a nonprofit facility unrestricted grants, gifts, and endowments, and interest therefrom.

(2) The contractor shall reduce allowable costs for hold-bed revenue in the support services, operations and property rate components only. In the support services rate component, the amount of reduction shall be determined by dividing a facility's allowable housekeeping costs by total adjusted patient days and multiplying the result by total hold-room days. In the operations rate component, the amount of the reduction shall be determined by dividing a facility's allowable operation costs by total adjusted patient days and multiplying the result by total hold-room days. In the property rate component, the amount of reduction shall be determined by dividing allowable property costs by the total adjusted patient days and multiplying the result by total hold-room days.

(3) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts, refunds of allowable costs or rebates are received, the amount of the reduction shall be the amount of the discount or rebate. Financial benefits such as purchase discounts, refunds of allowable costs and rebates, including industrial insurance rebates, shall be offset against allowable costs in the year the contractor actually receives the benefits.

(4) Only allowable costs shall be recovered under this section. Costs allocable to activities or services not included in nursing facility services, e.g., costs of vending machines and services specified in chapter 388-86 WAC not included in nursing facility services, are nonallowable costs.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-505, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.200 and 74.46.-

800. 97-17-040, § 388-96-505, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-505, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-505, filed 7/23/92, effective 8/23/92. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-505, filed 12/23/87. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-505, filed 12/4/84; 82-21-025 (Order 1892), § 388-96-505, filed 10/13/82. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-505, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-505, filed 6/1/78; Order 1262, § 388-96-505, filed 12/30/77.]

WAC 388-96-525 Education and training. (1) Necessary and ordinary expenses of on-the-job training and in-service training required for employee orientation and certification training directly related to the performance of duties assigned will be allowable costs. Cost of training for which the nursing facility is reimbursed outside the payment rate is an unallowable cost.

(2) Necessary and ordinary expenses of recreational and social activity training conducted by the contractor for volunteers will be allowable costs. Expenses of training programs for other nonemployees will not be allowable costs.

(3) Expenses for travel, lodging, and meals associated with education and training in the states of Idaho, Oregon, and Washington and the province of British Columbia are allowable if the expenses meet the requirements of this chapter.

(4) Except travel, lodging, and meal expenses, education and training expenses at sites outside of the states of Idaho, Oregon, and Washington and the province of British Columbia are allowable costs if the expenses meet the requirements of this chapter.

(5) Costs designated by this section as allowable shall be subject to any applicable cost center limit established by this chapter.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-525, filed 9/25/98, effective 10/1/98; 94-12-043 (Order 3737), § 388-96-525, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-525, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-525, filed 5/30/84. Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-525, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-525, filed 2/25/81. Statutory Authority: RCW 74.09.120. 80-06-122 (Order 1510), § 388-96-525, filed 5/30/80, effective 7/1/80; Order 1262, § 388-96-525, filed 12/30/77.]

WAC 388-96-530 What will be allowable compensation for owners, relatives, licensed administrator, assistant administrator, and/or administrator-in-training? Subject to any applicable cost center limit established by chapter 74.46 RCW, total allowable compensation shall be:

(1) As provided in the employment contract, including benefits, whether such contract is written, verbal, or inferred from the acts of the parties; or

(2) In the absence of a contract, gross salary or wages excluding payroll taxes and benefits made available to all employees, e.g., health insurance.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-530, filed 9/25/98, effective 10/1/98.]

(2009 Ed.)

WAC 388-96-532 Does the contractor have to maintain time records? (1) The contractor shall maintain time records that are adequate for audit for owners, relatives, the licensed administrator, assistant administrator, and/or administrator-in-training. The contractor shall include in such records verification of the actual hours of service performed for the nursing home and shall document compensated time was spent in provision of necessary services actually performed.

(2) If the contractor has no or inadequate time records, the undocumented cost of compensation shall be unallowable.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-532, filed 9/25/98, effective 10/1/98.]

WAC 388-96-534 Joint cost allocation disclosure (JCAD). (1) The contractor shall disclose to the department:

(a) The nature and purpose of all costs representing allocations of joint facility costs; and

(b) The methodology of the allocation utilized.

(2) The contractor shall demonstrate in such disclosure:

(a) The services involved are necessary and nonduplicative; and

(b) Costs are allocated in accordance with benefits received from the resources represented by those costs.

(3) The contractor shall make such disclosure not later than September 30th for the following year; except, a new contractor shall submit the first year's disclosure together with the submissions required by WAC 388-96-026. Within this section, the meaning of the:

(a) "Effective date" is the date the department will recognize allocation per an approved JCAD; and

(b) "Implementation date" is the date the facility will begin or began incurring joint facility costs.

(4) The department shall determine the acceptability of the JCAD methodology not later than December 31 of each year for all JCADs received by September 30th.

(a) The effective date of an acceptable JCAD that was received by September 30th is January 1st.

(b) The effective date of an acceptable JCAD that was received after September 30th shall be ninety days from the date the JCAD was received by the department.

(5) The contractor shall submit to the department for approval an amendment or revision to an approved JCAD methodology at least thirty days prior to the implementation date of the amendment or revision. For amendments or revisions received less than thirty days before the implementation date, the effective date of approval will be thirty days from the date the JCAD is received by the department.

(6) When a contractor, who is not currently incurring joint facility costs, begins to incur joint facility costs during the calendar year, the contractor shall provide the information required in subsections (1) and (2) of this section at least ninety days prior to the implementation date. If the JCAD is not received ninety days before the implementation date, the effective date of the approval will be ninety days from the date the JCAD is received by the department.

(7) Joint facility costs not disclosed, allocated, and reported in conformity with this section are nonallowable costs. Joint facility costs incurred before the effective dates of subsections (4), (5), and (6) of this section are unallowable.

[Title 388 WAC—p. 533]

Costs disclosed, allocated, and reported in conformity with a department-approved JCAD methodology must undergo review and be determined allowable costs for the purposes of rate setting and audit.

[Statutory Authority: RCW 74.46.270, 97-17-040, § 388-96-534, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800, 96-15-056, § 388-96-534, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800, 94-12-043 (Order 3737), § 388-96-534, filed 5/26/94, effective 6/26/94. Statutory Authority: 1987 c 476, 88-01-126 (Order 2573), § 388-96-534, filed 12/23/87. Statutory Authority: RCW 74.09.120, 83-19-047 (Order 2025), § 388-96-534, filed 9/16/83; 80-09-083 (Order 1527), § 388-96-534, filed 7/22/80.]

WAC 388-96-535 Management agreements, management fees, and central office services. (1) The contractor shall disclose to the department the nature and purpose of the management agreement, including an organizational chart showing the relationship between the contractor, management company and all related organizations. The department may request additional information or clarification.

(2) Acceptance of a management agreement may not be construed as a determination that all management fees or costs are allowable in whole or in part. Management fees or costs not disclosed or approved in conformity with chapter 74.46 RCW and this section are unallowable. When necessary for the health and safety of medical care recipients, the department may waive the sixty-day or thirty-day advance notice requirement of RCW 74.46.280 in writing.

(3) Management fees are allowable only for necessary, nonduplicative services that are of the nature and magnitude that prudent and cost-conscious management would pay. Costs of services, facilities, supplies and employees furnished by the management company are subject to RCW 74.46.220.

(4) Allowable fees for all general management services of any kind referenced in this section, including corporate or business entity management and management fees not allocated to specific services, are subject to any applicable cost center limit established in chapter 74.46 RCW.

(5) Central office costs, owner's compensation, and other fees or compensation, including joint facility costs, for general administrative and management services, including management expense not allocated to specific services, shall be subject to any cost center limit established by chapter 74.46 RCW.

(6) Necessary travel and housing expenses of nonresident staff working at a contractor's nursing facility shall be considered allowable costs if the visit does not exceed three weeks.

(7) Bonuses paid to employees at a contractor's nursing facility or management company shall be considered compensation.

[Statutory Authority: RCW 74.46.800, 98-20-023, § 388-96-535, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 74.09.120, 93-19-074 (Order 3634), § 388-96-535, filed 9/14/93, effective 10/15/93. Statutory Authority: 1987 c 476, 88-01-126 (Order 2573), § 388-96-535, filed 12/23/87. Statutory Authority: RCW 74.46.800, 86-10-055 (Order 2372), § 388-96-535, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120, 83-19-047 (Order 2025), § 388-96-535, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-535, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800, 81-06-024 (Order 1613), § 388-96-535, filed 2/25/81. Statutory Authority: RCW 74.09.120, 80-09-083 (Order 1527), § 388-96-535, filed 7/22/80; 79-03-020 (Order 1371), § 388-96-535, filed 2/21/79; Order 1262, § 388-96-535, filed 12/30/77.]

[Title 388 WAC—p. 534]

WAC 388-96-536 Does the department limit the allowable compensation for an owner or relative of an owner? (1) The department shall limit total compensation of an owner or relative of an owner to ordinary compensation for necessary services actually performed.

(a) Compensation is ordinary if it is the amount usually paid for comparable services in a comparable facility to an unrelated employee, and does not exceed any applicable limit set out in chapter 74.46 RCW.

(b) A service is necessary if it is related to patient care and would have had to be performed by another person if the owner or relative had not done it.

(2) If the service provided would require licensed staff, e.g., RN, then the same license standard must be met when performed by an owner, relative or other administrative personnel.

[Statutory Authority: RCW 74.46.800, 98-20-023, § 388-96-536, filed 9/25/98, effective 10/1/98.]

WAC 388-96-540 Will the department allow the cost of an administrator-in-training? (1) The department shall not allow costs of an administrator-in-training for the purpose of setting the operations component prospective payment rate allocation.

(2) The department shall pay the costs of an approved administrator-in-training program by an add-on to the current prospective payment rate, unless the operations cost center is at or above the median cost limit for the facility's peer group reduced or increased under chapter 74.46 RCW.

(3) To obtain a rate add-on, the contractor shall submit a request for an add-on to its current prospective rate together with necessary documentation which shall include:

(a) A copy of the department of licensing approval of the administrator-in-training program, and

(b) A schedule indicating the commencement date, expected termination date, salary or wage, hours, and costs of benefits. The contractor shall notify the department, at least thirty days in advance, of the actual termination date of the administrator-in-training program. Upon termination of the program, the department shall reduce the current prospective rate by an amount corresponding to the rate add-on.

(4) If the contractor does not use the administrator-in-training funds for the purpose for which they were granted, the department shall immediately recoup the misspent or unused funds.

[Statutory Authority: RCW 74.46.800, 98-20-023, § 388-96-540, filed 9/25/98, effective 10/1/98.]

WAC 388-96-542 Home office or central office. (1) The department shall audit the home office or central office whenever a nursing facility receiving such services is audited.

(2)(a) Assets used in the provision of services by or to a nursing facility, but not located on the premises of the nursing facility, shall not be included in net invested funds or in the calculation of property payment for the nursing facility.

(b) The nursing facility may allocate depreciation, interest expense, and operating lease expense for the home office, central office, and other off-premises assets to the cost of the services provided to or by the nursing facility on a reasonable statistical basis approved by the department.

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(c) The allocated costs of (b) of this subsection may be included in the cost of services in such cost centers where such services and related costs are appropriately reported.

(3) Home office or central office costs must be allocated and reported in conformity with the department-approved JCAD methodology as required by WAC 388-96-534.

(4) Home office or central office costs are subject to the limitation specified in RCW 74.46.410.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 19(11), RCW 74.46.270 and 74.46.800. 98-20-023, § 388-96-542, filed 9/25/98, effective 10/1/98.]

WAC 388-96-553 Capitalization. The following costs shall be capitalized:

(1) Expenditures for depreciable assets with historical cost in excess of seven hundred fifty dollars per unit and a useful life of more than one year from the date of purchase;

(2) Expenditures and costs for depreciable assets with historical cost of seven hundred fifty dollars or less per unit if either:

(a) The depreciable asset was acquired in a group purchase where the total cost exceeded seven hundred fifty dollars; or

(b) The depreciable asset was part of the initial equipment or stock of the nursing home; and

(3) Expenditures for any change, including repairs with a cost in excess of seven hundred fifty dollars that increases the useful life of the depreciable asset by two years or more.

[Statutory Authority: RCW 74.46.310, [74.46.]320 and [74.46.]330. 97-17-040, § 388-96-553, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-553, filed 9/16/83; 83-05-007 (Order 1944), § 388-96-553, filed 2/4/83; 82-11-065 (Order 1808), § 388-96-553, filed 5/14/82. Statutory Authority: RCW 74.09.120 and 74.46.-800. 81-06-024 (Order 1613), § 388-96-553, filed 2/25/81; Order 1262, § 388-96-553, filed 12/30/77.]

WAC 388-96-554 Expensing. The following costs shall be expensed:

(1) Expenditures for depreciable assets with historical cost of seven hundred fifty dollars or less per unit or a useful life of one year or less from the date of purchase.

(2) Subsection (1) of this section shall not apply if:

(a) The depreciable asset was acquired in a group purchase where the total cost exceeded seven hundred fifty dollars; or

(b) The depreciable asset was part of the initial equipment or stock of the nursing home.

(3) Expenditures for and costs of building and other real property items, components and improvements, whether for leased or owner-operated facilities, of seven hundred and fifty dollars or less.

(4) Expenditures for and costs of repairs necessary to maintain the useful life of equipment, including furniture and furnishings, and real property items, components or improvements which do not increase the useful life of the asset by two years or more. If a repair is to the interior or exterior of the structure, the term "asset" shall refer to the structure.

(5) Remaining undepreciated cost of equipment, including furniture or furnishings or real property items, components, or improvements which are retired and not replaced, provided such cost shall be offset by any proceeds or compensations received for such assets, and such cost shall be

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expensed only if the contractor has made a reasonable effort to recover at least the outstanding book value of such assets. If a retired asset is replaced, WAC 388-96-572(3) shall apply and the replacement or renewal shall be capitalized if required by WAC 388-96-553.

[Statutory Authority: RCW 74.46.310, [74.46.]320 and [74.46.]330. 97-17-040, § 388-96-554, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-554, filed 9/16/83; 83-05-007 (Order 1944), § 388-96-554, filed 2/4/83.]

WAC 388-96-559 Cost basis of land and depreciation base. (1) For all partial or whole rate periods after December 31, 1984 unless otherwise provided or limited by this chapter or by this section, chapter 388-96 WAC or chapter 74.46 RCW, the total depreciation base of depreciable assets and the cost basis of land shall be the lowest of:

(a) The contractor's appraisal, if any;

(b) The department's appraisal obtained through the department of general administration of the state of Washington, if any; or

(c) The historical purchase cost of the contractor, or lessor if the assets are leased by the contractor, in acquiring ownership of the asset in an arm's-length transaction, and preparing the asset for use, less goodwill, and less accumulated depreciation, if applicable, incurred during periods the assets have been used in or as a facility by any and all contractors. Such accumulated depreciation is to be measured in accordance with WAC 388-96-561, 388-96-565, chapter 388-96 WAC, and chapter 74.46 RCW. Where the straight-line or sum-of-the-years digits method of depreciation is used the contractor:

(i) May deduct salvage values from historical costs for each cloth based item, e.g., mattresses, linen, and draperies; and

(ii) Shall deduct salvage values from historical costs of at least:

(A) Five percent of the historical value for each noncloth item included in moveable equipment; and

(B) Twenty-five percent of the historical value for each vehicle.

(2) Unless otherwise provided or limited by this chapter or by chapter 74.46 RCW, the department shall, in determining the total depreciation base of a depreciable real or personal asset owned or leased by the contractor, deduct depreciation relating to all periods subsequent to the more recent of:

(a) The date such asset was first used in the medical care program; or

(b) The most recent date such asset was acquired in an arm's-length purchase transaction which the department is required to recognize for medicaid cost reimbursement purposes.

No depreciation shall be deducted for periods such asset was not used in the medical care program or was not used to provide nursing care.

(3) The department may have the fair market value of the asset at the time of purchase established by appraisal through the department of general administration of the state of Washington if:

(a) The department challenges the historical cost of an asset; or

[Title 388 WAC—p. 535]

(b) The contractor cannot or will not provide the historical cost of a leased asset and the department is unable to determine such historical cost from its own records or from any other source.

The contractor may allocate or reallocate values among land, building, improvements, and equipment in accordance with the department's appraisal.

If an appraisal is conducted, the depreciation base of the asset and cost basis of land will not exceed the fair market value of the asset. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious.

(4) If the land and depreciable assets of a newly constructed nursing facility were never used in or as a nursing facility before being purchased from the builder, the cost basis and the depreciation base shall be the lesser of:

(a) Documented actual cost of the builder; or

(b) The approved amount of the certificate of need issued to the builder.

When the builder is unable or unwilling to document its costs, the cost basis and the depreciation base shall be the approved amount of the certificate of need.

(5) For leased assets, the department may examine documentation in its files or otherwise obtainable from any source to determine:

(a) The lessor's purchase acquisition date; or

(b) The lessor's historical cost at the time of the last arm's-length purchase transaction.

If the department is unable to determine the lessor's acquisition date by review of its records or other records, the department, in determining fair market value as of such date, may use the construction date of the facility, as found in the state fire marshal's records or other records, as the lessor's purchase acquisition date of leased assets.

(6) For all rate periods past or future, where depreciable assets or land are acquired from a related organization, the contractor's depreciation base and land cost basis shall not exceed the base and basis the related organization had or would have had under a contract with the department.

(7) If a contractor cannot or will not provide the lessor's purchase acquisition cost of assets leased by the contractor and the department is unable to determine historical purchase cost from another source, the appraised asset value of land, building, or equipment, determined by or through the department of general administration shall be adjusted, if necessary, by the department using the *Marshall and Swift Valuation Guide* to reflect the value at the lessor's acquisition date. If an appraisal has been prepared for leased assets and the assets subsequently sell in the first arm's-length transaction since January 1, 1980, under subsection (9) of this section, the *Marshall and Swift Valuation Guide* will be used to adjust, if necessary, the asset value determined by the appraisal to the sale date. If the assets are located in a city for which the *Marshall and Swift Valuation Guide* publishes a specific index, or if the assets are located in a county containing that city, the city-specific index shall be used to adjust the appraised value of the asset. If the assets are located in a city or county for which a specific index is not calculated, the *Western District Index* calculated by Marshall and Swift shall be used.

(8) For new or replacement building construction or for substantial building additions requiring the acquisition of

land and which commenced to operate on or after July 1, 1997, the department shall determine allowable land costs of the additional land acquired for the new or replacement construction or for substantial building additions to be the lesser of:

(a) The contractor's or lessor's actual cost per square foot; or

(b) The square foot land value as established by an appraisal that meets the latest publication of the *Uniform Standards of Professional Appraisal Practice (USPAP)* and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). The department shall obtain a USPAP appraisal that meets FIRREA first from:

(i) An arms'-length lender that has accepted the ordered appraisal; or

(ii) If the department is unable to obtain from the arms'-length lender a lender-approved appraisal meeting USPAP and FIRREA standards or if the contractor or lessor is unable or unwilling to provide or cause to be provided a lender-approved appraisal meeting USPAP and FIRREA standards, then:

(A) The department shall order such an appraisal; and

(B) The contractor shall immediately reimburse the department for the costs incurred in obtaining the USPAP and FIRREA appraisal.

(9) Except as provided for in subsection (8) of this section, for all rates effective on or after January 1, 1985, if depreciable assets or land are acquired by purchase which were used in the medical care program on or after January 1, 1980, the depreciation base or cost basis of such assets shall not exceed the net book value existing at the time of such acquisition or which would have existed had the assets continued in use under the previous medicaid contract with the department; except that depreciation shall not be accumulated for periods during which such assets were not used in the medical care program or were not in use in or as a nursing care facility.

(10)(a) Subsection (9) of this section shall not apply to the most recent arm's-length purchase acquisition if it occurs ten years or more after the previous arm's-length transfer of ownership nor shall subsection (9) of this section apply to the first arm's-length purchase acquisition of assets occurring on or after January 1, 1980, for facilities participating in the medicaid program before January 1, 1980. The depreciation base or cost basis for such acquisitions shall not exceed the lesser of the fair market value as of the date of purchase of the assets determined by an appraisal conducted by or through the department of general administration or the owner's acquisition cost of each asset, land, building, or equipment. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious. Should a contractor request a revaluation of an asset, the contractor must document ten years have passed since the most recent arm's-length transfer of ownership. As mandated by Section 2314 of the Deficit Reduction Act of 1984 (P.L. 98-369) and state statutory amendments, and under RCW 74.46.840, for all partial or whole rate periods after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, including land and all depreciable or nondepreciable assets, occurring on or after July 18, 1984, leaving subsection (9) of this

section to apply without exception to acquisitions occurring on or after July 18, 1984, except as provided in subsections (10)(b) and (11) of this section.

(b) For all rates after July 17, 1984, subsection (8)(a) shall apply, however, to transfers of ownership of assets:

(i) Occurring before January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related party lease; or

(ii) Under written and enforceable purchase and sale agreements dated before July 18, 1984, which are documented and submitted to the department before January 1, 1988.

(c) For purposes of medicaid cost reimbursement under this chapter, an otherwise enforceable agreement to purchase a nursing home dated before July 18, 1984, shall be considered enforceable even though the agreement contains:

(i) No legal description of the real property involved; or

(ii) An inaccurate legal description, notwithstanding the statute of frauds or any other provision of law.

(11)(a) In the case of land or depreciable assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option to have the:

(i) Provisions of subsection (10) of this section apply to the purchase; or

(ii) Component rate allocations for property and financing allowance calculated under the provisions of chapter 74.46 RCW. Component rate allocations will be based upon provisions of the lease in existence on the date of the purchase, but only if the purchase date meets the criteria of RCW 74.46.360 (6)(c)(ii)(A) through (D).

(b) The lessee/contractor may select the option in subsection (11)(a)(ii) of this section only when the purchase date meets one of the following criteria. The purchase date is:

(i) After the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(ii) Within one year of the lease expiration or renewal date contained in the lease;

(iii) After a rate setting for the facility in which the reimbursement rate set, under this chapter and under chapter 74.46 RCW, no longer is equal to or greater than the actual cost of the lease; or

(iv) Within one year of any purchase option in existence on January 1, 1988.

(12) For purposes of establishing the property and financing allowance component rate allocations, the value of leased equipment, if unknown by the contractor, may be estimated by the department using previous department of general administration appraisals as a data base. The estimated value may be adjusted using the *Marshall and Swift Valuation Guide* to reflect the value of the asset at the lessor's purchase acquisition date.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-559, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-559, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.360. 97-17-040, § 388-96-559, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.-800. 94-12-043 (Order 3737), § 388-96-559, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.09.120. 91-22-025 (Order 3270), § 388-96-559, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 79.09.-

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120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-559, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.46.800. 88-16-079 (Order 2660), § 388-96-559, filed 8/2/88; 86-10-055 (Order 2372), § 388-96-559, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-559, filed 8/19/85. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-559, filed 12/4/84; 81-22-081 (Order 1712), § 388-96-559, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-559, filed 2/25/81; Order 1262, § 388-96-559, filed 12/30/77.]

WAC 388-96-561 Cost basis of land and depreciation base—Donated or inherited assets. (1) The cost basis or depreciation base of land or depreciable assets, either donated[,] or received through testate or intestate distribution, will be the lesser of:

(a) Fair market value at the date of donation or death, less goodwill, provided the estimated salvage value shall be deducted from fair market value where the straight-line or sum-of-the-years digits method of depreciation is used; or

(b) The historical cost of the owner last contracting with the department, if any.

(2) When the donation or distribution is between related organizations, the base shall be the lesser of:

(a) Fair market value, less goodwill and, where appropriate, salvage value; or

(b) The depreciation base or cost basis the related organization had or would have had for the asset under a contract with the department.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, for all rates after July 17, 1984, neither the depreciation base of depreciable assets nor the cost basis of land shall increase for reimbursement purposes if the asset is donated or acquired through testate or intestate distribution on or after July 18, 1984, the enactment date of the Deficit Reduction Act of 1984.

[Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-561, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-561, filed 12/4/84; 83-19-047 (Order 2025), § 388-96-561, filed 9/16/83. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-561, filed 2/25/81; Order 1262, § 388-96-561, filed 12/30/77.]

WAC 388-96-565 Lives. (1) Except for new buildings replacement buildings, major remodels and major repair projects as defined in subsection (5) of this section, to compute allowable depreciation, the contractor must use lives reflecting the estimated actual useful life of the assets (e.g., land improvements, buildings, including major remodels and major repair projects, equipment, leasehold improvements, etc.). However the lives used must not be shorter than guidelines lives in the most current edition of *Estimated Useful Lives of Depreciable Hospital Assets* published by American Hospital Publishing, Inc.

(2) To compute allowable depreciation for major remodels and major repair projects as defined in subsection (5) of this section that began operating:

(a) Before July 1, 1997, the contractor must use the shortest lives in the most recently published lives for construction classes as defined and described in the *Marshall Valuation Service* published by the Marshall Swift Publication Company; or

[Title 388 WAC—p. 537]

(b) After July 1, 1997, the contractor must use the shortest lives of the guideline lives in the most current edition of *Estimated Useful Lives of Depreciable Hospital Assets* published by American Hospital Publishing, Inc.

(3) To compute allowable depreciation for new buildings and replacement buildings as defined in subsection (5) of this section that:

(a) Began operating before July 1, 1997, the contractor must use the construction classes as defined and described in *Marshall Valuation Service* published by the Marshall Swift Publication Company; provided that, thirty years is the shortest life that may be used;

(b) Began operating on or after July 1, 1997, the contractor must use the most current edition of *Estimated Useful Lives of Depreciable Hospital Assets* published by American Hospital Publishing, Inc.; provided that, thirty years is shortest life that may be used; and

(c) Received certificate of need approval or certificate of need exemptions under chapter 70.38 RCW on or after July 1, 1999, the contractor must use the most current edition of *Estimated Useful Lives of Depreciable Assets* published by American Hospital Publishing, Inc.; provided that, forty years is the shortest life that may be used.

(4) To compute allowable depreciation, the contractor must:

(a) Measure lives from the most recent of either the date on which the assets were first used in the medical care program or the last date of purchase of the asset through an arm's-length acquisition; and

(b) Extend lives to reflect periods, if any, during which assets were not used in a nursing facility or as a nursing facility.

(5) New buildings, replacement buildings, major remodels, and major repair projects are those projects that meet or exceed the expenditure minimum established by the department of health pursuant to chapter 70.38 RCW.

(6) Contractors shall depreciate building improvements other than major remodels and major repairs defined in subsection (5) of this section over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

(7) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement in accordance with American Hospital Association guidelines.

(8) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

(9) For new or replacement building construction or for major renovations receiving certificate of need approval or exemption under chapter 70.38 RCW on or after July 1, 1999, the department will depreciate fixed equipment the same number of years as the life of the building to which it is affixed.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-565, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.310, [74.46.]320 and [74.46.]330. 97-17-040, § 388-96-565, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-565, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-565, filed 12/21/88. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-565, filed 4/20/87; 86-10-055

(Order 2372), § 388-96-565, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-565, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-565, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-565, filed 2/25/81; Order 1262, § 388-96-565, filed 12/30/77.]

WAC 388-96-572 Handling of gains and losses upon retirement of depreciable assets—Other periods. (1) This section shall apply in the place of WAC 388-96-571 effective January 1, 1981, for purposes of settlement for settlement periods subsequent to that date, and for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently.

(2) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the asset.

(3) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided that a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

(4) If the retired asset is not replaced, any gain shall be offset against property expense for the period during which it is retired and any loss shall be expensed subject to the provisions of WAC 388-96-554.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-572, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-572, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-572, filed 9/16/83. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-572, filed 2/25/81.]

WAC 388-96-580 Operating leases of office equipment. (1) Rental costs of office equipment under arm's-length operating leases shall be allowable to the extent such costs are necessary, ordinary, and related to patient care.

(2) The department shall pay office equipment rental costs in the operations component rate allocation. Office equipment may include items typically used in administrative or clerical functions such as telephones, copy machines, desks and chairs, calculators and adding machines, file cabinets, typewriters, and computers.

(3) The department shall not pay for depreciation of leased office equipment.

[Statutory Authority: RCW 74.46.800. 98-20-023, § 388-96-580, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 74.09.-120. 93-19-074 (Order 3634), § 388-96-580, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-580, filed 8/19/85. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-580, filed 12/4/84. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-580, filed 5/30/84.]

WAC 388-96-585 Unallowable costs. (1) The department shall not allow costs if not documented, necessary, ordinary, and related to the provision of care services to authorized patients. Unallowable costs listed in subsection (2) of this section represent a partial summary of such costs, in addition to those unallowable under chapter 74.46 RCW and this chapter.

(2) The department shall include, but not limit, unallowable costs to the following:

(a) Costs in excess of limits or violating principles set forth in this chapter;

(b) Costs resulting from transactions or the application of accounting methods circumventing principles set forth in this chapter;

(c) Bad debts. Beginning July 1, 1983, the department shall allow bad debts of Title XIX recipients only if:

(i) The debt is related to covered services;

(ii) It arises from the recipient's required contribution toward the cost of care;

(iii) The provider can establish reasonable collection efforts were made;

(iv) The debt was actually uncollectible when claimed as worthless; and

(v) Sound business judgment established there was no likelihood of recovery at any time in the future.

Reasonable collection efforts shall consist of at least three documented attempts by the contractor to obtain payment demonstrating that the effort devoted to collecting the bad debts of Title XIX recipients is the same devoted by the contractor to collect the bad debts of non-Title XIX recipients;

(d) Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable;

(e) Legal and consultant fees in connection with a fair hearing against the department relating to those issues where:

(i) A final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review; or

(ii) In connection with a fair hearing, a final administrative decision has not been rendered; or

(iii) In connection with a fair hearing, related costs are not reported as unallowable and identified by fair hearing docket number in the period they are incurred if no final administrative decision has been rendered at the end of the report period; or

(iv) In connection with a fair hearing, related costs are not reported as allowable, identified by docket number, and prorated by the number of issues decided favorably to a contractor in the period a final administrative decision is rendered;

(f) All interest costs not specifically allowed in this chapter or chapter 74.46 RCW; and

(g) Increased costs resulting from a series of transactions between the same parties and involving the same assets, e.g., sale and lease back, successive sales or leases of a single facility or piece of equipment.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-585, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.800, 98-20-023, § 388-96-585, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.190, [74.46.]460 and [74.46.]800, 97-17-040, § 388-96-585, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800, 96-15-056, § 388-96-585, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18, 95-19-037 (Order 3896), § 388-96-585, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800, 94-12-043 (Order 3737), § 388-96-585, filed 5/26/94, effective 6/26/94; 93-17-033 (Order 3615), § 388-96-585, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120, 93-12-051 (Order 3555), § 388-96-585, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.09.120, 91-22-025

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(Order 3270), § 388-96-585, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 74.09.120 and 74.46.800, 90-09-061 (Order 2970), § 388-96-585, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.46.800, 89-17-030 (Order 2847), § 388-96-585, filed 8/8/89, effective 9/8/89. Statutory Authority: RCW 74.09.180 and 74.46.800, 89-01-095 (Order 2742), § 388-96-585, filed 12/21/88. Statutory Authority: RCW 74.46.800, 87-09-058 (Order 2485), § 388-96-585, filed 4/20/87; 86-10-055 (Order 2372), § 388-96-585, filed 5/7/86, effective 7/1/86; 84-12-039 (Order 2105), § 388-96-585, filed 5/30/84. Statutory Authority: RCW 74.09.120, 83-19-047 (Order 2025), § 388-96-585, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-585, filed 10/13/82; 82-11-065 (Order 1808), § 388-96-585, filed 5/14/82; 81-22-081 (Order 1712), § 388-96-585, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800, 81-06-024 (Order 1613), § 388-96-585, filed 2/25/81. Statutory Authority: RCW 74.09.120, 79-04-102 (Order 1387), § 388-96-585, filed 4/4/79. Statutory Authority: RCW 74.08.090 and 74.09.120, 78-06-080 (Order 1300), § 388-96-585, filed 6/1/78; Order 1262, § 388-96-585, filed 12/30/77.]

WAC 388-96-704 Prospective payment rates. The department, as provided in chapter 74.46 RCW and this chapter, shall determine, adjust, or update prospective medicaid payment rates for nursing facility services provided to medical care recipients. Each rate, subject to the principles of this chapter and chapter 74.46 RCW, represents a nursing facility's maximum compensation for one resident day of care provided a medical care recipient determined by the department to both require and be eligible to receive nursing facility care.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322, 98-20-023, § 388-96-704, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18, 95-19-037 (Order 3896), § 388-96-704, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800, 94-12-043 (Order 3737), § 388-96-704, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.09.120, 82-21-025 (Order 1892), § 388-96-704, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120, 78-06-080 (Order 1300), § 388-96-704, filed 6/1/78. Statutory Authority: RCW 74.09.120, 78-02-013 (Order 1264), § 388-96-704, filed 1/9/78.]

WAC 388-96-705 Payment for services after settlement. When payment for services is first made following preliminary or final settlement for the period during which the services were provided, payment will be at the most recent available settlement rate.

[Statutory Authority: RCW 74.09.120, 81-22-081 (Order 1712), § 388-96-705, filed 11/4/81.]

WAC 388-96-708 Reinstatement of beds previously removed from service under chapter 70.38 RCW—Effect on prospective payment rate. (1) After removing beds from service (banked) under the provisions of chapter 70.38 RCW, the contractor may bring back into service beds that were previously banked.

(2) When the contractor returns to service beds banked under the provisions of chapter 70.38 RCW, the department will recalculate the contractor's prospective medicaid payment rate allocations using the greater of actual days from the cost report period on which the rate is based or days calculated by multiplying the new number of licensed beds times the appropriate minimum occupancy pursuant to chapter 74.46 RCW times the number of calendar days in the cost report period on which the rate being recalculated is based.

(3) The effective date of the recalculated prospective rate for beds returned to service shall be the first of the month:

(a) In which the banked beds returned to service when the beds are returned to service on the first of the month; or

(b) Following the month in which the banked beds returned to service when the beds are returned to service after the first of the month.

(4) The recalculated prospective payment rate shall comply with all the provisions of rate setting contained in chapter 74.46 RCW or in this chapter, including all lids and maximums unless otherwise specified in this section.

(5) The recalculated prospective medicaid payment rate shall be subject to adjustment if required by RCW 74.46.421.

(6) After the department recalculates the contractor's prospective medicaid component rate allocations using the increased number of licensed beds, the department will use the increased number of licensed beds in all post unbanking rate settings, until under chapter 74.46 RCW and/or this chapter, the post unbanking number of licensed beds changes.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-708, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-708, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-708, filed 11/30/99, effective 12/31/99. Statutory Authority: 1998 c 322 § 19(11). 98-20-023, § 388-96-708, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-708, filed 7/16/96, effective 8/16/96.]

WAC 388-96-709 Prospective rate revisions—Reduction in licensed beds. (1) The department will recalculate a contractor's prospective medicaid payment rate when the contractor reduces the number of its licensed beds and:

(a) Provides a copy of the new bed license and documentation of the number of beds sold, exchanged or otherwise placed out of service, along with the name of the contractor that received the beds, if any; and

(b) Requests a rate revision.

(2) For facilities other than essential community providers which bank beds under chapter 70.38 RCW, after May 25, 2001, medicaid rates shall be revised upward, in accordance with department rules, in direct care, therapy care, support services, and variable return components only, by using the facility's decreased licensed bed capacity to recalculate minimum occupancy for rate setting. No rate upward revision shall be made to operations, property, or financing allowance.

(3) The requested revised prospective medicaid payment rate will be effective the first of the month:

(a) The new license is effective when the new license is effective the first day of the month; or

(b) Following the month the new license is effective when the new license is effective after the first day of the month it is issued.

(4) The department will recalculate a nursing facility's prospective medicaid payment rate allocations using the greater of actual days from the cost report period on which the rate is based or days calculated by multiplying the new number of licensed beds times the appropriate minimum occupancy pursuant to chapter 74.46 RCW times the number of calendar days in the cost report period on which the rate being recalculated is based.

(5) The revised prospective medicaid payment rate will comply with all the provisions of rate setting contained in chapter 74.46 RCW and in this chapter, including all lids and maximums, unless otherwise specified in this section.

(6) After the department recalculates the contractor's prospective medicaid component rate allocations using the decreased number of licensed beds, the department will use the decreased number of licensed beds in all post banking rate settings, until under chapter 74.46 RCW and/or this chapter, the post banking number of licensed beds changes.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-709, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-709, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-709, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 19(11) and RCW 74.46.800. 98-20-023, § 388-96-709, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.510. 97-17-040, § 388-96-709, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-709, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-709, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-709, filed 5/26/93, effective 6/26/93.]

WAC 388-96-710 Prospective payment rate for new contractors. (1) The department will establish an initial prospective medicaid payment rate for a new contractor as defined under WAC 388-96-026 within sixty days following the new contractor's application and approval for a license to operate the facility under chapter 18.51 RCW. The rate will take effect as of the effective date of the contract, except as provided in this section, and will comply with all the provisions of rate setting contained in chapter 74.46 RCW and in this chapter, including all lids and maximums set forth.

(2) Except for quarterly updates per RCW 74.46.501 (7)(c), the rate established for a new contractor as defined in WAC 388-96-026 (1)(a) or (b) will remain in effect for the nursing facility until the rate can be reset effective July 1 using the first cost report for that facility under the new contractor's operation containing at least six months' data from the prior calendar year, regardless of whether reported costs for facilities operated by other contractors for the prior calendar year in question will be used to cost rebase their July 1 rates. The new contractor's rate thereafter will be cost rebased only as provided in this chapter and chapter 74.46 RCW.

(3) To set the initial prospective medicaid payment rate for a new contractor as defined in WAC 388-96-026 (1)(a) and (b), the department will:

(a) Determine whether the new contractor nursing facility belongs to the metropolitan statistical area (MSA) peer group or the non-MSA peer group using the latest information received from the office of management and budget or the appropriate federal agency;

(b) Select all nursing facilities from the department's records of all the current medicaid nursing facilities in the new contractor's peer group with the same bed capacity plus or minus ten beds. If the selection does not result in at least seven facilities, then the department will increase the bed capacity by plus or minus five bed increments until a sample of at least seven nursing facilities is obtained;

(c) Based on the information for the nursing facilities selected under subsection (3)(b) of this section and available to the department on the day the new contractor began participating in the medicaid payment rate system at the facility, rank from the highest to the lowest the component rate allo-

cation in direct care, therapy care, support services, and operations cost centers and based on this ranking:

(i) Determine the middle of the ranking and then identify the rate immediately above the median for each cost center identified in subsection (3)(c) of this section. The rate immediately above the median will be known as the "selected rate" for each cost center;

(ii) Set the new contractor's nursing facility component rate allocation for therapy care, support services, and operations at the "selected rate";

(iii) Set the direct care rate using data from the direct care "selected" rate facility identified in (c) of this subsection as follows:

(A) The cost per case mix unit will be the rate base allowable case mixed direct care cost per patient day for the direct care "selected" rate facility, whether or not that facility is held harmless under WAC 388-96-728 and 388-96-729, divided by the facility average case mix index per WAC 388-96-741;

(B) The cost per case mix unit determined under (c)(iii)(A) of this subsection will be multiplied by the medic-aid average case mix index per WAC 388-96-740. The product will be the new contractors direct care rate under case mix; and

(C) The department will not apply RCW 74.46.506 (5)(k) to any direct care rate established under subsection (5)(e) or (f) of this section. When the department establishes a new contractor's direct care rate under subsection (5)(e) or (f) of this section, the new contractor is not eligible to be paid by a "hold harmless" rate as determined under RCW 74.46-506 (5)(k);

(iv) Set the property rate in accordance with the provisions of this chapter and chapter 74.46 RCW; and

(v) Set the financing allowance and variable return component rate allocations in accordance with the provisions of this chapter and chapter 74.46 RCW. In computing the variable return component rate allocation, the department will use for direct care, therapy care, support services and operations rate allocations those set pursuant to subsection (3)(c)(i), (ii) and (iii) of this section.

(d) Any subsequent revisions to the rate component allocations of the sample members will not impact a "selected rate" component allocation of the initial prospective rate established for the new contractor under this subsection.

(4) For the WAC 388-96-026 (1)(a) or (b) new contractor, the department will establish rate component allocations for:

(a) Direct care, therapy care, support services and operations based on the "selected rates" as determined under subsection (3)(c) of this section that are in effect on the date the new contractor began participating in the program;

(b) Property in accordance with the provisions of this chapter and chapter 74.46 RCW using for the new contractor as defined under:

(i) WAC 388-96-026 (1)(a), information from the certificate of need; or

(ii) WAC 388-96-026 (1)(b), information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under WAC 388-96-026 (1)(b), has not provided the requested information within ten days of the date requested,

then the property rate will be zero. The property rate will remain zero until the information is received;

(c) Variable return in accordance with the provisions of this chapter and chapter 74.46 RCW using the "selected rates" established under subsection (3)(c) of this section that are in effect on the date the new contractor began participating in the program; and

(d) Financing allowance using for the new contractor as defined under:

(i) WAC 388-96-026 (1)(a), information from the certificate of need; or

(ii) WAC 388-96-026 (1)(b), information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under WAC 388-96-026 (1)(b), has not provided the requested information within ten days of the date requested, then the net book value of allowable assets will be zero. The financing allowance rate component allocation will remain zero until the information is received.

(5) The initial prospective payment rate for a new contractor as defined under WAC 388-96-026 (1)(a) or (b) will be established under subsections (3) and (4) of this section. If the WAC 388-96-026 (1)(a) or (b) contractor's initial rate is set:

(a) Between July 1, 2000 and June 30, 2001, the department will set the new contractor's rates for:

(i) July 1, 2001 using the July 1, 2001 rates for direct care, therapy care, support services, and operations of the sample facilities used to set the initial rate under subsections (3) and (4) of this section.

(A) Property and financing allowance component rates will remain the same as set for the initial rate.

(B) Variable return component rate using the rates determined under subsection (5)(a)(i) of this section;

(ii) July 1, 2002 rate using 2001 cost report data; and

(iii) All July 1 rates following July 1, 2002 in accordance with this chapter and chapter 74.46 RCW;

(b) Between July 1, 2001, and June 30, 2002, the department will set the new contractor's rates for:

(i) July 1, 2002 using July 1, 2002 rates for direct care, therapy care, support services, and operation of the sample facilities used to set the initial rate under subsections (3) and (4) of this section.

(A) Property and financing allowance component rates will remain the same as set for the initial rate.

(B) Variable return component rate using the rates determined under subsection (5)(b)(i) of this section;

(ii) July 1, 2003 rate by rebasing using 2002 cost report data in accordance with this chapter and chapter 74.46 RCW; and

(iii) All July 1 rates following July 1, 2003 in accordance with this chapter and chapter 74.46 RCW; or

(c) Between July 1, 2002, and June 30, 2003, the department will set the contractor's rates for:

(i) July 1, 2003 using July 1, 2003 rates for direct care, therapy care, support services, and operation of the sample facilities used to set the initial rate under subsection (3) and (4) of this section.

(A) Property and financing allowance component rates will remain the same as set for the initial rate.

(B) Variable return component rate using the rates determined under subsection (5)(c)(i) of this section;

(ii) July 1, 2004 by rebasing using 2003 cost report data; and

(iii) All July 1 rates following July 1, 2004 in accordance with this chapter and chapter 74.46 RCW.

(6) For the WAC 388-96-026 (1)(c) new contractor, the initial prospective payment rate will be the last prospective payment rate the department paid to the medicaid contractor operating the nursing facility immediately prior to the effective date of the new medicaid contract or assignment. If the WAC 388-96-026 (1)(c) contractor's initial rate is set:

(a) Between October 1, 1998 and June 30, 1999, the department will not rebase the contractor's rate for:

(i) July 1, 1999; and

(ii) July 1, 2000;

(b) Between July 1, 1999 and June 30, 2000, the department will for:

(i) July 1, 2000 not rebase the new contractor's rate;

(ii) July 1, 2001 rebase the new contractor's rate using twelve months of cost report data derived from the old contractor's and the new contractor's 1999 cost reports; and

(iii) July 1, 2002 not rebase the new contractor's rate; and

(iv) July 1, 2003 not rebase the new contractor's rate;

(c) Between July 1, 2000 and June 30, 2001, the department will for:

(i) July 1, 2001 rebase the new contractor's rate using the old contractor's 1999 twelve month cost report;

(ii) July 1, 2002 not rebase the new contractor's rate;

(iii) July 1, 2003 not rebase the new contractor's rate; or

(d) Between July 1, 2001 and June 30, 2002, the department will for:

(i) July 1, 2002 not rebase the new contractor's rate;

(ii) July 1, 2003 not rebase the new contractor's rate; and

(iii) July 1, 2004 rebase the new contractor's rate using the new contractor's 2002 cost report containing at least six month's data.

(7) A prospective payment rate set for all new contractors will be subject to adjustments for economic trends and conditions as authorized and provided in this chapter and in chapter 74.46 RCW.

(8) For a WAC 388-96-026 (1)(a), (b) or (c) new contractor, the medicaid case mix index and facility average case mix index will be determined in accordance with this chapter and chapter 74.46 RCW.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-710, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-710, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 19(11) and RCW 74.46.800. 98-20-023, § 388-96-710, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-710, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-710, filed 5/26/94, effective 6/26/94; 93-17-033 (Order 3615), § 388-96-710, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-710, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-710, filed 7/23/92, effective 8/23/92. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-710, filed 12/23/87. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-710, filed 4/20/87. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-710, filed 9/16/83; 78-02-013 (Order 1264), § 388-96-710, filed 1/9/78.]

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WAC 388-96-713 Rate determination. (1) Each nursing facility's medicaid payment rate for services provided to medical care recipients will be determined, adjusted and updated prospectively as provided in this chapter and in chapter 74.46 RCW. The department will calculate any limit, lid, and/or median only when it rebases each nursing facility's July 1 medicaid payment rate in accordance with chapter 74.46 RCW and this chapter.

(2) If the contractor participated in the program for less than six months of the prior calendar year, its rates will be determined by procedures set forth in WAC 388-96-710.

(3) Contractors submitting correct and complete cost reports by March 31st, shall be notified of their rates by July 1st, unless circumstances beyond the control of the department interfere.

(4) In setting rates, the department will use the greater of actual days from the cost report period on which the rate is based or days calculated at minimum occupancy pursuant to chapter 74.46 RCW.

(5) Adjusted cost report data from 1999 shall be used for July 1, 2001 through June 30, 2005 direct care, therapy care, support services, and operations component rate allocations.

[Statutory Authority: RCW 74.46.431, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-713, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-713, filed 5/29/01, effective 6/29/01; 98-20-023, § 388-96-713, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-713, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-713, filed 9/14/93, effective 10/15/93; 90-09-061 (Order 2970), § 388-96-713, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-713, filed 9/16/83; 81-15-049 (Order 1669), § 388-96-713, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-713, filed 5/30/80, effective 7/1/80; 78-02-013 (Order 1264), § 388-96-713, filed 1/9/78.]

WAC 388-96-718 Public process for determination of rates. (1) The purpose of this section is to describe the manner in which the department will comply with the federal Balanced Budget Act of 1997, Section 4711 (a)(1), codified at 42 U.S.C. 1396a (a)(13)(A).

(2) For all material changes to the methodology for determining nursing facility medicaid payment rates occurring after October 1, 1997, and requiring a Title XIX state plan amendment to be submitted to and approved by the Health Care Financing Administration under applicable federal laws, the department shall follow the following public process:

(a) The proposed estimated initial payment rates, the proposed new methodologies for determining the payment rates, and the underlying justifications shall be published. Publication shall be:

(i) In the Washington State Register; or

(ii) In the Seattle Times and Spokane Spokesman Review newspapers.

(b) The department shall maintain and update as needed a mailing list of all individuals and organizations wishing to receive notice of changes to the nursing facility medicaid payment rate methodology, and all materials submitted for publication shall be sent postage prepaid by regular mail to such individuals and organizations. Individuals and organizations wishing to receive notice shall notify the department in writing.

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(c) Nursing facility contractors, their associations, nursing facility medicaid beneficiaries, representatives of contractors or beneficiaries, and other concerned members of the public shall be given a reasonable opportunity to review and comment on the proposed estimated rates, methodologies and justifications. The period allowed for review and comment shall not be less than fourteen calendar days after the date of the Washington State Register containing the published material or the date the published material has appeared in both the Seattle Times and the Spokane Spokesman Review.

(d) If, after receiving and considering all comments, the department decides to move ahead with any change to its nursing facility medicaid payment rate methodology, it shall adopt needed further changes in response to comments, if any, and shall publish the final estimated initial rates, final rate determination methodologies and justifications. Publication shall be:

(i) In the Washington State Register; or

(ii) In the Seattle Times and Spokane Spokesman Review newspapers.

(e) Unless an earlier effective date is required by state or federal law, implementation of final changes in methodologies and commencement of the new rates shall not occur until final publication has occurred in the Register or in both designated newspapers. The department shall not be authorized to delay implementation of, or to alter, ignore or violate requirements of, state or federal laws in response to public process comments.

(f) Publication of proposed estimated initial payment rates and final estimated initial payment rates shall be deemed complete once the department has published:

(i) The statewide average proposed estimated initial payment rate weighted by adjusted medicaid resident days for all medicaid facilities from the most recent cost report year, including the change from the existing statewide average payment rate weighted by adjusted medicaid resident days for all medicaid facilities from the most recent cost report year; and

(ii) The statewide average final estimated initial payment rate weighted by adjusted medicaid resident days for all medicaid facilities from the most recent cost report year, including the change from the existing statewide average payment rate weighted by adjusted medicaid resident days for all medicaid facilities from the most recent cost report year.

(3) Nothing in this section shall be construed to prevent the department from commencing or completing the public process authorized by this section even though the proposed changes to the methodology for determining nursing facility medicaid payment rates are awaiting federal approval, or are the subject of pending legislative, gubernatorial or rule-making action and are yet to be finalized in statute and/or regulation.

(4)(a) Neither a contractor nor any other interested person or organization shall challenge, in any administrative appeals or exception procedure established in rule by the department under the provisions of chapter 74.46 RCW, the adequacy or validity of the public process followed by the department in proposing or implementing a change to the payment rate methodology, regardless of whether the challenge is brought to obtain a ruling on the merits or simply to make a record for subsequent judicial or other review. Such

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challenges shall be pursued only in courts of proper jurisdiction as may be provided by law.

(b) Any challenge to the public process followed by the department that is brought in the course of an administrative appeals or exception procedure shall be dismissed by the department or presiding officer, with prejudice to further administrative review and record-making, but without prejudice to judicial or other review as may be provided by law.

(5) The public process required and authorized by this section shall not apply to any change in the payment rate methodology that does not require a Title XIX state plan amendment under applicable federal laws, including but not limited to:

(a) Prospective or retrospective changes to nursing facility payment rates or to methodologies for establishing such rates ordered by a court or administrative tribunal, after exhaustion of all appeals by either party as may be authorized by law, or the expiration of time to appeal; or

(b) Changes to nursing facility payment rates for one or more facilities resulting from the application of authorized payment rate methodologies, principles or adjustments, including but not limited to: Partial or phased-in termination or implementation of rate methodologies; scheduled cost rebasing; quarterly or other updates to reflect changes in case mix or other private or public source data used to establish rates; adjustments for inflation or economic trends and conditions; rate funding for capital improvements or new requirements imposed by the department; changes to resident-specific or exceptional care rates; and changes to correct errors or omissions by the contractor or the department.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-718, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.800, 74.09.500 and 74.08.090. 98-19-062, § 388-96-718, filed 9/16/98, effective 10/17/98.]

WAC 388-96-723 Comparison of the statewide weighted average payment rate for all nursing facilities with the weighted average payment rate identified in the Biennial Appropriations Act. (1) On a quarterly basis, the department will compare the statewide weighted average payment rate for all nursing facilities with the weighted average payment rate identified in the Biennial Appropriations Act.

(2) To determine the statewide weighted average payment rate, the department will use total billed medicaid days incurred in the calendar year immediately preceding the current fiscal year for the purpose of weighting the July 1 nursing facilities' rates that have been adjusted, or updated pursuant to chapter 74.46 RCW and this chapter.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8, 04-21-027, § 388-96-723, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.800, 01-12-037, § 388-96-723, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-723, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.421 and 74.46.800. 98-20-023, § 388-96-723, filed 9/25/98, effective 10/1/98.]

WAC 388-96-724 Advance notice—Nursing facility component rate reduction taken under RCW 74.46.421.

(1) The department will notify the nursing facility at least

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twenty-eight calendar days in advance of the effective date of a reduction taken under RCW 74.46.421.

(2) A rate reduction taken under RCW 74.46.421 will be effective the first day of the month following the twenty-eight calendar day advance notice.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-724, filed 10/13/04, effective 11/13/04. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-724, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.421 and 74.46.800. 98-20-023, § 388-96-724, filed 9/25/98, effective 10/1/98.]

WAC 388-96-725 RCW 74.46.421 rate reduction—A nursing facility's rates. (1) The department will not reverse any rate reductions taken in accordance with RCW 74.46.-421.

(2) If after a reduction a nursing facility is eligible to receive an increase in a component rate for some unrelated change (e.g., a change in the medicaid case mix index causes the direct care rate to increase), the department will apply the increase to the rate reduced by application of RCW 74.46.-421.

(3) Reductions made under RCW 74.46.421 are cumulative. The department will reduce the component rates for all nursing facilities without reversing any previous reductions.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-725, filed 10/13/04, effective 11/13/04. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-725, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.421 and 74.46.800. 98-20-023, § 388-96-725, filed 9/25/98, effective 10/1/98.]

WAC 388-96-726 RCW 74.46.421 nursing facility component rates below the statewide weighted average payment rate identified in the Biennial Appropriations Act. (1) Even if an individual nursing facility's component rates are below the statewide weighted average payment rate identified in the Biennial Appropriations Act, the department will reduce the nursing facility's rates as required under RCW 74.46.421.

(2) The department will not exempt any nursing facility from a component rates reduction required by RCW 74.46.-421 for any circumstance, e.g., billed medicaid days, under-spending of the biennial appropriation for nursing facility rates, etc.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-726, filed 10/13/04, effective 11/13/04. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-726, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.421 and 74.46.800. 98-20-023, § 388-96-726, filed 9/25/98, effective 10/1/98.]

WAC 388-96-730 Methodology for reducing a nursing facility's medicaid payment rate in order to reduce the statewide weighted average nursing facility medicaid payment rate to equal or be less than the weighted average payment rate identified in the Biennial Appropriations Act. (1) The department will determine a percentage reduction factor (PRF) that, when applied to all nursing facilities' rates will result in a statewide weighted average payment rate that is equal to or less than the weighted average payment rate identified in the Biennial Appropriations Act.

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(2) By applying various percentages to the rates for all nursing facilities, the department will identify a percentage that reduces the statewide weighted average payment rate equal to or less than the weighted average payment rate identified in the Biennial Appropriations Act.

(3) The percentage identified in subsection (2) of this section will be the PRF. To reduce the statewide average payment rate to less than or equal to the weighted average payment rate identified in the Biennial Appropriations Act, the department will apply the PRF equally to all rate component allocations of each nursing facility's rate.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-730, filed 10/13/04, effective 11/13/04. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-730, filed 11/30/99, effective 12/31/99.]

WAC 388-96-731 Nursing facilities' rate reductions pursuant to RCW 74.46.421. Under RCW 74.46.421, the department will reduce the rate for each nursing facility when the statewide weighted average payment rate for all nursing facilities exceeds or is likely to exceed the weighted average payment rate identified in the Biennial Appropriations Act.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-731, filed 10/13/04, effective 11/13/04. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-731, filed 11/30/99, effective 12/31/99.]

WAC 388-96-738 What default case mix group and weight must the department use for case mix grouping when there is no minimum data set resident assessment for a nursing facility resident? (1) When a resident:

(a) Dies before the facility completes the resident's initial assessment, the department must assign the assessment to the special care case mix group - SSB. The department must use the case mix weight assigned to the special care case mix group - SSB;

(b) Is discharged to an acute care facility before the nursing facility completes the resident's initial assessment, the department must assign the assessment to the special care case mix group - SSB. The department must use the case mix weight assigned to the special care case mix group - SSB; or

(c) Is discharged for a reason other than those noted above before the facility completes the resident's initial assessment, the department must assign the assessment to the case mix group BC1 with a case mix weight of 1.000.

(2) If the resident assessment is untimely as defined in RCW 74.46.501 and as defined by federal regulations, then the department must assign the case to the default case mix group of BC1 which has a case mix weight of 1.000.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 22, 24 and 25 and RCW 74.46.800. 98-20-023, § 388-96-738, filed 9/25/98, effective 10/1/98.]

WAC 388-96-739 How will the department determine which resident assessments are medicaid resident assessments? The department must identify a medicaid resident assessment through the review of the minimum data set (MDS) payer source code. If the nursing facility codes the payer source as "medicaid per diem," regardless of whether

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any other payer source codes are checked, then the department will count the case as a medicaid resident assessment.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 22, 24 and 25 and RCW 74.46.800. 98-20-023, § 388-96-739, filed 9/25/98, effective 10/1/98.]

WAC 388-96-740 Medicaid case mix index—When a facility does not meet the ninety percent minimum data set (MDS) threshold as identified in RCW 74.46.501. (1) When the department certifies a nursing facility as medicaid, which was not previously certified as medicaid in or after the quarter that will serve as the basis for the facility's medicaid case mix index, then the department will use the industry average medicaid case mix index for the quarter specified in RCW 74.46.501 (7)(c) as the facility's medicaid average case mix index.

(2) If the nursing facility does not meet the ninety percent MDS threshold for any other reason, then the department will use one as the medicaid case mix index.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-740, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-740, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 22, 24 and 25 and RCW 74.46.800. 98-20-023, § 388-96-740, filed 9/25/98, effective 10/1/98.]

WAC 388-96-741 When the nursing facility does not have facility average case mix indexes for the four quarters specified in RCW 74.46.501 (7)(b) for determining the cost per case mix unit, what will the department use to determine the nursing facility's cost per case mix unit? If the nursing facility:

(1) Is newly medicaid certified after the four quarters specified in RCW 74.46.501 (7)(b), then the department must use the industry average case mix index for those four quarters as the facility's average case mix index.

(2) Existed during at least one of the four quarters and met the ninety percent threshold for at least one of the four quarters specified in RCW 74.46.501 (7)(b), then the department must use the facility's average case mix index for the quarter(s) that the facility met the ninety percent threshold.

(3) Existed during at least one of the four quarters and did not meet the ninety percent threshold for any of the four quarters, then the department must use the industry average case mix index as the facility's average case mix index.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 22, 24 and 25 and RCW 74.46.800. 98-20-023, § 388-96-741, filed 9/25/98, effective 10/1/98.]

WAC 388-96-742 Licensed beds to compute the ninety percent minimum data set (MDS) threshold rather than a nursing facility's quarterly average census. The department will use the number of licensed beds to compute the ninety percent threshold of MDS data when:

(1) The reported census as a result of errors exceeds the number of current licensed beds; or

(2) There is a significant discrepancy between the reported census and the number of current licensed beds. A significant discrepancy exists when the census is fifty percent or less of the number of licensed beds.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-742,

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filed 10/13/04, effective 11/13/04. Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 §§ 22, 24 and 25 and RCW 74.46.800. 98-20-023, § 388-96-742, filed 9/25/98, effective 10/1/98.]

WAC 388-96-744 How will the department set the therapy care rate and determine the median cost limit per unit of therapy? (1) For a nursing facility that does not report units of therapy for the applicable cost report year, the department will set its nursing facility therapy care rate at \$0.00 until units of therapy are submitted.

(2) After the nursing facility reports its units of therapy, the department will pay the nursing facility a rate beginning the effective date of the rate year, e.g., July 1.

(3) In a rebase year the nursing facility's units of therapy must be reported in the cost report used to rebase the rate. If reported later than the cost report due date, the department shall exclude the nursing facility's therapy costs from the array of costs use to set the median cost limit per unit of therapy.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 26 and RCW 74.46.800. 98-20-023, § 388-96-744, filed 9/25/98, effective 10/1/98.]

WAC 388-96-746 How much therapy consultant expense for each therapy type will the department allow to be added to the total allowable one-on-one therapy expense? (1) The department will multiply the actual patient days when greater than eighty-five percent or patient days at eighty-five percent occupancy by both:

(a) A nursing facility's adjusted therapy consulting costs per patient day; and

(b) The median adjusted therapy consulting cost plus ten percent.

The lesser of (a) or (b) of this subsection will be reasonable therapy consulting costs that the department shall add to the total allowable one-on-one therapy expense used to calculate the therapy care rate.

(2) To determine the median adjusted therapy consulting cost per type of therapy, the department shall:

(a) Divide medicaid nursing facilities in the state into two peer groups:

(i) Those facilities located within a metropolitan statistical area; and

(ii) Those not located in a metropolitan statistical area. Metropolitan statistical areas and nonmetropolitan statistical areas shall be as determined by the United States Office of Management and Budget or other applicable federal office.

(b) Array the facilities in each peer group from highest to lowest based on their therapy consulting cost per patient day for each type of therapy.

(c) Determine the median total cost for therapy consulting per patient day costs by MSA and non-MSA peer group and add ten percent to that median cost.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 26 and RCW 74.46.800. 98-20-023, § 388-96-746, filed 9/25/98, effective 10/1/98.]

WAC 388-96-747 Constructed, remodeled or expanded facilities. (1) When a facility is constructed, remodeled, or expanded after obtaining a certificate of need or exemption from the requirements for certificate of need for

the replacement of existing nursing home beds pursuant to RCW 70.38.115 (13)(a), the department shall determine actual and allocated allowable land cost and building construction cost. Payment for such allowable costs, determined pursuant to the provisions of this chapter, shall not exceed the maximums set forth in this subsection and in subsections (2) and (7) of this section. The department shall determine construction class and types through examination of building plans submitted to the department and/or on-site inspections. The department shall use definitions and criteria contained in the Marshall and Swift Valuation Service published by the Marshall and Swift Publication Company. Buildings of excellent quality construction shall be considered to be of good quality, without adjustment, for the purpose of applying these maximums.

(2) Construction costs shall be final labor, material, and service costs to the owner or owners and shall include:

- (a) Architect's fees;
- (b) Engineers' fees (including plans, plan check and building permit, and survey to establish building lines and grades);
- (c) Interest on building funds during period of construction and processing fee or service charge;
- (d) Sales tax on labor and materials;
- (e) Site preparation (including excavation for foundation and backfill);
- (f) Utilities from structure to lot line;
- (g) Contractors' overhead and profit (including job supervision, workmen's compensation, fire and liability insurance, unemployment insurance, etc.);
- (h) Allocations of costs which increase the net book value of the project for purposes of medicaid payment;
- (i) Other items included by the Marshall and Swift Valuation Service when deriving the calculator method costs.

(3) The department shall allow such construction costs, at the lower of actual costs or the maximums derived from the sum of the basic construction cost limit plus the common use area limit which corresponds to the type, class and number of total nursing home beds for the new construction, remodel or expansion. The maximum limits shall be calculated using the most current cost criteria contained in the *Marshall and Swift Valuation Service* and shall be adjusted forward to the mid-point date between award of the construction contract and completion of construction.

(4) When some or all of a nursing facility's common-use areas are situated in a basement, the department shall exclude some or all of the per-bed allowance for common-use areas to derive the construction cost lid for the facility. The amount excluded will be equal to the ratio of basement common-use areas to all common-use areas in the facility times the common-use area limits determined in accordance with subsection (3) of this section. In lieu of the excluded amount, the department shall add an amount calculated using the calculator method guidelines for basements in nursing homes published in the *Marshall and Swift Valuation Service*.

(5) Subject to provisions regarding allowable land contained in this chapter, allowable costs for land shall be the lesser of:

- (a) Actual cost per square foot, including allocations;
- (b) The average per square foot land value of the ten nearest urban or rural nursing facilities at the time of pur-

chase of the land in question. The average land value sample shall reflect either all urban or all rural facilities depending upon the classification of urban or rural for the facility in question. The values used to derive the average shall be the assessed land values which have been calculated for the purpose of county tax assessments; or

(c) Land value for new or replacement building construction or substantial building additions requiring the acquisition of land that commenced to operate on or after July 1, 1997, determined in accordance with RCW 74.46.360 (2) and (3).

(6) If allowable costs for construction or land are determined to be less than actual costs pursuant to subsections (1) and (7) of this section, the department may increase the amount if the owner or contractor is able to show unusual or unique circumstances having substantially impacted the costs of construction or land. Actual costs shall be allowed to the extent they resulted from such circumstances up to a maximum of ten percent above levels determined under subsections (3), (4), and (5) of this section for construction or land. An adjustment under this subsection shall be granted only if requested by the contractor. The contractor shall submit documentation of the unusual circumstances and an analysis of its financial impact with the request.

(7) If a capitalized addition or retirement of an asset will result in an increased licensed bed capacity during the calendar year following the capitalized addition or replacement, the department shall use the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity as long as the occupancy for the increased number of beds is at or above eighty-five percent. Subject to the provisions of this chapter and chapter 74.46 RCW, in no case shall the department use less than eighty-five percent occupancy of the facility's increased licensed bed capacity. If a capitalized addition, replacement, or retirement results in a decreased licensed bed capacity, WAC 388-96-709 will apply.

[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 19(12) and RCW 74.46.800. 98-20-023, § 388-96-747, filed 9/25/98, effective 10/1/98.]

WAC 388-96-748 Financing allowance component rate allocation. (1) Beginning July 1, 1999, for each medicaid nursing facility, the department will establish a financing allowance component rate allocation. The financing allowance component rate allocation will be rebased annually, effective July 1st, in accordance with this chapter and chapter 74.46 RCW.

(2) The department will determine the financing allowance component rate allocation by:

- (a) Multiplying the net invested funds of each nursing facility by the applicable factor identified in subsection (3) of this section; and
- (b) Dividing the sum of the products by the greater of:
 - (i) A nursing facility's total resident days from the most recent cost report period; or
 - (ii) Resident days calculated on eighty-five percent facility occupancy.

(3)(a) The multiplication factor required by subsection (2) (a) of this section is determined by the acquisition date of the tangible fixed asset(s). For each nursing facility, the department will multiply the net invested funds for assets acquired:

- (i) Before May 17, 1999 by a factor of .10; and/or
- (ii) On or after May 17, 1999 by a factor of .085.

(b) The department will apply the factor of .10 to the net invested funds pertaining to new construction or major renovations:

- (i) That received certificate of need approval before May 17, 1999;
- (ii) That received an exemption from certificate of need requirements under chapter 70.38 RCW before May 17, 1999; or
- (iii) For which the nursing facility submitted working drawings to the department of health for construction review before May 17, 1999.

(c) For a new contractor as defined under WAC 388-96-026 (1)(c), assets acquired from the former contractor will retain their initial acquisition dates when determining the new contractor's financing allowance under this section.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-748, filed 11/30/99, effective 12/31/99.]

WAC 388-96-749 Variable return—Quartiles and percentages. (1) When the department rebases each nursing facility's July 1 medicaid payment rate in accordance with chapter 74.46 RCW and this chapter, it applies RCW 74.46-433 to set the variable return (VR) quartiles and assigns the designated percentage to the quartile.

(2) Following a July 1 rebasing of all component rates, the department will not adjust the quartiles or the percentages assigned to them for any reason, including but not limited to reversal of cost report adjustments by administrative review conferences, fair hearings, and/or judicial reviews until the next July 1 rebasing of all component rates.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8, 04-21-027, § 388-96-749, filed 10/13/04, effective 11/13/04.]

WAC 388-96-757 Payment for veterans' homes. Payment rates to nursing facilities operated by the state of Washington, department of veterans' affairs shall be determined in accordance with chapter 74.46 RCW and this chapter as for all other facilities.

[Statutory Authority: RCW 74.09.120 and 74.46.800, 98-20-023, § 388-96-757, filed 9/25/98, effective 10/1/98; 93-19-074 (Order 3634), § 388-96-757, filed 9/14/93, effective 10/15/93.]

WAC 388-96-760 Upper limits to the payment rate. The average payment rate for the cost report year shall not exceed the contractor's average customary charges to the general public for the services covered by the payment rate for the same time period. The department will pay public facilities rendering such services free of charge or at a nominal charge according to the methods and standards set out in this chapter. The contractor shall provide as part of the annual cost report a statement of the average charges for the cost report year for services covered by the payment rate and supporting computations and documentation. The contractor shall immediately inform the department if its payment rate does exceed customary charges for comparable services. If necessary, the department will adjust the payment rate in accordance with RCW 74.46.531.

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[Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322, RCW 74.46.800 and 74.09.120, 98-20-023, § 388-96-760, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 74.09.120, 91-12-026 (Order 3185), § 388-96-760, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.09.120, 84-24-050 (Order 2172), § 388-96-760, filed 12/4/84; 83-19-047 (Order 2025), § 388-96-760, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-760, filed 11/4/81. Statutory Authority: RCW 74.08.090 and 74.09.120, 78-06-080 (Order 1300), § 388-96-760, filed 6/1/78. Statutory Authority: RCW 74.09.120, 78-02-013 (Order 1264), § 388-96-760, filed 1/9/78.]

WAC 388-96-762 Allowable land. (1) Beginning January 1, 1985, land associated with a nursing facility which is eligible for inclusion in net invested funds shall not exceed two acres for facilities located in a Metropolitan Statistical Area (MSA), as defined and determined by the United States Office of Management and Budget or other applicable federal office, and three acres for nursing facilities located outside such an area.

(2) The department may grant an exception to these limits if a contractor presents documentation deemed adequate by the department establishing a larger area of land is directly related to patient care. Requests for exceptions and any exceptions granted must be in writing.

(3) Requests for exceptions may be granted in the following cases:

- (a) The area occupied by the nursing home building exceeds the allowable land area specified in subsection (1) of this section;
- (b) The land is used directly in the provision of patient care;
- (c) The land is maintained;
- (d) The land is not subdivided or eligible for subdivision;
- (e) The land is zoned for nursing home or similar use; and
- (f) Other reasons exist which are deemed sufficient by the department.

[Statutory Authority: RCW 74.46.800, 96-15-056, § 388-96-762, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800 and 74.09.-120, 93-19-074 (Order 3634), § 388-96-762, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800, 84-12-039 (Order 2105), § 388-96-762, filed 5/30/84.]

WAC 388-96-766 Notification. (1) The department will notify each contractor in writing of its prospective medicaid payment rate allocation. Unless otherwise specified at the time it is issued, the medicaid payment rate allocation and/or component rate allocation(s) will be effective from the first day of the month in which it (they) is (are) issued. When the department amends a medicaid payment rate allocation and/or component rate allocation(s) as the result of an appeal in accordance with WAC 388-96-904, the amended rate will have the same effective date as the appealed rate.

(2) If a total medicaid component payment rate allocation and/or rate allocation(s) is (are) adjusted, updated or amended after the calendar year in which the adjustment or update was effective, then the department will account for any amounts owed through the settlement process.

(3)(a) The department shall deem the contractor to have received the department's notice five calendar days after the date of the notification letter, unless proof of the date of receipt of the department's notification letter exists, in which case the actual date of receipt shall be used. Proof of date of

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receipt of department's notification must be from an independent source that has no stake in the outcome.

(b) When the department has sent notice by certified letter, the department shall deem the contractor to have received the department's notice five calendar days after the date the U.S. Post Office first attempts to deliver the certified letter containing the notice of the department's action(s).

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8, 04-21-027, § 388-96-766, filed 10/13/04, effective 11/13/04. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-766, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.09.120, 78-02-013 (Order 1264), § 388-96-766, filed 1/9/78.]

WAC 388-96-767 Appraisal values. If a contractor is unwilling or unable to provide and document the lessor's historical cost of leased assets, the department shall arrange for an appraisal of such assets to be conducted by the state of Washington department of general administration. If such an appraisal is conducted, it shall be the basis for all property and financing allowance component rate allocations, except that: If documentation subsequently becomes available to the department establishing the lessor's historical cost is less than the appraisal value, the historical cost shall be the basis for all property and financing allowance component rate allocations.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-767, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 74.46.800, 84-12-039 (Order 2105), § 388-96-767, filed 5/30/84.]

WAC 388-96-771 Receivership. (1) If the nursing home is providing care to recipients of state medical assistance, the receiver shall:

- (a) Become the medicaid contractor for the duration of the receivership period;
- (b) Assume all reporting responsibilities for new contractors;
- (c) Assume all other responsibilities for new contractors set forth in this chapter; and
- (d) Be responsible for the refund of medicaid rate payments in excess of costs during the period of receivership.

(2) In establishing the prospective rate during receivership the department shall consider:

- (a) Compensation, if any, ordered by the court for the receiver. Such compensation may already be available to the receiver through the rate as follows:
 - (i) Financing allowance and variable return component rate allocations, or
 - (ii) The administrator's salary in the case of facilities where the receiver is also the administrator.

If these existing sources of compensation are less than what was ordered by the court, additional costs may be allowed in the rate up to the compensation amount ordered by the court.

(b) Start up costs and costs of repairs, replacements, and additional staff needed for patient health, security, and welfare. To the extent such costs can be covered through the financing allowance and the variable return component rate allocations, no additional moneys will be added to the rate;

(c) Any other allowable costs as set forth in this chapter.

(3)(a) Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars.

(b) The department shall recover any emergency or transitional expenditure made by the department on behalf of a nursing home not certified to participate in the medicaid Title XIX program from revenue generated by the facility which is not obligated to the operation of the facility.

(c) In order to help recover an emergency or transitional expenditure, regardless of whether the facility is certified to participate in the medicaid Title XIX program or not, the department may:

- (i) File an action against the former licensee or owner at the time the expenditure is made to recover such expenditure; or
- (ii) File a lien on the facility or on the proceeds of the sale of the facility.

(4) If recommendations on receiver's compensation are solicited from the department by the court, the department shall consider the following:

- (a) The range of compensation for nursing home managers;
- (b) Experience and training of the receiver;
- (c) The size, location, and current condition of the facility;
- (d) Any additional factors deemed appropriate by the department.

(5) When the receivership terminates, the department may revise the nursing home's medicaid reimbursement. The medicaid reimbursement rate for:

- (a) The former owner or licensee shall be what it was before receivership, unless the former owner or licensee requests prospective rate revisions from the department as set forth in this chapter; and
- (b) Licensed replacement operators shall be determined consistent with rules governing prospective reimbursement rates for new contractors as set forth in this chapter.

[Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207, 99-24-084, § 388-96-771, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800, 90-09-061 (Order 2970), § 388-96-771, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.120, 88-06-085 (Order 2602), § 388-96-771, filed 3/2/88.]

WAC 388-96-776 Add-ons to the property and financing allowance payment rate—Capital improvements. (1) For new or replacement building construction or major renovation projects begun after July 1, 2001, the contractor must have a certificate of capital authorization (CCA) issued pursuant to WAC 388-96-783 and chapter 74.46 RCW.

(2)(a) Beginning July 1, 2001, the department shall grant an add-on to a prospective payment rate for capitalized improvements done under RCW 74.46.431(12) for all new or replacement building construction or major renovation projects; provided, the department granted the contractor a certificate of capital authorization (CCA) pursuant to WAC 388-96-783 for the fiscal year in which the contractor will complete the project and the net rate effect is ten cents per patient day or greater.

(b) Rate add-on requests filed with the department or approved by the certificate of need unit of the department of health for projects commencing before July 1, 2001 and finishing after July 1, 2001, are not subject to CCA requirements set forth in this chapter and chapter 74.46 RCW.

(3) The department may grant a rate add-on to a payment rate for capital improvements not requiring a CON and a CCA per subsections (1) and (2) of this section. However, the capital improvement must have a net rate effect of ten cents per patient day or greater.

(4) Rate add-ons for all construction and renovation projects granted pursuant to subsection (1) or (2) of this section shall be limited to the total legislative authorization for capital construction and renovation projects for the fiscal year (FY) of the biennium in which the construction or renovation project will be completed. Rate add-ons are subject to the provisions of RCW 74.46.421.

(5) When physical plant improvements made under subsection (1) or (2) of this section are completed in phases, the department shall:

(a) Grant a rate add-on in accordance with subsection (6) of this section for any addition, replacement or improvement when each phase is completed and certified for occupancy for the purpose for which it was intended;

(b) Limit the rate add-on to the actual cost of the depreciable tangible assets meeting the criteria of RCW 74.46.330;

(c) Add-on construction fees as defined in WAC 388-96-747 and other capitalized allowable fees and costs for the completed phase of the project; and

(d) Make the effective date for the rate add-on for the completed phase the quarterly rate change immediately following the completion and certification for occupancy of the phase. When the date of the written request for a phase add-on rate falls after the first quarter immediately following the completion and certification for occupancy of the phase, the department will issue the rate add-on retroactive to the first of the quarter in which the department received a complete written request.

(6) When the construction class of any portion of a newly constructed building will improve as the result of any addition, replacement or improvement occurring in a later, but not yet completed and fully utilized phase of the project, the most appropriate construction class, as applicable to that completed and fully utilized phase, will be assigned for purposes of calculating the rate add-on. The department shall not revise the rate add-on retroactively after completion of the portion of the project that provides the improved construction class. Rather, the department shall calculate a new rate add-on when the improved construction class phase is completed and fully utilized and the rate add-on will be effective in accordance with subsection (7) of this section using the date the class was improved.

(7) The contractor requesting a rate add-on under subsection (1), (2) or (3) of this section shall submit a written request to the department separate from all other requests and inquiries of the department, e.g., WAC 388-96-904 (1) and (5). A complete written request shall include the following:

(a) A copy of documentation requiring completion of the addition or replacements to maintain licensure or certification for adjustments requested under subsection (1) of this section;

(b) A copy of the new bed license, whether the number of licensed beds increases or decreases, if applicable;

(c) All documentation, e.g., copies of paid invoices showing actual final cost of assets and/or service, e.g., labor purchased as part of the capitalized addition or replacements;

(d) Certification showing the completion date of the capitalized additions or replacements and the date the assets were placed in service per RCW 74.46.360;

(e) A properly completed depreciation schedule for the capitalized additions or replacement as provided in this chapter; and

(f) When the rate increase is requested pursuant to subsection (3) of this section, a written justification for granting the rate increase.

(8) For rate add-on requests for projects not completed in phases that are approved pursuant to subsection (7) of this section and the written request is received:

(a) Within sixty calendar days following the completion and certification of occupancy of the new or replacement construction, major renovation, or the acquisition and installation (if applicable) of a capital improvement made under subsection (3) of this section, the effective date of the rate add-on will be the first of the month following the month in which the project was completed and certified for occupancy or acquired and installed; or

(b) More than sixty days following the completion and certification for occupancy of the new or replacement construction, major renovation project, or the acquisition and installation (if applicable) of a capital improvement made under subsection (3) of this section, the effective date of the rate add-on will be the first of the month following the month in which the written request was received.

(9) If the initial written request is incomplete, the department will notify the contractor of the documentation and information required. The contractor shall submit the requested information within fifteen calendar days from the date the contractor receives the notice to provide the information. If the contractor fails to complete the add-on request by providing all the requested documentation and information within the fifteen calendar days from the date of receipt of notification, the department shall deny the request for failure to complete.

(10) If, after the denial for failure to complete, the contractor submits another written request for a rate add-on for the same project the date of receipt for the purpose of applying subsection (8) of this section will depend upon whether the subsequent request for the same project is complete, i.e., the department does not have to request additional documentation and information in order to make a determination. If a subsequent request for funding of the same project is:

(a) Complete, then the date of the first request may be used when applying subsection (8) of this section; or

(b) Incomplete, then the date of the subsequent request must be used when applying subsection (8) of this section even though the physical plant improvements may be completed and fully utilized prior to that date.

(11) The department shall respond, in writing, not later than sixty calendar days after receipt of a complete request.

(12) If the contractor does not use the funds for the purpose for which they were granted, the department immedi-

ately shall have the right to recoup the misspent or unused funds.

(13) When any physical plant improvements made under subsection (1) or (2) of this section result in a change in licensed beds, any rate add-on granted will be subject to the provisions regarding the number of licensed beds, patient days, occupancy, etc., included in this chapter and chapter 74.46 RCW.

(14) Effective July 1, 2002, except for essential community providers, the medicaid share of nursing facility new construction or refurbishing projects shall be based upon a minimum facility occupancy of ninety percent for the operations, property, and financing allowance component rate allocations. For essential community providers, the medicaid share of nursing facility new construction or refurbishing project will be based upon a minimum facility occupancy of eighty-five percent for operations, property, and financing allowance component rate allocations.

(15) When a capitalized addition or replacement results in an increased licensed bed capacity during the calendar year following the capitalized addition or replacement:

(a) The department shall determine a nursing facility's prospective medicaid:

(i) Property payment rate allocation by dividing the property costs using the greater of actual days from the cost report period on which the rate being recalculated is based or days calculated by multiplying the new number of licensed beds times ninety percent times the number of calendar days in the cost report period on which the rate being recalculated is based. For essential community providers, the department shall use eighty-five percent to calculate days to compare with actual days; and

(ii) Financing allowance payment rate allocation by multiplying the net invested funds by the applicable factor in WAC 388-96-748(3) and dividing by the greater of the facility's actual days from the cost report period on which the rate being recalculated is based or on days calculated by multiplying the new number of licensed beds times ninety percent occupancy times the calendar days in the cost report period on which the rate being recalculated is based. For essential community providers, the department shall use eighty-five percent occupancy to calculate days to compare to actual days.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-776, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-776, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 74.46 RCW, 1999 c 376 § 3 amending c 309 § 207. 99-24-084, § 388-96-776, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 74.46 RCW as amended by 1998 c 322 § 19(12) and RCW 74.46.800. 98-20-023, § 388-96-776, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.465. 97-17-040, § 388-96-776, filed 8/14/97, effective 9/14/97. Statutory Authority: RCW 74.46.800. 96-15-056, § 388-96-776, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-776, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-776, filed 5/26/94, effective 6/26/94.]

WAC 388-96-777 Add-ons to the prospective rate—Initiated by the department. (1) The department shall initiate all rate add-ons granted under this section. Contractors may not request and be approved a rate add-on under this section.

(2) Rate add-ons the department grants under the authority of this section shall be for costs to implement:

(a) Program changes that the director of residential care services, aging and adult services administration determines a rate add-on is necessary to accomplish the purpose of the change and announces same in a written directive to the chief of the office of rates management; or

(b) Changes in either the state or federal statutes or regulations or directives that the director of management services, aging and adult services administration determines requires a rate add-on to implement and directs in writing the chief of the office of rates management to implement.

(3) Changes made under this section are subject to review under WAC 388-96-901 and 388-96-904; provided, the issue is not whether a rate add-on should have been granted.

(4) If the contractor does not use the funds for the purpose for which they were granted, the department shall immediately recoup the misspent or unused funds.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-777, filed 5/29/01, effective 6/29/01; 94-12-043 (Order 3737), § 388-96-777, filed 5/26/94, effective 6/26/94.]

WAC 388-96-781 Exceptional direct care component rate allocation—Covered medicaid residents. A nursing facility (NF) may receive an increase in its direct care component rate allocation for providing exceptional care to a medicaid resident who:

(1) Receives specialized services to meet chronic complex medical conditions and neurodevelopment needs of medically fragile children; and

(2) Resides in a NF where all residents are under age twenty-one with at least fifty percent of the residents entering the facility before the age of fourteen.

[Statutory Authority: RCW 74.46.800, 74.46.508. 00-12-098, § 388-96-781, filed 6/7/00, effective 7/8/00.]

WAC 388-96-782 Exceptional therapy care and exceptional direct care—Payment. For WAC 388-96-781 residents, the department will pay the resident's total rate in effect on December 31, 1999, inflated by the industry weighted average economic trends and conditions adjustment factor.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-782, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.800, 74.46.508. 00-12-098, § 388-96-782, filed 6/7/00, effective 7/8/00.]

WAC 388-96-783 Certificate of capital authorization (CCA). (1)(a) A certificate of capital authorization (CCA) is a certification from the department for an allocation from the biennial capital financing authorization for a nursing facility's new or replacement building construction, or major renovation project, receiving a certificate of need (CON) or a CON exemption from the department of health under chapter 70.38 RCW and chapter 246-310 WAC after July 1, 2001.

(b) Issuance of a CCA as required by this regulation and by chapter 74.46 RCW is necessary before:

(i) Any depreciation resulting from the capitalized addition is included in a facility's property component rate allocation, including both determinations under RCW 74.46.435

and property rate add-ons done pursuant to WAC 388-96-776; and/or

(ii) Any net invested funds associated with the capitalized addition are included in the calculation of the facility's financing allowance rate allocation, including both determinations under RCW 74.46.437 and financing allowance rate add-ons done pursuant to WAC 388-96-776.

(2) To apply for a CCA, a contractor must submit a written application to the nursing home rates section of the office of rates management (ORM) within the department. The application must be entirely separate from, and not included with, any other request or communication. The application must include:

(a) A description of the proposed new or replacement construction or major renovation;

(b) A copy of the CON approval, or the determination of CON exception issued by the department of health for the construction or renovation;

(c) The amount of money for which the CCA is being requested; this will presumably be the same amount as included in the CON approval or exception, but may be different where good cause is shown;

(d) The name of the general contractor who will build the construction or renovation; and

(e) The anticipated starting and completion dates of the construction or renovation.

(3) Completed applications for CCAs will be reviewed in the order received. An application will be deemed completed as of the date when all required information has been received by ORM. Within ninety days of the receipt of an application, ORM will either reject it as incomplete, or act upon it. If more than one CCA application is received on the same date, priority will first be given to an application from an essential community provider and then to an application in relation to the facility which has gone the longest from its last major renovation or building project.

(4) ORM will accept applications and issue CCAs for each state fiscal year for which the legislature has enacted authorization in the biennial appropriations act as provided by RCW 74.46.807, subject to the limits of such authorization. CCAs for a fiscal year will be issued until the remaining capital authorization for that year is insufficient to cover any more applications made for that year. An application denied because that year's authorization has been depleted may be resubmitted for a later year, and will be given priority for the remaining amounts of capital authorization in the later year, after CCAs already issued for that year. The state fiscal year runs from July 1 of one calendar year to June 30 of the following calendar year, and is designated by the second calendar year. For example, state fiscal year 2004 (SFY04) runs from July 1, 2003 through June 30, 2004.

(5)(a) When a CCA has been issued, the contractor must act to complete the construction or renovation in a timely manner, consistent with the estimates included in the application. The construction or renovation must be completed and ready for occupancy no later than the last day of the state fiscal year for which the CCA is issued. "Ready for occupancy" means that all federal, state, and local permits for occupancy of the buildings by residents have been issued.

(b) The contractor must send the department ORM a copy of each progress report submitted to the certificate of

need section of the department of health under WAC 246-310-590, or a regulation adopted as a successor thereto, at the same time the progress report is filed with the department of health.

(c) Based upon the application for the CCA and the progress reports filed with the department of health by the contractor, ORM will set deadlines for progress of the project toward completion. ORM may withdraw a CCA if its holder does not comply with those deadlines in a good faith manner. A contractor that fails to meet a progress deadline due to its own action or inaction shall be considered not to have acted in a good faith manner.

(d) If a CCA is withdrawn by ORM, or if the construction or renovation is not ready for occupancy by the last day of the fiscal year for which the CCA was issued, the value of the construction or renovation will not be included in the facility's property component or financing allowance rate allocations, as provided in subsection (1)(b) of this section. To include the value of the construction or renovation in the facility's property component or financing allowance rate allocations, the contractor must seek and obtain another CCA.

(6)(a) Although they are related, the CON and CCA processes are separate. When a CON requires amendment under department of health requirements, the contractor must notify ORM. The previously issued CCA will stay in effect. When the amended CON is issued in an amount greater than the original CON, the contractor must submit a new CCA application to ORM covering only the difference between the original and amended CONs. This supplemental CCA application may reference the original CCA application to the greatest extent possible, to expedite its filing and review.

(b) The department of health allows the dollar amount of a CON to be exceeded by the greater of twelve percent or fifty thousand dollars without requiring an amendment to the CON. This excess is not automatically reflected in the corresponding CCA. Any increase in the amount requires an application for a new CCA.

(c) ORM will review the new CCA application based on the estimated date of occupancy and the authorization remaining for the relevant state fiscal year. If there is insufficient authorization remaining in that fiscal year to fund the project, ORM will deny the application in whole or in part.

(d) If a contractor's application for a CCA is denied pursuant to subsection (c) above, the contractor may resubmit it for a later state fiscal year and the application will be given priority as described in subsection (4) of this section.

(7) If ORM withdraws a CCA previously issued, the amount of that authorization shall be restored to the total capital authorization available for the state fiscal year against which the CCA was issued.

(8) An application for a CCA may be considered on an emergency basis. If the application is approved and a sufficient amount of authorization remains for the relevant fiscal year, the CCA may be issued without regard to the priority of the application. Only an application made in relation to a major renovation project may be considered on an emergency basis, and then only if it must be completed as soon as possible to:

(a) Retain a facility's license or certification provided the net rate effect is ten cents per patient day or greater;

- (b) Protect the health or safety of the facility's residents;
or
(c) Avoid closure if the facility is an essential community provider.

[Statutory Authority: RCW 74.46.807, 74.46.431, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-783, filed 10/13/04, effective 11/13/04.]

WAC 388-96-802 May the nursing facility (NF) contractor bill the department for a medicaid resident's day of death, discharge, or transfer from the NF? No, the NF contractor may bill the department for the first day of a medicaid resident's stay but not the last day.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-802, filed 5/29/01, effective 6/29/01.]

WAC 388-96-803 When a nursing facility (NF) contractor becomes aware of a change in the medicaid resident's income and/or resources, must he or she report it? Yes, within seventy-two hours of becoming aware of a change in the medicaid resident's income and/or resources, the NF contractor will report the change in writing to the home and community services office serving the area in which the NF is located. When reporting the change, the NF contractor will include copies of any available documentation of the change in the medicaid resident's income and/or resources.

[Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-803, filed 5/29/01, effective 6/29/01.]

WAC 388-96-901 Disputes. (1) If a contractor wishes to contest the way in which the department applied a statute or department rule to the contractor's circumstances, the contractor shall pursue the administrative review process prescribed in WAC 388-96-904.

(a) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW subject to administrative review under WAC 388-96-904 include but are not limited to:

- (i) Determining a nursing facility payment rate;
- (ii) Calculating a nursing facility settlement;
- (iii) Imposing a civil fine on the nursing facility;
- (iv) Suspending payment to a nursing facility; or
- (v) Refusing to contract with a nursing facility.

(b) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW not subject to administrative review under WAC 388-96-904 include but are not limited to:

- (i) Actions taken under the authority of RCW 74.46.421 and sections of this chapter implementing RCW 74.46.421;
- (ii) Case mix accuracy review of minimum data set (MDS) nursing facility resident assessments, which shall be limited to separate administrative review under the provisions of WAC 388-96-905;
- (iii) Quarterly rate updates to reflect changes in a facility's resident case mix including contractor errors made in the MDSs used to update the facility's resident case mix;
- (iv) Exceptional direct care program codified at WAC 388-96-781; and
- (v) Actions taken under WAC 388-96-218 (2)(c).

(2) The administrative review process prescribed in WAC 388-96-904 shall not be used to contest or review unrelated or ancillary department actions, whether review is sought to obtain a ruling on the merits of a claim or to make a record for subsequent judicial review or other purpose. If an issue is raised that is not subject to review under WAC 388-96-904, the presiding officer shall dismiss such issue with prejudice to further review under the provisions of WAC 388-96-904, but without prejudice to other administrative or judicial review as may be provided by law. Unrelated or ancillary actions not eligible for administrative review under WAC 388-96-904 include but are not limited to:

(a) Challenges to the adequacy or validity of the public process followed by department in proposing or making a change to the nursing facility medicaid payment rate methodology, as required by 42 U.S.C. 1396a (a)(13)(A) and WAC 388-96-718;

(b) Challenges to the nursing facility medicaid payment system that are based in whole or in part on federal laws, regulations, or policies;

(c) Challenges to a contractor's rate that are based in whole or in part on federal laws, regulations, or policies;

(d) Challenges to the legal validity of a statute or regulation; and

(e) Actions of the department affecting a medicaid beneficiary or provider that were not commenced by the office of rates management, aging and disability services administration, for example, entitlement to or payment for durable medical equipment or other services.

(3) If a contractor wishes to challenge the legal validity of a statute or regulation relating to the nursing facility medicaid payment system, or wishes to bring a challenge based in whole or in part on federal law, it must bring such action de novo in a court of proper jurisdiction as may be provided by law.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8. 04-21-027, § 388-96-901, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.800. 01-12-037, § 388-96-901, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 74.46.800, 74.46.508. 00-12-098, § 388-96-901, filed 6/7/00, effective 7/8/00. Statutory Authority: RCW 74.46.780 as amended by 1998 c 322 § 41. 98-20-023, § 388-96-901, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18. 95-19-037 (Order 3896), § 388-96-901, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800 and 74.09.120. 91-12-026 (Order 3185), § 388-96-901, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-901, filed 10/13/82; Order 1262, § 388-96-901, filed 12/30/77.]

WAC 388-96-904 Administrative review—Adjudicative proceeding. (1) Contractors seeking to appeal or take exception to an action or determination of the department, under authority of this chapter or chapter 74.46 RCW, relating to the contractor's payment rate, audit or settlement, or otherwise affecting the level of payment to the contractor, or seeking to appeal or take exception to any other adverse action taken under authority of this chapter or chapter 74.46 RCW eligible for administrative review under this section, shall request an administrative review conference in writing within twenty-eight calendar days after receiving notice of the department's action or determination. The department shall deem the contractor to have received the department's notice five calendar days after the date of the notification let-

ter, unless proof of the date of receipt of the department's notification letter exists, in which case the actual date of receipt shall be used to determine timeliness of the contractor's request for an administrative review conference. The contractor's request for administrative review shall:

(a) Be signed by the contractor or by a partner, officer, or authorized employee of the contractor;

(b) State the particular issues raised; and

(c) Include all necessary supporting documentation or other information.

(2) After receiving a request for administrative review conference that meets the criteria in subsection (1) of this section, the department shall schedule an administrative review conference. The conference may be conducted by telephone.

(3) At least fourteen calendar days prior to the scheduled date of the administrative review conference, the contractor must supply any additional or supporting documentation or information upon which the contractor intends to rely in presenting its case. In addition, the department may request at any time prior to issuing a determination any documentation or information needed to decide the issues raised, and the contractor must comply with such a request within fourteen calendar days after it is received. The department may extend this period up to fourteen additional calendar days for good cause shown if the contractor requests an extension in writing received by the department before expiration of the initial fourteen-day period. The department shall dismiss issues that cannot be decided or resolved due to a contractor's failure to provide requested documentation or information within the required period.

(4) The department shall, within sixty calendar days after conclusion of the conference, render a determination in writing addressing the issues raised. If the department is waiting for additional documentation or information promised by or requested from the contractor pursuant to subsection (3) of this section, the sixty-day period shall not commence until the department's receipt of such documentation or information or until expiration of the time allowed to provide it. The determination letter shall include a notice of dismissal of all issues which cannot be decided due to a contractor's failure to provide documentation or information promised or requested.

(5) A contractor seeking further review of a determination issued pursuant to subsection (4) of this section shall apply for an adjudicative proceeding, in writing, signed by one of the individuals authorized by subsection (1) of this section, within twenty-eight calendar days after receiving the department's administrative review conference determination letter. A review judge or other presiding officer employed by the department's board of appeals shall conduct the adjudicative proceeding.

The department shall deem the contractor to have received the department's determination five calendar days after the date of the administrative review determination letter, unless proof of the date of receipt of the letter exists, in which case the actual date of receipt shall be used to determine timeliness of the contractor's application for an adjudicative proceeding. The contractor shall attach to its application for an adjudicative proceeding the department's administrative review conference determination letter. A contractor's

application for an adjudicative proceeding shall be addressed to the department's board of appeals.

(6) Except as authorized by subsection (7) of this section, the scope of an adjudicative proceeding shall be limited to the issues specifically raised by the contractor at the administrative review conference and addressed on the merits in the department's administrative review conference determination letter. The contractor shall be deemed to have waived all issues or claims that could have been raised by the contractor relating to the challenged determination or action, but which were not pursued at the conference and not addressed in the department's administrative review conference determination letter. In its request for an adjudicative proceeding or as soon as practicable, the contractor must specify its issues.

(7) If the contractor wishes to have further review of any issue not addressed on its merits, but instead dismissed in the department's administrative review conference determination letter, for failure to supply needed, promised, or requested additional information or documentation, or because the department has concluded the request was untimely or otherwise procedurally defective, the issue shall be considered by the presiding officer for the purpose of upholding the department's dismissal, reinstating the issue and remanding for further agency staff action, or reinstating the issue and rendering a decision on the merits.

(8) An adjudicative proceeding shall be conducted in accordance with this chapter, chapter 388-02 WAC and chapter 34.05 RCW. In the event of a conflict between hearing requirements in chapter 74.46 RCW and chapter 388-96 WAC specific to the nursing facility medicaid payment system and general hearing requirements in chapter 34.05 RCW and chapter 388-02 WAC, the specific requirements of chapter 74.46 RCW and chapter 388-96 WAC shall prevail. The presiding officer assigned by the department's board of appeals to conduct an adjudicative proceeding and who conducts the proceeding shall render the final agency decision.

(9) At the time an adjudicative proceeding is being scheduled for a future time and date certain, or at any appropriate stage of the prehearing process, the presiding officer shall have authority, upon the motion of either party or the presiding officer's own motion, to compel either party to identify specific issues remaining to be litigated.

(10) If the presiding officer determines there is no material issue(s) of fact to be resolved in a case, the presiding officer shall have authority, upon the motion of either party or the presiding officer's own motion, to decide the issue(s) presented without convening or conducting an in-person evidentiary hearing. In such a case, the decision may be reached on documentation admitted to the record, party admissions, written or oral stipulation(s) of facts, and written or oral argument.

(11) The board of appeals shall issue an order dismissing an adjudicative proceeding requested under subsection (5) of this section, unless within two hundred seventy calendar days after the board of appeals receives the application for an adjudicative proceeding:

(a) All issues have been resolved by a written settlement agreement between the contractor and the department signed by both and filed with the board of appeals; or

(b) An adjudicative proceeding has been held for all issues not resolved and the evidentiary record, including all

rebuttal evidence and post-hearing or other briefing, is closed.

This time limit may be extended one time thirty additional calendar days for good cause shown upon the motion of either party made prior to the expiration of the initial two hundred seventy day period. It shall be the responsibility of the contractor to request that hearings be scheduled and ensure that settlement agreements are signed and filed with the board of appeals in order to comply with the time limit set forth in this subsection.

(12) Any party dissatisfied with a decision or an order of dismissal of the board of appeals may file a petition for reconsideration within ten calendar days after the decision or order of dismissal is served on such party. The petition shall state the specific grounds upon which relief is sought. The time for seeking reconsideration may be extended by the presiding officer for good cause upon motion of either party. The presiding officer shall rule on a petition for reconsideration and may seek additional argument, briefing, testimony, or other evidence if deemed necessary. Filing a petition for reconsideration shall not be a requisite for seeking judicial review; however, if a petition is filed by either party, the agency decision shall not be deemed final until a ruling is made by the presiding officer.

(13) A contractor dissatisfied with a decision or an order of dismissal of the board of appeals may file a petition for judicial review pursuant to RCW 34.05.570(3) or other applicable authority.

[Statutory Authority: RCW 74.46.431 (11) and (12), 74.46.800, chapter 74.46 RCW, 2004 c 276 § 913, 2001 1st sp.s. c 8, 04-21-027, § 388-96-904, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.46.780 as amended by 1998 c 322 § 41, 98-20-023, § 388-96-904, filed 9/25/98, effective 10/1/98. Statutory Authority: RCW 74.46.800, 96-15-056, § 388-96-904, filed 7/16/96, effective 8/16/96. Statutory Authority: RCW 74.46.800 and 1995 1st sp.s. c 18, 95-19-037 (Order 3896), § 388-96-904, filed 9/12/95, effective 10/13/95. Statutory Authority: RCW 74.46.800, 94-12-043 (Order 3737), § 388-96-904, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120, 91-12-026 (Order 3185), § 388-96-904, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 34.05.-220 (1)(a) and 74.09.120, 90-04-071 (Order 3003), § 388-96-904, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.09.180 and 74.46.800, 89-01-095 (Order 2742), § 388-96-904, filed 12/21/88. Statutory Authority: 1987 c 476, 88-01-126 (Order 2573), § 388-96-904, filed 12/23/87. Statutory Authority: RCW 34.04.020, 84-05-040 (Order 2076), § 388-96-904, filed 2/17/84. Statutory Authority: RCW 74.09.120, 82-21-025 (Order 1892), § 388-96-904, filed 10/13/82; Order 1262, § 388-96-904, filed 12/30/77.]

WAC 388-96-905 Case mix accuracy review of MDS nursing facility resident assessments. (1) The department shall perform periodic nursing facility on-site accuracy reviews of minimum data set (MDS) assessments of nursing facility residents, for the purpose of verifying the accuracy of facility case mix data used to establish and update medicaid payment rates, and for other purposes the department may deem appropriate.

(2) Contractors, their representatives, and authorized nursing facility personnel may ask questions and raise concerns with the quality assurance nurse (QAN) or other designated department representative at the time a case mix accuracy review is conducted. Contractors, their representatives and authorized nursing facility personnel should attempt to resolve any differences and provide additional documenta-

tion, information or clarification prior to the case mix accuracy review exit conference.

(3) Upon completing a case mix accuracy review, the QAN shall hold an exit conference to inform the facility of the QAN's observations and preliminary findings. MDS inaccuracies, if any, will be identified and the findings that substantiate these inaccuracies shall be described.

(4) Within five working days after the case mix accuracy review exit conference is held, the nursing facility district manager (DM) for the facility's district shall send the case mix accuracy review decision letter to the nursing facility administrator at the facility address. The case mix accuracy review decision letter shall be sent certified mail, return receipt requested, shall describe in detail the QAN's findings, and shall identify the:

- (a) Resident assessments that were reviewed;
- (b) RUG-III or other applicable case mix grouping that was determined for the resident assessments reviewed;
- (c) Changes in assigned classification, if any, that were made for residents whose assessments were reviewed;
- (d) Right of the contractor to appeal any disagreement with the case mix accuracy review decision to the department's case mix accuracy review administrator or his or her delegate:
 - (i) Where to send an appeal request; and
 - (ii) The time limit for requesting an appeal.

(5) If the contractor intends to appeal the DM's case mix accuracy review decision letter, the appeal request must be in writing and mailed to the department's case mix accuracy administrator within ten calendar days after receipt of the case mix accuracy review decision letter. The appeal request letter shall:

- (a) Be signed by the contractor or by a partner, officer, or authorized employee of the contractor;
- (b) State the particular issue(s) raised, including any explanation or basis for disagreeing with the department's findings or actions.

(6) Prior to the informal administrative hearing, the case mix accuracy review administrator shall have no involvement in the case mix accuracy review decision.

(7) Upon receiving a timely appeal request, the administrator shall review any documentation and information submitted with the request, and contact the contractor by telephone to schedule an informal administrative hearing. The purpose of this informal hearing is to give the contractor one opportunity to present information which might warrant modification or deletion of resident-specific accuracy findings resulting from the case mix accuracy review. The scope of the informal administrative hearing shall be limited to clinical issues of resident need and assessment. Nonclinical issues beyond the scope of appeal include, but are not limited to:

- (a) Any remedies or negative actions imposed by the department to rectify practices or inaccuracies;
- (b) Alleged inconsistencies in the accuracy review process;
- (c) Challenges to the authority or adequacy of the case mix accuracy review process; and
- (d) Payment rate issues or other adverse actions subject to review under WAC 388-96-904.

(8) On or before the informal hearing date, the contractor must submit all necessary supporting documentation or other information to the case mix accuracy review administrator. The administrator may request additional information or documentation from the contractor at any time before issuing the final, informal hearing decision. The contractor shall provide all information or documentation within the time limits established by this section, or by the administrator. In the event that the contractor fails to submit the required documentation for a claim or issue within the specified time limits, the accuracy review administrator shall dismiss the claim or issue with prejudice.

(9) The informal case mix accuracy review administrative hearing shall be conducted in person, unless both the contractor and the department agree that it can be conducted by telephone.

(10) Within ten days after the informal administrative hearing or within ten days after receipt of any additional information or documentation requested, whichever is later, the case mix accuracy review administrator shall send the appeal decision in writing to the nursing facility administrator at the facility address. The appeal decision letter shall be sent regular mail and shall:

(a) Be the final agency decision of the department;

(b) Be based on the independent judgment of the case mix accuracy review administrator who conducted the informal administrative hearing and reviewed all information and documentation; and

(c) Recite the right of the contractor to seek judicial review under the state's Administrative Procedure Act (chapter 34.05 RCW).

(11) A contractor dissatisfied with the final agency decision issued by the case mix accuracy review administrator may file a petition for judicial review pursuant to RCW 34.05.570(3) or other applicable authority.

[Statutory Authority: RCW 74.46.780 as amended by 1998 c 322 § 41 and RCW 74.46.800. 98-20-023, § 388-96-905, filed 9/25/98, effective 10/1/98.]

**Chapter 388-97 WAC
NURSING HOMES**

WAC

SUBCHAPTER I

RESIDENT RIGHTS, CARE AND RELATED SERVICES

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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

	filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.		
388-97-040	Name of nursing home. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-040, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-07010	Notification of changes. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-042	Individual transfer and discharge rights and procedures. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-042, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-07015	Protection of resident funds. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07015, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-043	Transfer and discharge appeals for residents in medicare or medicaid certified facilities. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-043, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-043, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-07020	Privacy and confidentiality. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-045	License relinquishment upon closure. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-045, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-07025	Work. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07025, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-047	Discharge or leave of a nursing facility resident. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-047, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-07030	Self-administration of drugs. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-050	License denial, modification, nonrenewal, revocation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-050, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-07035	Grievance rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07035, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-051	Resident rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-051, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-07040	Examination of survey results. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-07040, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-07040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-052	Free choice. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-052, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-07045	Resident mail. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07045, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-053	Statutes implemented in resident decision making, informed consent and advance directives. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-053, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-07050	Access and visitation rights. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-07050, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-07050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-055	Resident decision making. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-055, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-055, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-07055	Telephone. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07055, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-060	Informed consent. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-060, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-060, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-07060	Personal property. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-065	Advance directives. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-065, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-065, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-07065	Roommates/rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07065, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-070	Resident rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-070, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-07070	Refusal of certain transfers. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07070, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-07005	Notice of rights and services. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-	388-97-075	Chemical and physical restraints. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-075, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-075, filed 9/15/94, effective 10/16/94.]

	Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.		9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-076	Prevention of abuse. [Statutory Authority: RCW 74.34.165, 74.34.020, 74.34.035, 2003 c 230, 03-23-021, § 388-97-076, filed 11/10/03, effective 12/11/03. Statutory Authority: RCW 18.51.070, 74.42.620, 02-14-063, § 388-97-076, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-076, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-100	Discharge planning. [Statutory Authority: RCW 18.51.-070 and 74.42.620, 94-19-041 (Order 3782), § 388-97-100, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-077	Resident protection program. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-077, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-105	Relocation due to decertification, license revocation closure, evacuation. [Statutory Authority: RCW 18.51.-070 and 74.42.620, 94-19-041 (Order 3782), § 388-97-105, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-080	Quality of life. [Statutory Authority: RCW 18.51.070 and 74.42.620, 94-19-041 (Order 3782), § 388-97-080, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-110	Quality of care. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-110, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-110, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-08010	Resident dignity and accommodation of needs. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-08010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-115	Nursing services. [Statutory Authority: RCW 18.51.-070 and 74.42.620, 00-06-028, § 388-97-115, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-115, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-08020	Environment. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-08020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-120	Dietary services. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-120, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-120, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-08030	Self-determination and participation. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-08030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-12010	Meal provision. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-12010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-08040	Participation in resident and family groups. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-08040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-12020	Individual dietary needs. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-12020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-08050	Activities. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-08050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-12030	Dietary personnel. [Statutory Authority: RCW 18.51.-070 and 74.42.620, 00-06-028, § 388-97-12030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-08060	Social services. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-08060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-12040	Dietary menus. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-12040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-08070	Pets. [Statutory Authority: RCW 18.51.070 and 74.42.-620, 00-06-028, § 388-97-08070, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-12050	Diet orders. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-12050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-085	Resident assessment. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-085, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-085, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-12060	Modified diets. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-12060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-090	Comprehensive plan of care. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-090, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-090, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-12070	Tube feedings. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-12070, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-095	Dementia care unit. [Statutory Authority: RCW 18.51.-070 and 74.42.620, 94-19-041 (Order 3782), § 388-97-095, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-125	Physician services. [Statutory Authority: RCW 18.51.-070, 74.42.620, 74.42.200 and 42 C.F.R. 483.40, 04-23-085, § 388-97-125, filed 11/16/04, effective 12/17/04. Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-125, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-125, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-097	Dementia care. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-097, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed	388-97-130	Specialized habilitative and rehabilitative services. [Statutory Authority: RCW 18.51.070 and 74.42.620, 00-06-028, § 388-97-130, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-130, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062,

388-97-135	filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. Pharmacy services. [Statutory Authority: RCW 18.51-070 and 74.42.620. 00-06-028, § 388-97-135, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-135, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-180	Clinical records. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-180, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-180, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-180, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-140	Infection control. [Statutory Authority: RCW 18.51-070 and 74.42.620. 00-06-028, § 388-97-140, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-140, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-185	Disaster and emergency preparedness. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-185, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-185, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-143	Influenza and pneumococcal immunizations. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-23-030, § 388-97-143, filed 11/12/02, effective 12/13/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-190	Quality assessment and assurance. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-190, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-190, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-145	Early identification of persons with active tuberculosis. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-145, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-195	Policies and procedures. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-195, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-195, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-147	Surveillance, management and early identification of individuals with active tuberculosis. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-147, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-200	Criminal history disclosure and background inquiries. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-200, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-150	Surveillance and management of tuberculosis. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-150, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-202	Criminal history disclosure and background inquiries. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-202, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-202, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-155	Care of residents with active tuberculosis. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-155, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-155, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-203	Disqualification from nursing home employment. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-203, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-160	General administration. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-160, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-160, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-160, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-204	Retaliation or discrimination prohibited. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-204, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-162	Required notification and reporting. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-162, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-162, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-205	Laundry services. [Statutory Authority: RCW 18.51-070, 74.42.620. 02-14-063, § 388-97-205, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-205, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-205, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-165	Staff and equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-165, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-165, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-210	Respite services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-210, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-170	Staff development. [Statutory Authority: RCW 18.51-070 and 74.42.620. 00-06-028, § 388-97-170, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-170, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-212	Short-term care, including respite services and adult day or night care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-212, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-175	Medical director. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-175, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-175, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-215	Adult day or night care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-215, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
		388-97-220	Dialysis services. [Statutory Authority: RCW 18.51-070 and 74.42.620. 00-06-028, § 388-97-220, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-220, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08.

	Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.		9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-225	Nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-225, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-275	Resident assessment instrument. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-275, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-230	Discrimination prohibited. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-230, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-280	Discharge or leave of a nursing facility resident. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-280, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-235	Medical eligibility for nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-235, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-285	Intermediate care facilities for the mentally retarded (ICF/MR). [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-285, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-285, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-240	Nursing facility admission. [Statutory Authority: 1995 c 18, RCW 18.51.070, 74.42.620 and 74.42.056. 95-24-019 (Order 3922), § 388-97-240, filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-240, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-295	Design. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-295, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-295, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-245	Pre-admission screening. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-245, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-29510	New construction compliance. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-247	Preadmission screening—Level I. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-247, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-29520	Fire standards and approval, and other standards. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-249	Advanced categorical determinations, not subject to preadmission screening—Level II. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-249, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-29530	Maintenance and repair. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-250	Identification screening for current residents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-250, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-29540	Noise. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29540, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-251	Preadmission screening—Level II. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-251, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-29550	Accessibility in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-253	Resident review. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-253, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-29560	Types of new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-255	Pre-admission screening and annual resident review (PASARR). [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-255, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-300	Fire standards and approval. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-300, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-260	Preadmission screening and resident review (PASRR) determination and appeal rights. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-260, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-260, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-260, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-305	Other standards. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-305, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-265	Utilization review. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-265, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-310	ICF/MR exceptions to physical plant requirements. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-310, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-310, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-270	Individual transfer and discharge rights, procedures, appeals. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-270, filed	388-97-315	Emergency power. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-315, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-315, filed 9/15/94, effective 10/16/94.]

	Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.		filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-320	Space and equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-320, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-33040	Resident isolation rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-325	Location of the resident care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-325, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-325, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-33050	Resident room size variance. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-32510	Required service areas on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-335	Resident room equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-335, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-335, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-32520	Staff work stations on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-33510	Resident bed and bedside equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-32530	Call systems on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-33520	Lockable storage space in a resident room. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-32540	Telephones on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32540, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-33530	Wardrobes in a resident room. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-32550	Utility service rooms on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-33540	Seating in a resident room. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33540, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-32560	Drug facilities on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-33550	Lighting in resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-32570	Linen storage on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32570, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-33560	Call signal device in resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-32580	Janitors closets on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32580, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-33570	Cubicle curtains in resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33570, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-330	Resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-330, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-330, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-33580	Miscellaneous equipment in resident rooms in a new building or addition. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33580, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-33010	Capacity of resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-340	Resident toilet facilities or rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-340, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-340, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-33020	Size of resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-34010	Resident bathing facilities or rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-34010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory
388-97-33030	Privacy in resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33030,		

	Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.		Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-34020	Locks in toilet and bathing facilities. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-34020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-357	Storage of equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-357, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-345	Dining, dayrooms, and resident activity areas. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-345, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-345, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-35710	Storage of resident room equipment in a new building or addition. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35710, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-347	Laundry services and storage. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-347, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-35720	General storage in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35720, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-350	Dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-350, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-350, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-360	Lighting. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-360, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-360, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-35010	Dining areas on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-36010	Natural or artificial light. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-35020	Outdoor areas on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-36020	Outside lighting. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-35030	Indoor areas on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-36030	Light shields. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-35040	Ambulation route on a dementia care unit in a new building or addition. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-35040, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-35040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-36040	Illumination levels in new buildings and additions. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-35050	Physical plant on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-36050	Night lights in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-35060	Special egress control devices on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-36060	Switches in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-352	Specialized rehabilitation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-352, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-36070	Electrical outlets. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36070, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-353	Outpatient rehabilitation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-353, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-365	Safety. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-365, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-365, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-355	Food service areas. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-355, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-355, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08.	388-97-36510	Safety—Poisons and nonmedical chemicals. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
		388-97-36520	Safety—Storage of equipment and supplies. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08.

	Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.		Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-36530	Safety—Handrails. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-405	Exemptions to new construction requirements. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-405, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-405, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-370	Water supply. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-370, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-370, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-410	State building code in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-410, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-410, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-37010	Hot water. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-37010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-415	Electrical codes and standards in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-415, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-415, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-37020	Cross connections. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-37020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-420	Elevator codes in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-420, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-420, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-375	Pest control. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-375, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-375, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-425	Local codes and ordinances in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-425, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-425, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-380	Maintenance and repair. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-380, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-430	Entrances and exits in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-430, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-430, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-385	Sewage and liquid waste disposal. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-385, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-385, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-43010	Lobbies in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-390	General. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-390, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-43020	Interview space in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-395	Design requirements. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-395, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-43030	Offices in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-400	General new construction documents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-400, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-400, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-43040	Inservice education space in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-40010	Preliminary new construction documents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-40010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-43050	Staff areas in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-401	Final new construction documents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-401, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-435	Resident care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-435, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-402	Preinstallation submissions for new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-402, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-440	Resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-440, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-403	New construction timelines. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-403, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory		

388-97-445	Resident room equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-445, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-46580	Accessories in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46580, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-450	Resident toilet and bathing facilities. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-450, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.	388-97-46590	Miscellaneous in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46590, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-455	Visiting and private space in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-455, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-455, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-470	Heating systems in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-470, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-470, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-45510	Outdoor recreation space and walkways in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-45510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-47010	Cooling systems in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-47010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-460	Pools in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-460, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-460, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-47020	Ventilation systems in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-47020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-46010	Pharmacies in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-475	Electrical. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-475, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.
388-97-465	Elevators in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-465, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-465, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-480	Handwashing sinks in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-480, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-480, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-46510	Stairways, ramps, and corridors in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-48010	Drinking fountains in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-46520	Walking surfaces in a new building or addition. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-48020	Mixing valves or mixing faucets in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-46530	Doors in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-48030	Spouts in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-46540	Floor finishes in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46540, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-48040	Faucet controls in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-46550	Carpets in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-550	Initial nursing home license. [Statutory Authority: RCW 18.51.050. 02-20-058, § 388-97-550, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-46560	Coving in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-555	Nursing home license renewal. [Statutory Authority: RCW 18.51.050. 02-20-058, § 388-97-555, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-555, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority:
388-97-46570	Walls in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46570, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority:		

	ity: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.		062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-560	Department review of initial nursing home license applications. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-625	Notice and appeal rights. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-625, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-565	Department review of nursing home license renewals. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-565, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-565, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-630	Remedies. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-630, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-570	Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-23-030, § 388-97-570, filed 11/12/02, effective 12/13/02; 02-14-063, § 388-97-570, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-570, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-635	Criteria for imposing optional remedies. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-635, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-575	Appeal of the department's licensing decision. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-575, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-575, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-640	Severity and scope of deficiencies. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-640, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-580	Management agreements. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-580, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-580, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-645	Separate deficiencies—Separate remedies. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-645, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-585	Change of ownership. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-585, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-585, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-650	Stop placement. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-23-030, § 388-97-650, filed 11/12/02, effective 12/13/02; 02-14-063, § 388-97-650, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-590	Licensed bed capacity. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-590, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-655	Amount of civil fine. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-655, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-595	Relocation of residents. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-595, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-595, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-660	Civil fine accrual and due dates and interest. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-660, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-600	License relinquishment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-600, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-665	Civil penalty fund. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-665, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-605	Inspections and deficiency citation report. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-605, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-670	Temporary management. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-670, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-610	Plan of correction. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-610, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-675	Receivership. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-675, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-615	Acceptable and unacceptable plans of correction. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-615, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.	388-97-680	Temporary managers and receivers—Application. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-680, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
388-97-620	Informal department review. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-620, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-	388-97-685	Temporary managers and receivers—Considerations before appointment. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-685, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
		388-97-690	Duties and powers of temporary manager and receiver. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-690, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.
		388-97-695	Termination of temporary management and receivership. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-695, filed 6/27/02, effective

7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

SUBCHAPTER I

RESIDENT RIGHTS, CARE AND RELATED SERVICES

Definitions

WAC 388-97-0001 Definitions. "Abandonment" means action or inaction by an individual or entity with a duty of care for a vulnerable adult that leaves the vulnerable individual without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(1) **"Mental abuse"** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a resident from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(2) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or restraints including chemical restraints, unless the restraint is consistent with licensing requirements.

(3) **"Sexual abuse"** means any form of nonconsensual, sexual contact, including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person and a resident, whether or not it is consensual.

(4) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a resident causing the resident to act in a way that is inconsistent with relevant past behavior, or causing the resident to perform services for the benefit of another.

"Administrative hearing" is a formal hearing proceeding before a state administrative law judge that gives:

(1) A licensee an opportunity to be heard in disputes about licensing actions, including the imposition of remedies, taken by the department; or

(2) An individual an opportunity to appeal a finding of abandonment, abuse, neglect, financial exploitation of a resident, or misappropriation of a resident's funds.

"Administrative law judge (ALJ)" means an impartial decision-maker who presides over an administrative hearing. ALJs are employed by the office of administrative hearings (OAH), which is a separate state agency. ALJs are not DSHS employees or DSHS representatives.

"Administrator" means a nursing home administrator, licensed under chapter 18.52 RCW, who must be in active administrative charge of the nursing home, as that term is defined in the board of nursing home administrator's regulations.

"Advanced registered nurse practitioner (ARNP)" means an individual who is licensed to practice as an advanced registered nurse practitioner under chapter 18.79 RCW.

"Applicant" means an individual, partnership, corporation, or other legal entity seeking a license to operate a nursing home.

"ASHRAE" means the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

"Attending physician" means the doctor responsible for a particular individual's total medical care.

"Berm" means a bank of earth piled against a wall.

"Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and is not required to treat the resident's medical symptoms.

"Civil fine" is a civil monetary penalty assessed against a nursing home as authorized by chapters 18.51 and 74.42 RCW. There are two types of civil fines, "per day" and "per instance."

(1) **"Per day fine"** means a fine imposed for each day that a nursing home is out of compliance with a specific requirement. Per day fines are assessed in accordance with WAC 388-97-4580 (1); and

(2) **"Per instance fine"** means a fine imposed for the occurrence of a deficiency.

"Condition on a license" means that the department has imposed certain requirements on a license and the licensee cannot operate the nursing home unless the requirements are observed.

"Deficiency" is a nursing home's failed practice, action or inaction that violates any or all of the following:

(1) Requirements of chapters 18.51 or 74.42 RCW, or the requirements of this chapter; and

(2) In the case of a medicare and medicaid contractor, participation requirements under Title XVIII and XIX of the Social Security Act and federal medicare and medicaid regulations.

"Deficiency citation" or **"cited deficiency"** means written documentation by the department that describes a nursing home's deficiency(ies); the requirement that the deficiency(ies) violates; and the reasons for the determination of noncompliance.

"Deficient facility practice" or **"failed facility practice"** means the nursing home action(s), error(s), or lack of action(s) that provide the basis for the deficiency.

"Dementia care" means a therapeutic modality or modalities designed specifically for the care of persons with dementia.

"Denial of payment for new admissions" is an action imposed on a nursing home (facility) by the department that prohibits payment for new medicaid admissions to the nursing home after a specified date. Nursing homes certified to provide medicare and medicaid services may also be subjected to a denial of payment for new admissions by the federal Centers for Medicare and Medicaid Services.

"Department" means the state department of social and health services (DSHS).

"Department on-site monitoring" means an optional remedy of on-site visits to a nursing home by department staff according to department guidelines for the purpose of monitoring resident care or services or both.

"Dietitian" means a qualified dietitian. A qualified dietitian is one who is registered by the American Dietetic Association or certified by the state of Washington.

"Disclosure statement" means a signed statement by an individual in accordance with the requirements under RCW 43.43.834. The statement should include a disclosure of whether or not the individual has been convicted of certain crimes or has been found by any court, state licensing board, disciplinary board, or protection proceeding to have neglected, sexually abused, financially exploited, or physically abused any minor or adult individual.

"Drug" means a substance:

(1) Recognized as a drug in the official *United States Pharmacopoeia*, *Official Homeopathic Pharmacopoeia of the United States*, *Official National Formulary*, or any supplement to any of them; or

(2) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.

"Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

"Emergency closure" is an order by the department to immediately close a nursing home.

"Emergency transfer" means immediate transfer of residents from a nursing home to safe settings.

"Entity" means any type of firm, partnership, corporation, company, association, or joint stock association.

"Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any individual for his or her profit or advantage.

"Habilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to teach an individual previously undeveloped skills.

"Highest practicable physical, mental, and psychosocial well-being" means providing each resident with the necessary individualized care and services to assist the resident to achieve or maintain the highest possible health, functional and independence level in accordance with the resident's comprehensive assessment and plan of care. Care and services provided by the nursing home must be consistent with all requirements in this chapter, chapters 74.42 and 18.51 RCW, and the resident's informed choices. For medicaid and medicare residents, care and services must also be consistent with Title XVIII and XIX of the Social Security Act and federal medicare and medicaid regulations.

"Informal department review" is a dispute resolution process that provides an opportunity for the licensee or administrator to informally present information to a department representative about disputed, cited deficiencies. Refer to WAC 388-97-4420.

"Inspection" or **"survey"** means the process by which department staff evaluates the nursing home licensee's compliance with applicable statutes and regulations.

"Intermediate care facility for the mentally retarded (ICF/MR)" means an institution certified under chapter 42 C.F.R., Part 483, Subpart I, and licensed under chapter 18.51 RCW.

"License revocation" is an action taken by the department to cancel a nursing home license in accordance with RCW 18.51.060 and WAC 388-97-4220.

"License suspension" is an action taken by the department to temporarily revoke a nursing home license in accordance with RCW 18.51.060 and this chapter.

"Licensee" means an individual, partnership, corporation, or other legal entity licensed to operate a nursing home.

"Licensed practical nurse" means an individual licensed to practice as a licensed practical nurse under chapter 18.79 RCW;

"Mandated reporter" as used in this chapter means any employee of a nursing home, any health care provider subject to chapter 18.130 RCW, the Uniform Disciplinary Act, and any licensee or operator of a nursing home. Under RCW 74.34.020, mandated reporters also include any employee of the department of social and health services, law enforcement officers, social workers, professional school personnel, individual providers, employees and licensees of boarding home, adult family homes, soldiers' homes, residential habilitation centers, or any other facility licensed by the department, employees of social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agencies, county coroners or medical examiners, or Christian Science practitioners.

"Misappropriation of resident property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money.

"NFPA" means National Fire Protection Association, Inc.

"Neglect":

(1) For a nursing home licensed under chapter 18.51 RCW, neglect means that an individual or entity with a duty of care for nursing home residents has:

(a) By a pattern of conduct or inaction, failed to provide goods and services to maintain physical or mental health or to avoid or prevent physical or mental harm or pain to a resident; or

(b) By an act or omission, demonstrated a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety.

(2) For a skilled nursing facility or nursing facility, neglect also means a failure to provide a resident with the goods and services necessary to avoid physical harm, mental anguish, or mental illness.

"Noncompliance" means a state of being out of compliance with state and/or federal requirements for nursing homes/facilities.

"Nursing assistant" means a nursing assistant as defined under RCW 18.88A.020 or successor laws.

"Nursing facility (NF)" or **"medicaid-certified nursing facility"** means a nursing home that has been certified to provide nursing services to medicaid recipients under Section 1919(a) of the federal Social Security Act.

"Nursing home" means any facility licensed to operate under chapter 18.51 RCW.

"Officer" means an individual serving as an officer of a corporation.

"Owner of five percent or more of the assets of a nursing home" means:

(1) The individual, and if applicable, the individual's spouse, who operates, or is applying to operate, the nursing home as a sole proprietorship;

(2) In the case of a corporation, the owner of at least five percent of the shares or capital stock of the corporation; or

(3) In the case of other types of business entities, the owner of a beneficial interest in at least five percent of the capital assets of an entity.

"Partner" means an individual in a partnership owning or operating a nursing home.

"Person" means any individual, firm, partnership, corporation, company, association or joint stock association.

"Pharmacist" means an individual licensed by the Washington state board of pharmacy under chapter 18.64 RCW.

"Pharmacy" means a place licensed under chapter 18.64 RCW where the practice of pharmacy is conducted.

"Physical restraint" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily, and which restricts freedom of movement or access to the resident's body.

"Physician's assistant (PA)" means a physician's assistant as defined under chapter 18.57A or 18.71A RCW or successor laws.

"Plan of correction" is a nursing home's written response to cited deficiencies that explains how it will correct the deficiencies and how it will prevent their recurrence.

"Reasonable accommodation" and **"reasonably accommodate"** has the meaning given in federal and state antidiscrimination laws and regulations. For the purpose of this chapter:

(1) Reasonable accommodation means that the nursing home must:

(a) Not impose admission criteria that excludes individuals unless the criteria is necessary for the provision of nursing home services;

(b) Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

(c) Provide additional aids and services to the resident.

(2) Reasonable accommodations are not required if:

(a) The resident or individual applying for admission presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

(b) The reasonable accommodations would fundamentally alter the nature of the services provided by the nursing home; or

(c) The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

"Receivership" is established by a court action and results in the removal of a nursing home's current licensee and the appointment of a substitute licensee to temporarily operate the nursing home.

"Recurring deficiency" means a deficiency that was cited by the department, corrected by the nursing home, and

then cited again within fifteen months of the initial deficiency citation.

"Registered nurse" means an individual licensed to practice as a registered nurse under chapter 18.79 RCW.

"Rehabilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to restore an individual to the individual's former functional and environmental status, or alternatively, to maintain or maximize remaining function.

"Resident" generally means an individual residing in a nursing home. Except as specified elsewhere in this chapter, for decision-making purposes, the term "resident" includes the resident's surrogate decision maker acting under state law. The term resident excludes outpatients and individuals receiving adult day or night care, or respite care.

"Resident care unit" means a functionally separate unit including resident rooms, toilets, bathing facilities, and basic service facilities.

"Respiratory isolation" is a technique or techniques instituted to prevent the transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

"Siphon jet clinic service sink" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inches in diameter.

"Skilled nursing facility (SNF)" or **"medicare-certified skilled nursing facility"** means a nursing home that has been certified to provide nursing services to medicare recipients under Section 1819(a) of the federal Social Security Act.

"Social/therapeutic leave" means leave which is for the resident's social, emotional, or psychological well-being; it does not include medical leave.

"Staff work station" means a location at which nursing and other staff perform charting and related activities throughout the day.

"Stop placement" or **"stop placement order"** is an action taken by the department prohibiting nursing home admissions, readmissions, and transfers of patients into the nursing home from the outside.

"Substantial compliance" means the nursing home has no deficiencies higher than severity level 1 as described in WAC 388-97-4500, or for medicaid certified facility, no deficiencies higher than a scope and severity "C."

"Surrogate decision maker" means a resident representative or representatives as outlined in WAC 388-97-0240, and as authorized by RCW 7.70.065.

"Survey" means the same as **"inspection"** as defined in this section.

"Temporary manager" means an individual or entity appointed by the department to oversee the operation of the nursing home to ensure the health and safety of its residents, pending correction of deficiencies or closure of the facility.

"Termination" means an action taken by:

(1) The department, or the nursing home, to cancel a nursing home's medicaid certification and contract; or

(2) The department of health and human services Centers for Medicare and Medicaid Services, or the nursing home, to cancel a nursing home's provider agreement to provide services to medicaid or medicare recipients, or both.

"Toilet room" means a room containing at least one toilet fixture.

"Uncorrected deficiency" is a deficiency that has been cited by the department and that is not corrected by the licensee by the time the department does a revisit.

"Violation" means the same as **"deficiency"** as defined in this section.

"Volunteer" means an individual who is a regularly scheduled individual not receiving payment for services and having unsupervised access to a nursing home resident.

"Vulnerable adult" includes a person:

- (1) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
- (2) Found incapacitated under chapter 11.88 RCW; or
- (3) Who has a developmental disability as defined under RCW 71A.10.020; or
- (4) Admitted to any facility, including any boarding home; or
- (5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or
- (6) Receiving services from an individual provider; or
- (7) With a functional disability who lives in his or her own home, who is directing and supervising a paid personal aide to perform a health care task as authorized by RCW 74.39.050.

"Whistle blower" means a resident, employee of a nursing home, or any person licensed under Title 18 RCW, who in good faith reports alleged abandonment, abuse, financial exploitation, or neglect to the department, the department of health or to a law enforcement agency.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0001, filed 9/24/08, effective 11/1/08.]

Admission, Transfer and Discharge

WAC 388-97-0020 Nursing facility care. The nursing facility must provide items, care, and services in accordance with this chapter and with federal regulations under 42 C.F.R. § 483.1 through 483.206, or successor laws, and other applicable federal requirements.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0020, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0040 Discrimination prohibited. (1) A nursing facility must establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services covered under the state medicaid plan for all individuals regardless of source of payment.

(2) A nursing facility must not require or request:

- (a) Residents or potential residents to waive their rights to medicare or medicaid;
- (b) Oral or written assurance that residents or potential residents are not eligible for, or will not apply for medicare or medicaid benefits; and

(c) A third party guarantee of payment to the facility as a condition of admission or expedited admission, or continued stay in the facility. However, the facility may require an individual who has legal access to a resident's income or resources available to pay for facility care to sign a contract,

without incurring personal financial liability, to provide facility payment from the resident's income or resources.

(3) A nursing facility must inform, in writing, a prospective resident, and where applicable, the resident's representative, before or at the time of admission, that a third party may not be required or requested to personally guarantee payment to the nursing home, as specified in subsection (2)(c) of this section.

(4) A nursing facility must readmit a resident, who has been hospitalized or on therapeutic leave, immediately to the first available bed in a semiprivate room if the resident:

- (a) Requires the services provided by the facility; and
- (b) Is eligible for medicaid nursing facility services.

(5) A nursing facility must not:

- (a) Deny or delay admission or readmission of an individual to the facility because of the individual's status as a medicaid recipient;
- (b) Transfer a resident, except from a single room to another room within the facility, because of the resident's status as a medicaid recipient;
- (c) Discharge a resident from a facility because of the resident's status as a medicaid recipient; or
- (d) Charge medicaid recipients any amounts in excess of the medicaid rate from the date of eligibility, except for any supplementation that may be permitted by department regulation.

(6) A nursing facility must maintain only one list of names of individuals seeking admission to the facility, which is ordered by the date of request for admission, and must:

- (a) Offer admission to individuals in the order they appear on the list, except as provided in subsection (7), as long as the facility can meet the needs of the individual with available staff or through the provision of reasonable accommodations required by state or federal laws;
- (b) Retain the list of individuals seeking admission for one year from the month admission was requested; and
- (c) Offer admission to the portions of the facility certified under medicare and medicaid without discrimination against persons eligible for medicaid, except as provided in subsection (7).

(7) A nursing facility is permitted to give preferential admission to individuals who seek admission from a boarding home, licensed under chapter 18.20 RCW, or from independent retirement housing, if:

- (a) The nursing facility is owned by the same entity that owns the boarding home or independent housing; and
- (b) They are located within the same proximate geographic area; and

(c) The purpose of the preferential admission is to allow continued provision of culturally or faith-based services, or services provided by a continuing care retirement community as defined in RCW 74.38.025.

(8) A nursing facility must develop and implement written policies and procedures to ensure nondiscrimination in accordance with this section and RCW 74.42.055.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0040, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0060 Nursing facility admission and payment requirements. Refer to WAC 388-106-0350 through 388-106-0360.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0060, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0080 Discharge planning. (1) A resident has the right to attain or maintain the highest practicable physical, mental, and psychosocial well-being, and to reside in the most independent setting. Therefore, the nursing home must:

(a) Utilize a formal resident discharge planning system with identical policies and practices for all residents regardless of source of payment;

(b) Inform the resident or resident's representative in writing of the nursing home's discharge planning system when the resident is admitted or as soon as practical after the resident's admission, including:

(i) Specific resources available to assist the resident in locating a lesser care setting;

(ii) The name of the nursing home's discharge coordinator(s);

(iii) In the case of a medicaid certified nursing facility, the address and telephone number for the department's local home and community services office; and

(iv) In the case of a resident identified through pre-admission screening and resident review (PASRR) as having a developmental disability or mental illness, the address and telephone number for the division of developmental disabilities or the mental health PASRR contractor.

(2) The nursing home must prepare a detailed, written transfer or discharge plan for each resident determined to have potential for transfer or discharge within the next three months. The nursing home must:

(a) Develop and implement the plan with the active participation of the resident and, where appropriate, the resident's representative;

(b) In the case of a medicaid resident, coordinate the plan with the department's home and community services staff;

(c) In the case of a resident identified through PASRR as having a developmental disability or mental illness, coordinate the plan with the division of developmental disabilities or the mental health PASRR contractor;

(d) Ensure the plan is an integral part of the resident's comprehensive plan of care and, as such, includes measurable objectives and timetables for completion;

(e) Incorporate in the plan relevant factors to include, but not be limited to the:

(i) Resident's preferences;

(ii) Support system;

(iii) Assessments and plan of care; and

(iv) Availability of appropriate resources to match the resident's preferences and needs.

(f) Identify in the plan specific options for more independent placement; and

(g) Provide in the plan for the resident's continuity of care, and to reduce potential transfer trauma, including, but not limited to, pretransfer visit to the new location whenever possible.

(3) For a resident whose transfer or discharge is not anticipated in the next three months, the nursing home must:

(a) Document the specific reasons transfer or discharge is not anticipated in that time frame; and

(b) Review the resident's potential for transfer or discharge at the time of the quarterly comprehensive plan of care review. If the reasons documented under subsection (3)(a) of this section are unchanged, no additional documentation of reasons is necessary at the time of plan of care review.

(4) The nursing home must initiate discharge planning on residents described in subsection (3) of this section:

(a) At the request of the resident or the resident's representative; and

(b) When there is a change in the resident's situation or status which indicates a potential for transfer or discharge within the next three months.

(5) Each resident has the right to request transfer or discharge and to choose a new location. If the resident chooses to leave, the nursing home must assist with and coordinate the resident's transfer or discharge. The medicaid resident, resident's representative, or nursing facility may request assistance from the department's home and community services or, where applicable, the division of developmental disabilities or mental health in the transfer or discharge planning and implementation process.

(6) The nursing home must coordinate all resident transfers and discharges with the resident, the resident's representative and any other involved individual or entity.

(7) When a nursing home anticipates discharge, a resident must have a discharge summary that includes:

(a) A recapitulation of the resident's stay;

(b) A final summary of the resident's status to include items in WAC 388-97-1000(1), at the time of discharge that is available for release to authorized individuals and agencies, with the consent of the resident or and surrogate decision maker; and

(c) A postdischarge plan of care that is developed with the participation of the resident and his or her family, which will assist the resident to adjust to his or her new living environment.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0080, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0100 Utilization review. (1) To assure appropriate use of medicaid services, the nursing facility must determine whether each medicaid resident's health has improved sufficiently so the resident no longer needs nursing facility care.

(a) The nursing facility must base its determination on:

(i) An accurate, comprehensive assessment process; and

(ii) Documentation by the resident's physician.

(b) The nursing facility must not make this determination for residents the department is responsible to assess under WAC 388-97-1960.

(2) When the nursing facility determines a resident no longer needs nursing facility care under subsection (1) of this section, the nursing facility must initiate transfer or discharge in accordance with WAC 388-97-0120, 388-97-0140, and 42 C.F.R. § 483.12, or successor laws, unless the resident voluntarily chooses to transfer or discharge.

(3) When a nursing facility initiates a transfer or discharge of a medicaid recipient under subsection (2) of this section:

(a) The resident will be ineligible for medicaid nursing facility payment:

(i) Thirty days after the receipt of written notice of transfer or discharge; or

(ii) If the resident appeals the facility determination, thirty days after the final order is entered upholding the nursing home's decision to transfer or discharge a resident.

(b) The department's home and community services may grant extension of a resident's medicaid nursing facility payment after the time specified in subsection (3)(a) of this section, when the department's home and community services staff determine:

(i) The nursing facility is making a good faith effort to relocate the resident; and

(ii) A location appropriate to the resident's medical and other needs is not available.

(4) Department designees may review any assessment or determination made by a nursing facility of a resident's need for nursing facility care.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0100, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0120 Individual transfer and discharge rights and procedures. (1) The skilled nursing facility and nursing facility must comply with all of the requirements of 42 C.F.R. § 483.10 and § 483.12, and RCW 74.42.450, or successor laws, and the nursing home must comply with all of the requirements of RCW 74.42.450 (1) through (4) and (7), or successor laws, including the following provisions and must not transfer or discharge any resident unless:

(a) At the resident's request;

(b) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(c) The transfer or discharge is appropriate because the resident's health has improved enough so the resident no longer needs the services provided by the facility;

(d) The safety of individuals in the facility is endangered;

(e) The health of individuals in the facility would otherwise be endangered; or

(f) The resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility.

(2) The following notice requirements apply if a nursing home/facility initiates the transfer or discharge of a resident. The notice must:

(a) Include all information required by 42 C.F.R. § 483.12 when given in a nursing facility;

(b) Be in writing, in language the resident understands;

(c) Be given to the resident, the resident's surrogate decision maker, if any, the resident's family and to the department;

(d) Be provided thirty days in advance of a transfer or discharge initiated by the nursing facility, except that the notice may be given as soon as practicable when the facility cannot meet the resident's urgent medical needs, or under the conditions described in (1)(c), (d), and (e) of this section; and

(e) Be provided fifteen days in advance of a transfer or discharge initiated by the nursing home, unless the transfer is an emergency.

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(3) The nursing home must:

(a) Provide sufficient preparation and orientation to the resident to ensure safe and orderly transfer or discharge from the nursing home;

(b) Attempt to avoid the transfer or discharge of a resident from the nursing home through the use of reasonable accommodations unless agreed to by the resident and the requirements of WAC 388-97-0080 are met; and

(c) Develop and implement a bed-hold policy. This policy must be consistent with any bed-hold policy that the department develops.

(4) The nursing home must provide the bed-hold policy, in written format, to the resident, and a family member, before the resident is transferred or goes on therapeutic leave. At a minimum the policy must state:

(a) The number of days, if any, the nursing home will hold a resident's bed pending return from hospitalization or social/therapeutic leave;

(b) That a medicaid eligible resident, whose hospitalization or social/therapeutic leave exceeds the maximum number of bed-hold days will be readmitted to the first available semi-private bed, provided the resident needs nursing facility services. Social/therapeutic leave is defined under WAC 388-97-0001. The number of days of social/therapeutic leave allowed for medicaid residents and the authorization process is found under WAC 388-97-0160; and

(c) That a medicaid eligible resident may be charged if he or she requests that a specific bed be held, but may not be charged a bed-hold fee for the right to return to the first available bed in a semi-private room.

(5) The nursing facility must send a copy of the federally required transfer or discharge notice to:

(a) The department's home and community services when the nursing home has determined under WAC 388-97-0100, that the medicaid resident's health has improved sufficiently so that the resident no longer needs the services provided by the facility; and

(b) The department's designated local office when the transfer or discharge is for any of the following reasons:

(i) The resident's needs cannot be met in the facility;

(ii) The health or safety of individuals in the facility is endangered; or

(iii) The resident has failed to pay for, or to have paid under medicare or medicaid, a stay at the facility.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0120, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0140 Transfer and discharge appeals for resident in medicare or medicaid certified facilities.

(1) A skilled nursing facility and a nursing facility that initiates transfer or discharge of any resident, regardless of payor status, must:

(a) Provide the required written notice of transfer or discharge to the resident and, if known or appropriate, to a family member or the resident's representative;

(b) Attach a department-designated hearing request form to the transfer or discharge notice;

(c) Inform the resident in writing, in a language and manner the resident can understand, that:

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(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge; and

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of administrative hearings on or before the date the resident actually transfers or discharges; and

(iii) The nursing home will assist the resident in requesting a hearing to appeal the transfer or discharge decision.

(2) A skilled nursing facility or nursing facility must suspend transfer or discharge pending the outcome of the hearing when the resident's appeal is received by the office of administrative hearings on or before the date of the transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged.

(3) The resident is entitled to appeal the skilled nursing facility or nursing facility's transfer or discharge decision. The appeals process is set forth in chapter 388-02 WAC and this chapter. In such appeals, the following will apply:

(a) In the event of a conflict between a provision in this chapter and a provision in chapter 388-02 WAC, the provision in this chapter will prevail;

(b) The resident must be the appellant and the skilled nursing facility or the nursing facility will be the respondent;

(c) The department must be notified of the appeal and may choose whether to participate in the proceedings. If the department chooses to participate, its role is to represent the state's interest in assuring that skilled nursing facility and nursing facility transfer and discharge actions comply substantively and procedurally with the law and with federal requirements necessary for federal funds;

(d) If a medicare certified or medicaid certified facility's decision to transfer or discharge a resident is not upheld, and the resident has been relocated, the resident has the right to readmission immediately upon the first available bed in a semi-private room if the resident requires and is eligible for the services provided by a nursing facility or skilled nursing facility;

(e) Any review of the administrative law judge's initial decision shall be conducted under WAC 388-02-0600(1).

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-0140, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0160 Discharge or leave of a nursing facility resident. (1) A nursing facility must send immediate written notification of the date of discharge or death of a medicaid resident to the department's local home and community service office.

(2) The nursing facility must:

(a) Notify the department of nursing facility discharge and readmission for all medicaid recipients admitted as hospital inpatients; and

(b) Document in the resident's clinical record all social/therapeutic leave exceeding twenty-four hours.

(3) The department will pay the nursing facility for a medicaid resident's social/therapeutic leave not to exceed a total of eighteen days per calendar year per resident.

(4) The department's home and community services may authorize social/therapeutic leave exceeding eighteen days per calendar year per resident when requested by the nursing facility or by the resident. In the absence of prior authoriza-

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tion from the department's home and community services, the department will not make payment to a nursing facility for leave days exceeding eighteen per calendar year per resident.

(5) An individual who is on social/therapeutic leave retains the status of a nursing facility resident.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-0160, filed 9/24/08, effective 11/1/08.]

Resident Rights

WAC 388-97-0180 Resident rights. (1) The nursing home must meet the resident rights requirements of this section and those in the rest of the chapter.

(2) The resident has a right to a dignified existence, self-determination, and communication with, and access to individuals and services inside and outside the nursing home.

(3) A nursing home must promote and protect the rights of each resident, including those with limited cognition or other barriers that limit the exercise of rights.

(4) The resident has the right to:

(a) Exercise his or her rights as a resident of the nursing home and as a citizen or resident of the United States. Refer to WAC 388-97-0240;

(b) Be free of interference, coercion, discrimination, and reprisal from the nursing home in exercising his or her rights; and

(c) Not be asked or required to sign any contract or agreement that includes provisions to waive:

(i) Any resident right set forth in this chapter or in the applicable licensing or certification laws; or

(ii) Any potential liability for personal injury or losses of personal property.

(5) The nursing home must take steps to safeguard residents and their personal property from foreseeable risks of injury or loss.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-0180, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0200 Free choice. The resident has the right to:

(1) Choose a personal attending physician.

(2) Be fully informed in advance about care and treatment and of any changes in that care or treatment that may affect the resident's well-being.

(3) Participate in planning care and treatment or changes in care and treatment.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-0200, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0220 Statute implemented in resident decision making, informed consent, and advance directives. WAC 388-97-0240, 388-97-0260, and 388-97-0280 implement the federal Patient Self-Determination Act and clarify requirements under chapters 11.94, 7.70, 70.122, 11.88 and 11.92 RCW.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-0220, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0240 Resident decision making. (1) At the time of admission, or not later than the completion of the initial comprehensive resident assessment, the nursing home must determine if the resident:

(a) Has appointed another individual to make his or her health care, financial, or other decisions;

(b) Has created any advance directive or other legal documents that will establish a surrogate decision maker in the future; and

(c) Is not making his or her own decisions, and identify who has the authority for surrogate decision making, and the scope of the surrogate decision maker's authority.

(2) The nursing home must review the requirements of (1) of this section when the resident's condition warrants the review or when there is a significant change in the resident's condition.

(3) In fulfilling its duty to determine who, if anyone, is authorized to make decisions for the resident, the nursing home must:

(a) Obtain copies of the legal documents that establish the surrogate decision maker's authority to act; and

(b) Document in the resident's clinical record:

(i) The name, address, and telephone number of the individual who has legal authority for substitute decision making;

(ii) The type of decision making authority such individual has; and

(iii) Where copies of the legal documents are located at the facility.

(4) In accordance with state law or at the request of the resident, the resident's surrogate decision maker is, in the case of:

(a) A capacitated resident, the individual authorized by the resident to make decisions on the resident's behalf;

(b) A resident adjudicated by a court of law to be incapacitated, the court appointed guardian; and

(c) A resident who has been determined to be incapacitated, but is not adjudicated incapacitated established through:

(i) A legal document, such as a durable power of attorney for health care; or

(ii) Authority for substitute decision making granted by state law, including RCW 7.70.065.

(5) Determination of an individual's incapacity must be a process according to state law not a medical diagnosis only and be based on:

(a) Demonstrated inability in decision making over time that creates a significant risk of personal harm;

(b) A court order; or

(c) The criteria contained in a legal document, such as durable power of attorney for health care.

(6) The nursing home must promote the resident's right to exercise decision making and self-determination to the fullest extent possible, taking into consideration his or her ability to understand and respond. Therefore, the nursing home must presume that the resident is the resident's own decision maker unless:

(a) A court has established a full guardianship of the individual;

(b) The capacitated resident has clearly and voluntarily appointed a surrogate decision maker;

(c) A surrogate is established by a legal document such as a durable power of attorney for health care; or

(d) The facility determines that the resident is an incapacitated individual according to RCW 11.88.010 and (5)(a) of this section.

(7) The nursing home must honor the exercise of the resident's rights by the surrogate decision maker as long as the surrogate acts in accordance with this section and with state and federal law which govern his or her appointment.

(8) If a surrogate decision maker exercises a resident's rights, the nursing home must take into consideration the resident's ability to understand and respond and must:

(a) Inform the resident that a surrogate decision maker has been consulted;

(b) Provide the resident with the information and opportunity to participate in all decision making to the maximum extent possible; and

(c) Recognize that involvement of a surrogate decision maker does not lessen the nursing home's duty to:

(i) Protect the resident's rights; and

(ii) Comply with state and federal laws.

(9) The nursing home must:

(a) Regularly review any determination of incapacity based on (4)(b) and (c) of this section;

(b) Except for residents with a guardian, cease to rely upon the surrogate decision maker to exercise the resident's rights, if the resident regains capacity, unless so designated by the resident or by court order; and

(c) In the case of a guardian notify the court of jurisdiction in writing if:

(i) The resident regains capacity;

(ii) The guardian is not respecting or promoting the resident's rights;

(iii) The guardianship should be modified; or

(iv) A different guardian needs to be appointed.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0240, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0260 Informed consent. (1) The nursing home must ensure that the informed consent process is followed with:

(a) The resident to the maximum extent possible, taking into consideration his or her ability to understand and respond; and

(b) The surrogate decision maker when the resident is determined to be incapacitated as established through the provision of a legal document such as durable power of attorney for health care, a court proceeding, or as authorized by state law, including RCW 7.70.065. The surrogate decision maker must:

(i) First determine if the resident would consent or refuse the proposed or alternative treatment;

(ii) Discuss determination of consent or refusal with the resident whenever possible; and

(iii) When a determination of the resident's consent or refusal of treatment cannot be made, make the decision in the best interest of the resident.

(2) The informed consent process must include, in words and language that the resident, or if applicable the resident's surrogate decision maker, understands, a description of:

(a) The nature and character of the proposed treatment;

(b) The anticipated results of the proposed treatment;
 (c) The recognized possible alternative forms of treatment;

(d) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment including nontreatment; and

(e) The right of the resident to choose not to be informed.

(3) To ensure informed consent or refusal by a resident, or if applicable the resident's surrogate decision maker, regarding plan or care options, the nursing home must:

(a) Provide the informed consent process to the resident in a neutral manner and in a language, words, and manner the resident can understand;

(b) Inform the resident of the right to consent to or refuse care and service options at the time of resident assessment and plan of care development (see WAC 388-97-1000 and 388-97-1020 and with condition changes, as necessary to ensure that the resident's wishes are known);

(c) Inform the resident at the time of initial plan of care decisions and periodically of the right to change his or her mind about an earlier consent or refusal decision;

(d) Ensure that evidence of informed consent or refusal is consistent with WAC 388-97-1000 and 388-97-1020; and

(e) Where appropriate, include evidence of resident's choice not to be informed as required in subsections (2) and (3) of this section.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0260, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0280 Advance directives. (1) "**Advance directive**" as used in this chapter means any document indicating a resident's choice with regard to a specific service, treatment, medication or medical procedure option that may be implemented in the future such as power of attorney, health care directive, limited or restricted treatment cardiopulmonary resuscitation (CPR), do not resuscitate (DNR), and organ tissue donation.

(2) The nursing home must carry out the provisions of this section in accordance with the applicable provisions of WAC 388-97-0240 and 388-97-0260, and with state law.

(3) The nursing home must:

(a) Document in the clinical record whether or not the resident has an advance directive;

(b) Not request or require the resident to have any advance directives and not condition the provision of care or otherwise discriminate against a resident on the basis of whether or not the resident has executed an advance directive;

(c) In a language and words the resident understands, inform the resident in writing and orally at the time of admission, and thereafter as necessary to ensure the resident's right to make informed choices, about:

(i) The right to make health care decisions, including the right to change his or her mind regarding previous decisions;

(ii) Nursing home policies and procedures concerning implementation of advance directives, including how the nursing home implements emergency responses; and

(d) Review and update as needed the resident advance directive information:

(i) At the resident's request;

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(ii) When the resident's condition warrants review; and
 (iii) When there is a significant change in the resident's condition.

(4) When the nursing home becomes aware that a resident's health care directive is in conflict with facility practices and policies which are consistent with state and federal law, the nursing home must:

(a) Inform the resident of the existence of any nursing home practice or policy which would preclude implementing the health care directive;

(b) Provide the resident with written policies and procedures that explain under what circumstances a resident's health care directive will or will not be implemented by the nursing home;

(c) Meet with the resident to discuss the conflict; and

(d) Determine, in light of the conflicting practice or policy, whether the resident chooses to remain at the nursing home:

(i) If the resident chooses to remain in the nursing home, develop with the resident a plan in accordance with chapter 70.122 RCW to implement the resident's wishes. The nursing home may need to actively participate in ensuring the execution of the plan, including moving the resident at the time of implementation to a care setting that will implement the resident's wishes. Attach the plan to the resident's directive in the resident's clinical record; or

(ii) If, after recognizing the conflict between the resident's wishes and nursing home practice or policy the resident chooses to seek other long-term care services, or another physician who will implement the directive, the nursing home must assist the resident in locating other appropriate services.

(5) If a terminally ill resident, in accordance with state law, wishes to die at home, the nursing home must:

(a) Use the informed consent process as described in WAC 388-97-0260, and explain to the resident the risks associated with discharge; and

(b) Discharge the resident as soon as reasonably possible.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0280, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0300 Notice of rights and services. (1) The nursing home must provide the resident, before admission, or at the time of admission in the case of an emergency, and as changes occur during the resident's stay, both orally and in writing and in language and words that the resident understands, with the following information:

(a) All rules and regulations governing resident conduct, resident's rights and responsibilities during the stay in the nursing home;

(b) Advanced directives, and of any nursing home policy or practice that might conflict with the resident's advance directive if made;

(c) Advance notice of transfer requirements, consistent with RCW 70.129.110;

(d) Advance notice of deposits and refunds, consistent with RCW 70.129.150; and

(e) Items, services and activities available in the nursing home and of charges for those services, including any

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charges for services not covered under medicare or medicaid or by the home's per diem rate.

(2) The resident has the right:

(a) Upon an oral or written request, to access all records pertaining to the resident including clinical records within twenty-four hours; and

(b) After receipt of his or her records for inspection, to purchase at a cost not to exceed twenty-five cents a page, photocopies of the records or any portions of them upon request and two working days advance notice to the nursing home. For the purposes of this chapter, "**working days**" means Monday through Friday, except for legal holidays.

(3) The resident has the right to:

(a) Be fully informed in words and language that he or she can understand of his or her total health status, including, but not limited to, his or her medical condition;

(b) Accept or refuse treatment; and

(c) Refuse to participate in experimental research.

(4) The nursing home must inform each resident:

(a) Who is entitled to medicaid benefits, in writing, prior to the time of admission to the nursing facility or, when the resident becomes eligible for medicaid of the items, services and activities:

(i) That are included in nursing facility services under the medicaid state plan and for which the resident may not be charged; and

(ii) That the nursing home offers and for which the resident may be charged, and the amount of charges for those services.

(b) That deposits, admission fees and prepayment of charges cannot be solicited or accepted from medicare or medicaid eligible residents; and

(c) That minimum stay requirements cannot be imposed on medicare or medicaid eligible residents.

(5) The nursing home must, except for emergencies, inform each resident in writing, thirty days in advance before changes are made to the availability or charges for items, services or activities specified in section (4)(a)(i) and (ii), or before changes to the nursing home rules.

(6) The private pay resident has the right to the following, regarding fee disclosure-deposits:

(a) Prior to admission, a nursing home that requires payment of an admission fee, deposit, or a minimum stay fee, by or on behalf of an individual seeking admission to the nursing home, must provide the individual:

(i) Full disclosure in writing in a language the potential resident or his representative understands:

(A) Of the nursing home's schedule of charges for items, services, and activities provided by the nursing home; and

(B) Of what portion of the deposits, admissions fees, pre-paid charges or minimum stay fee will be refunded to the resident if the resident leaves the nursing home.

(ii) The amount of any admission fees, deposits, or minimum stay fees.

(iii) If the nursing home does not provide these disclosures, the nursing home must not keep deposits, admission fees, prepaid charges or minimum stay fees.

(b) If a resident dies or is hospitalized or is transferred and does not return to the nursing home, the nursing home:

(i) Must refund any deposit or charges already paid, less the home's per diem rate, for the days the resident actually

resided or reserved or retained a bed in the nursing home, regardless of any minimum stay or discharge notice requirements; except that

(ii) The nursing home may retain an additional amount to cover its reasonable, actual expenses incurred as a result of a private pay resident's move, not to exceed five days per diem charges, unless the resident has given advance notice in compliance with the admission agreement.

(c) The nursing home must refund any and all refunds due the resident within thirty days from the resident's date of discharge from the nursing home; and

(d) Where the nursing home requires the execution of an admission contract by or on behalf of an individual seeking admission to the nursing home, the terms of the contract must be consistent with the requirements of this section.

(7) The nursing home must furnish a written description of legal rights which includes:

(a) A description of the manner of protecting personal funds, under WAC 388-97-0340;

(b) In the case of a nursing facility only, a description of the requirements and procedures for establishing eligibility for medicaid, including the right to request an assessment which determines the extent of a couple's nonexempt resources at the time of institutionalization and attributes to the community spouse an equitable share of resources which cannot be considered available for payment toward the cost of the institutionalized spouse's medical care in his or her process of spending down to medicaid eligibility levels;

(c) A posting of names, addresses, and telephone numbers of all relevant state client advocacy groups such as the state survey and certification agency, the state licensure office, the state ombudsman program, the protection and advocacy network, and the medicaid fraud control unit; and

(d) A statement that the resident may file a complaint with the state survey and certification agency concerning resident abandonment, abuse, neglect, financial exploitation, and misappropriation of resident property in the nursing home.

(8) The nursing home must:

(a) Inform each resident of the name, and specialty of the physician responsible for his or her care; and

(b) Provide a way for each resident to contact his or her physician.

(9) The skilled nursing facility and nursing facility must prominently display in the facility written information, and provide to residents and individuals applying for admission oral and written information, about how to apply for and use medicare and medicaid benefits, and how to receive refunds for previous payments covered by such benefits.

(10) The written information provided by the nursing home pursuant to this section, and the terms of any admission contract executed between the nursing home and an individual seeking admission to the nursing home, must be consistent with the requirements of chapters 74.42 and 18.51 RCW and, in addition, for facilities certified under medicare or medicaid, with the applicable federal requirements.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-0300, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0320 Notification of changes. (1) A nursing home must immediately inform the resident, consult with the resident's physician, and if known, notify the resident's surrogate decision maker, and when appropriate, with resident consent, interested family member(s) when there is:

(a) An accident involving the resident which results in injury and has the potential for requiring physician intervention;

(b) A significant change in the resident's physical, mental, or psychosocial status (i.e., a deterioration in health, mental, or psychological status in either life-threatening conditions or clinical complications); refer to WAC 388-97-0240;

(c) A need to alter treatment significantly (i.e., a need to discontinue an existing form of treatment due to adverse consequences, or to commence a new form of treatment); or

(d) A decision to transfer or discharge the resident from the facility.

(2) The nursing home must also promptly notify the resident and, if known, the resident's surrogate decision maker, and when appropriate, with the resident's consent, interested family member(s) when there is:

(a) A change in room or roommate assignment, refer to the timing requirements in WAC 388-97-0580; or

(b) A change in resident rights under federal or state law or regulations as specified in WAC 388-97-0300.

(3) The nursing home must record and periodically update the address and phone number of the resident's legal surrogate decision maker and interested family member(s).

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0320, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0340 Protection of resident funds. (1) The resident has the right to manage his or her financial affairs and the nursing home may not require residents to deposit their personal funds with the nursing home.

(2) Upon written authorization of a resident, the nursing home must hold, safeguard, manage and account for the personal funds of the resident deposited with the nursing home.

(3) The nursing home must establish and maintain a system that assures a full, complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the nursing home on the resident's behalf and must:

(a) Deposit any resident's personal funds in excess of fifty dollars, one hundred dollars for medicare residents, in an interest-bearing resident personal fund account or accounts, separate from any nursing home operating accounts, and credit all interest earned to the account;

(b) Keep personal funds under fifty dollars, one hundred dollars for medicare residents, in a noninterest-bearing account or petty cash fund maintained for residents; and

(c) Make the individual financial record available to the resident or his or her surrogate decision maker through quarterly statements and on request.

(4) The nursing facility must notify each resident that receives medicaid benefits:

(a) When the amount in the resident's account reaches two hundred dollars less than the SSI resource limit for one individual; and

(b) That if the amount in the account, in addition to the value of the resident's other nonexempt resources, reaches the

SSI resource limit for one individual, the resident may lose eligibility for medicaid or SSI.

(5) The nursing home must convey the resident's funds, and a final accounting of those funds, to the resident or to the individual or jurisdiction administering the resident's estate, within thirty days of the discharge, transfer or death of any resident with a personal fund deposited with the nursing home. The funds of a deceased medicaid resident must be sent to the state of Washington, department of social and health services, office of financial recovery.

(6) The nursing facility must purchase a surety bond, or an approved alternative, to assure security of personal funds of residents deposited with the facility.

(7) Medicare certified and medicaid certified facilities may not impose a charge against a resident's personal funds for any item or service for which payment is made under medicaid or medicare as described in 42 C.F.R. § 483.10 (c)(8).

(8) Medicare certified and medicaid certified nursing facilities must:

(a) Not charge a resident (or the resident's representative) for any item or service not requested by the resident;

(b) Not require a resident, or the resident's representative, to request any item or service as a condition of admission or continued stay; and

(c) Inform the resident, or the resident's representative, requesting an item or services for which a charge will be made that there will be a charge for the item or service and what the charge will be.

(9) When a resident's financial eligibility for nursing facility services is established by the department, the facility must refund to the resident:

(a) Any deposit that was required prior to eligibility; and

(b) Any payments for services that will be covered retroactively by medicaid.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0340, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0360 Privacy and confidentiality. (1) The resident has the right to personal privacy and confidentiality of his or her personal and clinical records. Personal privacy includes:

(a) Accommodations;

(b) Medical treatment;

(c) Written and telephone communications;

(d) Personal care;

(e) Visits; and

(f) Meetings with family and resident groups.

(2) The resident may approve or refuse the release of personal and clinical records to any individual outside the nursing home, unless the resident has been adjudged incapacitated according to state law.

(3) The resident's right to refuse release of personal and clinical records does not apply when:

(a) The resident is transferred to another health care institution; or

(b) Record release is required by law.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0360, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0380 Electronic monitoring equipment—Audio monitoring and video monitoring. (1) Except as provided in this section or in WAC 388-97-0400, the nursing home must not use the following in the facility or on the premises:

- (a) Audio monitoring equipment; or
 - (b) Video monitoring equipment if it includes an audio component.
- (2) The nursing home may video monitor and video record activities in the facility or on the premises, without an audio component, only in the following areas:
- (a) Entrances and exits as long as the cameras are:
 - (i) Focused only on the entrance or exit doorways; and
 - (ii) Not focused on areas where residents gather.
 - (b) Areas used exclusively by staff persons such as, medication preparation and storage areas or food preparation areas, if residents do not go into these areas;
 - (c) Outdoor areas not commonly used by residents, such as, but not limited to, delivery areas; and
 - (d) Designated smoking areas, subject to the following conditions:
 - (i) Residents have been assessed as needing supervision for smoking;
 - (ii) A staff person watches the video monitor at any time the area is used by such residents;
 - (iii) The video camera is clearly visible;
 - (iv) The video monitor is not viewable by general public; and
 - (v) The facility notifies all residents in writing of the use of video monitoring equipment.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0380, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0400 Electronic monitoring equipment—Resident requested use. (1) The nursing home must not use audio or video monitoring equipment to monitor any resident unless:

- (a) The resident has requested the monitoring; and
 - (b) The monitoring is only used in the sleeping room of the resident who requested the monitoring.
- (2) If the resident requests audio or video monitoring, before any electronic monitoring occurs, the nursing home must ensure:
- (a) That the electronic monitoring does not violate chapter 9.73 RCW;
 - (b) The resident has identified a threat to the resident's health, safety or personal property;
 - (c) The resident's roommate has provided written consent to electronic monitoring, if the resident has a roommate; and
 - (d) The resident and the nursing home have agreed upon a specific duration for the electronic monitoring and the agreement is documented in writing.
- (3) The nursing home must:
- (a) Reevaluate the need for the electronic monitoring with the resident at least quarterly; and
 - (b) Have each re-evaluation in writing, signed and dated by the resident.
- (4) The nursing home must immediately stop electronic monitoring if the:
- (a) Resident no longer wants electronic monitoring;

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(b) Roommate objects or withdraws the consent to the electronic monitoring; or

(c) The resident becomes unable to give consent.

(5) For the purposes of consenting to video electronic monitoring without an audio component, the term "resident" includes the resident's surrogate decision maker.

(6) For purpose of consenting to any audio electronic monitoring, the term "resident" includes:

(a) The individual residing in the nursing home; or

(b) The resident's court-appointed guardian or attorney-in-fact who has obtained a court order specifically authorizing the court-appointed guardian or attorney-in-fact to consent to audio electronic monitoring of the resident.

(7) If a resident's decision maker consents to audio electronic monitoring as specified in (6) above, the nursing home must maintain a copy of the court order authorizing such consent in the resident's record.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0400, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0420 Work. The resident has the right to:

- (1) Refuse to perform services for the nursing home; and
- (2) Perform services for the nursing home, if he or she chooses, when:
 - (a) The facility has documented the need or desire for work in the plan of care;
 - (b) The plan specifies the nature of the services performed and whether the services are voluntary or paid;
 - (c) Compensation for paid services is at or above prevailing rates; and
 - (d) The resident agrees to the work arrangement described in the plan of care.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0420, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0440 Self-administration of drugs. A resident may self-administer drugs if the interdisciplinary team has determined that this practice is safe.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0440, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0460 Grievance rights. A resident has the right to:

- (1) Voice grievances without discrimination or reprisal. Grievances include those with respect to treatment which has been furnished as well as that which has not been furnished.
- (2) Prompt efforts by the nursing home to resolve voiced grievances, including those with respect to the behavior of other residents.
- (3) File a complaint, contact, or provide information to the department, the long-term care ombudsman, the attorney general's office, and law enforcement agencies without interference, discrimination, or reprisal. All forms of retaliatory treatment are prohibited, including those listed in chapter 74.39A RCW.
- (4) Receive information from agencies acting as client advocates, and be afforded the opportunity to contact these agencies.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0460, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0480 Examination of survey results. (1)

The resident has the right to examine the results of:

(a) The most recent survey of the nursing home conducted by federal and state surveyors;

(b) Surveys related to any current or subsequent complaint investigation; and

(c) Any required accompanying plan of correction, completed or not.

(2) Upon receipt of any deficiency citation report, the nursing home must publicly post a notice:

(a) That the results of the survey or complaint investigation, or both, are available regardless of whether the plan of correction is completed or not; and

(b) Of the location of the deficiency citation reports.

(3) For a report posted prior to the plan of correction being completed, the nursing home may attach an accompanying notice that explains the purpose and status of the plan of correction, informal dispute review, administrative hearing and other relevant information.

(4) Upon receipt of any citation report, the nursing home must publicly post a copy of the most recent full survey and all subsequent complaint investigation deficiency citation reports, including the completed plans of correction, when one is required.

(5) The notices and any survey reports must be available for viewing or examination in a place or places:

(a) Readily accessible to residents, which does not require staff interventions to access; and

(b) In plain view of the nursing home residents, including individuals visiting those residents, and individuals who inquire about placement in the nursing home.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0480, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0500 Resident mail. The resident has the right and the nursing home must provide immediate access to any resident by the following:

(1) Send and promptly receive mail that is unopened; and

(2) Have access to stationary, postage and writing implements at the resident's own expense.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0500, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0520 Access and visitation rights. (1)

The resident has the right and the nursing home must provide immediate access to any resident by the following:

(a) For medicare and medicaid residents any representative of the U.S. department of health and human services (DHHS);

(b) Any representative of the state;

(c) The resident's personal physician;

(d) Any representative of the state long term care ombudsman program (established under section 307 (a)(12) of the Older American's Act of 1965);

(e) Any representative of the Washington protection and advocacy system, or any other agency (established under part c of the Developmental Disabilities Assistance and Bill of Rights Act);

(f) Any representative of the Washington protection and advocacy system, or any agency (established under the Protection and Advocacy for Mentally Ill Individuals Act);

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(g) Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident; and

(h) Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.

(2) The nursing home must provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(3) The nursing home must allow representatives of the state ombudsman, described in subsection (1)(d) of this section, to examine a resident's clinical records with the permission of the resident or the resident's surrogate decision maker, and consistent with state law. The ombudsman may also, under federal and state law, access resident's records when the resident is incapacitated and has no surrogate decision maker, and may access records over the objection of a surrogate decision maker if access is authorized by the state ombudsman pursuant to 42 U.S.C. § 3058g(b) and RCW 43.190.065.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0520, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0540 Telephone. The resident has the right to have twenty-four hour access to a telephone which:

(1) Provides auditory privacy;

(2) Is accessible to an individual with a disability and accommodates an individual with sensory impairment; and

(3) Does not include the use of telephones in staff offices and at the nurses station(s).

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0540, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0560 Personal property. (1) The resident has the right, unless to do so would infringe upon the rights or health and safety of other residents, to:

(a) Retain and use personal possessions, including some furnishings, and appropriate clothing, as space permits;

(b) Provide his or her own bed and other furniture, if desired and space permits; and

(c) Not be required to keep personal property locked in the facility office, safe, or similar arrangement.

(2) The nursing home must:

(a) Not request or require residents to sign waivers of potential liability for losses of personal property; and

(b) Have a system in place to safeguard personal property within the nursing home that protects the personal property and yet allows the resident to use his or her property.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0560, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0580 Roommates/rooms. (1) A resident has the right to:

(a) Share a room with his or her spouse when married residents live in the same facility and both spouses consent to the arrangement; and

(b) Receive three days notice of change in room or roommate except:

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(i) For room changes: The move is at the resident's request; and

(ii) For room or roommate changes: A longer or shorter notice is required to protect the health or safety of the resident or another resident; or an admission to the facility is necessary, and the resident is informed in advance. The nursing home must recognize that the change may be traumatic for the resident and take steps to lessen the trauma.

(2) The nursing home must make reasonable efforts to accommodate residents wanting to share the same room.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0580, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0600 Refusal of certain transfers. In dually certified facilities all beds are medicaid certified. Therefore the beds in a certified distinct part for medicare are also nursing facility beds for medicaid.

(1) Each resident has the right to refuse a transfer to another room within the facility, if the purpose of the transfer is to relocate:

(a) A resident from the medicare distinct part of the facility to a part of the facility that is not a medicare distinct part; or

(b) A resident from the part of the facility that is not a medicare distinct part to the medicare distinct part of the facility.

(2) A resident's exercise of the right to refuse transfer under subsection (1)(a) of this section does not affect the individual's eligibility or entitlement to medicare or medicaid benefits.

(3) The skilled nursing facility or nursing facility must inform residents of their rights under subsection (1) and (2) of this section at the time of the proposed transfer or relocation.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0600, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0620 Chemical and physical restraints.

(1) The resident has the right to be free from any physical or chemical restraint imposed for purposes of:

(a) Discipline or convenience, and not required to treat the resident's medical symptoms; or

(b) Preventing or limiting independent mobility or activity.

(2) The nursing home must develop and implement written policies and procedures governing:

(a) The emergency use of restraints;

(b) The use of chemical and physical restraints, required for the treatment of the resident's medical symptoms, not for discipline or convenience;

(c) The personnel authorized to administer restraints in an emergency; and

(d) Monitoring and controlling the use of restraints.

(3) Physical restraints may be used in an emergency only when:

(a) It has been assessed as necessary to prevent a resident from inflicting injury to self or to others;

(b) The restraint is the least restrictive form of restraint possible;

(c) A physician's order is obtained:

(i) Within twenty-four hours; and

(ii) The order includes treatments to assist in resolving the emergency situation and eliminating the need for the restraint.

(d) The resident is released from the restraint as soon as the emergency no longer exists.

(4) In certain situations, chemical or physical restraints may be necessary for residents with acute or chronic mental or physical impairments. When chemical or physical restraints are used the nursing home must ensure that:

(a) The use of the restraint is related to a specific medical need or problem identified through a multidisciplinary assessment;

(b) The informed consent process is followed as described under WAC 388-97-0260; and

(c) The resident's plan of care provides approaches to reduce or eliminate the use of the restraint, where possible.

(5) The nursing home must ensure that any resident physically restrained is released:

(a) At intervals not to exceed two hours; and

(b) For periods long enough to provide for ambulation, exercise, elimination, food and fluid intake, and socialization as independently as possible.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0620, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0640 Prevention of abuse. (1) Each resident has the right to be free from verbal, sexual, physical and mental abuse, corporal punishment, and involuntary seclusion.

(2) The nursing home must develop and implement written policies and procedures that:

(a) Prohibit abandonment, abuse, and neglect of residents, financial exploitation, and misappropriation of resident property; and

(b) Require staff to report possible abuse, and other related incidents, as required by chapter 74.34 RCW, and for skilled nursing facilities and nursing facilities as required by 42 C.F.R. § 483.13.

(3) The nursing home must not allow staff to:

(a) Engage in verbal, mental, sexual, or physical abuse;

(b) Use corporal punishment;

(c) Involuntarily seclude, abandon, neglect, or financially exploit residents; or

(d) Misappropriate resident property.

(4) The nursing home must report any information it has about an action taken by a court of law against an employee to the department's complaint resolution unit and the appropriate department of health licensing authority, if that action would disqualify the individual from employment as described in RCW 43.43.842.

(5) The nursing home must ensure that all allegations involving abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property, including injuries of unknown origin, are reported immediately to the department, other applicable officials, and the administrator of the facility. The nursing home must:

(a) Ensure that the reports are made through established procedures in accordance with state law including chapter 74.34 RCW, and guidelines developed by the department; and

(b) Not have any policy or procedure that interferes with the requirement of chapter 74.34 RCW that employees and other mandatory reporters file reports directly with the department, and also with law enforcement, if they suspect sexual or physical assault has occurred.

(6) The nursing home must:

(a) Have evidence that all alleged violations are thoroughly investigated;

(b) Prevent further potential abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property while the investigation is in progress; and

(c) Report the results of all investigations to the administrator or his designated representative and to other officials in accordance with state law and established procedures (including the state survey and certification agency) within five working days of the incident, and if the alleged violation is verified appropriate action must be taken.

(7) When a mandated reporter has:

(a) Reasonable cause to believe that a vulnerable adult has been abandoned, abused, neglected, financially exploited, or a resident's property has been misappropriated, the individual mandatory reporter must immediately report the incident to the department's aging and disability services administration (ADSA);

(b) Reason to suspect that a vulnerable adult has been sexually or physically assaulted, the individual mandatory reporter must:

(i) Immediately report the incident to the department's aging and disability services administration (ADSA);

(ii) Notify local law enforcement in accordance with the provisions of chapter 74.34 RCW.

(8) Under RCW 74.34.053, it is:

(a) A gross misdemeanor for a mandated reporter knowingly to fail to report as required under this section; and

(b) A misdemeanor for a person to intentionally, maliciously, or in bad faith make a false report of alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(9) The nursing home must not employ individuals who are disqualified under the requirements of WAC 388-97-1820.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0640, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0660 Resident protection program definition. As used in WAC 388-97-0680 through 388-97-0840, the term "**individual**," means anyone, used by the nursing home to provide services to residents who is alleged to have abandoned, abused, neglected, misappropriated property of a resident or financially exploited a resident. "Individual" includes, but is not limited to, employees, contractors, and volunteers.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0660, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0680 Investigation of mandated reports. (1) The department will review all allegations of resident abandonment, abuse, neglect, or financial exploitation, or misappropriation of resident property, as those terms are defined in this chapter, RCW 74.34.020 or 42 C.F.R. 488.-301.

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(2) If, after the review of an allegation, the department concludes that there is reason to believe that an individual has abandoned, abused, neglected, or financially exploited a resident, or has misappropriated a resident's property, then the department will initiate an investigation.

(3) The department's investigation may include, but is not limited to:

(a) The review of facility and state agency records;

(b) Interviews with anyone who may have relevant information about the allegation; and

(c) The collection of any evidence deemed necessary by the investigator.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0680, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0700 Preliminary finding. If, after review of the results of the investigation, the department determines that an individual has abandoned, abused, neglected, or financially exploited a resident, or has misappropriated a resident's property, the department will make a preliminary finding to that effect. However, a preliminary finding of neglect will not be made if the individual demonstrates that the neglect was caused by factors beyond the control of the individual.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0700, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0720 Notification of preliminary finding. (1) Within ten working days of making a preliminary finding, the department will send notice of the finding:

(a) To the individual by first class and certified mail, return receipt requested. The department may choose to substitute personal service for certified mail;

(b) To the current administrator of the facility where the incident occurred; and

(c) To the appropriate licensing agency.

(2) The notice will include the following information:

(a) A description of the allegation;

(b) The date and time of the incident, if known;

(c) That the individual may appeal the preliminary finding;

(d) That the preliminary finding will become final unless the individual makes a written request for a hearing within thirty days of the date of the notice; and

(e) That if the finding becomes final, it will be reported to the department's registry and the appropriate licensing authority.

(3) In a manner consistent with confidentiality requirements concerning the resident, witnesses, and the reporter, the department may also provide notification of a preliminary finding to:

(a) Other divisions within the department;

(b) The agency, program or employer with which the individual was associated including the current employer, if known;

(c) Law enforcement; and

(d) Other entities as authorized by law and this chapter including investigative authorities consistent with chapter 74.34 RCW.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0720, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0740 Disputing a preliminary finding.

(1) The individual may request an administrative hearing to challenge a preliminary finding made by the department.

(2) The request must be made in writing to the office of administrative hearings.

(3) The office of administrative hearings must receive the individual's written request for an administrative hearing within thirty calendar days of the date of the notice of the preliminary finding; except under the circumstances described in subsection (4).

(4) If, an individual requests a hearing within one hundred eighty days of the date of the notice of the preliminary finding and the individual can demonstrate good cause for failing to request a hearing within thirty days, the office of administrative hearings may grant the request. Under these circumstances, the finding against the individual will remain on the department's registry pending the outcome of the hearing.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0740, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0760 Hearing procedures to dispute preliminary finding. Upon receipt of a written request for a hearing from an individual, the office of administrative hearings will schedule a hearing, taking into account the following requirements:

(1) The hearing decision must be issued within one hundred twenty days of the date the office of administrative hearings receives a hearing request; except as provided in subsection (6);

(2) Neither the department nor the individual can waive the one hundred twenty day requirement;

(3) The hearing will be conducted at a reasonable time and at a place that is convenient for the individual;

(4) The hearing, and any subsequent appeals, will be governed by this chapter, chapter 34.05 RCW, and chapter 388-02 WAC, or its successor regulations;

(5) A continuance may be granted for good cause upon the request of any party, as long as the hearing decision can still be issued within one hundred twenty days of the date of the receipt of the appeal; except under the circumstances described in subsection 6;

(6) If the administrative law judge finds that extenuating circumstances exist that will make it impossible to render a decision within one hundred twenty days, the administrative law judge may extend the one hundred twenty-day requirement by a maximum of sixty days; and

(7) To comply with the time limits described in this section, the individual must be available for the hearing and other preliminary matters. If the decision is not rendered within the time limit described in subsection (1), or if appropriate under subsection (6), the administrative law judge shall issue an order dismissing the appeal and the preliminary finding will become final.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0760, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0780 Finalizing the preliminary finding. (1) The preliminary finding becomes a final finding when:

(a) The department notifies the individual of a preliminary finding and the individual does not ask for an administrative hearing within the timeframe provided under WAC 388-97-0740;

(b) The individual requested an administrative hearing to appeal the preliminary finding and the administrative law judge:

(i) Dismisses the appeal following withdrawal of the appeal or default;

(ii) Dismisses the appeal for failure to comply with the time limits under WAC 388-97-0760; or

(iii) Issues an initial order upholding the finding; or

(c) The board of appeals reverses an administrative law judge's initial order and issues a final order upholding the preliminary finding.

(2) A final finding is permanent, except under the circumstances described in (3).

(3) A final finding may be removed from the department's registry and, as appropriate, any other department lists under the following circumstances:

(a) The department determines the finding was made in error;

(b) The finding is rescinded following judicial review;

(c) At least one year after a single finding of neglect has been finalized, the department may remove the finding of neglect from the department's registry or department lists based upon a written petition by the individual and in accordance with requirements of federal law, 42 U.S.C. 1396r(g)(1)(D); or

(d) The department is notified of the individual's death.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0780, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0800 Reporting final findings. The department will report a final finding of abandonment, abuse, neglect, financial exploitation of a resident, and misappropriation of resident property within ten working days to the following:

(1) The individual;

(2) The current administrator of the facility in which the incident occurred;

(3) The administrator of the facility that currently employs the individual, if known;

(4) The department's registry;

(5) The appropriate licensing authority; and

(6) Any other lists maintained by a state or federal agency as appropriate.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0800, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0820 Appeal of administrative law judge's initial order or finding. (1) If the individual or the department disagrees with the administrative law judge's decision, either party may appeal this decision by filing a petition for review with the department's board of appeals as provided under chapter 34.05 RCW and chapter 388-02 WAC.

(2) If the individual appeals the administrative law judge's decision, the finding will remain on the department's registry or other lists.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0820, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0840 Disclosure of investigative and finding information. (1) Information obtained during the investigation into allegations of abandonment, abuse, neglect, misappropriation of property, or financial exploitation of a resident, and any documents generated by the department will be maintained and disseminated with regard for the privacy of the resident and any reporting individuals and in accordance with laws and regulations regarding confidentiality and privacy.

(2) Confidential information about resident and mandated reporters provided to the individual by the department must be kept confidential and may only be used by the individual to challenge findings through the appeals process.

(3) Confidential information such as the name and other personal identifying information of the reporter, witnesses, or the resident will be redacted from the documents unless release of that information is consistent with chapter 74.34 RCW and other applicable state and federal laws.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0840, filed 9/24/08, effective 11/1/08.]

Quality of Life

WAC 388-97-0860 Resident dignity and accommodation of needs. (1) Dignity. The nursing home must ensure that:

(a) Resident care is provided in a manner to enhance each resident's dignity, and to respect and recognize his or her individuality; and

(b) Each resident's personal care needs are provided in a private area free from exposure to individuals not involved in providing the care.

(2) Accommodation of needs. Each resident has the right to reasonable accommodation of personal needs and preferences, except when the health or safety of the individual or other residents would be endangered.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0860, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0880 Environment. The nursing home must provide and maintain:

(1) A safe, clean, comfortable, and homelike environment, allowing the resident to use his or her personal belongings to the extent possible;

(2) Housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior;

(3) Comfortable and safe temperature levels:

(a) Facilities licensed after October 1, 1990 must maintain a temperature range of seventy-one to eighty-one degrees Fahrenheit; and

(b) Regardless of external weather conditions, all nursing homes must develop and implement procedures and processes to maintain a temperature level that is comfortable and safe for residents;

(4) Comfortable sound levels, to include:

(a) Minimizing the use of the public address system to ensure each use is in the best interest of the residents; and

(2009 Ed.)

(b) Taking reasonable precautions with noisy services so as not to disturb residents, particularly during their sleeping time; and

(5) Lighting suitable for any task the resident chooses to do, and any task the staff must do.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0880, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0900 Self determination and participation. The resident has the right to:

(1) Choose activities, schedules, and health care consistent with his or her interests, assessments, and plan of care;

(2) Interact with members of the community both inside and outside the nursing home;

(3) Make choices about aspects of his or her life in the facility that are significant to the resident; and

(4) Participate in social, religious, and community activities that do not interfere with the rights of other residents in the nursing home.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0900, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0920 Participation in resident and family groups. (1) A resident has the right to organize and participate in resident groups in the nursing home.

(2) The nursing home must provide a resident or family group, if one exists, with private space.

(3) Staff or visitors may attend meetings only at the group's invitation.

(4) The nursing home must provide a designated staff individual responsible for providing assistance and responding to written requests that result from group meetings.

(5) When a resident or family group exists, the nursing home must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the nursing home.

(6) A resident's family has the right to meet in the nursing home with the families of other residents in the facility.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0920, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0940 Activities. The nursing home must:

(1) Provide for an ongoing program of activities designed to meet, in accordance with the comprehensive assessment, the interests and the physical, mental, and psychosocial well-being of each resident;

(2) Provide activities meaningful to the residents at various times throughout every day and evening based on each resident's need and preference; and

(3) Ensure that the activities program is directed by a qualified professional who:

(a) Is a qualified therapeutic recreation specialist or an activities professional who is eligible for certification as a therapeutic recreation specialist or as an activities professional by a recognized accrediting body on or after October 1, 1990; or

(b) Has two years of experience in a social or recreational program within the last five years, one of which was

full-time in a patient activities program in a health care setting; or

(c) Is a qualified occupational therapist or occupational therapy assistant.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0940, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0960 Social services. The nursing home must:

(1) Provide medically related social services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident; and

(2) Employ a qualified social worker on a full-time basis if the nursing home has more than one hundred twenty beds. A qualified social worker is an individual with:

(a) A bachelor's degree in social work or a bachelor's degree in a human services field including but not limited to sociology, special education, rehabilitation counseling, and psychology; and

(b) One year of supervised social work experience in a health care setting working directly with patients or residents.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0960, filed 9/24/08, effective 11/1/08.]

WAC 388-97-0980 Pets. (1) Each resident must have a reasonable opportunity to have regular contact with animals, if desired.

(2) The nursing home must:

(a) Consider the recommendations of nursing home residents, resident councils, and staff;

(b) Determine how to provide residents access to animals;

(c) Determine the type and number of animals available in the facility, which the facility can safely manage. Such animals should include only those customarily considered domestic pets;

(d) Ensure that any resident's rights, preferences, and medical needs are not compromised by the presence of an animal; and

(e) Ensure any animal visiting or living on the premises has a suitable temperament, is healthy, and otherwise poses no significant health or safety risks to residents, staff, or visitors.

(3) Animals living on the nursing home premises must:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state; and

(b) Be veterinarian certified to be free of diseases transmittable to humans.

(4) Pets must be restricted from:

(a) Central food preparation areas; and

(b) Residents who object to the presence of pets.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0980, filed 9/24/08, effective 11/1/08.]

Resident Assessment and Plan of Care

WAC 388-97-1000 Resident assessment. (1) The nursing home must:

(a) Provide resident care based on a systematic, comprehensive, interdisciplinary assessment, and care planning pro-

cess in which the resident participates, to the fullest extent possible;

(b) Conduct initially and periodically a comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity;

(c) At the time each resident is admitted:

(i) Have physician's orders for the resident's immediate care; and

(ii) Ensure that the resident's immediate care needs are identified in an admission assessment.

(d) Ensure that the comprehensive assessment of a resident's needs describes the resident's capability to perform daily life functions and significant impairments in functional capacity.

(2) The comprehensive assessment must include at least the following information:

(a) Identification and demographic information;

(b) Customary routine;

(c) Cognitive patterns;

(d) Communication;

(e) Vision;

(f) Mood and behavior patterns;

(g) Psychosocial well-being;

(h) Physical functioning and structural problems;

(i) Continence;

(j) Disease diagnosis and health conditions;

(k) Dental and nutritional status;

(l) Skin conditions;

(m) Activity pursuit;

(n) Medications;

(o) Special treatments and procedures;

(p) Discharge potential;

(q) Documentation of summary information regarding the assessment performed; and

(r) Documentation of participation in assessment.

(3) The nursing home must conduct comprehensive assessments:

(a) No later than fourteen days after the date of admission;

(b) Promptly after a significant change in the resident's physical or mental condition; and

(c) In no case less often than once every twelve months.

(4) The nursing home must ensure that:

(a) Each resident is assessed no less than once every three months, and as appropriate, the resident's assessment is revised to assure the continued accuracy of the assessment; and

(b) The results of the assessment are used to develop, review and revise the resident's comprehensive plan of care under WAC 388-97-1020.

(5) The skilled nursing facility and nursing facility must:

(a) For the required assessment, complete the state approved resident assessment instrument (RAI) for each resident in accordance with federal requirements;

(b) Place copies of the completed state approved RAI in each resident's clinical record, unless all charting is computerized;

(c) Maintain all copies of resident assessments completed within the resident's active clinical record for fifteen months;

- (d) Assess each resident not less than every three months, using the state approved assessment instrument; and
- (e) Transmit all state and federally required RAI information for each resident to the department:
 - (i) In a manner approved by the department;
 - (ii) Within ten days of completion of any RAI required under this subsection; and
 - (iii) Within ten days of discharging or readmitting a resident.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1000, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1020 Comprehensive plan of care. (1)

The nursing home must develop a comprehensive plan of care for each resident that includes measurable objectives and timetables to meet a resident's medical, nursing and mental and psychosocial needs that are identified in the comprehensive assessment.

- (2) The comprehensive plan of care must:
 - (a) Describe the services that are to be furnished to attain or maintain the resident's highest practicable physical, mental, and psychosocial well-being as required under WAC 388-97-1060;
 - (b) Describe any services that would otherwise be required, but are not provided due to the resident's exercise of rights, including the right to refuse treatment (refer to WAC 388-97-0300 and 388-97-0260);
 - (c) Be developed within seven days after completion of the comprehensive assessment;
 - (d) Be prepared by an interdisciplinary team that includes the attending physician, a registered nurse with responsibility for the resident, and other appropriate staff in disciplines as determined by the residents needs;
 - (e) Consist of an ongoing process which includes a meeting if desired by the resident or the resident's representative; and
 - (f) Include the ongoing participation of the resident to the fullest extent possible, the resident's family or the resident's surrogate decision maker.
- (3) The nursing home must implement a plan of care to meet the immediate needs of newly admitted residents, prior to the completion of the comprehensive assessment and plan of care.
 - (4) The nursing home must:
 - (a) Follow the informed consent process with the resident as specified in WAC 388-97-0260, regarding the interdisciplinary team's plan of care recommendations;
 - (b) Respect the resident's right to decide plan of care goals and treatment choices, including acceptance or refusal of plan of care recommendations;
 - (c) Include in the interdisciplinary plan of care process:
 - (i) Staff members requested by the resident; and
 - (ii) Direct care staff who work most closely with the resident.
 - (d) Respect the resident's wishes regarding which individuals, if any, the resident wants to take part in resident plan of care functions;
 - (e) Provide reasonable advance notice to and reasonably accommodate the resident family members or other individuals the resident wishes to have attend, when scheduling plan of care meeting times; and

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- (f) Where for practical reasons any individuals significant to the plan of care process, including the resident, are unable to attend plan of care meetings, provide a method for such individuals to give timely input and recommendations.

(5) The nursing home must ensure that each comprehensive plan of care:

- (a) Designates the discipline of the individuals responsible for carrying out the program; and
- (b) Is reviewed at least quarterly by qualified staff, as part of the ongoing process of monitoring the resident's needs and preferences.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1020, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1040 Dementia care. (1) A nursing home

must ensure that it provides residents with dementia with an environment designed to attain or maintain the highest level of functioning and well-being possible, taking into consideration the resident's medical condition and functional status. Therefore, the nursing home must:

- (a) Have a program designed to meet the identified needs of the residents;
- (b) Develop and implement program policies and procedures; and
- (c) Train all staff, who have resident contact, in the special needs and care approaches applicable to residents with dementia. This training must be ongoing and consistent with requirements under WAC 388-97-1680 (2)(b).
- (2) A nursing home that has a locked or secured dementia unit must:
 - (a) Always have staff present in the unit, available to meet the needs of the residents and to protect them in the event of an emergency;
 - (b) Have staff available to assist residents, as needed, in accessing outdoor areas;
 - (c) Have admission, transfer, and discharge criteria which ensures that:
 - (i) The process of informed consent is followed before admission to or transfer/discharge from the unit;
 - (ii) The resident is provided with unit specific admission or transfer/discharge criteria, prior to admission to the unit;
 - (iii) The resident's need for admission to the unit from another part of the nursing home, or transfer/discharge from the unit, is based on the comprehensive assessment and plan of care;
 - (iv) Through an evaluation prior to admission, a resident admitted directly from outside the nursing home meets the cognitive and functional criteria of the unit; and
 - (v) In the case of an individual admitted directly to the unit from outside the nursing home, as specified in subsection (2)(b)(iv) above, the nursing home may complete the comprehensive assessment after the individual's admission to the unit, provided that the nursing home complies with required time frames for completion of the resident assessment under WAC 388-97-1000.

(d) Provide private pay residents, or their surrogate decision maker written notification:

- (i) If admitted from outside the nursing home, of additional charges, if any, for services, items, and activities in the unit, prior to admission; and

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(ii) If admitted from another part of the nursing home, thirty days in advance of changes to those charges.

(e) Comply with physical plant requirements in WAC 388-97-2800 through 388-97-2920, for existing facilities and for new construction.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1040, filed 9/24/08, effective 11/1/08.]

Quality of Care

WAC 388-97-1060 Quality of care. (1) Consistent with resident rights, the nursing home must provide each resident with the necessary care and services to attain or maintain the highest practicable physical, mental and psychosocial well-being, self-care and independence in accordance with his or her comprehensive assessment and plan of care.

(2) Based on the comprehensive assessment of a resident, the nursing home must ensure that:

(a) A resident's abilities in activities of daily living do not decline unless circumstances of the resident's clinical condition demonstrate that the decline was unavoidable. This includes the resident's ability to:

- (i) Bathe, dress, and groom;
- (ii) Transfer and ambulate;
- (iii) Toilet;
- (iv) Eat; and
- (v) Use speech, language, or other functional communication systems.

(b) A resident is given the appropriate treatment and services to maintain or improve the resident's abilities in activities of daily living specified in subsection (2)(a) of this section; and

(c) A resident who is unable to carry out activities of daily living receives the necessary services to maintain good nutrition, grooming, and personal and oral hygiene.

(3) The nursing home must ensure that the appropriate care and services are provided to the resident in the following areas, as applicable in accordance with the resident's individualized assessments and plan of care:

- (a) Vision and hearing;
- (b) Skin;
- (c) Continence;
- (d) Range of motion;
- (e) Mental and psychosocial functioning and adjustment;
- (f) Nasogastric and gastrostomy tubes;
- (g) Accident prevention;
- (h) Nutrition;
- (i) Hydration;
- (j) Special needs, including:
 - (i) Injections;
 - (ii) Parenteral and enteral fluids;
 - (iii) Colostomy, ureterostomy, or ileostomy care;
 - (iv) Tracheostomy care;
 - (v) Tracheal suction;
 - (vi) Respiratory care;
 - (vii) Dental care;
 - (viii) Foot care; and
 - (ix) Prostheses.
- (k) Medications, including freedom from:
 - (i) Unnecessary drugs;

(ii) Nursing home error rate of five percent or greater; and

(iii) Significant medication errors.

(l) Self-administration of medication; and

(m) Independent living skills.

(4) The nursing home must ensure that each resident is monitored for desired responses and undesirable side effects of prescribed drugs.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1060, filed 9/24/08, effective 11/1/08.]

Nursing Services

WAC 388-97-1080 Nursing services. (1) The nursing home must ensure that a sufficient number of qualified nursing personnel are available on a twenty-four hour basis seven days per week to provide nursing and related services to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident as determined by resident assessments and individual plans of care.

(2) The nursing home must:

(a) Designate a registered nurse or licensed practical nurse to serve as charge nurse, who is accountable for nursing services on each tour of duty; and

(b) Have a full time director of nursing service who is a registered nurse.

(3) The nursing home must have:

(a) A registered nurse on duty directly supervising resident care a minimum of sixteen hours per day, seven days per week; and

(b) A registered nurse or licensed practical nurse on duty directly supervising resident care the remaining eight hours per day, seven days per week. "**Directly supervising**" means the supervising individual is on the premises and is quickly and easily available to provide necessary assessments and other direct care of residents; and oversight of supervised staff.

(4) The nursing home must ensure that staff respond to each resident's requests for assistance in a manner which promptly meets the quality of life and quality of care needs of all the residents.

(5) The director of nursing services is responsible for:

(a) Coordinating the plan of care for each resident;

(b) Ensuring that registered nurses and licensed practical nurses comply with chapter 18.79 RCW; and

(c) Ensuring that the nursing care provided is based on the nursing process in accordance with nationally recognized and accepted standards of professional nursing practice.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1080, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1100 Dietary services. The nursing home must:

(1) Provide each resident with a nourishing, palatable, well-balanced diet that meets their daily nutritional and special dietary needs.

(2) Serve food in an attractive manner and at temperatures safe and acceptable to each resident.

(3) Ensure that food service is in compliance with chapter 246-215 WAC.

(4) Retain dated menus, dated records of foods received, a record of the number of meals served, and standardized recipes for at least three months for department review as necessary.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1100, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1120 Meal provision. The nursing home must:

(1) Provide a minimum of three meals in each twenty-four period, at regular times similar to normal meal times in the community;

(2) Make fresh fruits and vegetables, in season, available to residents on a daily basis;

(3) Make reasonable efforts to:

(a) Accommodate individual mealtime preferences and portion sizes, as well as preferences for between meal and evening snacks when not medically contraindicated;

(b) Offer a late breakfast or an alternative to the regular breakfast for late risers; and

(c) Provide food consistent with the cultural and religious needs of the residents.

(4) Use input from residents and the resident council, if the nursing home has one, in meal planning, scheduling, and the meal selection process.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1120, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1140 Individual dietary needs. The nursing home must:

(1) Encourage residents to continue eating independently;

(2) Provide effective adaptive utensils as needed to promote independence;

(3) Allow sufficient time for eating in a relaxed manner;

(4) Provide individualized assistance as needed;

(5) Provide table service, for all residents capable of eating at a table, in a dining area/room, located outside of the resident's room; and

(6) Offer a substitute of similar nutritive value when a resident refuses food served.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1140, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1160 Dietary personnel. The nursing home must have sufficient support personnel capable of carrying out the functions of dietary services and must:

(1) Employ a qualified dietitian either full-time, part-time or on a consultant basis who must:

(a) Approve regular and therapeutic menus which meet the dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences;

(b) Prepare dated menus for general and modified diets at least three weeks in advance;

(c) Provide services which include:

(i) Nutrition assessment;

(ii) Liaison with medical and nursing staff, and administrator;

(iii) Inservice training; and

(2009 Ed.)

(iv) Guidance to the director of food service, and food service staff.

(2) If a qualified dietitian is not employed full-time as the food service manager the nursing home must employ a food service manager to serve as the director of food service.

(3) The food service manager means:

(a) An individual who is a qualified dietitian; or

(b) An individual:

(i) Who has completed a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association/Dietary Manager Association; and

(ii) Receives regularly scheduled consultation from a qualified dietitian.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1160, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1180 Dietary menus. The nursing home must:

(1) Ensure that menus are followed;

(2) Post the current dated general menu, including substitutes, in the food service area and in a place accessible and conspicuous to residents and visitors, in print the residents can read; and

(3) Note any changes to the regular menu on the posted menu.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1180, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1200 Dietary orders. The nursing home must:

(1) Ensure that residents' diets are provided as prescribed by the physician. Diet modifications, for texture only, may be used as an interim measure when ordered by a registered nurse; and

(2) Provide supplementary fluid and nourishment in accordance with each resident's needs as determined by the assessment process.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1200, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1220 Modified diets. The nursing home must review a resident's modified diet to ensure that the food form and texture are consistent with the resident's current needs and functional level:

(1) At the request of the resident.

(2) When the resident's condition warrants.

(3) At the time of the plan of care review.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1220, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1240 Tube feedings. If the nursing home prepares tube feeding formula, or mixes additives to the prepared formula it must ensure that:

(1) Each resident's tube feedings are of uniform consistency and quality; and

(2) Tube feeding formulas are prepared, stored, distributed, and served in such a manner so as to maintain uniformity and to prevent contamination.

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[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1240, filed 9/24/08, effective 11/1/08.]

Physician Services

WAC 388-97-1260 Physician services. (1) The nursing home must ensure that the resident is seen by the physician whenever necessary.

(2) Except as specified in RCW 74.42.200, a physician must personally approve in writing a recommendation that an individual be admitted to a nursing home.

(3) The nursing home must ensure that:

(a) Except as specified in RCW 74.42.200, the medical care of each resident is supervised by a physician;

(b) Another physician supervises the medical care of residents when their attending physician is unavailable; and

(c) Physician services are provided twenty-four hours per day, in case of emergency.

(4) The physician must:

(a) Write, sign and date progress notes at each visit;

(b) Sign and date all orders; and

(c) In medicare and medicare/medicaid certified facilities, review the resident's total program of care, including medications and treatments, at each federally required visit.

(5) Except as specified in subsections (6), (7), and (9) of this section, a physician may delegate tasks to a physician's assistant or advanced registered nurse practitioner who is:

(a) Licensed by the state;

(b) Acting within the scope of practice as defined by state law; and

(c) Under the supervision of the physician.

(6) The physician may not delegate a task when the delegation is prohibited under state law or by the facility's own policies.

(7) If the resident's primary payor source is medicare, the physician may:

(a) Alternate federally required physician visits between personal visits by:

(i) The physician; and

(ii) An advanced registered nurse practitioner or physician's assistant; and

(b) Not delegate responsibility for the initial required physician visit. This initial visit must occur within the first thirty days of admission to the facility.

(8) If the resident's payor source is medicaid, the physician may delegate any federally required physician task, including tasks which the regulations specify must be performed personally by the physician, to a physician's assistant or advanced registered nurse practitioner who is not an employee of the facility but who is working in collaboration with a physician.

(9) If the resident's payor source is not medicare or medicaid:

(a) In the medicare only certified facility or in the medicare certified area of a medicare/medicaid facility, the physician may alternate federally required physician visits between personal visits by the physician and an advanced registered nurse practitioner or physician's assistant. The physician may not delegate responsibility for the initial required physician visit.

(b) In the medicaid only certified facility or in the medicaid certified area of a medicare/medicaid facility, the physician may delegate any federally required physician task, including tasks which the regulations specify must be performed personally by the physician, to a physician's assistant or advanced registered nurse practitioner who is not an employee of the facility but who is working in collaboration with a physician.

(10) The following table describes the physician visit requirements related to medicare or medicaid certified area and payor type.

	Beds in medicare only certified area	Beds in medicare/medicaid certified area	Beds in medicaid only certified area
Payor source: medicare	Initial by physician Physician may delegate alternate visits	Initial by physician Physician may delegate alternate visits	N/A
Payor source: medicaid	N/A	Delegate all tasks Nonemployee	Delegate all tasks Nonemployee
Payor source: Others: such as insurance, private pay, Veteran Affairs	Initial by physician Physician may delegate alternate visits	Initial by physician Physician may delegate alternate visits	Delegate all tasks Nonemployee

(11) The attending physician, or the physician-designated advanced registered nurse practitioner or physician's assistant must:

(a) Participate in the interdisciplinary plan of care process as described in WAC 388-97-1020;

(b) Provide to the resident, or where applicable the resident's surrogate decision maker, information so that the resident can make an informed consent to care or refusal of care (see WAC 388-97-0260); and

(c) Order resident self-medication when appropriate.

(12) The nursing home must obtain from the physician the following medical information before or at the time of the resident's admission:

(a) A summary or summaries of the resident's current health status, including history and physical findings reflecting a review of systems;

(b) Orders, as necessary for medications, treatments, diagnostic studies, specialized rehabilitative services, diet, and any restrictions related to physical mobility; and

(c) Plans for continuing care and discharge.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1260, filed 9/24/08, effective 11/1/08.]

Specialized Habilitative and Rehabilitative Services

WAC 388-97-1280 Specialized habilitative and rehabilitative services. (1) If specialized habilitative and rehabilitative services:

itative services such as, but not limited to, physical therapy, speech-language pathology, occupational therapy, and mental health rehabilitative services for mental illness and mental retardation, are required in the resident's comprehensive plan of care, the facility must:

- (a) Provide the required services; or
- (b) Obtain the required services from an outside provider of specialized rehabilitative services.

(2) As determined by the resident's individualized comprehensive plan of care, qualified therapists, as defined in RCW 74.46.020(40), will provide specialized habilitative or rehabilitative services under the written order of the physician. According to state law and at the qualified therapist's discretion, certain services may be delegated to and provided by support personnel under appropriate supervision.

(3) The nursing facility must:

(a) Ensure that residents who display mental or psychosocial adjustment difficulties receive appropriate treatment and services to correct the assessed problem; and

(b) Provide or arrange for the mental health or mental retardation services needed by residents that are of a lesser intensity than the specialized services defined at WAC 388-97-1960.

(4) The nursing home may provide specialized rehabilitative and habilitative services to outpatients on the facility premises, only if the nursing home continues to also meet the needs of current residents.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1280, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1300 Pharmacy services. (1) The nursing home must:

(a) Obtain routine and emergency drugs and biologicals for its residents under an agreement with a licensed pharmacy;

(b) Ensure that pharmaceutical services:

- (i) Meet the needs of each resident;
- (ii) Establish and monitor systems for the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals; and

(c) Employ or obtain the services of a licensed pharmacist who must:

(i) Provide consultation on all aspects of the provision of pharmacy services in the nursing home;

(ii) Determine that nursing home drug records are in order;

(iii) Perform regular reviews at least once each month of each resident's drug therapy; and

(iv) Document and report drug irregularities to the attending physician and the director of nursing.

(2) Drugs and biologicals used in the nursing home must be labeled and stored in accordance with applicable state and federal laws.

(3) The nursing home must provide pharmaceutical services that:

(a) Meet recognized and accepted standards of pharmacy practice; and

(b) Comply with chapter 246-865 WAC, except nursing home staff administering drugs to residents may document administration at the time of pouring the drug or immediately after administration.

(2009 Ed.)

(4) The nursing home must ensure:

(a) Education and training for nursing home staff by the licensed pharmacist on drug-related subjects including, but not limited to:

(i) Recognized and accepted standards of pharmacy practice and applicable pharmacy laws and rules;

(ii) Appropriate monitoring of residents to determine desired effect and undesirable side effects of drug regimens; and

(iii) Use of psychotropic drugs.

(b) Reference materials regarding medication administration, adverse reactions, toxicology, and poison center information are readily available;

(c) Pharmacist monthly drug review reports are acted on in a timely and effective manner;

(d) Accurate detection, documentation, reporting and resolution of drug errors and adverse drug reactions; and

(e) Only individuals authorized by state law to do so will receive drug orders and administer drugs;

(5) The resident has the right to a choice of pharmacies when purchasing prescription and nonprescription drugs as long as the following conditions are met to ensure the resident is protected from medication errors:

(a) The medications are delivered in a unit of use compatible with the established system of the facility for dispensing drugs; and

(b) The medications are delivered in a timely manner to prevent interruption of dose schedule.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1300, filed 9/24/08, effective 11/1/08.]

Infection Control

WAC 388-97-1320 Infection control. (1) The nursing home must:

(a) Establish and maintain an effective infection control program designed to provide a safe, sanitary, and comfortable environment and to help prevent the development and transmission of disease and infection;

(b) Prohibit any employee with a communicable disease or infected skin lesion from direct contact with residents or their food, if direct contact could transmit the disease; and

(c) Require staff to wash their hands after each direct resident contact for which handwashing is indicated by accepted professional practice.

(2) Under the infection control program, the nursing home must:

(a) Investigate, control and prevent infections in the facility;

(b) Decide what procedures should be applied in individual circumstances; and

(c) Maintain a record of incidence of infection and corrective action taken.

(3) Nursing home personnel must handle, store, process, and transport linens so as to prevent the spread of infection.

(4) The nursing home must develop and implement effective methods for the safe storage, transport and disposal of garbage, refuse and infectious waste, consistent with all applicable local, state, and federal requirements for such disposal.

[Title 388 WAC—p. 589]

(5) The nursing home must provide areas, equipment, and supplies to implement an effective infection control program and ensure:

(a) Ready availability of hand cleaning supplies and appropriate drying equipment or material at each sink;

(b) Safe use of disposable and single service supplies and equipment;

(c) Effective procedures for cleaning, disinfecting or sterilizing according to equipment use;

(d) Chemicals and equipment used for cleaning, disinfecting, and sterilizing, including chemicals used to launder personal clothing, are used in accordance with manufacturer's directions and recommendations; and

(e) Safe and effective procedures for disinfecting:

(i) All bathing and therapy tubs between each resident use; and

(ii) Swimming pools, spas and hot tubs.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1320, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1340 Influenza and pneumococcal immunizations. (1) The nursing home shall provide residents access on-site or make available elsewhere, the ability to obtain the influenza virus immunization on an annual basis.

(2) Upon admission, the nursing home shall inform residents or the resident's representative, verbally and in writing, of the benefits of receiving the influenza virus immunization and the pneumococcal disease immunization.

(3) Nursing homes who rely exclusively upon treatment by nonmedical religious healing methods, including prayer, are exempt from the above rules.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1340, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1360 Surveillance, management and early identification of individuals with active tuberculosis. (1) The nursing home must develop and implement policies and procedures that comply with nationally recognized tuberculosis standards set by the Centers for Disease Control (CDC), and applicable state law. Such policies and procedures include, but are not limited to, the following:

(a) Evaluation of any resident or employee with symptoms suggestive of tuberculosis whether tuberculin skin test results were positive or negative;

(b) Identifying and following up residents and personnel with suspected or actual tuberculosis, in a timely manner; and

(c) Identifying and following up visitors and volunteers with symptoms suggestive of tuberculosis.

(2) The nursing home must comply with chapter 49.17 RCW, Washington Industrial Safety And Health Act (WISHA) requirements to protect the health and safety of employees.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1360, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1380 Tuberculosis—Testing required. (1) The nursing home must develop and implement a system to ensure that facility personnel and residents have tuberculosis testing within three days of employment or admission.

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(2) The nursing home must also ensure that facility personnel are tested annually.

(3) For the purposes of WAC 388-97-1360 through 388-97-1580 "**person**" means facility personnel and residents.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1380, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1400 Tuberculosis—Testing method—Required. The nursing home must ensure that all tuberculosis testing is done through a nationally recognized testing method such as:

(1) Intradermal (Mantoux) administration or

(2) QuantiFERON TB Gold Blood Test.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1400, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1420 Tuberculosis—Mantoux skin testing. The nursing home must ensure that when Mantoux skin testing is done:

(1) The results are read within forty-eight to seventy-two hours of the test;

(2) The results are read by a trained professional; and

(3) The results are recorded in millimeters of duration.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1420, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1440 Tuberculosis—No skin testing. The nursing home is not required to have a person tested for tuberculosis if the person has:

(1) A documented history of a previous positive skin test results; or

(2) Documented evidence of:

(a) Adequate therapy for active disease; or

(b) Adequate preventive therapy for infection.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1440, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1460 Tuberculosis—Mantoux one step testing. The nursing home is only required to have a person take a one-step skin test upon admission or employment if the person has any of the following:

(1) A documented history of a negative result from previous two step testing; or

(2) A documented negative result from one step skin testing in the previous twelve months.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1460, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1480 Tuberculosis—Mantoux two step testing. Unless the person meets the requirement for having no skin testing or only a one step skin test, the nursing home must ensure that each person has the following two-step testing:

(1) An initial skin test within three days of employment; and

(2) A second test done one to three weeks after the first test.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1480, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1500 Tuberculosis—Positive reaction.

When there is a positive reaction to tuberculosis testing the nursing home must:

- (1) Ensure that the individual has a chest X ray within seven days;
- (2) Evaluate each resident or employee, with a positive test result, for signs and symptoms of tuberculosis; and
- (3) Follow the direction of the local health department if it requires additional tuberculin testing of residents or personnel for contact investigation.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1500, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1520 Tuberculosis—Negative reaction.

The nursing home may be required by the public health official or licensing authority to ensure that persons with negative QuantiFERON or Mantoux test results have follow-up testing in certain circumstances, such as:

- (1) After exposure to active tuberculosis;
- (2) When tuberculosis symptoms are present; or
- (3) For periodic testing as determined by a health official.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1520, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1540 Tuberculosis—Declining a test.

The nursing home may accept a signed statement from a person who has reason to decline skin testing, if:

- (1) The signed statement includes the reason for declining; and
- (2) Additional evidence is provided to support the reason.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1540, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1560 Tuberculosis—Reporting—Required. When, based upon symptoms or diagnosis, the nursing home suspects that a person has tuberculosis, the nursing home must:

- (1) Notify the local public health officer so that appropriate contact investigation can be performed;
- (2) Institute appropriate measures for the control of the transmission of droplet nuclei;
- (3) Apply living or work restrictions where residents or personnel are, or may be, infectious and pose a risk to other residents and personnel; and
- (4) Ensure that personnel caring for a resident with suspected tuberculosis comply with the WISHA standard for respiratory protection found in chapter 296-842 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1560, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1580 Tuberculosis—Test records. The nursing home must:

- (1) Keep any records such as tuberculin test results, reports of X-ray findings, physician or public health official orders and the person's statement declining the test in the nursing home;
- (2) Retain employee tuberculin testing results for the duration of employment; and

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- (3) Provide the employee a copy of his/her testing results.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1580, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1600 Care of residents with active tuberculosis. (1) When the nursing home accepts the care of a resident with suspected or confirmed tuberculosis, the nursing home must:

- (a) Coordinate the resident's admission, nursing home care, discharge planning, and discharge with the local health officer or officer designee;
- (b) Provide necessary education about tuberculosis for staff, visitors, and residents; and
- (c) Ensure that personnel caring for a resident with active tuberculosis comply with the WISHA standards for respiratory protection, chapter 296-842 WAC.

(2) For a resident who requires respiratory isolation for tuberculosis, the nursing home must:

- (a) Provide a private or semiprivate isolation room:
 - (i) In accordance with WAC 388-97-2480;
 - (ii) In which, construction review of the department of health determines that room air is maintained under negative pressure; and appropriately exhausted, either directly to the outside away from intake vents or through properly designed, installed, and maintained high efficiency particulate air (HEPA) filters, or other measures deemed appropriate to protect others in the facility;
 - (iii) However, when a semiprivate isolation room is used, only residents requiring respiratory isolation for confirmed or suspected tuberculosis are placed together.
- (b) Provide supplemental environment approaches, such as ultraviolet lights, where deemed to be necessary;
- (c) Provide appropriate protective equipment for staff and visitors; and
- (d) Have measures in place for the decontamination of equipment and other items used by the resident.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1600, filed 9/24/08, effective 11/1/08.]

Administration

WAC 388-97-1620 General administration. (1) The nursing home must be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.

- (2) The nursing home must:
 - (a) Be licensed under chapter 18.51 RCW;
 - (b) Operate and provide services in compliance with:
 - (i) All applicable federal, state and local laws, regulations, and codes;
 - (ii) Accepted professional standards and principles that apply to professionals providing services in nursing homes; and
 - (c) Have a governing body or designated individuals functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of the nursing home.

- (3) The governing body of the nursing home must appoint the administrator who:

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- (a) Is licensed by the state;
- (b) Is responsible for management of the nursing home;
- (c) Keeps the licensee informed of all surveys and notices of noncompliance;

(d) Complies with all requirements of chapter 18.52 RCW, and all regulations adopted under that chapter;

(e) Is an on-site, full-time individual in active administrative charge at the premises of only one nursing home, a minimum of four days and an average of forty hours per week. Exception: On-site, full-time administrator with small resident populations or in rural areas will be defined as an individual in active administrative charge at the premises of only one nursing home:

(i) A minimum of four days and an average of twenty hours per week at facilities with one to thirty beds; or

(ii) A minimum of four days and an average of thirty hours per week at facilities with thirty-one to forty-nine beds.

(4) Nursing homes temporarily without an administrator may operate up to four continuous weeks under a responsible individual authorized to act as nursing home administrator designee.

(a) The designee must be qualified by experience to assume designated duties; and

(b) The nursing home must have a written agreement with a nursing home administrator, licensed in the state of Washington, who must be readily available to consult with the designee.

(c) The nursing home may make a written request to the department's designated aging and disability services administration field office for an extension of the four weeks by stating why an extension is needed, how a resident's safety or well-being is maintained during an extension and giving the estimated date by which a full-time, qualified nursing home administrator will be on-site.

(5) The nursing home must employ on a full-time, part time or consultant basis those professionals necessary to carry out the requirements of this chapter.

(6) If the nursing home does not employ a qualified professional individual to furnish a specific service to be provided by the nursing home, the nursing home must:

(a) Have that service furnished to residents by an individual or agency outside the nursing home under a written arrangement or agreement; and

(b) Ensure the arrangement or agreement referred to in (a) of this subsection specifies in writing that the nursing home assumes responsibility for:

(i) Obtaining services that meet professional standards and principles that apply to professionals providing services in nursing homes; and

(ii) The timeliness of services.

(7) The nursing home must:

(a) Report to the local law enforcement agency and the department any individual threatening bodily harm or causing a disturbance which threatens any individual's welfare and safety;

(b) Identify, investigate, and report incidents involving residents, according to department established nursing home guidelines; and

(c) Comply with "whistle blower" rules as defined in chapter 74.34 RCW.

(8) The department will:

(a) Investigate complaints, made to the department according to established protocols including protocols described in RCW 74.39A.060;

(b) Take action against a nursing home that is found to have used retaliatory treatment toward a resident or employee who has voiced grievances to nursing home staff or administration, or lodged a good faith complaint with the department; and

(c) Report to local law enforcement:

(i) Any mandated reporter that knowingly fails to report in accordance with WAC 388-97-0640; and

(ii) Any person that intentionally, maliciously or in bad faith makes a false report of alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(9) Refer also to WAC 388-97-1840, Retaliation.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-1620, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1640 Required notification and reporting. (1) The nursing home must immediately notify the department's aging and disability services administration of:

(a) Any allegations of resident abandonment, abuse, or neglect, including substantial injuries of an unknown source, financial exploitation and misappropriation of a resident's property;

(b) Any unusual event, having an actual or potential negative impact on residents, requiring the actual or potential implementation of the nursing home's disaster plan. These unusual events include but are not limited to those listed under WAC 388-97-1740 (1)(a) through (k), and could include the evacuation of all or part of the residents to another area of the nursing home or to another address; and

(c) Circumstances which threaten the nursing home's ability to ensure continuation of services to residents.

(2) Mandated reporters must notify the department and law enforcement as directed in WAC 388-97-0640, and according to department established nursing home guidelines.

(3) The nursing home must notify the department's aging and disability services administration of:

(a) Physical plant changes, including but not limited to:

(i) New construction;

(ii) Proposed resident area or room use change;

(iii) Resident room number changes; and

(iv) Proposed bed banking.

(b) Mechanical failure of equipment important to the everyday functioning of the nursing home, which cannot be repaired within a reasonable time frame, such as an elevator; and

(c) An actual or proposed change of ownership (CHOW).

(4) The nursing home must notify, in writing, the department's aging and disability services administration and each resident, of a loss of, or change in, the nursing home's administrator or director of nursing services at the time the loss or change occurs.

(5) The nursing home licensee must notify the department's aging and disability services administration in writing of any change in the name of the licensee, or of the nursing home, at the time the change occurs.

(6) If a licensee operates in a building it does not own, the licensee must immediately notify the department of the occurrence of any event of default under the terms of the lease, or if it receives verbal or written notice that the lease agreement will be terminated, or that the lease agreement will not be renewed.

(7) The nursing home must report any case or suspected case of a reportable disease to the appropriate department of health officer and must also notify the appropriate department(s) of other health and safety issues, according to state and local laws.

(8) The nursing home licensee must notify the department in writing of a nursing home's voluntary closure.

(a) The licensee must send this written notification sixty days before closure to the department's designated local aging and adult administration office and to all residents and resident representatives.

(b) Relocation of residents and any required notice to the Centers for Medicare and Medicaid Services and the public must be in accordance with WAC 388-97-4320(2).

(9) The nursing home licensee must notify the department in writing of voluntary termination of its medicare or medicaid contract.

(a) The licensee must send this written notification sixty days before contract termination, to the department's designated local aging and disability services administration office and to all residents and resident representatives.

(b) If the contractor continues to provide nursing facility services, the contract termination will be subject to federal law prohibiting the discharge of residents who are residing in the facility on the day before the effective date of the contract termination.

(10) The nursing home licensee must notify the Centers for Medicare and Medicaid Services of voluntary termination of its medicare provider agreement in accordance with the requirements of 42 C.F.R. 489.52 or successor regulations.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-1640, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1660 Staff and equipment. (1) The nursing home must ensure that:

(a) Sufficient numbers of appropriately qualified and trained staff are available to provide necessary care and services safely under routine conditions, as well as fire, emergency, and disaster situations;

(b) Adequate equipment, supplies and space are available to carry out all functions and responsibilities of the nursing home;

(c) All staff, including management, provide care and services consistent with:

(i) Empowering each resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being, self-care and independence;

(ii) Respecting resident rights; and

(iii) Enhancing each resident's quality of life.

(2) The nursing home must ensure that any employee giving direct resident care, excluding professionally licensed nursing staff:

(a) Has successfully completed or is a student in a DSHS-approved nursing assistant training program; and

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(b) Meets other requirements applicable to individuals performing nursing related duties in a nursing home, including those which apply to minors.

(3) The nursing home must ensure:

(a) Students in an DSHS-approved nursing assistant training program:

(i) Complete training and competency evaluation within four months of beginning work as a nursing assistant;

(ii) Complete at least sixteen hours of training in communication and interpersonal skills, infection control, safety/emergency procedures including the Heimlich maneuver, promoting residents' independence, and respecting residents' rights before any direct contact with a resident; and

(iii) Wear name tags which clearly identify student or trainee status at all times in all interactions with residents and visitors in all nursing homes, including the nursing homes in which the student completes clinical training requirements and in which the student is employed.

(b) Residents and visitors have sufficient information to distinguish between the varying qualifications of nursing assistants; and

(c) Each employee hired as a nursing assistant applies for registration with the department of health within three days of employment in accordance with chapter 18.88A RCW.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-1660, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1680 Staff development. (1) The nursing home must have a staff development program that is under the direction of a designated registered nurse or licensed practical nurse.

(2) The nursing home must:

(a) Ensure each employee receives initial orientation to the facility and its policies and is initially assigned only to duties for which the employee has demonstrated competence;

(b) Ensure all employees receive appropriate inservice education to maintain a level of knowledge appropriate to, and demonstrated competence in, the performance of ongoing job duties consistent with the principle of assisting the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being. To this end, the nursing home must:

(i) Assess the specific training needs of each employee and address those needs; and

(ii) Determine the special needs of the nursing home's resident population which may require training emphasis.

(c) Comply with other applicable training requirements, such as, but not limited to, the bloodborne pathogen standard.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-1680, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1700 Medical director. (1) The nursing home must designate a physician to serve as medical director.

(2) The medical director is responsible for:

(a) Implementation of resident care policies; and

(b) The coordination of medical care in the facility.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-1700, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1720 Clinical records. (1) The nursing home must:

(a) Maintain clinical records on each resident in accordance with accepted professional standards and practices that are:

- (i) Complete;
- (ii) Accurately documented;
- (iii) Readily accessible; and
- (iv) Systematically organized.

(b) Safeguard clinical record information against alteration, loss, destruction, and unauthorized use; and

(c) Keep confidential all information contained in the resident's records, regardless of the form or storage method of the records, except when release is required by:

- (i) Transfer to another health care institution;
- (ii) Law;
- (iii) Third party payment contract; or
- (iv) The resident.

(2) The nursing home must ensure the clinical record of each resident includes at least the following:

(a) Resident identification and sociological data, including the name and address of the individual or individuals the resident designates as significant;

(b) Medical information required under WAC 388-97-1260;

- (c) Physician's orders;
- (d) Assessments;
- (e) Plans of care;
- (f) Services provided;

(g) In the case of the medicaid-certified nursing facility, records related to preadmission screening and resident review;

- (h) Progress notes;
- (i) Medications administered;
- (j) Consents, authorizations, releases;
- (k) Allergic responses;
- (l) Laboratory, X ray, and other findings; and
- (m) Other records as appropriate.

(3) The nursing home must:

(a) Designate an individual responsible for the record system who:

(i) Has appropriate training and experience in clinical record management; or

(ii) Receives consultation from a qualified clinical record practitioner, such as a registered health information administrator or registered health information technician.

(b) Make all records available to authorized representatives of the department for review and duplication as necessary; and

(c) Maintain the following:

(i) A master resident index having a reference for each resident including the health record number, if applicable; full name; date of birth; admission dates; and discharge dates; and

(ii) A chronological census register, including all admissions, discharge, deaths and transfers, and noting the receiving facility. The nursing home must ensure the register includes discharges for social leave and transfers to other treatment facilities in excess of twenty-four hours.

(4) The nursing home must ensure the clinical record of each resident:

(a) Is documented and authenticated accurately, promptly and legibly by individuals giving the order, making the observation, performing the examination, assessment, treatment or providing the care and services. "**Authenticated**" means the authorization of a written entry in a record by signature, including the first initial and last name and title, or a unique identifier allowing identification of the responsible individual; and:

(i) Documents from other health care facilities that are clearly identified as being authenticated at that facility will be considered authenticated at the receiving facility; and

(ii) The original or a durable, legible, direct copy of each document will be accepted.

(b) Contains appropriate information for a deceased resident including:

- (i) The time and date of death;
- (ii) Apparent cause of death;
- (iii) Notification of the physician and appropriate resident representative; and
- (iv) The disposition of the body and personal effects.

(5) In cases where the nursing home maintains records by computer rather than hard copy, the nursing home must:

(a) Have in place safeguards to prevent unauthorized access; and

(b) Provide for reconstruction of information.

(6) The nursing home licensee must:

(a) Retain health records for the time period required in RCW 18.51.300:

(i) For a period of no less than eight years following the most recent discharge of the resident; except

(ii) That the records of minors must be retained for no less than three years following the attainment of age eighteen years, or ten years following their most recent discharge, whichever is longer.

(b) In the event of a change of ownership, provide for the orderly transfer of clinical records to the new licensee;

(c) In the event a nursing home ceases operation, make arrangements prior to cessation, as approved by the department, for preservation of the clinical records. The nursing home licensee must provide a plan for preservation of clinical records to the department's designated local aging and disability services administration office no later than seven days after the date of notice of nursing home closure as required by WAC 388-97-1640 (8) and (9) unless an alternate date has been approved by the department; and

(d) Provide a resident access to all records pertaining to the resident as required under WAC 388-97-0300(2).

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1720, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1740 Disaster and emergency preparedness. (1) The nursing home must develop and implement detailed written plans and procedures to meet potential emergencies and disasters. At a minimum the nursing home must ensure these plans provide for:

- (a) Fire or smoke;
- (b) Severe weather;
- (c) Loss of power;
- (d) Earthquake;

- (e) Explosion;
- (f) Missing resident, elopement;
- (g) Loss of normal water supply;
- (h) Bomb threats;
- (i) Armed individuals;
- (j) Gas leak, or loss of service; and
- (k) Loss of heat supply.

(2) The nursing home must train all employees in emergency procedures when they begin work in the nursing home, periodically review emergency procedures with existing staff, and carry out unannounced staff drills using those procedures.

(3) The nursing home must ensure emergency plans:

- (a) Are developed and maintained with the assistance of qualified fire, safety, and other appropriate experts as necessary;
- (b) Are reviewed annually; and
- (c) Include evacuation routes prominently posted on each unit.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1740, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1760 Quality assessment and assurance. (1) The nursing home must maintain a process for quality assessment and assurance. The department may not require disclosure of the records of the quality assessment and assurance committee except in so far as such disclosure is related to ensuring compliance with the requirements of this section.

(2) The nursing home must ensure the quality assessment and assurance process:

- (a) Seeks out and incorporates input from the resident and family councils, if any, or individual residents and support groups; and
- (b) Reviews expressed concerns and grievances.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1760, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1780 Policies and procedures. (1) The nursing home must develop and implement written policies and procedures, including those specified in RCW 74.42.430, for all services provided in the facility.

(2) The nursing home must ensure the written policies and procedures:

- (a) Promote and protect each resident's:
 - (i) Rights, including health care decision making;
 - (ii) Personal interests; and
 - (iii) Financial and property interests.
- (b) Are readily available to staff, residents, members of residents' families, the public, and representatives of the department;
- (c) Are current, and continued without interruption in the event of staff changes; and
- (d) Are consistent with other state and federal laws applicable to nursing home operations.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1780, filed 9/24/08, effective 11/1/08.]

(2009 Ed.)

WAC 388-97-1800 Criminal history disclosure and background inquiries. (1) A nursing home licensed under chapter 18.51 RCW must make a background inquiry request to one of the following:

- (a) The Washington state patrol;
- (b) The department;
- (c) The most recent employer licensed under chapters 18.51, 18.20, and 70.128 RCW provided termination of that employment was within twelve months of the current employment application and provided the inquiry was completed by the department or the Washington state patrol within the two years of the current date of application; or
- (d) A nurse pool agency licensed under chapter 18.52C RCW, or hereafter renamed, provided the background inquiry was completed by the Washington state patrol within two years before the current date of employment in the nursing home; and

(e) A nursing home may not rely on a criminal background inquiry from a former employer, including a nursing pool, if the nursing home knows or has reason to know that the individual applying for the job has, or may have, a disqualifying conviction or finding.

(2) Nursing homes must:

- (a) Request a background inquiry of any individual employed, directly or by agreement or contract, or accepted as a volunteer or student; and
- (b) Notify appropriate licensing or certification agency of any individual resigning or terminated as a result of having a conviction record.

(3) Before a nursing home employs any individual, directly or by contract, or accepts any individual as a volunteer or student, a nursing home must:

- (a) Inform the individual that the nursing home must make a background inquiry and require the individual to sign a disclosure statement, under penalty or perjury and in accordance with RCW 43.43.834;
- (b) Inform the individual that he or she may make a request for a copy of a completed background inquiry of this section; and

(c) Require the individual to sign a statement authorizing the nursing home, the department, and the Washington state patrol to make a background inquiry; and

(d) Verbally inform the individual of the background inquiry results within seventy-two hours of receipt.

(4) The nursing home must establish procedures ensuring that:

- (a) The individual is verbally informed of the background inquiry results within seventy-two hours of receipt;
- (b) All disclosure statements and background inquiry responses and all copies are maintained in a confidential and secure manner;
- (c) Disclosure statements and background inquiry responses are used for employment purposes only;
- (d) Disclosure statements and background inquiry responses are not disclosed to any individual except:
 - (i) The individual about whom the nursing home made the disclosure or background inquiry;
 - (ii) Authorized state employees including the department's licensure and certification staff, resident protection program staff and background inquiry unit staff;

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(iii) Authorized federal employees including those from the Department of Health and Human Services, Centers for Medicare and Medicaid Services;

(iv) The Washington state patrol auditor; and

(v) Potential employers licensed under chapters 18.51, 18.20, and 70.128 RCW who are making a request as provided for under subsection (1) of this section.

(e) A record of findings be retained by the nursing home for twelve months beyond the date of employment termination.

(5) The nursing home must not employ individuals who are disqualified under the requirements of WAC 388-97-1820.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1800, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1820 Disqualification from nursing home employment. (1) The nursing home must not employ directly or by contract, or accept as a volunteer or student, any individual:

(a) Who has been found to have abused, neglected, exploited or abandoned a minor or vulnerable adult by a court of law, by a disciplining authority, including the state department of health, or by the department's resident protection program;

(b) Against whom a finding of abuse, neglect, exploitation, misappropriation of property or abandonment has been entered on any state registry, including the nursing assistant registry; or

(c) Who has been subject to an order of protection under chapter 74.34 RCW for abandonment, abuse, neglect, or financial exploitation of a vulnerable adult, or misappropriation of resident property.

(2) Except as provided in this section, the nursing home must not employ directly or by contract, or accept as a volunteer or student, any individual who may have unsupervised access to residents if the individual:

(a) Has been convicted of a "crime against children and other persons" as defined in RCW 43.43.830, unless the individual has been convicted of one of the five crimes listed below and the required number of years has passed between the most recent conviction and the date of the application for employment:

(i) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed;

(ii) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed;

(iii) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed;

(iv) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed; or

(v) Forgery, or the same offense as forgery may hereafter be renamed, and five or more years have passed.

(b) Has been convicted of crimes relating to financial exploitation as defined under RCW 43.43.830.

(3) The term "**vulnerable adult**" is defined in RCW 74.34.020; the term "**unsupervised access**" is defined in RCW 43.43.830.

[Title 388 WAC—p. 596]

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1820, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1840 Retaliation or discrimination prohibited. (1) The licensee or the nursing home must not discriminate or retaliate in any manner against a resident or employee in its nursing home who has initiated or participated in any action or proceeding authorized under nursing home licensing law. Examples of such participation include, but are not limited to the following:

(a) The resident, or someone acting on behalf of the resident, or the employee:

(i) Made a complaint, including a whistle blower complaint, to the department, the department of health, the long-term care ombudsman, attorney general's office, the courts or law enforcement;

(ii) Provided information to the department, the department of health, the long-term care ombudsman, attorney general's office, the courts or law enforcement; or

(iii) Testified in a proceeding related to the nursing home or its staff.

(2) For purposes of this chapter, "**retaliation**" or "**discrimination**" against a resident means an act including, but not limited to:

(a) Verbal or physical harassment or abuse;

(b) Any attempt to expel the resident from the facility;

(c) Nonmedically indicated social, dietary, or mobility restriction(s);

(d) Lessening of the level of care when not medically appropriate;

(e) Nonvoluntary relocation within a nursing home without appropriate medical, psychosocial, or nursing justification;

(f) Neglect or negligent treatment;

(g) Withholding privileges;

(h) Monitoring resident's phone, mail or visits without resident's permission;

(i) Withholding or threatening to withhold food or treatment unless authorized by terminally ill resident or the resident's representative;

(j) Persistently delaying responses to resident's request for services of assistance; or

(k) Infringement on a resident's rights described in chapter 74.42 RCW, RCW 74.39A.060(7), WAC 388-97-0180, and also, for medicaid and medicare certified nursing facilities, in federal laws and regulations.

(3) For purposes of this chapter, "**retaliation**" or "**discrimination**" against an employee means an act including, but not limited to:

(a) Harassment;

(b) Unwarranted firing;

(c) Unwarranted demotion;

(d) Unjustified disciplinary action;

(e) Denial of adequate staff to perform duties;

(f) Frequent staff changes;

(g) Frequent and undesirable office changes;

(h) Refusal to assign meaningful work;

(i) Unwarranted and unsubstantiated report of misconduct under Title 18 RCW;

(j) Unsubstantiated letters of reprimand;

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(k) Unsubstantiated unsatisfactory performance evaluations;

(l) Denial of employment;

(m) A supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistle blower; or

(n) Workplace reprisal or retaliatory action as defined in RCW 74.34.180 (3)(b).

(4) For purposes of this chapter, a "**whistle blower**" is defined in WAC 388-97-0001.

(5) If, within one year of the complaint by or on behalf of a resident, the resident is involuntarily discharged from the nursing home, or is subjected to any type of discriminatory treatment, there will be a presumption that the action was in retaliation for the filing of the complaint. Under these circumstances, the nursing home will have the burden of establishing that the action was not retaliatory, in accordance with RCW 18.51.220 and 74.34.180(2).

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1840, filed 9/24/08, effective 11/1/08.]

Miscellaneous Services

WAC 388-97-1860 Laundry services. (1) The nursing home must meet the requirements of WAC 388-97-2780, and:

(a) Launder nursing home linens on the premises; or

(b) Contract with a laundry service capable of meeting quality standards, infection control, and turn-around time requirements; and

(c) Make provision for laundering of residents' personal clothing.

(2) For residents' personal clothing, the nursing home:

(a) Must have a system in place to ensure that personal clothing is not damaged or lost during handling and laundering; and

(b) May use a chemical disinfectant in lieu of hot water disinfection provided that the nursing home:

(i) Uses the product according to the manufacturer's instructions; and

(ii) Has readily available, current documentation from the manufacturer that supports the claim that the product is effective as a laundry disinfectant and such documentation is based on scientific studies or other rational data. "Disinfectant" means a germicide that inactivates virtually all recognized pathogenic microorganisms (but not necessarily all microbial forms, such as bacterial spores) on inanimate objects.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1860, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1880 Short-term care, including respite services and adult day or night care. (1) The nursing home may provide short-term care to individuals which include:

(a) Respite services to provide relief care for families or other caregivers of individuals with disabilities which must:

(i) Provide short-term care and supervision in substitution for the caregiver;

(ii) Be for short-term stays up to a maximum of thirty-one days; and

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(ii) Not be used as a short-term placement pending the individual's admission to the nursing home.

(b) Adult day or night care to provide short-term nursing home care:

(i) Not to exceed sixteen hours each day; and

(ii) May be on a regular or intermittent basis.

(2) The nursing home providing respite services, and adult day or night care must:

(a) Develop and implement policies and procedures consistent with this section;

(b) Ensure that individuals receiving short-term services under respite or adult day or night care are treated and cared for in accordance with the rights and choices of long-term residents, except for transfer and discharge rights which are provided under the program for short-term services which covers the individual in the nursing home;

(c) Have appropriate and adequate staff, space, and equipment to meet the individual's needs without jeopardy to the care of regular residents;

(d) Before or at the time of admission, obtain sufficient information to meet the individual's anticipated needs. At a minimum, such information must include:

(i) The name, address, and telephone number of the individual's attending physician, and alternate physician if any;

(ii) Medical and social history, which may be obtained from a respite care assessment and service plan performed by a case manager designated by an area agency on aging under contract with the department, and mental and physical assessment data; and

(iii) Physician's orders for diet, medication and routine care consistent with the individual's status on admission.

(e) Ensure the individuals have assessments performed, where needed, and where the assessment of the individual reveals symptoms of tuberculosis, follow tuberculosis testing requirements under WAC 388-97-1360 through 388-97-1580;

(f) With the participation of the individual and, where appropriate, their representative, develop a plan of care to maintain or improve their health and functional status during their stay or care in the nursing home;

(g) Provide for the individual to:

(i) Bring medications from home in accordance with nursing home policy; and

(ii) Self-medicate where determined safe.

(h) Promptly report injury, illness, or other adverse change in health condition to the attending physician; and

(i) Inquire as to the need for and comply with any request of the individual, or where appropriate, the individual's representative, to secure cash and other valuables brought to the nursing home during the stay/care.

(3) The nursing home may, in lieu of opening a new record, reopen the individual's clinical record with each period of stay or care up to one year from the previous stay or care, provided the nursing home reviews and updates the recorded information.

(4) Medicaid certified nursing facilities must complete the state-approved resident assessment instrument, within fourteen days, for any individual whose respite stay exceeds fourteen days.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1880, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1900 Dialysis services. (1) The nursing home must ensure that appropriate care, treatment, and services are provided to each nursing home resident receiving dialysis. "Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial semi-permeable membrane.

(2) Dialysis for acute renal failure must not be administered in a nursing home.

(3) A nursing home may only administer maintenance dialysis in the nursing home after the:

(a) Analysis of other options and elimination of these options based on the resident's best interest; and

(b) Decision is made jointly by a team of individuals representing the kidney center, the resident, the resident's nephrologist, and the nursing home. A "**kidney center**" means those facilities as defined and certified by the federal government to provide end stage renal (ESRD) services.

(4) The nursing home must ensure that:

(a) A current written agreement is in effect with each kidney center responsible for the management and care of each nursing home resident undergoing dialysis; and

(b) Such agreement delineates the functions, responsibilities, and services of both the kidney center and the nursing home.

(5) The kidney center must assist the nursing home in ensuring appropriate care, treatment, and services related to dialysis. Responsibilities of the kidney center must include, but not be limited to:

(a) The provision of clinical and chemical laboratory services;

(b) The services of a qualified dietitian;

(c) Social services;

(d) Preventative maintenance and emergency servicing of dialysis and water purification equipment;

(e) The certification and continuing education of dialysis helpers and periodic review and updating of dialysis helpers' competencies. A "dialysis helper" means an individual who has completed an inservice class approved by the kidney center and has been hired by the resident to provide to the resident care related only to the dialysis treatment;

(f) An in-hospital dialysis program for the care and treatment of a dialysis resident with a complication or acute condition necessitating hospital care;

(g) A continuing in-service education program for nursing home staff working with a dialysis resident;

(h) A program for periodic, on-site review of the nursing home's dialysis rooms;

(i) Selection, procurement, and installation of dialysis equipment;

(j) Selection and procurement of dialysis supplies;

(k) Proper storage of dialysis supplies; and

(l) Specification, procurement, and installation of the purification process for treatment of water used as a diluent in the dialyzing fluid.

(6) Only a registered nurse from the kidney center or a dialysis helper may administer dialysis in the nursing home.

(a) A dialysis helper may be a registered nurse; and

(b) When a dialysis helper is not a registered nurse, the nursing home must have a registered nurse who has com-

pleted an in-service class approved by the kidney center, on the premises during dialysis.

(7) A physician, designated or approved by the kidney center, must be on call at all times dialysis is being administered in the nursing home.

(8) The resident's attending physician and the kidney center must provide, or direct and supervise, the continuing medical management and surveillance of the care of each nursing home resident receiving dialysis.

(9) The nursing home must:

(a) Ensure the kidney center develops a dialysis treatment plan; and

(b) Incorporate this treatment plan into the resident's comprehensive plan of care and include specific medical orders for medications, treatment, and diet.

(10) The dialysis room in the nursing home must be in compliance with federal standards established for ESRD facilities. This includes:

(a) Storage space available for equipment and supplies;

(b) A telephone at the bedside of each dialysis resident; and

(c) A mechanical means of summoning additional staff to the dialysis area in the event of a dialysis emergency.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-1900, filed 9/24/08, effective 11/1/08.]

Preadmission Screening and Resident Review (PASRR) in Medicaid Certified Facilities.

WAC 388-97-1920 Preadmission screening—Level I.

(1) Preadmission screening (PAS) is a process by which individuals are evaluated:

(a) For the presence of a serious mental illness or a developmental disability, before admission to the nursing facility;

(b) For nursing facility level of care; and

(c) If the individual does have either a serious mental illness or a developmental disability, to determine whether there is a need for specialized services, or services of a lesser intensity.

(2) The referring hospital, physician, or other referral source must:

(a) Perform the identification screen using a standardized department-specified Level I screening form for all individuals seeking admission to a nursing facility unless they:

(i) Are being readmitted to the nursing facility from the hospital; or

(ii) Are being transferred from one nursing facility to another, with or without an intervening hospital stay.

(b) Identify whether the individual may have a serious mental illness or a developmental disability as defined under 42 C.F.R. § 483.102, or successor laws; and

(c) Refer all individuals identified as likely to have a serious mental illness or a developmental disability to the department for a nursing facility level of care assessment and a Level II screening.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-1920, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1940 Advanced categorical determinations, not subject to preadmission screening—Level II. Individuals identified as having symptoms of mental illness or a developmental disability and meeting any of the advanced categorical determinations do not need to be referred for a Level II screening. The determinations include that the individual:

(1) Is admitted to the nursing facility for respite care as defined under WAC 388-97-1880, or convalescent care, following treatment in an acute care hospital, not to exceed thirty days;

(2) Cannot accurately be diagnosed because of delirium. NOTE: The individual would be subject to a Level II screening when the delirium cleared;

(3) Has been certified by a physician to be terminally ill as defined under section 1861 (dd)(3)(A) of the Social Security Act;

(4) Has been diagnosed with a severe physical illness such as coma, ventilator dependence, and is functioning at a brain stem level;

(5) Has a severe level of impairment from diagnoses such as:

- (a) Chronic obstructive pulmonary disease;
- (b) Parkinson's disease;
- (c) Huntington's chorea;
- (d) Amyotrophic lateral sclerosis;
- (e) Congestive heart failure; or

(6) Has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder. NOTE: There must be evidence to support this determination.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1940, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1960 Preadmission screening—Level II. (1) For individuals likely to have a serious mental illness or developmental disability, the department must determine their need for nursing facility level of care. If they meet the nursing facility level of care, the department refers them to the department's designee, either the mental health PASRR contractor or the division of developmental disabilities, for a Level II screening.

(2) In the Level II screening, the department's designee will verify the diagnosis and determine whether the referred individuals need specialized services, or services of a lesser intensity:

(a) **"Specialized services"** for an individual with mental retardation or related conditions is defined under 42 C.F.R. § 483.120 (a)(2), and 42 C.F.R. § 483.440 (a)(1), or successor laws. These specialized services do not include services to maintain a generally independent individual able to function with little supervision or in the absence of a treatment program; and

(b) **"Specialized services"** for an individual with a serious mental illness is defined under 42 C.F.R. § 483.120 (a)(1), or successor laws. These services are generally considered acute psychiatric inpatient care, emergency respite care, or stabilization and crisis services.

(3) The need for specialized services, for a nursing facility applicant, will be determined as follows:

(a) If the individual is identified as likely to have a serious mental illness, a qualified mental health professional will

verify whether the individual has a serious mental illness and, if so, will recommend whether the individual needs specialized services; and

(b) If the individual is identified as likely to have a developmental disability, a licensed psychologist will verify whether the individual has a developmental disability and, if so, staff of the division of developmental disabilities will assess and determine whether the individual requires specialized services.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1960, filed 9/24/08, effective 11/1/08.]

WAC 388-97-1980 Resident review. After a resident's admission the nursing facility must:

(1) Review the Level I screening form for accuracy and make changes as needed if the resident develops a qualifying diagnosis or if the resident's symptoms were undetected or misdiagnosed;

(2) Refer residents who have qualifying diagnoses and who require further PASRR assessment to the mental health PASRR contractor or division of developmental disabilities;

(3) Record the identification screen information or subsequent changes on the resident assessment instrument according to the schedule required under 42 C.F.R. § 483.20;

(4) Maintain the identification screen form and PASRR assessment information, including recommendations, in the resident's active clinical record; and

(5) Promptly notify the mental health PASRR contractor or division of developmental disabilities after a significant change in the physical or mental condition of any resident that is mentally ill or mentally retarded.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1980, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2000 Preadmission screening and resident review (PASRR) determination and appeal rights.

(1) The resident has the right to choose to remain in the nursing facility and receive specialized services if:

(a) He or she has continuously resided in a nursing facility since October 1, 1987; and

(b) The department determined, in 1990, that the resident required specialized services for a serious mental illness or developmental disability but did not require nursing facility services.

(2) In the event that residents chose to remain in the nursing facility as outlined in subsection (1) above, the department, or designee, will clarify the effect on eligibility for medicaid services under the state plan if the resident chooses to leave the facility, including its effect on readmission to the facility.

(3) An individual applying for admission to a nursing facility or a nursing facility resident who has been adversely impacted by a PASRR determination may appeal the department's determination that the individual is:

(a) Not in need of nursing facility care as defined under WAC 388-106-0350 through 388-106-0360;

(b) Not in need of specialized services as defined under WAC 388-97-1960; or

(c) Need for specialized services as defined under WAC 388-97-1960.

(4) The nursing facility must assist the individual applying for admission or resident, as needed, in requesting a hearing to appeal the department's PASRR determination.

(5) If the department's PASRR determination requires that a resident be transferred or discharged, the department will:

(a) Provide the required notice of transfer or discharge to the resident, the resident's surrogate decision maker, and if appropriate, a family member or the resident's representative thirty days or more before the date of transfer or discharge;

(b) Attach a hearing request form to the transfer or discharge notice;

(c) Inform the resident, in writing in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge;

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of administrative hearings on or before the date of transfer or discharge set forth in the written transfer or discharge notice; and

(iii) The resident will be ineligible for medicaid nursing facility payment:

(A) Thirty days after the receipt of written notice of transfer or discharge; or

(B) If the resident appeals under subsection (1)(a) of this section, thirty days after the final order is entered upholding the department's decision to transfer or discharge a resident.

(6) The department's home and community services may pay for the resident's nursing facility services after the time specified in subsection (5)(c)(iii) of this section, if the department determines that a location appropriate to the resident's medical and other needs is not available.

(7) The department will:

(a) Send a copy of the transfer/discharge notice to the resident's attending physician, the nursing facility and, where appropriate, a family member or the resident's representative;

(b) Suspend transfer or discharge:

(i) If the office of administrative hearings receives an appeal on or before the date set for transfer or discharge or before the resident is actually transferred or discharged; and

(ii) Until the office of appeals makes a determination; and

(c) Provide assistance to the resident for relocation necessitated by the department's PASRR determination.

(8) Resident appeals of PASRR determinations will be in accordance with 42 C.F.R. § 431 Subpart E, chapter 388-02 WAC, and the procedures defined in this section. In the event of a conflict between a provision in this chapter and a provision in chapter 388-02 WAC, the provision in this chapter will prevail.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2000, filed 9/24/08, effective 11/1/08.]

Intermediate Care Facilities for the Mentally Retarded

WAC 388-97-2020 Intermediate care facilities for the mentally retarded. (1) ICF/MR nursing facilities must meet the requirements of 42 C.F.R. § 483 Subpart I and the requirements of this subchapter except that in an ICF/MR nursing facility:

[Title 388 WAC—p. 600]

(a) There must be at least one registered nurse or licensed practical nurse on duty eight hours per day, and additional licensed staff on any shift if indicated. WAC 388-97-1080 (2)(a) and (3)(a) and (b) do not apply to ICF/MR nursing facilities; and

(b) A medical director is not required.

(2) Staff from the division of developmental disabilities will approve of social/therapeutic leave for individuals who reside in ICF/MR nursing facilities.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2020, filed 9/24/08, effective 11/1/08.]

SUBCHAPTER II

PHYSICAL ENVIRONMENT

General

WAC 388-97-2040 Design. The design of a nursing home must facilitate resident-centered care and services in a safe, clean, comfortable and homelike environment that allows the resident to use his or her personal belongings to the greatest extent possible.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2040, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2060 New construction compliance. The nursing home must ensure that:

(1) New construction complies with all the requirements of subchapter II of this chapter;

(2) New construction approved by the department of health, certificate of need and construction review, before the effective date of this chapter complies with the rules in effect at the time of the plan approval;

(3) The department of health, certificate of need and construction review, is contacted for review and issues an applicable determination and approval for all new construction; and

(4) The department has done a pre-occupancy survey and has notified the nursing home that they may begin admitting residents.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2060, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2080 Fire standards and approval, and other standards. The nursing home must:

(1) Conform to at least the minimum standards for the prevention of fire, and for the protection of life and property against fire, according to the International Fire Code, RCW 19.27.031, the federal Life Safety Code, 42 C.F.R. 483.70(a), and additional state requirements in chapter 212-12 WAC; and

(2) Comply with all other applicable requirements of state and federal law.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2080, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2100 Maintenance and repair. All nursing homes must:

(1) Maintain electrical, mechanical, and patient care equipment in safe and operating condition; and

(2009 Ed.)

(2) Ensure floors, walls, ceilings, and equipment surfaces are maintained in clean condition and in good repair.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2100, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2120 Noise. (1) All nursing homes must maintain comfortable sound levels, to include minimizing the use of the public address system and taking reasonable precautions with noisy services so residents are not disturbed, particularly during their sleeping time; and

(2) In new construction, the nursing home must:

(a) Have walls, floor/ceiling and roof/ceiling assemblies constructed with materials that provide comfortable sound levels in all resident areas, rated at an STC 50 or greater; and

(b) Utilize an alternative to the public address system for nonemergency communication that best serves the residents' needs.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2120, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2140 Accessibility in new construction. The nursing home must be readily accessible to a person with disability and comply with WAC 388-97-3520.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2140, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2160 Types of new construction. New construction includes, but is not limited to:

(1) New structures.

(a) A new building to be licensed as a nursing home; or

(b) An addition to a building currently licensed as a nursing home.

(2) Existing buildings.

(a) Conversion of another building to a nursing home;

(b) Change in the use of space for access by residents within an existing nursing home; and

(c) Alterations including physical, mechanical, or electrical changes made to an existing nursing home, except for normal routine maintenance and repair.

(3) See WAC 388-97-3400(3) for less extensive alterations.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2160, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2180 ICF/MR exceptions to physical plan requirements. The following regulations do not apply to nursing homes certified exclusively under 42 C.F.R. § 483, Subpart I, or successor laws:

(1) WAC 388-97-2440, regarding the required number of square feet per bed; and

(2) WAC 388-97-2660, regarding cubicle curtains.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2180, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2200 Emergency power. (1) The nursing home must have an alternate source of power and automatic transfer equipment to connect the alternate source within ten seconds of the failure of the normal source.

(2) The nursing home must ensure the alternate source is a generator:

(a) With on-site fuel supply;

(b) Permanently fixed in place;

(c) Approved for emergency service; and

(d) An on premises emergency generator, as defined in NFPA 99, Health care facilities, when life support systems are used.

(3) The nursing home must ensure the emergency power supply provides a minimum of four hours of effective power for lighting for night lights, exit signs, exit corridors, stairways, dining and recreation areas, work stations, medication preparation areas, boiler rooms, electrical service room and emergency generator locations.

(4) A nursing home first licensed on or after October 1, 1981, must have emergency power supplied to:

(a) Communication systems, all alarm systems, an elevator that reaches every resident floor including the ground floor, equipment to provide heating for resident rooms or a room to which all residents can be moved; and

(b) Electrical outlets located in medication preparation areas, pharmacy dispensing areas, staff work stations, dining areas, resident corridors, and resident bed locations designated for use with life support systems.

(5) **In new construction** the emergency power equipment must meet the:

(a) Earthquake standards for the facility's geographic locale; and

(b) Requirements in NFPA 110, Generators.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2200, filed 9/24/08, effective 11/1/08.]

Resident Care Unit

WAC 388-97-2220 Location of the resident care unit.

The nursing home must ensure that:

(1) Each resident care unit is located to minimize through traffic to any general service, diagnostic, treatment, or administrative area; and

(2) **In new construction**, the resident care unit, and the services to support resident care and nursing needs, are designed to serve a maximum of sixty beds on the same floor.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2220, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2240 Required service areas on resident care units. (1) The nursing home must ensure each resident care unit has at least the following required service areas:

(a) A staff work station;

(b) A medicine storage and preparation area;

(c) A utility room that maintains separated clean and soiled functions;

(d) Storage space for linen, other supplies, and equipment; and

(e) Housekeeping services and janitor's closet.

(2) **In new construction** resident care units may share required services if the units are in close proximity to each other and the combined units serve a total of not more than sixty residents; except the nursing home must have a separate staff work station on a secured dementia care unit.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2240, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2260 Staff work stations on resident care units. (1) On each unit, the nursing home must have a staff work station appropriate to the needs of staff using the space. At a minimum, the nursing home must equip the area with:

- (a) A charting surface;
- (b) A rack or other storage for current health records;
- (c) Storage for record and clerical supplies;
- (d) A telephone;
- (e) A resident call system; and
- (f) A clock.

(2) **In new construction** the work station space must be open to the corridor.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2260, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2280 Call systems on resident care units. The nursing home must provide the following, or an equivalent system that meets these standards:

(1) A wired or wireless communication system which registers a call by distinctive light at the room door and by distinctive light and audible tone at the staff work station. The system must be equipped to receive resident calls from:

- (a) The bedside of each resident;
- (b) Every common area, dining and activity areas, common use toilet rooms, and other areas used by residents; and
- (c) Resident toilet, bath and shower rooms.

(2) An emergency signal device activated by a nonconductive pull cord, or adapted to meet the needs of the resident. The nursing home must locate the signal device for easy reach by the resident. A signal device must be adapted to meet resident needs and, in the dementia unit, may be adapted for staff and family use, see WAC 388-97-2990.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2280, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2300 Telephones on resident care units. The nursing home must provide twenty-four hour access to a telephone for resident use which:

- (1) Provides auditory privacy;
- (2) Is accessible to a person with a disability and accommodates a person with sensory impairment;
- (3) Is not located in a staff office or at a nurse's station; and
- (4) Does not require payment for local calls.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2300, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2320 Utility service rooms on resident care units. (1) All nursing homes must:

- (a) Provide utility rooms designed, equipped, and maintained to ensure separation of clean and sterile supplies and equipment from those that are contaminated;
- (b) Ensure that each clean utility room has:
 - (i) A work counter;
 - (ii) A sink equipped with single use hand drying towels and soap for handwashing; and
 - (iii) Closed storage units for supplies and small equipment; and
- (c) Ensure that each soiled utility room has:

- (i) A work counter and a sink large enough to totally submerge the items being cleaned and disinfected;

- (ii) Storage for cleaning supplies and other items, including equipment, to meet nursing home needs;

- (iii) Locked storage for cleaning agents, disinfectants and other caustic or toxic agents;

- (iv) Adequate space for waste containers, linen hampers, and other large equipment; and

- (v) Adequate ventilation to remove odors and moisture.

(2) **In new construction:**

- (a) A resident room must not be more than ninety feet from a clean utility room and a soiled utility room;

- (b) The clean utility room and the soiled utility room must be separate rooms;

- (c) Each soiled utility room must contain:

- (i) A double-compartment sink with inside dimensions of each compartment deep enough to totally submerge items being cleaned and disinfected;

- (ii) Sufficient, available work surface on each side of the sink to adequately process and dry equipment with a minimum of three feet of work surface on the clean side;

- (iii) Drying/draining racks for wet equipment;

- (iv) Work counters, sinks, and other fixed equipment arranged to prevent intermingling of clean and contaminated items during the cleaning process; and

- (v) A siphon jet type clinic service sink or equivalent installed on the soiled side of the utility room away from the door.

- (d) The nursing home's space for waste containers, linen hampers, and other large equipment must not block work areas; and

- (e) The utility rooms must meet the ventilation requirements of Table 6 in WAC 388-97-4040.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2320, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2340 Drug facilities on resident care units. The nursing home must provide an area designed and equipped for drug preparation and locked storage convenient to each work station. The nursing home must ensure:

- (1) The drug facilities are well illuminated, ventilated, and equipped with a work counter, sink with hot and cold running water, and drug storage units;

- (2) The drug storage units are one or more of the following:

- (a) Locked cabinetry constructed in accordance with board of pharmacy regulations for drug storage which has:

- (i) Separately keyed storage for Schedule II and III controlled substances; and

- (ii) Segregated storage of different residents' drugs; or

- (b) An automated medication distribution device or storage.

- (3) There is a refrigerator for storage of thermolabile drugs in the drug facility;

- (4) Locks and keys for drug facilities are different from other locks and keys within the nursing home; and

- (5) **In new construction**, the drug facility must be a separate room.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2340, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2360 Linen storage on resident care units. The nursing home must provide:

- (1) A clean area for storage of clean linen and other bedding. This may be an area within the clean utility room;
- (2) A soiled linen area for the collection and temporary storage of soiled linen. This may be within the soiled utility room; and
- (3) **In new construction**, storage for linen barrels and clean linen carts.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2360, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2380 Janitors closets on resident care units. (1) The nursing home must have a janitor's closet with a service sink and adequate storage space for housekeeping equipment and supplies convenient to each resident unit.

(2) **In new construction** a janitor's closet must meet the ventilation requirements of Table 6, in WAC 388-97-4040.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2380, filed 9/24/08, effective 11/1/08.]

Resident Rooms

WAC 388-97-2400 Resident rooms. (1) The nursing home must ensure that each resident bedroom:

- (a) Has direct access to a hall or corridor;
 - (b) Is located on an exterior wall with a transparent glass window; and
 - (c) Is located to prevent through traffic.
- (2) **In a new building or addition**, each resident bedroom must:
- (a) Have an exterior transparent glass window:
 - (i) With an area equal to at least one-tenth of the bedroom usable floor area;
 - (ii) Located twenty-four feet or more from another building or the opposite wall of a court, or ten feet or more away from a property line, except on street sides;
 - (iii) Located eight feet or more from any exterior walkway, paved surface, or driveway; and
 - (iv) With a sill three feet or less above the floor.
 - (b) Be located on a floor level at or above grade level except for earth berms. "Grade" means the level of ground adjacent to the building floor level measured at the required exterior window. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward to the maximum sill height of the required window at a rate of one foot vertical for two feet horizontal.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2400, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2420 Capacity of resident rooms. (1) The nursing home must ensure that any resident bedroom has:

- (a) No more than two beds between any resident bed and exterior window wall; and
 - (b) A maximum capacity of four beds.
- (2) **In a new building, addition, or change of use to a resident bedroom** the maximum capacity is two beds per room, for plans submitted after September 1, 1995.

(2009 Ed.)

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2420, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2440 Size of resident rooms. The nursing home must ensure that minimum usable room space exclusive of toilet rooms, closets, lockers, wardrobes, must:

- (1) In existing facilities, be at least eighty square feet per bed in each multibed room and at least one hundred square feet for each single bed room;
- (2) **In a new building or addition**, be one-hundred and ten square feet per bed in multibed rooms, and one-hundred square feet in single bed rooms;
- (3) **In new construction**, ensure that the minimum usable room space is also exclusive of vestibules; and
- (4) For exceptions to room size requirements refer to WAC 388-97-2180.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2440, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2460 Privacy in resident rooms. The nursing home must ensure that each resident bedroom is designed or equipped to ensure full visual privacy for each resident.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2460, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2480 Resident isolation rooms. If a nursing home provides an isolation room, the nursing home must ensure the room is uncarpeted and contains:

- (1) A handwashing sink with water supplied through a mixing valve;
- (2) Its own adjoining toilet room containing a bathing facility; and
- (3) **In new construction**, the handwashing sink must be located between the entry door and the nearest bed.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2480, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2500 Resident room size variance. The director of residential care services, aging and disability services administration, or their designee, may permit exceptions to WAC 388-97-2420 (1)(a) and 388-97-2440(1) when the nursing home demonstrates in writing that the exception:

- (1) Is in accordance with the special needs of the resident; and
- (2) Will not adversely affect any resident's health or safety.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2500, filed 9/24/08, effective 11/1/08.]

Resident Room Equipment

WAC 388-97-2520 Resident room equipment. The nursing home must determine a resident's furniture and equipment needs at the time of admission and routinely thereafter to ensure resident comfort. Except as specified in WAC 388-97-0560, the nursing home must provide each resident with the following items required in WAC 388-97-2540 through 388-97-2680.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2520, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2540 Resident bed and bedside equipment. The nursing home must provide:

(1) A comfortable bed of size and height to maximize a resident's independent functioning. Beds may be arranged to satisfy the needs and desires of the individual resident provided the arrangement does not negatively impact the health or safety of other residents;

(2) Appropriate bedding; and

(3) A bedside cabinet that allows for storage of small personal articles and a separate drawer or enclosed compartment for storage of resident care utensils/equipment.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2540, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2560 Lockable storage space in a resident room. The nursing home must provide:

(1) A lockable storage space accessible to each resident for storage of small personal items, upon request; and

(2) **In a new building or addition**, a lockable cabinet space or drawer for storage of personal belongings for each resident bed, in addition to the bedside cabinet.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2560, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2580 Wardrobes in a resident room. The nursing home must provide:

(1) A separated, enclosed wardrobe or closet for each resident's clothing and belongings accessible to the resident; and

(2) **In a new building or addition**, each bed in each room must have a separate, enclosed wardrobe or closet accessible to the resident with:

(a) Minimum inside dimensions of twenty-two inches deep by a minimum of twenty-six inches wide by sixty inches high; and

(b) Inside space including a rod, at least fifteen inches long, and allowing for fifty-four inches of clear hanging length adjustable to meet the needs of the resident.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2580, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2600 Seating in a resident room. The nursing home must provide comfortable seating for residents and visitors, not including resident care equipment, that provides proper body alignment and support.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2600, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2620 Lighting in resident rooms. The nursing home must provide a permanently mounted or equivalent light suitable for any task the resident chooses to do or any task the staff must do.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2620, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2640 Call signal device in resident rooms. The nursing home must provide a resident call signal device that complies with WAC 388-97-2280.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2640, filed 9/24/08, effective 11/1/08.]

[Title 388 WAC—p. 604]

WAC 388-97-2660 Cubicle curtains in resident rooms. The nursing home must provide:

(1) Flame-retardant cubicle curtains in multibed rooms that ensures full visual privacy for each resident;

(2) **In a new building or addition**, the cubicle curtain or enclosed space ensures full visual privacy for each bed in a multibed room with enclosed space containing at least sixty-four square feet of floor area with a minimum dimension of seven feet. "Full visual privacy" in a multibed room prevents staff, visitors and other residents from seeing a resident in bed, while allowing staff, visitors, and other residents access to the toilet room, handwashing sink, exterior window, and the entrance door;

(3) For exceptions to cubicle curtain requirements refer to WAC 388-97-2180.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2660, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2680 Miscellaneous equipment in resident rooms in a new building or addition. The nursing home must provide:

(1) A phone jack for each bed in each room;

(2) A handwashing sink in each multibed room and a handwashing sink in each single room that does not have an adjoining toilet room containing a handwashing sink. A handwashing sink located in a resident bedroom must be located between the corridor entry door and the nearest resident bed; and

(3) Storage that meets the requirements of WAC 388-97-3000, 388-97-3020, and 388-97-3040.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2680, filed 9/24/08, effective 11/1/08.]

Resident Toilet and Bathing Facilities

WAC 388-97-2700 Resident toilet facilities or rooms. The nursing home must ensure that:

(1) Each resident room is equipped with or located convenient to toilet facilities.

(2) **For new construction**, a toilet room must:

(a) Be directly accessible from each resident room and from each bathing facility without going through or entering a general corridor while maintaining resident dignity;

(b) Serve two bedrooms or less;

(c) Be designed to accommodate a person in a wheelchair;

(d) Contain at least one handwashing sink; and

(e) Provide a properly located and securely mounted grab bar at each side and the back of each toilet fixture in each toilet room and stall. Grab bars on the open side must be located twelve to eighteen inches from the center line of the toilet. Grab bars on the open side must be able to swing up.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2700, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2720 Resident bathing facilities or rooms. The nursing home must ensure:

(1) Each resident room is equipped with or located near bathing facilities;

(2) At least one bathing unit for no more than thirty residents that is not located in a room served by an adjoining bathroom;

(3) At least one bathing device for immersion per floor;

(4) At least one roll in shower or equivalent on each resident care unit:

(a) Designed and equipped for unobstructed ease of shower chair entry and use; and

(b) With a spray attachment equipped with a backflow prevention device.

(5) Resident bathing equipment is smooth, cleanable, and able to be disinfected after each use.

(6) **For new construction**, in each bathing unit containing more than one bathing facility:

(a) Each bathtub, shower, or equivalent, is located in a separate room or compartment with three solid walls;

(b) The entry wall may be a "shower" type curtain or equivalent;

(c) The area for each bathtub and shower is sufficient to accommodate a shower chair, an attendant, and provide visual privacy for bathing, drying, and dressing;

(d) Shower and tub surfaces are slip-resistant;

(e) Bathing areas are constructed of materials that are impervious to water and cleanable; and

(f) Grab bars are installed on all three sides of a shower with the shower head grab bar being "L" shaped.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2720, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2740 Locks in toilet and bathing facilities. The nursing home must ensure:

(1) All lockable toilet facilities and bathrooms have a readily available means of unlocking from the outside; and

(2) Locks are operable from the inside with a single motion.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2740, filed 9/24/08, effective 11/1/08.]

Dining, Dayrooms, and Resident Activity Areas

WAC 388-97-2760 Dining, dayrooms, and resident activity areas. (1) The nursing home must provide one or more rooms designated for resident dining and activities that are:

(a) Well lighted;

(b) Well ventilated;

(c) Adequately furnished; and

(d) Large enough to accommodate all activities.

(2) **In a new building or addition**, the nursing home must design space for dining rooms, dayrooms, and activity areas for resident convenience and comfort and to provide a homelike environment. These areas must be located on the same floor as the residents who will use the areas. The nursing home must:

(a) Ensure these rooms or areas are exterior rooms with windows that have a maximum sill height of thirty-six inches;

(b) Provide space for dining, day use, and activities with a minimum combined total of thirty square feet for each licensed bed;

(2009 Ed.)

(c) Design any multipurpose rooms to prevent program interference with each other;

(d) Locate a day room on each resident care unit;

(e) Provide storage spaces for all activity and recreational equipment and supplies, adjoining or adjacent to the facilities provided; and

(f) Locate a common use toilet facility, with handwashing sink and accessories, providing direct access from the hallway and within a maximum of forty feet from these spaces.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2760, filed 9/24/08, effective 11/1/08.]

Laundry Services

WAC 388-97-2780 Laundry services and storage. The nursing home must comply with WAC 388-97-1860 and ensure:

(1) Sufficient laundry washing and drying facilities to meet the residents' care and comfort needs without delay.

(2) That the nursing home linen is disinfected in accordance with:

(a) The temperature and time of the cycle as specified by the manufacturer; or

(b) The hot water cycle using the following table:

Water Temperature	Cycle Length
160 degrees F	At least 5 minutes
140 degrees F	At least 15 minutes

(3) **In new construction**, soiled linens and soiled clothing are stored and sorted in a room ventilated according to Table 6 in WAC 388-97-4040. The room must:

(a) Have self-closing doors;

(b) Be separated from the washing and drying facilities;

(c) Contain a handwashing sink;

(d) Have a floor drain; and

(e) Contain a clinic service sink.

(4) **In new construction**, clean linen is stored in a room ventilated according to Table 6 in WAC 388-97-4040. The room must:

(a) Be separated from the washing and drying facilities; and

(b) Have self closing doors.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2780, filed 9/24/08, effective 11/1/08.]

Dementia Care Unit

WAC 388-97-2800 Dementia care unit. A nursing home that began operating a dementia care unit at any time after November 13, 1989, must meet all requirements of this section, WAC 388-97-2820 through 388-97-2920, and the resident care unit requirements of WAC 388-97-2220 through 388-97-2380. Refer to WAC 388-97-1040, for program requirements.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2800, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2820 Dining areas on a dementia care unit. (1) The nursing home must provide dining areas in the dementia care unit which may also serve as day areas for the unit.

(2) **In a new building or addition**, the dining, dayroom, and activity area or areas on the unit must provide a minimum of thirty square feet per resident.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2820, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2840 Outdoor areas on a dementia care unit. The nursing home must provide the dementia care unit with:

- (1) Secured outdoor space and walkways;
- (2) An ambulation area with accessible walking surfaces that:
 - (a) Are firm, stable, and free from cracks and abrupt changes with a maximum of one inch between sidewalk and adjoining landscape areas;
 - (b) Have slip-resistant surfaces if subject to wet conditions; and
 - (c) Sufficient space and outdoor furniture with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids.
- (3) Nontoxic outdoor plants in areas accessible to residents.
- (4) In new construction the outdoor areas must also meet the requirements of WAC 388-97-3740.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2840, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2860 Indoor areas on a dementia care unit. The nursing home must provide the dementia care unit with:

- (1) Indoor ambulation areas that meet the needs of the residents and are maintained free of equipment; and
- (2) Nontoxic indoor plants in areas accessible to residents.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2860, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2880 Ambulation route on a dementia care unit in a new building or addition. The nursing home must ensure that the dementia care unit has a continuous ambulation route which may include outdoor ambulation areas and allows the resident to return to the resident's starting point without reversing direction.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2880, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2900 Physical plant on a dementia care unit. The nursing home must:

- (1) Provide a staff toilet room with a handwashing sink;
- (2) Ensure that floors, walls, and ceiling surfaces display contrasting color for identification:
 - (a) Surfaces may have a disguise design to obscure or conceal areas that residents should not enter, except for exit doors and doorways; and
 - (b) Exit doors must be marked so that they are readily distinguishable from adjacent construction and the way of exit travel is obvious and direct.

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(3) Ensure that door thresholds are one-half inch high or less;

(4) Provide a signal device adapted:

- (a) To meet residents' needs; and
- (b) For staff and family use, if necessary.

(5) Ensure that the public address system is used only for emergency use; and

(6) Refer to WAC 388-97-470(2) for dementia care unit exceptions to individual temperature controls.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2900, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2920 Special egress control devices on a dementia care unit. In dementia care units the nursing home must:

(1) Have proof that required approvals for any special egress control devices were obtained from the state fire marshal, department of social and health services, and the local official who enforces the International Building Code and International Fire Code; and

(2) **In a new building or addition, or when adding** special egress control devices to be used on doors and gates which are a part of the exit system, the building must:

- (a) Have obtained approval from department of health construction review and the local official who enforces the International Building Code and International Fire Code;
- (b) Have an approved automatic fire alarm system;
- (c) Have an approved supervised automatic fire sprinkler system which is electrically interconnected with the fire alarm system; and
- (d) Have a system which must:
 - (i) Automatically release if power to the system is lost;
 - (ii) Automatically release with activation of the building's fire alarm system;
 - (iii) Release with an override switch installed at each staff work station or at a constantly staff attended location within the building; and
 - (iv) Have directions for releasing the device at each egress controlled door and gate; and
- (e) Prohibit the use of keyed locks at all doors and gates in all egress pathways.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2920, filed 9/24/08, effective 11/1/08.]

Specialized and Outpatient Rehabilitation

WAC 388-97-2940 Specialized rehabilitation. (1) If nursing homes initially licensed after October 1, 1981 provide inpatient specialized rehabilitation, they must ensure that those services provide:

- (a) Easy access in general service areas;
- (b) Exercise, treatment, and supportive equipment as required by the narrative program in the construction documents;
- (c) Adequate space for exercise equipment and treatment tables with sufficient work space on each side;
- (d) Privacy cubicle curtains on tracks or the equivalent around treatment areas;
- (e) A sink in the treatment area and a toilet and handwashing sink in a toilet room nearby;

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- (f) Space and a desk or equivalent for administrative, clerical, interviewing, and consultative functions;
- (g) Adequate enclosed storage cabinets for clean linen and supplies and locked storage for cleaning chemicals in the rehabilitation room or nearby janitor's closet;
- (h) Adequate storage space for large equipment;
- (i) A janitor's closet close to the area;
- (j) Soiled linen storage; and
- (k) A separate room or area for hydrotherapy tanks, or the equivalent, if provided.

(2) **For any new construction** under WAC 388-97-2160, nursing homes licensed before October 1, 1981, must comply with the requirements in subsection (1) of this section.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2940, filed 9/24/08, effective 11/1/08.]

WAC 388-97-2960 Outpatient rehabilitation. The nursing home must ensure that facilities with outpatient programs provide:

- (1) A designated reception and waiting room or area and space for interviewing or counseling individual outpatients and their families;
- (2) Adequate space for the program so that disruption to designated resident care units is minimized;
- (3) Accessible toilet and shower facilities nearby;
- (4) Lockers or a safe place to store outpatient personal belongings;
- (5) A separate room or area for hydrotherapy tanks, or the equivalent, if provided; and
- (6) **In new construction**, required access must come from the exterior without passing through the interior of the facility.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2960, filed 9/24/08, effective 11/1/08.]

Food Services Areas

WAC 388-97-2980 Food service areas. The nursing home must ensure food service areas are in compliance with chapter 246-215 WAC, state board of health rules governing food service sanitation. The nursing home must:

- (1) Ensure food service areas are provided for the purpose of preparing, serving, and storing food and drink unless food service is provided from another licensed food service facility;
- (2) Ensure food service areas are located to facilitate receiving of food supplies, disposal of kitchen waste, and transportation of food to dining and resident care areas;
- (3) Locate and arrange the kitchen to avoid contamination of food, to prevent heat and noise entering resident care areas, and to prevent through traffic;
- (4) Locate the receiving area for ready access to storage and refrigeration areas;
- (5) Conveniently locate a handwashing sink near the food preparation and dishwashing area, and include a waste receptacle and dispensers stocked with soap and paper towels;
- (6) Adequately ventilate, light, and equip the dishwashing room or area for sanitary processing of dishes;

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(7) Locate the garbage storage area in a well-ventilated room or an outside area;

(8) Provide hot and cold water and a floor drain connected to the sanitary sewage system in a can wash area, unless located in outside covered area;

(9) Provide space for an office or a desk and files for food service management located central to deliveries and kitchen operations; and

(10) Include housekeeping facilities or a janitor's closet for the exclusive use of food service with a service sink and storage of housekeeping equipment and supplies.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2980, filed 9/24/08, effective 11/1/08.]

Storage

WAC 388-97-3000 Storage of equipment. The nursing home must:

- (1) Provide adequate storage space for wheelchairs and other ambulation equipment;
- (2) Ensure stored equipment does not impinge upon the required corridor space; and
- (3) **In new construction**, provide adequate storage of four square feet or more of storage space per bed which does not impinge upon required corridor space.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3000, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3020 Storage of resident room equipment in a new building or addition. The nursing home must provide separate storage for extra pillows and blankets for each bed. This may be in a location convenient to the resident room or combined with the wardrobe or closet if it does not impinge upon the required space for clothing.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3020, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3040 General storage in new construction. A nursing home must have general storage space of not less than five square feet per bed in addition to the closets and storage required in WAC 388-97-2560.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3040, filed 9/24/08, effective 11/1/08.]

Lighting and Electrical

WAC 388-97-3060 Lighting. The nursing home must ensure that lighting and lighting levels:

- (1) Are adequate and comfortable for the functions being conducted in each area of the nursing home;
- (2) Are suitable for any task the resident chooses or any task the staff must do;
- (3) Support the independent functioning of the resident;
- (4) Provide a homelike environment; and
- (5) Minimize glare.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3060, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3080 Natural or artificial light. (1) The nursing home must ensure that adequate natural or artificial lighting for inside illumination is provided in every useable

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room area, including but not limited to storerooms, attic and basement rooms, hallways, stairways, inclines, and ramps.

(2) **In new buildings and additions**, the nursing home must utilize:

(a) Windows and skylights to minimize the need for artificial light and to allow a resident to experience the natural daylight cycle; and

(b) Windows and skylights near entrances/exits in order to avoid difficulty in adjusting to light levels when entering or leaving the facility.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3080, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3100 Outside lighting. The nursing home must ensure:

(1) Lighting levels in parking lots and approaches to buildings are appropriate for resident and visitor convenience and safety; and

(2) All outside areas where nursing home equipment and machinery are stored have proper lighting.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3100, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3120 Light shields. The nursing home must ensure that light shields are provided in food preparation and serving areas, utility rooms, medication rooms, exam rooms, pool enclosures, laundry areas, and on ceiling mounted fluorescent lights in resident rooms.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3120, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3140 Illumination levels in new buildings and additions. The nursing home must ensure:

(1) Lighting fixtures and circuitry provide at least the illumination levels appropriate to the task;

(2) Design takes into consideration that lighting systems normally decrease in output with age and dirt accumulation; and

(3) Light fixture locations and switching arrangements are appropriate for the needs of the occupants of the spaces and follow Illuminating Engineering Society (IES) recommendations for health care facilities.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3140, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3160 Night lights in new construction. The nursing home must install in each resident room a night light that is:

(1) Flush mounted on the wall;

(2) Designed to prevent viewing the light source from thirty inches or more above the floor;

(3) Located to provide safe pathway lighting for the staff and residents; and

(4) Controlled by a switch at each resident room entrance door or by a master switch.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3160, filed 9/24/08, effective 11/1/08.]

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WAC 388-97-3180 Switches in new construction. The nursing home must install quiet operating switches for general illumination adjacent to doors in all areas and accessible to residents in resident rooms.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3180, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3200 Electrical outlets. (1) The nursing home must provide enough electrical outlets to meet the care and personal appliance needs of each resident. An approved power tap may be used only for portable appliances with specific overcurrent protection needs, such as a computer. A "power tap" is a device for indoor use consisting of an attachment plug on the end of a flexible cord and two or more receptacles on the opposite end, with overcurrent protection. A power tap must be:

(a) Polarized or grounded;

(b) UL listed; and

(c) Directly connected to a permanently installed electrical outlet.

(2) **In new construction**, the nursing home must ensure:

(a) There are a minimum of seven outlets:

(i) Four hospital grade electrical outlets located convenient to each residents' bed and centered at forty to forty-four inches above the floor, with a minimum of:

(A) Two additional electrical outlets at separate, convenient locations in each resident room; and

(B) One duplex electrical outlet located adjacent to each handwashing sink intended for resident use.

(b) All electrical outlets located within five feet of any sink, toilet, bath, or shower must be protected by a ground fault circuit interrupter.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3200, filed 9/24/08, effective 11/1/08.]

Safety

WAC 388-97-3220 Safety. The nursing home must provide:

(1) A safe, functional, sanitary, and comfortable environment for the residents, staff, and the public; and

(2) Signs to designate areas of hazard.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3220, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3240 Safety—Poisons and nonmedical chemicals. The nursing home must ensure that poisons and nonmedicinal chemicals are stored in containers identified with warning labels. The containers must be stored:

(1) In a separate locked storage when not in use by staff; and

(2) Separate from drugs used for medicinal purposes.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3240, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3260 Safety—Storage of equipment and supplies. The nursing home must ensure that the manner in which equipment and supplies are stored does not jeopardize the safety of residents, staff, or the public.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3260, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3280 Safety—Handrails. The nursing home must:

- (1) Provide handrails on each side of all corridors and stairwells accessible to residents; and
- (2) **In new construction** ensure that:
 - (a) Ends of handrails are returned to the walls;
 - (b) Handrails are mounted thirty to thirty-four inches above the floor and project not more than three and three-quarters inches from the wall; and
 - (c) Handrails terminate not more than six inches from a door.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3280, filed 9/24/08, effective 11/1/08.]

Water Supply

WAC 388-97-3300 Water supply. The nursing home must comply with the requirements of the group A, Public Water Systems, chapter 246-290 WAC or group B, Public Water Systems, chapter 246-291 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3300, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3320 Hot water. The nursing home must ensure:

- (1) The hot water system maintains water temperatures at one hundred ten degrees Fahrenheit, plus or minus ten degrees Fahrenheit, at fixtures used by residents and staff.
- (2) For laundry temperatures, refer to WAC 388-97-2780.
- (3) For dishwashing temperatures, refer to chapter 246-215 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3320, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3340 Cross connections. The nursing home must:

- (1) Prohibit all cross connections between potable and nonpotable water;
- (2) Use backflow prevention devices on plumbing fixtures, equipment, facilities, buildings, premises or areas which are actual or potential cross-connections to prevent the backflow of water or other liquids, gases, mixtures or substances into a water distribution system or other fixtures, equipment, facilities, buildings or areas; and
- (3) Follow guidelines, practices, procedures, interpretations and enforcement as outlined in the manual titled "Accepted Procedure and Practice in Cross-Connection Control; Pacific NW Edition; American Waterworks Association," or any successor manual, referenced in chapter 246-290 WAC for public water supply.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3340, filed 9/24/08, effective 11/1/08.]

Pest Control and Sewage and Waste Disposal

WAC 388-97-3360 Pest control. The nursing home must:

- (1) Maintain an effective pest control program so that the facility is free of pests such as rodents and insects;

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- (2) Construct and maintain buildings to prevent the entrance of pests such as rodents and insects; and

- (3) Provide mesh screens or equivalent with a minimum mesh of one-sixteenth inch on all windows and other openings that can be left open.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3360, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3380 Sewage and liquid waste disposal. The nursing home must ensure:

- (1) All sewage and liquid wastes are discharged into an approved public sewage system where such system is available; or
- (2) Sewage and liquid wastes are collected, treated, and disposed of in an on-site sewage system in accordance with chapter 246-272A WAC and meets with the approval of the local health department and/or the state department of health.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3380, filed 9/24/08, effective 11/1/08.]

New Construction Documents

WAC 388-97-3400 General new construction documents. (1) The project sponsor must submit plans for all new construction to the department of health, construction review, for review and approval. Documents must be approved before the work begins. The project sponsor must also submit documents to department of health, certificate of need for review and applicable determination.

- (2) The nursing home may request exemptions to new construction requirements as described in WAC 388-97-3500.

- (3) If the proposed project is not extensive enough to require professional architectural or engineering services, the project sponsor must submit a written description to the department of health, construction review, to determine if WAC 388-97-3440 applies.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3400, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3420 Preliminary new construction documents. If preliminary documents and specifications are submitted, they must:

- (1) Include a narrative program with drawings. Copies of these documents must be sent to the department of health, certificate of need and construction review, and to aging and disability services administration. The narrative program must identify:

- (a) How the design promotes a homelike environment and facilitates resident-centered care and services;
- (b) Functional space requirements;
- (c) Staffing patterns;
- (d) Each function to be performed;
- (e) Types of equipment required; and
- (f) Services that will not be provided directly, but will instead be provided through contract.

- (2) Refer to WAC 388-97-3400(3), if the proposed project is not extensive enough to require professional architectural or engineering services.

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(3) Be drawn to scale and include:

(a) A site plan showing streets, entrance ways, drive-ways, parking, design statements for adequate water supply, sewage and disposal systems, space for the storage of recycled materials, and the arrangement of buildings on the site noting handicapped accessible parking and entrances;

(b) Floor plans showing existing and proposed arrangements within the building, including the fixed and major movable equipment; and

(c) Each room, space, and corridor identified by function and number.

(4) Include a general description of construction and materials, including interior finishes.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3420, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3440 Final new construction documents. (1) Construction must not start until at least two sets of final construction documents drawn to scale with complete specifications have been submitted to and approved by the department of health, construction review, in coordination with aging and disability services administration and the department of health, certificate of need.

(2) An architect or engineer licensed by the state of Washington must prepare, stamp, sign, and date the final construction documents.

(3) Construction documents that are changed after approval by the department of health, construction review, require resubmission before any construction on the proposed change is started.

(4) The construction of the facility must follow the final approved construction documents.

(5) These drawings and specifications must show complete details to be furnished to contractors for construction of the buildings, including:

(a) Site plan;

(b) Drawings of each floor of the building, including fixed equipment;

(c) Elevations, sections, and construction details;

(d) Schedule of floor, wall, and ceiling finishes, door and window sizes and types, and door finish hardware;

(e) Mechanical and electrical systems;

(f) Provision for noise, dust, smoke, and draft control, fire protection, safety and comfort of the residents if construction work takes place in or near occupied areas; and

(g) Landscape plans and vegetation planting schedules for dementia care units.

(6) A reduced set of the final construction floor plans on eight and one half by eleven inch or eleven by seventeen inch sheets showing each room function and number must be submitted.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3440, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3460 Preinstallation submissions for new construction. The department of health, construction review, must receive and approve preinstallation submissions prior to installation. Preinstallation submissions may include any or all of the following:

(1) Stamped shop drawings, hydraulic calculations, and equipment information sheets for fire sprinkler system(s);

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(2) Shop drawings, battery calculations, and equipment information sheets for fire detection and alarm systems;

(3) Shop drawings and equipment information sheets for a kitchen hood and duct automatic fire extinguishing system;

(4) Drawings and equipment information sheets for special egress control devices; and

(5) Drawings and/or a finish schedule denoting areas to be carpeted with:

(a) A coding system identifying type of carpet in each area;

(b) A copy the manufacturer's specifications for each type of carpet; and

(c) A copy of a testing laboratory report of the radiant panel and smoke density tests for each type of carpet.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3460, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3480 New construction timelines. (1) Construction documents must be resubmitted for review as a new project according to current requirements if construction:

(a) Has not started within one year from the date of approval; or

(b) Is not completed within two years from the date of approval.

(2) To obtain an extension beyond two years, a written request must be submitted and approved thirty days prior to the end of the two-year period.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3480, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3500 Exemptions to new construction requirements. (1) The director of residential care services, aging and disability services administration, may grant exemptions to new construction requirements for:

(a) Alterations when the applicant demonstrates the proposed alterations will serve to correct deficiencies or will upgrade the nursing home in order to better serve residents; and

(b) Substitution of procedures, materials, or equipment for requirements specified in this chapter when such procedures, materials, or equipment have been demonstrated to the director's satisfaction to better serve residents.

(2) The nursing home must ensure requests for exemptions are in writing and include any necessary approvals from the local code enforcement authority and the state fire marshal.

(3) The nursing home must ensure all exemptions granted under the foregoing provisions are kept on file at the nursing home.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3500, filed 9/24/08, effective 11/1/08.]

Codes and Standards in New Construction

WAC 388-97-3520 State building code in new construction. The nursing home must through its design, construction and necessary permits demonstrate compliance with the following codes and local jurisdiction standards. The nursing home that submitted plans for construction review

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after July 1, 2007 must also comply with the following International Building Codes and Standards:

(1) The International Building Code, and International Building Code Standards, as published by the International Conference of Building Officials as amended and adopted by the Washington state building code council and published as chapter 51-50 WAC, or successor laws;

(2) The International Mechanical Code, including chapter 22, Fuel Gas Piping, Appendix B, as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials as amended and adopted by the Washington state building code council and published as chapter 51-52 WAC, or successor laws;

(3) The International Fire Code, and International Fire Code Standards, as published by the International Conference of Building Officials and the Western Fire Chiefs Association as amended and adopted by the Washington state building code council and published as chapter 51-54 WAC, or successor laws;

(4) The Uniform Plumbing Code, and Uniform Plumbing Code Standards, as published by the International Association of Plumbing and Mechanical Officials, as amended and adopted by the Washington state building code council and published as chapters 51-56 and 51-57 WAC, or successor laws;

(5) The Washington state ventilation and indoor air quality code, as adopted by the Washington state building code council and filed as chapter 51-13 WAC, or successor laws; and

(6) The Washington state energy code, as amended and adopted by the Washington state building code council and filed as chapter 51-11 WAC, or successor laws.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3520, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3540 Electrical codes and standards in new construction. The nursing home must ensure that all electrical wiring complies with state and local electrical codes including chapter 296-46B WAC and the National Electric Code of the National Fire Protection Association (NFPA-70) as adopted by the Washington state department of labor and industries.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3540, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3560 Elevator codes in new construction. The nursing home must ensure that elevators are installed in accordance with chapter 296-96 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3560, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3580 Local codes and ordinances in new construction. The nursing home must:

(1) Follow all local ordinances relating to zoning, building, and environmental standards; and

(2) Obtain all local permits before construction and keep permits on file at the nursing home.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3580, filed 9/24/08, effective 11/1/08.]

(2009 Ed.)

Administration and Public Areas in New Construction

WAC 388-97-3600 Entrances and exits in new construction. The nursing home must have the main entrances and exits sheltered from the weather and barrier free accessible in accordance with chapter 51-50 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3600, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3620 Lobbies in new construction. The nursing home must have a lobby or area in close proximity to the main entrance that is barrier free accessible and includes:

- (1) Waiting space with seating accommodations;
- (2) A reception and information area;
- (3) Space to accommodate persons in wheelchairs;
- (4) A public restroom;
- (5) A drinking fountain; and
- (6) A public telephone.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3620, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3640 Interview space in new construction. The nursing home must have interview spaces for private interviews relating to social service and admission.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3640, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3660 Offices in new construction. The nursing home must provide:

(1) Office space convenient to the work area for the administrator, the director of nursing services, medical records staff, social services staff, activities director, and other personnel as appropriate;

(2) Work space for physicians and outside consultants;

(3) Space for locked storage of health records which provides for fire and water protection; and

(4) Space for the safe storage and handling of financial and business records.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3660, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3680 Inservice education space in new construction. The nursing home must provide space for employee inservice education that will not infringe upon resident space.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3680, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3700 Staff areas in new construction. The nursing home must ensure a lounge, lockers, and toilets are provided convenient to the work areas for employees and volunteers.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3700, filed 9/24/08, effective 11/1/08.]

Visiting, Private, and Outdoor Recreation Space and Walkways in New Construction

WAC 388-97-3720 Visiting and private space in new construction. The nursing home must design a separate room

or areas for residents to have family and friends visit and for residents to spend time alone. The nursing home must ensure these areas provide:

- (1) Space which facilitates conversation and privacy; and
- (2) Access to a common-use toilet facility.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3720, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3740 Outdoor recreation space and walkways in new construction. A nursing home must provide a safe, protected outdoor area for resident use. The nursing home must ensure the outdoor area has:

- (1) Shaded and sheltered areas to meet residents needs;
- (2) Accessible walking surfaces which are firm, stable, and free from cracks and abrupt changes with a maximum of one inch between sidewalk and adjoining landscape areas;
- (3) Sufficient space and outdoor furniture provided with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids;
- (4) Shrubs, natural foliage, and trees; and
- (5) If used as a resident courtyard, the outdoor area must not be used for public or service deliveries.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3740, filed 9/24/08, effective 11/1/08.]

Pools and Pharmacies in New Construction

WAC 388-97-3760 Pools in new construction. The nursing home must ensure swimming pools, spas, and tubs which remain filled between uses meet the requirements in chapter 246-260 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3760, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3780 Pharmacies in new construction. The nursing home must ensure that an on-site pharmacy meets the requirements of the Washington state board of pharmacy per chapters 18.64 RCW and 246-865 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3780, filed 9/24/08, effective 11/1/08.]

General Design Requirements in New Construction

WAC 388-97-3800 Elevators in new construction. The nursing home must:

- (1) Ensure that all buildings having residential use areas or service areas that are not located on the main entrance floor, have an elevator; and
- (2) Have at least one elevator sized to accommodate a resident bed and attendant for each sixty beds on floors other than the main entrance floor.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3800, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3820 Stairways, ramps, and corridors in new construction. The nursing home must ensure stairways, ramps, and corridors conform with Uniform Building Code.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3820, filed 9/24/08, effective 11/1/08.]

[Title 388 WAC—p. 612]

WAC 388-97-3840 Walking surfaces in a new building or addition. The nursing must ensure that:

- (1) An abrupt change in the walking surface level including at door thresholds which are greater than one quarter inch are beveled to a one vertical in two horizontal; and
- (2) Changes in the walking surface level greater than one half inch are accomplished by means of a ramp with a maximum slope of one vertical in twelve horizontal.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3840, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3860 Doors in new construction. The nursing home must ensure doors to:

- (1) Resident rooms provide a minimum of forty-four inches clear width;
- (2) Resident bathrooms and toilet rooms are a minimum of thirty-two inches clear width for wheelchair access;
- (3) All resident toilet rooms and bathing facilities open outward except if doors open directly into a resident occupied corridor;
- (4) Toilet rooms and bathrooms have single action locks, and a means of unlocking doors from the outside;
- (5) Occupied areas do not swing into corridors; and
- (6) All passages are arranged so that doors do not open onto or obstruct other doors while maintaining resident dignity.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3860, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3880 Floor finishes in new construction. The nursing home must ensure:

- (1) Floors at all outside entrances have slip-resistant finishes both inside and outside the entrance even when wet; and
- (2) All uncarpeted floors are smooth, nonabsorbent and easily cleanable.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3880, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3900 Carpets in new construction. The nursing home must ensure that department of health, construction review approves of all carpet installation.

- (1) Carpets may be used in all areas except: Toilet rooms, bathrooms, kitchen, laundry, utility rooms, medication rooms, maintenance, isolation rooms if provided, and areas subject to high moisture or flooding. Specifications for acceptable carpeting are:

- (a) Pile yarn fibers are easily cleanable;
- (b) Pile is looped texture in all resident use areas. Cut pile may be used in nonresident use areas;
- (c) Average pile density of five thousand ounces per cubic yard in resident use areas and four thousand ounces per cubic yard in nonresident areas. The formula for calculating the density of the carpet is: Yarn weight in ounces times 36, divided by pile height in inches equals ounces per cubic yard of density; and

- (d) A maximum pile height of .255 inches in resident use areas and .312 inches in nonresident use areas.

(2) Carpets must:

- (a) Be cemented to the floor; and
- (b) Have the edges covered and top set base with toe at all wall junctures.

(3) When recarpeting, the safety of residents must be assured during and after recarpeting installation within the room or area. The nursing home must ensure the room or area is:

- (a) Well ventilated;
- (b) Unoccupied; and
- (c) Unavailable for use until room is free of volatile fumes and odors.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3900, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3920 Coving in new construction. The nursing home must ensure:

- (1) Kitchens, restrooms, laundry, utility rooms, and bathing areas have integral coves of continuous commercial grade sheet vinyl, bullnose ceramic tile or sealed bullnose quarry tile at least six inches in height; and
- (2) All other wall junctions have either integral coving or top set base with toe.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3920, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3940 Walls in new construction. The nursing home must ensure:

- (1) Wall finishes are easily cleanable;
- (2) A water-resistant finish extends above the splash line in all rooms or areas subject to splash or spray, such as bathing facilities with tubs only, toilet rooms, janitors' closets, and can-wash areas; and
- (3) Bathing facilities with showers have a water-resistant finish extending to the ceiling.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3940, filed 9/24/08, effective 11/1/08.]

WAC 388-97-3960 Accessories in new construction. The nursing home must provide the following accessories with the necessary backing, if required, for mounting:

- (1) Usable countertop area and mirror at each handwashing sink in toilet rooms and resident rooms;
- (2) Towel or robe hooks at each handwashing sink in resident rooms and at each bathing facility;
- (3) A robe hook at each bathing facility, toilet room and in examination room or therapy area, including outpatient therapy rooms;
- (4) A securely mounted toilet paper holder properly located within easy reach of the user at each toilet fixture;
- (5) Sanitary seat covers at each public and employee use toilet;
- (6) Open front toilet seats on all toilets;
- (7) Dispensers for paper towels and handwashing soap at each handwashing sink, and bathing facility;
- (8) Sanitary napkin dispensers and disposers in public and employee women's toilet rooms; and
- (9) Grab bars that are easily cleanable and resistant to corrosion and securely mounted.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3960, filed 9/24/08, effective 11/1/08.]

(2009 Ed.)

WAC 388-97-3980 Miscellaneous in new construction. The nursing home must ensure:

- (1) Rooms and service areas are identified by visible and tactile signs, refer to WAC 388-97-2900(2) for possible exceptions; and
- (2) Equipment and casework is designed, manufactured and installed for ease of proper cleaning and maintenance, and suitable for the functions of each area.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3980, filed 9/24/08, effective 11/1/08.]

Heating, Ventilation, and Air Conditioning Systems in New Construction

WAC 388-97-4000 Heating systems in new construction. The nursing home must ensure:

- (1) The heating system is capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents and seventy degrees Fahrenheit for nonresident areas;
- (2) Resident rooms have individual temperature control, except in a dementia care unit controls may be covered, locked, or placed in an inconspicuous place;
- (3) The following is insulated within the building:
 - (a) Pipes conducting hot water which are exposed to resident contact; and
 - (b) Air ducts and casings with outside surface temperatures below ambient dew point.
- (4) Insulation on cold surfaces includes an exterior vapor barrier; and
- (5) Electric resistant wall heat units are prohibited in new construction.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4000, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4020 Cooling systems in new construction. The nursing home must have:

- (1) A mechanical cooling system capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents; and
- (2) A cooling system that has mechanical refrigeration equipment to provide summer air conditioning to resident areas, food preparation areas, laundry, medication rooms, and therapy areas by either a central system with distribution ducts or piping, or packaged room or zonal air conditioners.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4020, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4040 Ventilation systems in new construction. The nursing home must ensure:

- (1) Ventilation of all rooms is designed to prevent objectionable odors, condensation, and direct drafts on the residents;
- (2) All habitable space is mechanically ventilated including:
 - (a) Air supply and air exhaust systems;
 - (b) Installation of air-handling duct systems according to the requirements of the International Mechanical Code and chapter 51-52 WAC;
 - (c) Installation of supply registers and return air grilles at least three inches above the floor;

[Title 388 WAC—p. 613]

(d) Installation of exhaust grilles on or near the ceiling; and

(e) Outdoor air intakes located a minimum of twenty-five feet from the exhaust from any ventilating system, combustion equipment, or areas which may collect vehicular exhaust and other noxious fumes, and a minimum of ten feet from plumbing vents. The nursing home must locate the bottom of outdoor air intakes serving central systems a mini-

imum of three feet above adjoining grade level or, if installed through the roof, three feet above the highest adjoining roof level.

(3) Minimum ventilation requirements meet the pressure relationship and ventilation rates per ASHRAE 2007 HVAC Applications Chapter 7.11 Table 6, Pressure Relationships and Ventilation of Certain Areas of Nursing Homes.

TABLE 6
PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS OF NURSING HOMES

Function Area	Pressure Relationship To Adjacent Areas ^{1,2}	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Air Recirculated Within Room Units
RESIDENT CARE					
Resident room (holding room)	±	2	4	Optional	Optional
Resident corridor	±	Optional	2	Optional	Optional
Toilet room	N	Optional	10	Yes	No
Resident gathering (dining, activity)	±	2	4	Optional	Optional
DIAGNOSTIC AND TREATMENT					
Examination room	±	2	6	Optional	Optional
Physical therapy ³	N	2	6	Optional	Optional
Occupational therapy ³	N	2	6	Optional	Optional
Soiled workroom or soiled holding	N	2	10	Yes	No
Clean workroom or clean holding	P	2	4	Optional	Optional
STERILIZING AND SUPPLY					
Sterilizer exhaust room	N	Optional	10	Yes	No
Linen and trash chute room	N	Optional	10	Yes	No
Laundry, general ³	±	2	10	Yes	No
Soiled linen sorting and storage	N	Optional	10	Yes	No
Clean linen storage	P	Optional	2	Yes	No
SERVICE					
Food preparation center ³	±	2	10	Yes	Yes
Warewashing room ³	N	Optional	10	Yes	Yes
Dietary day storage	±	Optional	2	Yes	No
Janitor closet	N	Optional	10	Yes	No
Bathroom	N	Optional	10	Yes	No
Personal services (barber/salon)	N	2	10	Yes	No

^{1/} P=Positive N=Negative ±=Continuous directional control not required.

^{2/} Whether positive or negative, pressure must be a minimum of seventy cubic feet per minute (CFM).

^{3/} The volume of air may be reduced up to fifty percent in these areas during periods of nonuse. The soiled holding area of the general laundry must maintain its full ventilation capacity at all times.

(4) Individual exhaust systems meet the following requirements:

(a) Where individual mechanical exhaust systems are used to exhaust individual toilet rooms or bathrooms, the individual ventilation fans are interconnected with room lighting to ensure ventilation while room is occupied. The ventilation fan must have a time delay shutoff to ensure that the exhaust continues for a minimum of five minutes after the light switch is turned off; and

(b) The volume of air removed from the space by exhaust ventilation is replaced directly or indirectly by an equal amount of tempered/conditioned air.

(5) Central exhaust systems meet the following requirements:

(a) All fans serving central exhaust systems are located to prevent a positive pressure in the duct passing through an occupied area; and

(b) Fire and smoke dampers are located and installed in accordance with the International Building Code, Standards and amendments in chapter 51-50 WAC.

(6) Air filters meet the following requirements:

(a) All central ventilation or air-conditioning systems are equipped with filters per ASHRAE 2007 HVAC Applications Chapter 7.11 Table 5, Filter Efficiencies for Central Ventilation and Air Conditioning Systems in Nursing Homes and meet the following requirements:

Table 5 Filter Efficiencies for Central Ventilation and Air-Conditioning Systems in Nursing Homes		
FUNCTION AREA	Minimum Number of Filter Beds	Filter Efficiency of Main Filter Bed, MERV*
Resident care, treatment, diagnos- tic, and related areas	1	15
Food preparation areas and laundries	1	8
Administrative, bulk storage, and soiled holding areas	1	6

*MERV = Minimum Efficiency Reporting Value

(b) Central ventilation or air conditioning systems means any system serving more than a single room used by residents or by any group of rooms serving the same utility function (i.e., the laundry);

(c) Filter efficiency is warranted by the manufacturer and is based on atmospheric dust spot efficiency per ASHRAE Standard 52.2;

(d) The filter bed is located upstream of the air-conditioning equipment, unless a prefilter is employed. In which case, the prefilter is upstream of the equipment and the main filter bed may be located downstream;

(e) Filter frames are durable and provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work are gasketed or sealed;

(2009 Ed.)

(f) All central air systems have a manometer installed across each filter bed with an alarm to signal high pressure differential; and

(g) Humidifiers, if provided, are a steam type.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4040, filed 9/24/08, effective 11/1/08.]

Plumbing and Fixtures in New Construction

WAC 388-97-4060 Handwashing sinks in new construction. The nursing home must provide a handwashing sink in each toilet room and exam room.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4060, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4080 Drinking fountains in new construction. Where drinking fountains are installed, the nursing home must ensure the fountains are of the inclined jet, sanitary type.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4080, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4100 Mixing valves or mixing faucets in new construction. The nursing home must provide each fixture, except toilet fixtures and special use fixtures, with hot and cold water through a mixing valve or mixing faucet.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4100, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4120 Spouts in new construction. The nursing home must ensure all lavatories and sinks in resident rooms, resident toilet rooms, and utility and medication areas have gooseneck spouts, without aerators in areas requiring infection control.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4120, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4140 Faucet controls in new construction. The nursing home must provide wrist blade, single-lever controls or their equivalent at all sinks and lavatories. The nursing home must:

- (1) Provide at least four inch wrist blades and/or single-levers;
- (2) Provide sufficient space for full open and closed operation; and
- (3) Color-code and label faucet controls to indicate "hot" and "cold."

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4140, filed 9/24/08, effective 11/1/08.]

SUBCHAPTER III

NURSING HOME LICENSE

Initial License Application

WAC 388-97-4160 Initial nursing home license. (1) A complete nursing home license application must be:

(a) Submitted at least sixty days prior to the proposed effective date of the license on forms designated by the department;

(b) Signed by the proposed licensee or the proposed licensee's authorized representative;

(c) Notarized; and

(d) Reviewed by the department in accordance with this chapter.

(2) All information requested on the license application must be provided. At minimum, the nursing home license application will require the following information:

(a) The name and address of the proposed licensee, and any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee;

(b) The names of the administrator, director of nursing services, and, if applicable, the management company;

(c) The specific location and the mailing address of the facility for which a license is sought;

(d) The number of beds to be licensed; and

(e) The name and address of all nursing homes that the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee has been affiliated with in the past ten years.

(3) The proposed licensee must be:

(a) The individual or entity responsible for the daily operation of the nursing home;

(b) Denied the license if any individual or entity named in the application is found by the department to be unqualified.

(4) For initial licensure of a new nursing home, the proposed licensee must submit the annual license fee with the initial license application. The nonrefundable nursing home license fee is two hundred seventy-five dollars per bed per year.

(5) If any information submitted in the initial license application changes before the license is issued, the proposed licensee must submit a revised application containing the changed information.

(6) If a license application is pending for more than six months, the proposed licensee must submit a revised application containing current information about the proposed licensee or any other individuals or entities named in the application.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4160, filed 9/24/08, effective 11/1/08.]

License Renewal

WAC 388-97-4180 Nursing home license renewal. (1) All nursing home licenses must be renewed annually.

(2) License renewals must be:

(a) Submitted at least thirty days prior to the license's expiration date on forms designated by the department;

(b) Signed by the current licensee; and

(c) Reviewed by the department in accordance with this chapter.

(3) The current licensee must provide all information on the license renewal form or other information requested by the department.

(4) The application for a nursing home license renewal must be made by the individual or entity currently licensed and responsible for the daily operation of the nursing home.

(5) The nursing home license renewal fee must be submitted at the time of renewal. The nonrefundable nursing

home license renewal fee is two hundred seventy-five dollars per bed per year.

(6) In unusual circumstances, the department may issue an interim nursing home license for a period not to exceed three months. The current licensee must submit the prorated nursing home license fee for the period covered by the interim license. The annual date of license renewal does not change when an interim license is issued.

(7) A change of nursing home ownership does not change the date of license renewal and fee payment.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4180, filed 9/24/08, effective 11/1/08.]

Department Review of License Applications and Appeals

WAC 388-97-4200 Department review of initial nursing home license applications. (1) All initial nursing home license applications must be reviewed by the department under this chapter.

(2) The department will not begin review of an incomplete license application.

(3) The proposed licensee must respond to any department request for additional information within five working days.

(4) When the application is determined to be complete, the department will consider the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee, separately and jointly, in its review. The department will review:

(a) The information contained in the application;

(b) Survey and complaint investigation findings in every facility each individual and entity named in the application has been affiliated with during the past ten years;

(c) Compliance history;

(d) Financial assessments;

(e) Actions against the proposed licensee (i.e., revocation, suspension, refusal to renew, etc.);

(f) All criminal convictions, and relevant civil or administrative actions or findings including, but not limited to, findings under 42 C.F.R. § 488.335, disciplinary findings, and findings of abuse, neglect, exploitation, or abandonment; and

(g) Other relevant information.

(5) The department will notify the proposed licensee of the results of the review.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4200, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4220 Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license. (1) The department may deny, suspend, modify, revoke, or refuse to renew a nursing home license when the department finds the proposed or current licensee, or any partner, officer, director, managing employee, owner of five percent or more of the proposed or current licensee of the nursing home, owner of five percent or more of the assets of the nursing home, proposed or current administrator, or employee or individual providing nursing home care or services has:

(a) Failed or refused to comply with the:

(i) Requirements established by chapters 18.51, 74.42, or 74.46 RCW and regulations adopted under these chapters; or

(ii) Medicaid requirements of Title XIX of the Social Security Act and medicaid regulations.

(b) A history of significant noncompliance with federal or state regulations in providing nursing home care;

(c) No credit history or a poor credit history;

(d) Engaged in the illegal use of drugs or the excessive use of alcohol or been convicted of "crimes relating to drugs" as defined in RCW 43.43.830;

(e) Unlawfully operated a nursing home, or long term care facility as defined in RCW 70.129.010, without a license or under a revoked or suspended license;

(f) Previously held a license to operate a hospital or any facility for the care of children or vulnerable adults, and that license has been revoked, or suspended, or the licensee did not seek renewal of the license following written notification of the licensing agency's initiation of revocation or suspension of the license;

(g) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(h) Permitted, aided, or abetted the commission of any illegal act on the nursing home premises;

(i) Been convicted of a felony or other crime that would be prohibited under RCW 74.39A.050(8), if it reasonably relates to the competency of the individual to own or operate a nursing home;

(j) Failed to:

(i) Provide any authorization, documentation, or information the department requires in order to verify information contained in the application;

(ii) Meet financial obligations as the obligations fall due in the normal course of business;

(iii) Verify additional information the department determines relevant to the application;

(iv) Report abandonment, abuse, neglect or financial exploitation in violation of chapter 74.34 RCW; or in the case of a skilled nursing facility or nursing facilities, failure to report as required by 42 C.F.R. 483.13; or

(v) Pay a civil fine the department assesses under this chapter within ten days after assessment becomes final.

(k) Been certified pursuant to RCW 74.20A.320 as a person who is not in compliance with a child support order (license suspension only);

(l) Knowingly or with reason to know makes a false statement of a material fact in the application for a license or license renewal, in attached data, or in matters under department investigation;

(m) Refused to allow department representatives or agents to inspect required books, records, and files or portions of the nursing home premises;

(n) Willfully prevented, interfered with, or attempted to impede the work of authorized department representatives in the:

(i) Lawful enforcement of provisions under this chapter or chapters 18.51 or 74.42 RCW; or

(ii) Preservation of evidence of violations of provisions under this chapter or chapters 18.51 or 74.42 RCW.

(o) Retaliated against a resident or employee initiating or participating in proceedings specified under RCW 18.51.220; or

(p) Discriminated against medicaid recipients as prohibited under RCW 74.42.055.

(2) In determining whether there is a history of significant noncompliance with federal or state regulations under subsection (1)(b), the department may, at a minimum, consider:

(a) Whether the violation resulted in a significant harm or a serious and immediate threat to the health, safety, or welfare of any resident;

(b) Whether the proposed or current licensee promptly investigated the circumstances surrounding any violation and took steps to correct and prevent a recurrence of a violation;

(c) The history of surveys and complaint investigation findings and any resulting enforcement actions;

(d) Repeated failure to comply with regulations;

(e) Inability to attain compliance with cited deficiencies within a reasonable period of time; and

(f) The number of violations relative to the number of facilities the proposed or current licensee, or any partner, officer, director, managing employee, employee or individual providing nursing home care or services has been affiliated within the past ten years, or owner of five percent or more of the proposed or current licensee or of the assets of the nursing home.

(3) The department must deny, suspend, revoke, or refuse to renew a proposed or current licensee's nursing home license if the proposed or current licensee or any partner, officer, director, managing employee, owner of five percent or more of the proposed or current licensee of the nursing home or owner of five percent or more of the assets of the nursing home, proposed or current administrator, or employee or individual providing nursing home care or services has been:

(a) Convicted of a "crime against children or other persons" as defined under RCW 43.43.830;

(b) Convicted of a "crime relating to financial exploitation" as defined under RCW 43.43.830;

(c) Found by a court in a criminal proceeding or a protection proceeding under chapter 74.34 RCW, or any comparable state or federal law, to have abandoned, abused, neglected or financially exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or an individual with a developmental disability or to have abused, neglected, abandoned, or financially exploited any vulnerable adult;

(e) Found in any dependency action to have sexually assaulted or exploited any minor or to have physically abused any minor;

(f) Found by a court in a domestic relations proceeding under Title 26 RCW, or any comparable state or federal law, to have sexually abused or exploited any minor or to have physically abused any minor; or

(g) Found to have abused, neglected, abandoned or financially exploited or mistreated residents or misappropriated their property, and that finding has been entered on a nursing assistant registry.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-4220, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4240 Appeal of the department's licensing decision. A proposed or current licensee contesting a department licensing decision must file a written request for an administrative hearing within twenty days of receipt of the decision.

The appeals process and requirements are set forth in WAC 388-97-4440.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-4240, filed 9/24/08, effective 11/1/08.]

Management Agreements and Changes of Ownership

WAC 388-97-4260 Management agreements. (1) The licensee is responsible for the daily operations of the nursing home.

(2) As used in this section:

(a) **"Management agreement,"** means a written, executed, agreement between the licensee and another individual or entity regarding the provision of certain services in a nursing home; and

(b) **"Manager"** refers to the individual or entity providing services under a management agreement.

(3) The licensee may not give the manager responsibilities that are so extensive that the licensee is relieved of responsibility for the daily operations and provisions of services of the facility. If the licensee does so, then the department must determine that a change of ownership has occurred.

(4) The proposed licensee or the current licensee must notify the residents and their representatives sixty days before entering into a management agreement.

(5) The department must receive a written management agreement, including an organizational chart showing the relationship between the proposed or current licensee, management company, and all related organizations:

(a) Sixty days before:

(i) The proposed change of ownership date;

(ii) The initial licensure date; or

(iii) The effective date of the management agreement; or

(b) Thirty days before the effective date of any amendment to an existing management agreement.

(6) Management agreements, at minimum must:

(a) Create a principal/agent relationship between the licensee and the manager;

(b) Describe the responsibilities of the licensee and manager, including items, services, and activities to be provided;

(c) Require the licensee's governing body, board of directors, or similar authority to appoint the facility administrator;

(d) Provide for maintenance and retention of all records as applicable according to rules and regulations;

(e) Allow unlimited access by the department to documentation and records according to applicable laws or regulations;

(f) Require the licensee to participate in monthly oversight meetings and quarterly on-site visits to the facility;

(g) Require the manager to immediately send copies of surveys and notices of noncompliance to the licensee;

(h) State that the licensee is responsible for ensuring all licenses, certifications, and accreditations are obtained and maintained;

(i) State that the manager and licensee will review the management agreement annually and notify the department of changes according to applicable regulations;

(j) Acknowledge that the licensee is the party responsible for meeting state and federal licensing and certification requirements;

(k) Require the licensee to maintain ultimate responsibility over personnel issues relating to the operation of the nursing home and care of the residents, including but not limited to, staffing plans, orientation, and training;

(l) Require that, even if day-to-day management of the trust funds are delegated, the licensee:

(i) Retains all fiduciary and custodial responsibility for funds that have been deposited with the nursing home by the resident; and

(ii) Is directly accountable to the residents for such funds.

(m) Provide that if any responsibilities for the day-to-day management of the resident trust fund are delegated to the manager, then the manager must:

(i) Provide the licensee with a monthly accounting of the resident funds; and

(ii) Meet all legal requirements related to holding, and accounting for, resident trust funds; and

(n) State that the manager will not represent itself or give the appearance it is the licensee.

(7) Upon receipt of a proposed management agreement, the department may require:

(a) The licensee or manager to provide additional information or clarification;

(b) Any changes necessary to:

(i) Bring the management agreement into compliance with this section; and

(ii) Ensure that the licensee has not been relieved of the responsibility for the daily operations of the facility; and

(c) More frequent contact between the licensee and manager under subsection (6)(f).

(8) The licensee and manager must act in accordance with the terms of the management agreements. If the department determines that they are not, then the department may take action deemed appropriate.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-4260, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4280 Change of ownership. (1) A change of ownership occurs when there is a substitution, elimination, or withdrawal of the licensee or a substitution of control of the licensee. **"Control,"** as used in this section, means the possession, directly or indirectly, of the power to direct the management, operation, and policies of the licensee, whether through ownership, voting control, by agreement, by contract or otherwise. Events which constitute a change of ownership include, but are not limited to, the following:

(a) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) The licensee transfers ownership of the nursing home business enterprise to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the facility is also transferred;

- (c) Dissolution or consolidation of the entity;
- (d) Merger unless the licensee survives the merger and there is not a change in control of the licensee;
- (e) If, during any continuous twenty-four month period, fifty percent or more of the entity is transferred, whether by a single transaction or multiple transactions, to:
 - (i) A different party (e.g., new or former shareholders); or
 - (ii) An individual or entity that had less than a five percent ownership interest in the nursing home at the time of the first transaction; or
- (f) Any other event or combination of events that the department determines results in a:
 - (i) Substitution, elimination, or withdrawal of the licensee; or
 - (ii) Substitution of control of the licensee responsible for the daily operational decisions of the nursing home.

(2) Ownership does not change when the following, without more, occur:

- (a) A party contracts with the licensee to manage the nursing home enterprise in accordance with the requirements of WAC 388-97-4260; or
- (b) The real property or personal property assets of the nursing home are sold or leased, or a lease of the real property or personal property assets is terminated, as long as there is not a substitution or substitution of control of the licensee.

(3) When a change of ownership is contemplated, the current licensee must notify the department and all residents and their representatives at least sixty days prior to the proposed date of transfer. The notice must be in writing and contain the following information as specified in RCW 18.51-.530:

- (a) Name of the proposed licensee;
- (b) Name of the managing entity;
- (c) Names, addresses, and telephone numbers of department personnel to whom comments regarding the change may be directed;
- (d) Names of all officers and the registered agent in the state of Washington if proposed licensee is a corporation; and
- (e) Names of all general partners if proposed licensee is a partnership.

(4) The proposed licensee must comply with license application requirements. The operation or ownership of a nursing home must not be transferred until the proposed licensee has been issued a license to operate the nursing home.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-4280, filed 9/24/08, effective 11/1/08.]

Licensed Bed Capacity, Relocation of Residents and License Relinquishment

WAC 388-97-4300 Licensed bed capacity. A nursing home must not be licensed for a capacity that exceeds the number of beds permitted under:

- (1) This chapter;
- (2) Chapter 70.38 RCW and regulations thereunder; or
- (3) Applicable local zoning, building or other such regulations.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-4300, filed 9/24/08, effective 11/1/08.]

(2009 Ed.)

WAC 388-97-4320 Relocation of residents. (1) In the event of license revocation or suspension, decertification, or other emergency closures the department must:

- (a) Notify residents and, when appropriate, resident representatives of the action;
- (b) Assist with residents' relocation and identify possible alternative living choices and locations; and
- (c) The nursing home will assist the residents to the extent it is directed to do so by the department.

(2) When a resident's relocation occurs due to a nursing home's voluntary closure, or voluntary termination of its medicare or medicaid contract or both, the nursing home must:

- (a) Notify the department and all residents and resident representatives in accordance with WAC 388-97-1640;
- (b) Notify the Centers for Medicare and Medicaid Services and the public as required by 42 C.F.R. 489.52, or a successor regulation, if the closure or termination affects the provision of medicare services; and
- (c) Provide appropriate discharge planning and coordination for all residents including a plan to the department for safe and orderly transfer or discharge of residents from the nursing home.

(3) The department may provide residents assistance with relocation.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-4320, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4340 License relinquishment. (1) A nursing home licensee must voluntarily relinquish its license when:

- (a) The nursing home ceases to do business as a nursing home; and
 - (b) Within twenty-four hours after the last resident is discharged from the facility.
- (2) The license must be returned to the department.
- (3) If a nursing home licensee fails to voluntarily relinquish its license, the department will revoke the license.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52, 08-20-062, § 388-97-4340, filed 9/24/08, effective 11/1/08.]

SUBCHAPTER IV

NURSING HOME LICENSURE PROGRAM ADMINISTRATION

WAC 388-97-4360 Inspections and deficiency citation report. (1) The department may inspect nursing homes at any time in order to determine compliance with the requirements of chapters 18.51 or 74.42 RCW and this chapter. Types of state inspections in nursing homes include pre-occupancy, licensing, revisit, and complaint investigation. In the case of a medicaid or medicare contractor, or both, the department may also inspect medicare and medicaid certified nursing homes to determine compliance with the requirements of Title XVIII and/or XIX of the Social Security Act and federal medicare and medicaid regulations.

(2) The department will provide to the nursing home written documentation (notice) of the nursing home's deficiency(ies), the requirement that the deficiency(ies) violates,

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and the reasons for the determination of noncompliance with the requirements (RCW 18.51.091).

(3) The department may revisit the nursing home to confirm that corrections of deficiencies has been made. Revisits will be made:

(a) In accordance with RCW 74.39A.060 (5)(e);

(b) In the case of a medicare or medicaid contractor, or both, in accordance with the requirements of Title XVIII or XIX, or both of the Social Security Act and federal medicare and medicaid regulations; and

(c) At the department's discretion.

(4) The licensee or nursing home must:

(a) Ensure that department staff have access to the nursing home residents, staff and all resident records; and

(b) Not willfully interfere or fail to cooperate with department staff in the performance of official duties. Examples of willful interference or failure to cooperate include, but are not limited to, not allowing department staff to talk to residents or staff in private or not allowing department staff access to resident records.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4360, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4380 Plan of correction. (1) The licensee or nursing home must, within ten calendar days of notification of the cited deficiencies prepare, sign, date and provide to the department a detailed written plan of correction. Such plan of correction will provide notification to the department of the date by which the nursing home will complete the correction of cited deficiencies. The plan of correction must be completed regardless of whether the licensee requests an informal department review in accordance with WAC 388-97-4420.

(2) A plan of correction is not required for deficiencies at a severity level 1/isolated scope as described in WAC 388-97-4500, unless specifically requested by the department.

(3) In the case of actual or imminent threat to resident health or safety/immediate jeopardy (severity level 4 as described in WAC 388-97-4500), the department may require the licensee or nursing home to submit a document alleging that the imminent threat has been removed within a time frame specified by the department. The document must specify the steps the nursing home has taken or will take to correct the imminent harm. An allegation that the imminent harm has been removed does not substitute for the plan of correction as required by subsection (1) of this section but it will become a part of the completed plan of correction.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4380, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4400 Acceptable and unacceptable plans of correction. (1) A plan of correction must:

(a) Address how corrective action will be accomplished for those residents found to have been affected by the deficient practice;

(b) Address how the nursing home will identify other residents having the potential to be affected by the same deficient practice;

(c) Address what measures will be put into place or systemic changes made to ensure that the deficient practice will not recur;

(d) Indicate how the nursing home plans to monitor its performance to make sure that solutions are sustained, including how the plan of correction will be integrated into the nursing home's quality assurance system;

(e) Give the title of the person who is responsible for assuring lasting correction; and

(f) Give the date by which the correction will be made.

(2) The department will review the nursing home's plan of correction to determine whether it is acceptable.

(3) When deficiencies involve nursing home alterations, physical plant plan development, construction review, or other circumstances where extended time to complete correction may be required, the department's designated local aging and disability services administration field office or other department designee may accept a plan of correction as evidence of substantial compliance under the following circumstances:

(a) The plan of correction must include the steps that the nursing home needs to take, the time schedule for completion of the steps, and concrete evidence that the plan will be carried out as scheduled; and

(b) The nursing home must submit progress reports and/or updated plans to the department in accordance with a schedule specified by department.

(c) The department's acceptance of a plan of correction is solely at the department's discretion and does not rule out the imposition of optional remedies.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4400, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4420 Informal department review. (1) For medicare or medicaid certified nursing homes, the informal department review process described in this section is the only opportunity for the nursing home to dispute the federal deficiency citation report, unless a federal sanction is imposed.

(2) The nursing home licensee has the right to an informal department review of disputed state or federal citations, or both.

(3) A licensee must make a written request for an informal department review within ten calendar days of receipt of the department's written deficiency citation(s) report. The request must be directed to the department's designated local aging and disability services administration office and must identify the deficiencies that are being disputed.

(4) At the informal department review, the licensee or nursing home may provide documentation and verbal explanations related to the disputed federal or state deficiencies, or both.

(5) When modifications or deletions are made to the disputed federal or state deficiency citations, or both, the licensee or nursing home must modify or delete the relevant portions of the plan of correction within five days of receipt of the modified or deleted deficiency(ies). The licensee or nursing home may request from the department a clean copy of the revised deficiency citation report.

(6) If the licensee or nursing home is unwilling to provide the modified plan of correction, the department may impose a per day civil fine for failure to return the modified deficiency citation report to the department in accordance with this subsection.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4420, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4440 Notice and appeal rights. (1) The notification and hearing rights in this section apply to any appealable action taken by the department under chapters 18.51, 74.42 and 74.39A RCW. Notification and appeals requirements for resident protection program findings are described in WAC 388-97-0720 and 388-97-0740.

(2) The following actions may be appealed:

(a) Imposition of a penalty under RCW 18.51.060 or 74.42.580;

(b) An action by the department such as a denial of a license under RCW 18.51.054, a license suspension under RCW 18.51.067 or a condition on a license under RCW 74.39A.050; or

(c) Deficiencies cited on the state survey report.

(3) The appeal process will be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 18.51.065 and 74.42.580, chapter 388-02 WAC and this chapter. If any provision in this chapter conflicts with chapter 388-02 WAC, the provision of this chapter will govern.

(4) The purpose of an administrative hearing will be to review actions taken by the department under chapters 18.51, 74.42 or 74.39A RCW, and under this chapter.

(5) The applicant, licensee or nursing home must receive a request for an administrative hearing with the office of administrative hearings within twenty days of receipt of written notification of the department's action as defined in subsection (2) of this section. Further information about administrative hearings is available in chapter 388-02 WAC and at the office of administrative hearing (OAH) web site: www.oah.wa.gov.

(6) Orders of the department imposing a stop placement, license suspension, emergency closure emergency transfer of residents, temporary management or conditions on a license are effective immediately upon verbal or written notice and must remain in effect until they are rescinded by the department or through the state administrative appeals process.

(7) Deficiencies cited on the federal survey report may not be appealed through the state administrative appeals process. If a federal remedy is imposed, the Centers for Medicare and Medicaid Services will notify the nursing facility of appeal rights under the federal administrative appeals process.

(8) The department's decision to petition to remove a finding of neglect under WAC 388-97-0780 (3)(c) may not be appealed.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4440, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4460 Remedies.

Mandatory Remedies

(1) In accordance with RCW 18.51.060 (5)(a), the department must impose a stop placement order when the department determines that the nursing home is not in substantial compliance with applicable laws or regulations and the cited deficiency(ies):

(a) Jeopardize the health and safety of the residents; or

(b) Seriously limit the nursing home's capacity to provide adequate care.

(2009 Ed.)

(2) When required by RCW 18.51.060(3), the department must deny payment to a nursing home that is certified to provide medicaid services for any medicaid-eligible individual admitted to the nursing home. Nursing homes that are certified to provide medicare services or both medicare and medicaid services may be subject to a federal denial of payment for new admissions, in accordance with federal law.

(3) The department must deny, suspend, revoke or refuse to renew a proposed or current licensee's nursing home license in accordance with WAC 388-97-4220(3).

Optional Remedies

(4) When the department determines that a licensee has failed or refused to comply with the requirements under chapter 18.51, 74.39A or 74.42 RCW, or this chapter; or a medicaid contractor has failed or refused to comply with medicaid requirements of Title XIX of the Social Security Act or medicaid regulations, the department may impose any or all of the following optional remedies:

(a) Stop placement;

(b) Immediate closure of a nursing home, emergency transfer of residents or both;

(c) Civil fines;

(d) Appoint temporary management;

(e) Petition the court for appointment of a receiver in accordance with RCW 18.51.410;

(f) License denial, revocation, suspension or nonrenewal;

(g) Denial of payment for new medicaid admissions;

(h) Termination of the medicaid provider agreement (contract);

(i) Department on-site monitoring as defined under WAC 388-97-0001; and

(j) Reasonable conditions on a license as authorized by chapter 74.39A RCW. Examples of conditions on a license include but are not limited to training related to the deficiency(ies); consultation in order to write an acceptable plan of correction; demonstration of ability to meet financial obligations necessary to continue operation.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4460, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4480 Criteria for imposing optional remedies.

(1) The criteria set forth in this section implement the requirements under RCW 18.51.060(8). The criteria do not replace the standards for imposition of mandatory remedies under RCW 18.51.060 (3) and (5), or for the imposition of mandatory remedies in accordance with WAC 388-97-4460 (1), (2) and (3).

(2) The department must consider the imposition of one or more optional remedy(ies) when the nursing home has:

(a) A history of being unable to sustain compliance;

(b) One or more deficiencies on one inspection at severity level 2 or higher as described in WAC 388-97-4500;

(c) Been unable to provide an acceptable plan of correction after receiving assistance from the department about necessary revisions;

(d) One or more deficiencies cited under general administration and/or nursing services;

(e) One or more deficiencies related to retaliation against a resident or an employee for whistle blower activity under

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RCW 18.51.220, 74.34.180 or 74.39A.060 and WAC 388-97-1820;

(f) One or more deficiencies related to discrimination against a medicare or medicaid client under RCW 74.42.055, and Titles XVIII and XIX of the Social Security Act and medicare and medicaid regulations; or

(g) Willfully interfered with the performance of official duties by a long-term care ombudsman.

(3) The department, in its sole discretion, may consider other relevant factors when determining what optional remedy or remedies to impose in particular circumstances.

(4) When the department imposes an optional remedy or remedies, the department will select more severe penalties for nursing homes that have deficiency(ies) that are:

- (a) Uncorrected upon revisit;
- (b) Recurring (repeated);
- (c) Pervasive; or

(d) Present a threat to the health, safety, or welfare of the residents.

(5) The department will consider the severity and scope of cited deficiencies in accordance with WAC 388-97-4500 when selecting optional remedy(ies). Such consideration will not limit the department's discretion to impose a remedy for a deficiency at a low level severity and scope.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4480, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4500 Severity and scope of deficiencies.

(1) **"Severity of a deficiency"** means the seriousness of the deficiency. Factors the department will consider when determining the severity of a deficiency may include, but are not limited to:

(a) Whether harm to the resident has occurred, or could occur, including but not limited to a violation of resident's rights;

(b) The Impact of the actual or potential harm on the resident; and

(c) The degree to which the nursing home failed to meet the resident's highest practicable physical, mental, and psychosocial well-being as defined in WAC 388-97-0001.

(2) Severity levels

<p>(a) Severity level 4—Imminent harm or immediate jeopardy Level 4 means that a resident(s)' health or safety is imminently threatened or immediately jeopardized as a result of deficient nursing home practice. This level includes actual harm or potential harm, or both, to resident(s)' health or safety that has had or could have a severe negative outcome or critical impact on resident's well-being, including death or severe injury. Severity Level 4 requires immediate corrective action to protect the health and safety of resident(s).</p>
<p>(b) Severity level 3—Actual harm Level 3 means that actual harm has occurred to resident(s) as the result of deficient nursing home practice.</p> <p>(i) "Serious harm" is harm that results in a negative outcome that significantly compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental and psychosocial well-being. Serious harm does not constitute imminent danger/immediate jeopardy (Severity Level 4).</p>

(ii) **"Moderate harm"** is harm that results in a negative outcome that more than slightly but less than significantly compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental and psychosocial well-being.

(iii) **"Minimal harm"** is harm that results in a negative outcome that to a small degree compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental well-being.

(c) **Severity level 2—Potential for harm**
Level 2, **"potential for harm"** means that if the deficient nursing home practice is not corrected, resident(s) may suffer actual harm.

(d) **Severity level 1—No harm or minimal impact**
Level 1 means a deficient nursing home practice that does not compromise the resident(s)' ability to maintain or reach, or both, the highest practicable physical, mental and psychosocial well-being. Deficiencies at level 1 are those that have no direct or potential for no more than minimal impact on the resident. Examples include certain structure deficiencies, certain physical environment deficiencies and process deficiencies.

(3) **"Scope of a deficiency"** means the frequency, incidence, or extent of the occurrence of the deficiency.

(4) Scope categories

(a) **"Isolated or limited scope"** means a relatively few number of residents have been affected or have the potential to be affected, by the deficient nursing home practice.

(b) **"Moderate or pattern scope"** scope means more than an isolated and less than a widespread number of residents have been affected, or have the potential to be affected by the deficient nursing home practice.

(c) **"Widespread" or "systemic scope"** means most or all of the residents are affected or have the potential to be affected, by the deficient nursing home practice.

(5) Determination of scope will be made by the department in its sole discretion. Factors the department will consider may include:

- (a) Size of the nursing home;
- (b) Size of the sample;
- (c) Number and location of affected residents;
- (d) Whether the deficiency applies to all or a subset of the residents;
- (e) Other factors relevant to the particular circumstances.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4500, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4520 Separate deficiencies—Separate remedies. (1) Each deficiency cited by the department for noncompliance with a statute or regulation is a separate deficiency subject to the assessment of a separate remedy.

(2) Each day upon which the same deficiency occurs is a separate deficiency subject to the assessment of a separate remedy.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4520, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4540 Stop placement. (1) The department must impose a stop placement order when required by RCW 18.51.060(5) and WAC 388-97-4460(1) and may

impose a stop placement order as an optional remedy in accordance with WAC 388-97-4480. The department's stop placement order becomes effective upon verbal or written notice.

(2) The nursing home has the right to an informal department review to refute the federal or state deficiencies, or both, cited as the basis for the stop placement and must request such review in accordance with WAC 388-97-4420(3).

(3) The department will not delay or suspend a stop placement order because the nursing home requests an administrative hearing or informal department review.

(4) The stop placement order must remain in effect until:

(a) The department terminates the stop placement order;

or

(b) The stop placement order is terminated by a final agency order following appeal conducted in accordance with chapter 34.05 RCW.

(5) The department must terminate the stop placement when:

(a) The nursing home states in writing that the deficiencies necessitating the stop placement action have been corrected; and

(b) Within fifteen working days of the nursing home's notification, department staff confirm by on-site revisit of the nursing home that:

(i) The deficiencies that necessitated the stop placement action have been corrected; and

(ii) The nursing home exhibits the capacity to maintain adequate care and services and correction of deficiencies.

(6) After lifting the stop placement, the department may continue to perform on site monitoring to verify that the nursing home has maintained correction of deficiencies.

(7) While a stop placement order is in effect, the department may approve a readmission to the nursing home from the hospital in accordance with RCW 18.51.060 (5)(b) and department guidelines for readmission decisions.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4540, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4560 Amount of civil fine. (1) Except as otherwise provided in statute, the range for a:

(a) Per day civil fine is fifty dollars to three thousand dollars; and

(b) Per instance civil fine is one thousand to three thousand dollars.

(2) In the event of continued noncompliance, nothing in this section must prevent the department from increasing a civil fine up to the maximum amount allowed by law.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4560, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4580 Civil fine accrual and due dates and interest. (1) Accrual of a per day civil fine begins on the first date the department verifies that the nursing home has or had a specific deficiency. Accrual of the per day civil fine will end on the date the department determines the nursing home corrected the deficiency.

(2) A per instance fine may be assessed for a deficiency, regardless of whether or not the deficiency had been corrected by the time the department first identified it.

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(3) Civil fine(s) are due twenty days after the nursing home is notified of the civil fine(s) if the nursing home does not request a hearing.

(4) If the nursing home requests a hearing, the civil fine(s) including interest, if any, is due twenty days after:

(a) A hearing decision ordering payment of the fine(s) becomes final in accordance with chapter 388-02 WAC;

(b) The appeal is withdrawn;

(c) A settlement agreement and order of dismissal is entered, unless otherwise specified in the agreement; or

(d) An order of dismissal is entered.

(5) Interest on the civil fine(s) begins to accrue at a rate of one percent per month, thirty days after the nursing home is notified of the fine, unless a settlement agreement includes other provisions for payment of interest. If the amount of the civil fine is reduced following an appeal, interest on the reduced civil fine(s) accrues from thirty days after the nursing home was notified of the original civil fine(s).

(6) When a nursing home fails to pay a civil fine when due under this chapter, the department may:

(a) Withhold an amount equal to the fine plus interest, if any, from the nursing home's medicaid payment;

(b) Impose an additional fine; or

(c) Suspend the nursing home license under WAC 388-97-570(1). Such license suspension must continue until the fine is paid.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4580, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4600 Civil penalty fund. (1) The department must deposit civil penalties collected under chapter 18.51 or 74.42 RCW into a special fund administered by the department to be applied to the protection of the health or property of residents of nursing homes found to be deficient.

(2) The funds must be administered by the department according to department procedures. Uses of the fund include, but are not limited to:

(a) Payment for the costs of relocation of residents to other facilities;

(b) Payment to maintain operation of a nursing home pending correction of deficiencies or closure; and

(c) Reimbursement of residents for personal funds or property lost when the resident's personal funds or property cannot be recovered from the nursing home or third party insurer.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4600, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4620 Temporary management. (1) When the department appoints a temporary manager, the department must order the licensee to:

(a) Cease operating the nursing home; and

(b) Immediately turn over to the temporary manager possession and control of the nursing home including, but not limited to, all patient care records, financial records, and other records necessary for continued operation of the nursing home while temporary management is in effect.

(2) The temporary manager will have authority to temporarily relocate some or all residents if the:

(a) Temporary manager determines the resident's health, security, or welfare is jeopardized; and

(b) Department concurs with the temporary manager's determination that relocation is necessary.

(3) The department's authority to order temporary management is discretionary in all cases.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4620, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4640 Receivership. (1) Receivership is authorized under RCW 18.51.400 through 18.51.520 and the following regulations.

(2) After receivership is established, the department may recommend to the court that all residents be relocated and the nursing home closed when:

(a) Problems exist in the physical condition of the premises which cannot be corrected in an economically prudent manner; or

(b) The department determines the former licensee or owner:

(i) Is unwilling or unable to manage the nursing home in a manner ensuring residents' health, safety, and welfare; and

(ii) Has not entered into an enforceable agreement to sell the nursing home within three months of the court's decision to grant receivership.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4640, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4660 Temporary managers and receivers—Application. (1) The department may recruit individuals, partnerships, corporations and other entities interested in serving as a temporary manager or receiver of a nursing home.

(2) Individuals, partnerships, corporations, or other entities interested in being appointed as a temporary manager or receiver must complete and submit to the department the required application on department forms.

(3) Individuals, partnerships, corporations, or other entities with experience in providing long-term health care and a history of satisfactory nursing home operation may submit an application to the department at any time. Applicants will be subject to the criteria established for licensees found in WAC 388-97-4220, except the department may waive the requirement that it have at least sixty days to review the application.

(4) The department must not appoint or recommend the appointment of a person (including partnership, corporation or other entity) to be a temporary manager or receiver if that person:

(a) Is the licensee, administrator, or partner, officer, director, managing employee, or owner of five percent or more of the licensee of the nursing home subject to temporary management or receivership;

(b) Is affiliated with the nursing home subject to temporary management or receivership; or

(c) Has owned or operated a nursing home ordered into temporary management or receivership in any state.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4660, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4680 Temporary managers and receivers—Considerations before appointment. (1) The department's authority to appoint a temporary manager or to recom-

mend appointment of a specific individual or entity to act as receiver is discretionary in all cases.

(2) The department, in appointing a temporary manager or recommending appointment of a receiver, may consider one or more of the following factors:

(a) Potential temporary manager's or receiver's willingness to serve as a temporary manager or receiver for the nursing home in question;

(b) Amount and quality of the potential temporary manager's or receiver's experience in long-term care;

(c) Quality of care, as determined by prior survey reports, provided under the potential temporary manager's or the potential receiver's supervision, management or operation;

(d) Potential temporary manager's or receiver's prior performance as a temporary manager or receiver;

(e) How soon the potential temporary manager or receiver is available to act as a temporary manager or receiver;

(f) Potential temporary manager's or receiver's familiarity and past compliance with Washington state and federal regulations applicable to nursing homes.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4680, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4700 Duties and powers of temporary manager and receiver. (1) The temporary manager or receiver must protect the health, security and welfare of the residents for the duration of the temporary management or receivership. The temporary manager or receiver must perform all acts reasonably necessary to ensure residents' needs are met. Such acts may include, but are not limited to:

(a) For receivers, the powers in RCW 18.51.490;

(b) Correcting cited deficiencies;

(c) Hiring, directing, and managing all consultants and employees and discharging them for just cause, discharging the administrator of the nursing home, recognizing collective bargaining agreement, and settling labor disputes;

(d) Receiving and expending in a prudent and business-like manner all current revenues of the home provided priority will be given to debts and expenditures directly related to providing care and meeting residents' needs;

(e) Making necessary purchases, repairs, and replacements, provided such expenditures in excess of five thousand dollars are approved by the department, or in the case of a receiver, approved by court;

(f) Entering into contracts necessary for the operation of the nursing home, provided that, the court must approve contracts extending beyond the period of receivership;

(g) Preparing all department-required reports;

(h) Overseeing facility closure, when appropriate;

(i) Planning required relocation with residents and residents' legal representative, family, or significant others in conjunction with home and community services division field staff;

(j) Meeting regularly with and informing staff, residents, and residents' families or significant others of:

(i) Plans for correcting the cited deficiencies;

(ii) Progress achieved in correction of deficiencies;

(iii) Plans for facility closure and relocation; and

(iv) Plans for continued operation of the nursing home, including training of staff.

(2) The temporary manager or receiver must make a detailed monthly accounting of all expenditures and liabilities to the department and to the owner of the nursing home, and to the court when required.

(3) The receiver must consult the court in cases of extraordinary or questionable debts incurred prior to the receiver's appointment and will not have the power to close the home or sell any of the nursing home's assets without prior court approval.

(4) The temporary manager or receiver must comply with all applicable state and federal laws and regulations. If the nursing home is certified and is providing care to medic-aid clients, the temporary manager or receiver must become the medicaid contractor for the duration of the temporary management or receivership period.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4700, filed 9/24/08, effective 11/1/08.]

WAC 388-97-4720 Termination of temporary management and receivership. (1) The department will terminate temporary management:

(a) After three months unless good cause is shown to continue the temporary management. Good cause for continuing the temporary management exists when returning the nursing home to its former licensee would subject residents to a threat to health, safety, or welfare;

(b) When all residents are transferred and the nursing home is closed;

(c) When deficiencies threatening residents' health, safety, or welfare are eliminated and the former licensee agrees to department-specified conditions regarding the continued facility operation; or

(d) When a new licensee assumes control of the nursing home.

(2) The department may appoint an alternate temporary manager:

(a) When the temporary manager is no longer willing to serve as a temporary manager;

(b) If a temporary manager is not making acceptable progress in correcting the nursing home deficiencies or in closing the nursing home; or

(c) If the department determines the temporary manager is not operating the nursing home in a financially responsible manner.

(3) The receivership will terminate in accordance with RCW 18.51.450 and 18.51.460.

(4) The department may recommend to the court an alternate receiver be appointed:

(a) When the receiver is no longer willing to serve as a receiver; or

(b) If a receiver is not making acceptable progress in correcting the deficiencies in the nursing home.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4720, filed 9/24/08, effective 11/1/08.]

(2009 Ed.)

Chapter 388-101 WAC

CERTIFIED COMMUNITY RESIDENTIAL SERVICES AND SUPPORTS

WAC

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	filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1136	Appeal of the administrative law judge's initial order on a finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1136, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1105	Investigation of mandated reports. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1105, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.		
388-101-1106	Investigation of mandated reports. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1106, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.		
388-101-1110	Notice of an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1110, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.	388-101-1140	Finalizing an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1140, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.
388-101-1111	Notice of an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1111, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1141	Finalizing an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1141, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1115	Reporting initial findings. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1115, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.	388-101-1145	Reporting final findings. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1145, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.
388-101-1116	Reporting initial findings. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1116, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1146	Reporting final findings. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1146, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1120	Disputing an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1120, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.	388-101-1180	What are residential services? [05-05-077, recodified as § 388-101-1180, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-030, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-030, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-030, filed 10/26/01, effective 1/1/02; 99-19-104, recodified as § 388-820-030, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-022, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 34.05.220 (1)(a) and 71.12.030 [71A.12.030]. 90-04-074 (Order 2997), § 275-26-022, filed 2/5/90, effective 3/1/90. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-022, filed 2/9/83.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1121	Disputing an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1121, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1190	Who certifies residential services? [05-05-077, recodified as § 388-101-1190, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-040, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-040, filed 10/26/01, effective 1/1/02; 99-19-104, recodified as § 388-820-040, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-050, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-050, filed 2/9/83.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1125	Disclosure of investigative and finding information. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1125, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.		
388-101-1126	Disclosure of investigative and finding information. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1126, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.		
388-101-1130	Hearing procedures to dispute an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1130, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.	388-101-1200	Where are residential services provided? [05-05-077, recodified as § 388-101-1200, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-050, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-050, filed 10/26/01, effective 1/1/02; 99-19-104, recodified as § 388-820-050, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-060, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-060, filed 2/9/83.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1131	Hearing procedures to dispute an initial finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-1131, filed 8/29/06, effective 10/1/06.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.		
388-101-1135	Appeal of the administrative law judge's initial order on a finding. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-09-090 and 06-11-103, § 388-101-1135, filed 4/19/06 and 5/17/06, effective 10/1/06.] Repealed by 06-18-038, filed 8/29/06, effective 10/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW.	388-101-1205	Where are crisis diversion services provided? [05-07-138, recodified as § 388-101-1205, filed 3/22/05, effective 3/22/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-056, filed 1/29/04, effective 2/29/04.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

- 388-101-1210 Who may receive residential services? [05-05-077, recodified as § 388-101-1210, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-060, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-060, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-060, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-070, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-070, filed 2/9/83.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1210 388-101-1410 May a service provider offer services to nonclients in the same household as clients? [05-05-077, recodified as § 388-101-1410, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-110, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-110, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-097, filed 2/9/83.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1220 What physical and safety requirements exist for residential services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1220, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1220, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-070, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-070, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-070, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-072, filed 8/9/91, effective 9/9/91.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1220 388-101-1420 Who pays for a client's residential services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1420, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1420, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-120, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-120, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-120, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-107, filed 8/9/91, effective 9/9/91.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1230 How must service providers assist clients in regulating water temperature? [05-05-077, recodified as § 388-101-1230, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-076, filed 1/29/04, effective 2/29/04.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1230 388-101-1430 When may a service provider receive initial set-up funds from DSHS? [05-05-077, recodified as § 388-101-1430, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-130, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-130, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-115, filed 8/9/91, effective 9/9/91.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1240 What are supported living services? [05-05-077, recodified as § 388-101-1240, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-080, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-080, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapters 18.88A and 71A.12 RCW. 96-10-076 (Order 3978), § 275-26-074, filed 5/1/96, effective 6/1/96.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1240 388-101-1440 What are the different types of certification? [05-05-077, recodified as § 388-101-1440, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-140, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-140, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1250 What are crisis diversion services? [05-05-077, recodified as § 388-101-1250, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-086, filed 1/29/04, effective 2/29/04.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1250 388-101-1460 When may RCS grant initial certification to an agency? [05-05-077, recodified as § 388-101-1460, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-150, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-150, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1260 What are group homes? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1260, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1260, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-090, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-090, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-090, filed 10/26/01, effective 1/1/02; 99-19-104, recodified as § 388-820-090, filed 9/20/99, effective 9/20/99. Statutory Authority: Chapters 18.88A and 71A.12 RCW. 96-10-076 (Order 3978), § 275-26-076, filed 5/1/96, effective 6/1/96.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1260 388-101-1470 How does an agency apply for initial certification? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1470, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1470, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-160, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-160, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1400 When must a service provider document a client's refusal to participate in services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1400, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1400, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-100, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-100, filed 10/26/01, effective 1/1/02. 99-19-104, recodified as § 388-820-100, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-087, filed 8/9/91, effective 9/9/91.]
- 388-101-1400 388-101-1480 What happens after an agency receives initial certification? [05-05-077, recodified as § 388-101-1480, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-170, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1490 May initial certification be extended for a service provider? [05-05-077, recodified as § 388-101-1490, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-180, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-180, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-1500 How does a service provider receive regular certification? [05-05-077, recodified as § 388-101-1500, filed

	2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-190, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-190, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.		388-101-1630, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-280, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1510	How often are reviews and evaluations done for service providers? [05-05-077, recodified as § 388-101-1510, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-200, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-200, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1640	What staffing requirements must service providers meet? [05-05-077, recodified as § 388-101-1640, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-290, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-290, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-290, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1520	What occurs during review and evaluation? [05-05-077, recodified as § 388-101-1520, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-210, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-210, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1650	May clients instruct and support other clients? [05-05-077, recodified as § 388-101-1650, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-300, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-300, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1530	May service providers disagree with evaluation findings? [05-05-077, recodified as § 388-101-1530, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-220, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-220, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1660	Who needs background checks? [05-05-077, recodified as § 388-101-1660, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-310, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-310, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-310, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1540	May a service provider receive provisional certification? [05-05-077, recodified as § 388-101-1540, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-230, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-230, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-230, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1670	What are the minimum requirements for staff employed by service providers? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1670, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1670, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-320, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-320, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1550	When may RCS decertify a service provider? [05-05-077, recodified as § 388-101-1550, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-240, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-240, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1680	What staff training is required? [05-05-077, recodified as § 388-101-1680, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-330, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-330, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-330, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1600	What are administrators of service providers required to do? [05-05-077, recodified as § 388-101-1600, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-250, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-250, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1690	How often must performance reviews be conducted for staff of service providers? [05-05-077, recodified as § 388-101-1690, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-340, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-340, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1610	What type of administrative documents are service providers required to have? [05-05-077, recodified as § 388-101-1610, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-260, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-260, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-260, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1700	When must service providers have staff-coverage schedules approved by DDD? [05-05-077, recodified as § 388-101-1700, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-350, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-350, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1620	What are the requirements for personnel policies? [05-05-077, recodified as § 388-101-1620, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-270, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1710	What happens when a service provider's ownership changes? [05-05-077, recodified as § 388-101-1710, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-360, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-
388-101-1630	What nondiscrimination requirements must agencies and service providers meet? [05-05-077, recodified as §		

	22-020, § 388-820-360, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.		
388-101-1720	When may a client's service provider change? [05-05-077, recodified as § 388-101-1720, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-370, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1820	What support may a service provider offer to a client to increase personal power and choices? [05-05-077, recodified as § 388-101-1820, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-470, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1730	Are clients' records considered confidential? [05-05-077, recodified as § 388-101-1730, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-380, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1830	What support may a service provider offer to increase a client's competence and self-reliance? [05-05-077, recodified as § 388-101-1830, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-480, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1740	How long does a service provider need to keep client records? [05-05-077, recodified as § 388-101-1740, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-390, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1840	How may service providers assist clients in gaining positive recognition? [05-05-077, recodified as § 388-101-1840, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-490, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1750	What information do service providers need to keep in client records? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-1750, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-1750, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-400, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-400, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-400, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1850	What support may a service provider offer to increase the positive relationships in the client's life? [05-05-077, recodified as § 388-101-1850, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-500, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1760	What information do crisis diversion service providers need to keep in client records? [05-05-077, recodified as § 388-101-1760, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-405, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-405, filed 1/29/04, effective 2/29/04.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1860	How may a service provider assist clients with becoming integrated into their community? [05-05-077, recodified as § 388-101-1860, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-510, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1770	Do service providers need to keep client's property records? [05-05-077, recodified as § 388-101-1770, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-410, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-410, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1870	What is an individual service plan/plan of care (ISP/POC) for clients? [05-05-077, recodified as § 388-101-1870, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-520, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-520, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1780	Are there requirements for record entries? [05-05-077, recodified as § 388-101-1780, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-420, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1880	Who is responsible for completing and overseeing a client's ISP/POC? [05-05-077, recodified as § 388-101-1880, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-530, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-530, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1790	Who must service providers notify in emergencies? [05-05-077, recodified as § 388-101-1790, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-430, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-430, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1890	Who may participate in creating a client's ISP/POC? [05-05-077, recodified as § 388-101-1890, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-540, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-540, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1800	What are client services? [05-05-077, recodified as § 388-101-1800, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-450, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-1900	How often must the ISP/POC be reviewed? [05-05-077, recodified as § 388-101-1900, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-550, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-550, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-550, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-1810	What health and safety support may a service provider offer to a client? [05-05-077, recodified as § 388-101-1810, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-460, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-2000	What plans must crisis diversion service providers develop? [05-05-077, recodified as § 388-101-2000, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-555, filed 1/29/04, effective 2/29/04.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
		388-101-2010	What is an individual instruction and support plan (IISP) for clients? [05-05-077, recodified as § 388-101-2010, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12

	RCW. 04-23-070, § 388-820-560, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-560, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-560, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-2120	How does a service provider handle loans to a client? [05-05-077, recodified as § 388-101-2120, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-670, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-2020	Who may participate in developing the IISP for each client? [05-05-077, recodified as § 388-101-2020, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-570, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-2130	When must a service provider pay a client? [05-05-077, recodified as § 388-101-2130, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-680, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-2030	Who oversees the IISP for each client? [05-05-077, recodified as § 388-101-2030, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-580, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-2140	What must service providers do to support a client's health? [05-05-077, recodified as § 388-101-2140, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-690, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-690, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-2040	May a service provider manage a client's funds? [05-05-077, recodified as § 388-101-2040, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-590, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-2150	May a client refuse health care services? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-2150, filed 5/3/05, effective 6/3/05. 05-05-077, recodified as § 388-101-2150, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-700, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-2050	May a service provider hold bankbooks and bankcards for a client? [05-05-077, recodified as § 388-101-2050, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-600, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-600, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-2160	When may client funds be used for health services? [05-05-077, recodified as § 388-101-2160, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-710, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-2060	May a service provider combine agency and client funds? [05-05-077, recodified as § 388-101-2060, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-610, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-2300	Client transportation. [Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 06-18-038, § 388-101-2300, filed 8/29/06, effective 10/1/06. 05-05-077, recodified as § 388-101-2300, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-720, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-720, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-2070	Does the service provider need to develop an individual financial plan (IFP) for clients? [05-05-077, recodified as § 388-101-2070, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-620, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-2310	What training is required before staff are qualified to perform delegated tasks? [05-05-077, recodified as § 388-101-2310, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-740, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2410.
388-101-2080	What information must the IFP include? [05-05-077, recodified as § 388-101-2080, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-630, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-630, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-2320	Do nursing assistants need to comply with department of health requirements? [05-05-077, recodified as § 388-101-2320, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-750, filed 10/26/01, effective 1/1/02.] Decodified by 05-07-138, filed 3/22/05, effective 3/22/05. Recodified as WAC 388-101-2420.
388-101-2090	How does a service provider manage client funds? [05-05-077, recodified as § 388-101-2090, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-640, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-2330	May an agency or service provider contest a RCS decision? [05-05-077, recodified as § 388-101-2330, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-880, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-880, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-2100	What documentation must service providers keep to protect a client's financial interests? [05-05-077, recodified as § 388-101-2100, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-650, filed 11/15/04, effective 12/16/04. Statutory Authority: RCW 71A.12.030 and chapter 71A.12 RCW. 04-04-043, § 388-820-650, filed 1/29/04, effective 2/29/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-650, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-2340	When does an administrative review conference occur? [05-05-077, recodified as § 388-101-2340, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-890, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-890, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
388-101-2110	How are a client's funds transferred when they are managed by a service provider? [05-05-077, recodified as § 388-101-2110, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-660, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.	388-101-2350	May an administrative review conference be conducted by telephone? [05-05-077, recodified as § 388-101-2350, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-900, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-900, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

- 388-101-2360 tive 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-900, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2370 What happens during the administrative review conference? [05-05-077, recodified as § 388-101-2360, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-910, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-910, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2370 May an agency or service provider contest the decision from the administrative review conference? [05-05-077, recodified as § 388-101-2370, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-920, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-920, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2380 Does RCS make exceptions to the requirements in this chapter? [05-05-077, recodified as § 388-101-2380, filed 2/15/05, effective 2/15/05. Statutory Authority: RCW 71A.12.030, 71A.12.080, and chapter 71A.12 RCW. 04-23-070, § 388-820-930, filed 11/15/04, effective 12/16/04. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-930, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2400 Who may delegate nursing care tasks? [05-07-138, recodified as § 388-101-2400, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-730, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2410 What training is required before staff are qualified to perform delegated tasks? [Statutory Authority: RCW 71A.12.030, 71A.12.080, and Title 71A RCW. 05-10-086, § 388-101-2410, filed 5/3/05, effective 6/3/05. 05-07-138, recodified as § 388-101-2410, filed 3/22/05, effective 3/22/05. 05-05-077, recodified as § 388-101-2310, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-740, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2420 Do nursing assistants need to comply with department of health requirements? [05-07-138, recodified as § 388-101-2420, filed 3/22/05, effective 3/22/05. 05-05-077, recodified as § 388-101-2320, filed 2/15/05, effective 2/15/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-750, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2430 Who is authorized to provide consent for a client's receiving health care? [05-07-138, recodified as § 388-101-2430, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-760, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2440 What rights do nursing assistants have concerning the delegation of nursing care tasks? [05-07-138, recodified as § 388-101-2440, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-770, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2450 Are nursing assistants liable for errors while doing nursing care tasks? [05-07-138, recodified as § 388-101-2450, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-780, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2460 What happens if unqualified staff do a nursing task? [05-07-138, recodified as § 388-101-2460, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-790, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2470 What technical assistance may service providers get from DSHS for nurse delegation requirements? [05-07-138, recodified as § 388-101-2470, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-800, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2480 What happens when DSHS finds a service provider in violation of nurse delegation requirements? [05-07-138, recodified as § 388-101-2480, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-810, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2490 May a service provider have a chance to correct violations before being fined? [05-07-138, recodified as § 388-101-2490, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-820, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2500 May civil fines be imposed during technical assistance visits? [05-07-138, recodified as § 388-101-2500, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-830, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2510 How does DSHS impose a civil fine? [05-07-138, recodified as § 388-101-2510, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-840, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2520 When is payment due for a civil fine? [05-07-138, recodified as § 388-101-2520, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-850, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2530 May a service provider disagree with DSHS findings of a violation? [05-07-138, recodified as § 388-101-2530, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-860, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.
- 388-101-2540 May a service provider contest a civil fine? [05-07-138, recodified as § 388-101-2540, filed 3/22/05, effective 3/22/05. Statutory Authority: Title 71A RCW. 01-22-020, § 388-820-870, filed 10/26/01, effective 1/1/02.] Repealed by 08-02-022, filed 12/21/07, effective 2/1/08. Statutory Authority: Chapter 71A.12 RCW.

DEFINITIONS

WAC 388-101-3000 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means:

(1) The willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult;

(2) In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish; and

(3) Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) **"Sexual abuse"** means any form of nonconsensual sexual contact, including but not limited to unwanted or inap-

appropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing and certification requirements, and includes restraints that are otherwise being used inappropriately.

(c) **"Mental abuse"** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

"Case manager" means the division of developmental disabilities case resource manager or social worker assigned to a client.

"Certification" means a process used by the department to determine if an applicant or service provider complies with the requirements of this chapter and is eligible to provide certified community residential services and support to clients.

"Chaperone agreement" means a plan or agreement that describes who will supervise a community protection program client when service provider staff is not present. This plan or agreement is negotiated with other agencies and individuals who support the client, including the client's legal representative and family.

"Chemical restraint" means the use of psychoactive medications for discipline or convenience and not prescribed to treat the client's medical symptoms.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020(3) and who also has been determined eligible to receive services by the division of developmental disabilities under chapter 71A.16 RCW. For purposes of informed consent and decision making requirements, the term "client" includes the client's legal representative to the extent of the representative's legal authority.

"Client services" means instruction and support services that service providers are responsible to provide as identified in the client's individual support plan.

"Crisis diversion" means temporary crisis residential services and supports provided to clients at risk of psychiatric hospitalization and authorized by the division of developmental disabilities.

"Crisis diversion bed services" means crisis diversion that is provided in a residence maintained by the service provider.

"Crisis diversion support services" means crisis diversion that is provided in the client's own home.

"Department" means the Washington state department of social and health services.

"Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage other than the vulnerable adult's profit or advantage.

"Functional assessment" means a comprehensive evaluation of a client's challenging behavior(s). This evaluation is the basis for developing a positive behavior support plan.

"Group home" means a residence that is licensed as either a boarding home or an adult family home by the department under chapters 388-78A or 388-76 WAC. Group homes provide community residential instruction, supports, and services to two or more clients who are unrelated to the provider.

"Group training home" means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"Immediate" or **"immediately"** means within twenty-four hours for purposes of reporting abandonment, abuse, neglect, or financial exploitation of a vulnerable adult.

"Individual financial plan" means a plan describing how a client's funds will be managed when the service provider is responsible for managing any or all of the client's funds.

"Individual instruction and support plan" means a plan developed by the service provider and the client. The individual instruction and support plan:

(1) Uses the information and assessed needs documented in the individual support plan to identify areas the client would like to develop;

(2) Includes client goals for instruction and support that will be formally documented during the year; and

(3) Must contain or refer to other applicable support or service information that describes how the client's health and welfare needs are to be met (e.g. individual financial plan, positive behavior support plan, cross system crisis plan, individual support plan, individual written plan, client-specific instructions).

"Individual support plan" means a document that authorizes and identifies the division of developmental disabilities paid services to meet a client's assessed needs.

"Instruction" means goal oriented teaching that is designed for acquiring and enhancing skills.

"Legal representative" means a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney at law, a person's attorney in fact, or any other person who is authorized by law to act for another person.

"Managing client funds" means that the service provider:

(1) Has signing authority for the client;

(2) Disperses the client's funds; or

(3) Limits the client's access to funds by not allowing funds to be spent.

"Mechanical restraint" means a device or object, which the client cannot remove, applied to the client's body that restricts his/her free movement.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the client by an individual legally authorized to do so.

"Medication assistance" means assistance with self administration of medication rendered by a nonpractitioner to a client receiving certified community residential services and supports in accordance with chapter 69.41 RCW and chapter 246-888 WAC.

"Medication service" means any service provided by a certified community residential services and support provider related to medication administration or medication assistance provided through nurse delegation and medication assistance.

"Neglect" means:

(1) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or

(2) An act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

"Physical intervention" means the use of a manual technique intended to interrupt or stop a behavior from occurring. This includes using physical restraint to release or escape from a dangerous or potentially dangerous situation.

"Physical restraint" means physically holding or restraining all or part of a client's body in a way that restricts the client's free movement. This does not include briefly holding, without undue force, a client in order to calm him/her, or holding a client's hand to escort the client safely from one area to another.

"Psychoactive" means possessing the ability to alter mood, anxiety level, behavior, cognitive processes, or mental tension, usually applied to pharmacological agents.

"Psychoactive medications" means medications prescribed to improve or stabilize mood, mental status or behavior. Psychoactive medications include anti-psychotics/neuroleptics, atypical antipsychotics, antidepressants, stimulants, sedatives/hypnotics, and antimania and antianxiety drugs.

"Qualified professional" means a person with at least three years' experience working with individuals with developmental disabilities and as required by RCW 71A.12.220 (12).

"Restrictive procedure" means any procedure that restricts a client's freedom of movement, restricts access to client property, requires a client to do something which he/she does not want to do, or removes something the client owns or has earned.

"Risk assessment" means an assessment done by a qualified professional and as required by RCW 71A.12.230.

"Service provider" means a person or entity certified by the department who delivers services and supports to meet a client's identified needs. The term includes the state operated living alternative (SOLA) program.

"Support" means assistance a service provider gives a client based on needs identified in the individual support plan.

"Supported living" means instruction, supports, and services provided by service providers to clients living in homes that are owned, rented, or leased by the client or their legal representative.

"Treatment team" means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case manager, therapist, the service provider, employment/day program provider, and the person's legal representative and/or family, provided the person consents to the family member's involvement.

"Vulnerable adult" includes a person:

(1) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(2) Found incapacitated under chapter 11.88 RCW; or

(3) Who has a developmental disability as defined under RCW 71A.10.020; or

(4) Admitted to any facility; or

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(6) Receiving services from an individual provider.

"Willful" means the deliberate, or nonaccidental, action or inaction by an alleged perpetrator that he/she knew or reasonably should have known could cause a negative outcome, harm, injury, pain, and anguish.

"Written individual plan" means a plan developed for clients in the community protection program that includes:

(1) An assessment of the client's emotional and behavioral issues as related to community protection risks;

(2) Specific intervention strategies and techniques related to community protection risks;

(3) Specific restrictions and measures, including security precautions, both in-home and out-of-home; and

(4) Signatures of the client's case manager and the client.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3000, filed 12/21/07, effective 2/1/08.]

CERTIFICATION AND MONITORING

WAC 388-101-3010 Certified community residential services and supports. In order for a person or entity to deliver client instruction and support services under this chapter the person or entity must:

(1) Be certified by the department; and

(2) Be granted a contract by the department.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3010, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3020 Compliance. The service provider must be in compliance with:

(1) All the requirements of this chapter. Except that, the licensing requirements for adult family homes and boarding homes supersede this chapter if the requirements under respective chapters 388-76 and 388-78A WAC conflict with this chapter;

- (2) The laws governing this chapter, including chapter 71A.12 and 71A.22 RCW;
- (3) The requirements of chapter 74.34 RCW;
- (4) The department's residential services contract. Except that, the requirements of this chapter supersede any conflicting requirements with the contract, or appendices to the contract; and
- (5) Other relevant federal, state and local laws, requirements, and ordinances.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3020, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3030 Application required. (1) A person or entity must complete an application before the department will consider initial certification; and

(2) The service provider must complete an application before the department will consider a request for change of ownership as detailed in WAC 388-101-3060.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3030, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3040 Residential services contract. (1) The service provider may request a department residential services contract after approval for initial certification or for change of ownership.

(2) The service provider must have a separate contract for each region where they receive referrals to serve clients.

(3) The service provider's residential services contract will be terminated by the department upon termination of certification.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3040, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3050 Application for initial certification. (1) To apply for initial certification an applicant must submit to the department:

- (a) A letter of intent that includes:
 - (i) Contact information;
 - (ii) Geographical area of service; and
 - (iii) Type of service provided, including group home, supported living, community protection, or group training home.
- (b) A completed and signed application on forms designated by the department;
- (c) All attachments specified in the application and any other information the department may request including but not limited to:
 - (i) Administrator resumes;
 - (ii) Statements of financial stability;
 - (iii) Professional references;
 - (iv) Relevant experiences and qualifications of the individual or agency; and
 - (v) Assurances the applicant will not discriminate against any client or employee.
- (d) A copy of the license if applying for certification as a group home;
- (e) The name of the administrator of the program; and
- (f) Department criminal history background check on forms designated by the department for the individual or indi-

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viduals designated to serve as administrator of the proposed program.

(2) The applicant must submit a revised application, if any information on the application changes before the initial certification is issued.

(3) The department will only process a completed application.

(4) Each person named in the application for initial certification is considered separately and jointly by the department.

(5) Based on the documentation received, the department will notify the applicant in writing regarding the department's certification decision.

(6) The applicant must comply with additional requirements identified in this chapter if intending to support community protection clients.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3050, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3060 Change of ownership. (1) To apply for a change of ownership, an applicant must submit an application and the required reports and documents to the department when there is a change of:

- (a) The business entity ownership; or
- (b) The form of legal organization.

(2) The service provider applying for a change of ownership may be required to provide any or all items listed in WAC 388-101-3050.

(3) If the applicant is not a current service provider, the applicant must apply for initial certification.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3060, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3070 Notice for change of ownership. The current service provider must notify:

- (1) The department in writing sixty days before a change of ownership; and
- (2) Clients or their legal representatives in writing thirty days before a change of ownership.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3070, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3080 The department may deny—Application. The department may deny the application for initial certification or change of ownership if any person named in the application:

- (1) Has shown a lack of understanding, ability or emotional stability to meet the identified needs of vulnerable adults;
- (2) Had a department contract, certification, or license withdrawn or denied by the department, or has been subjected to enforcement actions;
- (3) Had a contract, certification, or license withdrawn or denied or was subjected to enforcement action in another state;
- (4) Obtained or attempted to obtain a license or certification by fraudulent means or misrepresentation;
- (5) Has relinquished or been denied a license or license renewal to operate a home or facility that was licensed for the care of children or vulnerable adults;

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(6) Refused to permit authorized department representatives to interview clients or to have access to client records;

(7) Has been convicted of a drug related conviction within the past five years without evidence of rehabilitation; or

(8) Has been convicted of an alcohol related conviction within the past five years without evidence of rehabilitation.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3080, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3090 The department must deny—Application. The department must deny an application for initial certification or change of ownership if any person named in the application was:

(1) Convicted of a crime against children or other persons or crimes relating to financial exploitation as defined under RCW 43.43.830 or 43.43.842;

(2) Found by a court in a protection proceeding or in a civil damages lawsuit under chapter 74.34 RCW to have abused, neglected, abandoned or financially exploited a vulnerable adult;

(3) Found in any dependency action under chapter 13.34 RCW to have sexually assaulted, neglected, exploited, or physically abused any minor;

(4) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused, exploited, or physically abused any minor;

(5) Found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or have abused, neglected, abandoned, or financially exploited any vulnerable adult as defined under chapter 74.34 RCW; or

(6) The subject of a stipulated finding of fact, conclusion of law, an agreed order, finding of fact, final order issued by a disciplining authority or final decision by any federal or state agency or department, a court of law, or entered into a state registry or department or agency list with a finding of abuse, neglect, financial exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3090, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3100 Certification—Initial. (1) The department may approve the individual or entity for initial certification when the individual or entity complies with the requirements of this chapter. The department may:

(a) Grant initial certification for up to one hundred and eighty days of the effective date of the residential services contract; and

(b) Extend initial certification for an additional period up to one hundred and eighty days.

(2) If an applicant does not receive a residential services contract, initial certification will be valid for up to one year.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3100, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3110 Certification—Regular. (1) The department may approve the service provider for regular certification when the service provider complies with the

requirements of this chapter and the residential services contract. The department may:

(a) Grant certification to a service provider for up to two years; and

(b) Extend regular certification for an additional period up to one hundred and eighty days.

(2) If a service provider does not comply with the certification requirements, the department may provisionally certify or decertify a service provider.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3110, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3130 Certification evaluation. (1) The department may conduct an on-site certification evaluation of each service provider at any time, but at least once every two years.

(2) During certification evaluations the service provider's administrator or designee must:

(a) Cooperate with department representatives during the on-site visit;

(b) Provide all contractor records, client records, and other relevant information requested by the department representatives;

(c) Ensure the service provider's administrator or designee is available during any visit to respond to questions or issues identified by department representatives; and

(d) Ensure the service provider's administrator or designee is present at the exit conference.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3130, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3140 Complaint investigation. The department may conduct unannounced complaint investigations to determine the service provider's compliance with this chapter, the residential services contract, and applicable laws and requirements.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3140, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3150 State and federal access to program. The service provider must:

(1) Allow any state or federal department or agency to conduct audits, evaluations, or complaint investigations related to this program or to clients served in this program;

(2) Allow department representatives to review a client's records and activities at any time to see if the service provider continues to address the clients' needs for instruction and support activities;

(3) Allow the department representatives' access to clients, the client's legal representative and family members;

(4) Cooperate with department representatives in the performance of official duties; and

(5) Allow access to clients and client records by an advocacy group if the advocacy group has access authority under state or federal law.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3150, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3160 Plan of correction. The service provider must:

- (1) Submit a signed plan of correction to the department according to established department processes and timelines; and
- (2) Include in the plan of correction:
 - (a) What the service provider did or will do to correct each deficiency;
 - (b) How the service provider will prevent future problems of this type;
 - (c) Who will be responsible for monitoring the corrections to ensure the problems do not recur; and
 - (d) When lasting correction will be achieved.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3160, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3170 Group training home. After the effective date of this chapter a person or entity desiring to become a group training home must:

- (1) Complete an application on forms and attachments designated by the department; and
- (2) Currently be:
 - (a) Certified as a community residential services and support provider;
 - (b) Licensed as an adult family home under chapter 70.128 RCW; and
 - (c) A nonprofit business in accordance with state and federal law.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3170, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3180 Department approval of group training home status. The department will consider, at a minimum, the following when determining whether to approve or deny an application for group training home status:

- (1) The needs of the program;
- (2) Available funding;
- (3) The information received from the applicant;
- (4) The certification history of the applicant;
- (5) The licensing history of the applicant; and
- (6) The capacity of the home.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3180, filed 12/21/07, effective 2/1/08.]

ADMINISTRATIVE REQUIREMENTS

WAC 388-101-3190 Service provider responsibilities. (1) Service providers must meet the requirements of:

- (a) This chapter;
- (b) Each contract and statement of work entered into with the department;
- (c) Each client's individual support plan when the individual support plan identifies the service provider as responsible; and
- (d) Each client's individual instruction and support plan.
 - (2) The service provider must:
 - (a) Have a designated administrator and notify the department when there is a change in administrator;
 - (b) Ensure that clients have immediate access to staff, or the means to contact staff, at all times;

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(c) Provide adequate staff within contracted hours to administer the program and meet the needs of clients;

(d) Not routinely involve clients in the unpaid instruction and support of other clients;

(e) Not involve clients receiving crisis diversion services in the instruction and support of other clients; and

(f) Retain all records and other material related to the residential services contract for six years after expiration of the contract.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3190, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3200 Staffing requirements. The service provider must ensure each staff meets the following minimum requirements:

- (1) Have a high school diploma or GED equivalent, unless the employees were hired before September 1, 1991;
- (2) Be at least eighteen years of age or older when employed as a direct care staff, or at least twenty-one years of age or older when employed as an administrator;
- (3) Have a clear understanding of job responsibilities and knowledge of individual support plans and client needs; and
- (4) Passed the department background check as required by WAC 388-101-3250.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3200, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3210 Administrative documents. The service provider must prepare and maintain written documents as follows:

- (1) A mission statement;
- (2) A program description;
- (3) An organizational chart and description showing all supervisory relationships;
- (4) Description of staff roles and responsibilities, including the person designated to act in the absence of the administrator; and
- (5) Staffing schedules.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3210, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3220 Administrator responsibilities. The service provider must ensure that the administrator delivers services to clients consistent with this chapter, and the department's residential services contract. This includes but is not limited to:

- (1) Overseeing all aspects of staffing, such as recruitment, staff training, and performance reviews;
- (2) Developing and maintaining policies and procedures that give staff direction to provide appropriate services and support as required by this chapter and the department contract; and
- (3) Maintaining and securely storing client, personnel, and financial records.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3220, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3230 Group homes. A service provider who is a licensed adult family home or boarding home must:

- (1) Provide care and services in accordance with this chapter and with licensing requirements under chapters 388-76 and 388-78A WAC respectively;
- (2) Comply with client rights requirements in chapter 70.129 RCW and this chapter;
- (3) Comply with the home's licensing requirements if there is a conflict with requirements in this chapter; and
- (4) Comply with this chapter if the requirement is over and above the home's licensing requirements.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3230, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3240 Policies and procedures. (1) The service provider must develop, implement, and train staff on policies and procedures to address what staff must do:

- (a) Related to client rights, including a client's right to file a complaint or suggestion without interference;
- (b) Related to soliciting client input and feedback on instruction and support received;
- (c) Related to reporting suspected abuse, neglect, financial exploitation, or abandonment;
- (d) To protect clients when there have been allegations of abuse, neglect, financial exploitation, or abandonment;
- (e) In emergent situations that may pose a danger or risk to the client or others, such as in the event of death or serious injury to a client;
- (f) In responding to missing persons and client emergencies;
- (g) Related to emergency response plans for natural or other disasters;
- (h) When accessing medical, mental health, and law enforcement resources for clients;
- (i) Related to notifying a client's legal representative, and/or relatives in case of emergency;
- (j) When receiving and responding to client grievances; and
- (k) To respond appropriately to aggressive and assaultive clients.

(2) The service provider must develop, implement, and train staff on policies and procedures in all aspects of the medication support they provide, including but not limited to:

- (a) Supervision;
- (b) Client refusal;
- (c) Services related to medications and treatments provided under the delegation of a registered nurse consistent with chapter 246-840 WAC;
- (d) The monitoring of a client who self-administers their own medications;
- (e) Medication assistance for clients needing this support; and
- (f) What the service provider will do in the event they become aware that a client is no longer safe to take their own medications.

(3) The service provider must maintain current written policies and procedures and make them available to all staff; and to clients and legal representatives upon request.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3240, filed 12/21/07, effective 2/1/08.]

[Title 388 WAC—p. 638]

WAC 388-101-3250 Background checks. (1) The service provider must obtain background checks including, but not limited to background inquiries and criminal history disclosure from the department for all administrators, employees, volunteers, and subcontractors who may have unsupervised access to clients.

(2) The service provider must not allow the following persons to have unsupervised access to clients until the service provider receives successful background check results from the department:

- (a) Administrators;
- (b) Employees;
- (c) Volunteers or students; and
- (d) Subcontractors.

(3) Service providers or applicants who have lived in Washington state less than three years or who are otherwise required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law when:

- (a) The applicant or service provider is not disqualified based on the initial result of the background check from the department; and
 - (b) A fingerprint-based background check is pending.
- (4) The service provider must notify the person, within ten days of receiving the result, that he or she may request a copy of the background check.

(5) The service provider must renew the background check at least every thirty-six months and keep current department background checks for each administrator, employee, volunteer or subcontractor of a service provider.

(6) Licensed boarding homes or adult family homes must adhere to the current regulations in this chapter and in the applicable licensing laws.

(7) Service providers must follow the requirements of RCW 43.43.830 through 43.43.842 and RCW 74.15.030.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3250, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3260 Staff training. The service provider must:

- (1) Provide and document required training to staff;
- (2) Within the first six months, ensure that staff receives a minimum of thirty-two total hours of training that meets the training requirements of this chapter;
- (3) Provide staff training sooner if required by the client's identified needs; and
- (4) Meet state and federal laws regarding training; such as, bloodborne pathogens training referenced in WAC 296-823-120.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3260, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3270 Staff training before working alone with clients. The service provider must train staff in the following before the employee works alone with clients:

- (1) Current individual instruction and support plans of each client with whom the employee works;
- (2) Emergency procedures for clients;
- (3) The reporting requirements for abuse and neglect under chapter 74.34 RCW; and
- (4) Client confidentiality.

(2009 Ed.)

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3270, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3280 Staff training within four weeks of employment. The service provider must provide training within the first four weeks of employing a staff person to include:

- (1) The service provider's mission statement;
- (2) Policies and procedures; and
- (3) On-the-job training.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3280, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3290 Staff training within six months of employment. The service provider must provide training within the first six months of employing a staff person, to include:

- (1) First aid and CPR;
- (2) Bloodborne pathogens with HIV/AIDS information;
- (3) Client services;
- (4) Residential guidelines; and
- (5) Positive behavior support.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3290, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3300 Staff training to be current. The service provider must ensure that each employee keeps their first-aid training, CPR certification, and bloodborne pathogens training current.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3300, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3310 Approval of staff-coverage schedules. (1) The service provider must obtain division of developmental disabilities approval of schedules to provide twenty-four hour support, at the following times:

- (a) Prior to certification review;
 - (b) When household configuration changes affect staff coverage; or
 - (c) When additional staffing is requested or needed by the client.
- (2) The service provider must retain copies of the staff coverage schedules.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3310, filed 12/21/07, effective 2/1/08.]

CLIENT RIGHTS AND TREATMENT

WAC 388-101-3320 Client rights. Clients have the same legal rights and responsibilities guaranteed to all other individuals by the United States Constitution, federal and state law unless limited through legal processes. Service providers must promote and protect all of the following client rights, including but not limited to:

- (1) The right to be free from discrimination;
- (2) The right to be reasonably accommodated in accordance with state and federal law;
- (3) The right to privacy, including the right to receive and send private mail and telephone calls;
- (4) The right to participate in an appropriate program of publicly supported education;

(2009 Ed.)

(5) The right to be free from harm, including unnecessary physical restraint, isolation, excessive medication, abuse, neglect, abandonment, and financial exploitation; and

(6) The right to refuse health services, medications, restraints, and restrictions.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3320, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3330 Treatment of clients. Service providers must treat clients with dignity and consideration, respecting the client's civil and human rights at all times.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3330, filed 12/21/07, effective 2/1/08.]

CLIENT SERVICES

WAC 388-101-3340 Subcontracting. The service provider must not subcontract any service without prior written approval from the department. The service provider must ensure that all required terms, conditions, assurances and certifications are included in all subcontracts.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3340, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3350 Residential guidelines. The service provider must use the following department residential guidelines when providing services to each client:

- (1) Health and safety;
- (2) Personal power and choice;
- (3) Competence and self-reliance;
- (4) Positive recognition by self and others;
- (5) Positive relationships; and
- (6) Integration in the physical and social life of the community.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3350, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3360 Client services. Service providers must provide each client instruction and/or support to the degree the individual support plan identifies the service provider as responsible. Instruction and/or support to the client may include but are not limited to the following categories:

- (1) Home living activities;
- (2) Community living activities;
- (3) Life-long learning activities;
- (4) Health and safety activities;
- (5) Social activities;
- (6) Employment;
- (7) Protection and advocacy activities;
- (8) Exceptional medical support needs; and
- (9) Exceptional behavioral support needs.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3360, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3370 Client health services support. The service provider must provide instruction and/or support as identified in the individual support plan and as required in this chapter to assist the client with:

- (1) Accessing health, mental health, and dental services;

[Title 388 WAC—p. 639]

- (2) Medication management, administration, and assistance;
- (3) Maintaining health records;
- (4) Arranging appointments with health professionals;
- (5) Monitoring medical treatment prescribed by health professionals;
- (6) Communicating directly with health professionals when needed; and
- (7) Receiving an annual physical and dental examination unless the appropriate medical professional gives a written exception.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3370, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3375 Nurse delegation. (1) Service provider staff must not perform a delegated nursing task for the client before the delegating nurse has obtained consent from the client or person authorized to give consent.

(2) The service provider must not allow an employee to perform any nursing task that violates applicable statutes and rules, including:

- (a) Chapter 18.79 RCW, Nursing care;
- (b) Chapter 18.88A RCW, Nursing assistants;
- (c) Chapter 246-840 WAC, Practical and registered nursing;
- (d) Chapter 246-841 WAC, Nursing assistants; and
- (e) Chapter 246-888 WAC, Medication assistance.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3375, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3380 Client transportation. (1) The service provider must meet the client's transportation needs by:

- (a) Not charging the client for transportation costs except as specified in the client's individual support plan;
- (b) Using the client's medicaid coupons for covered transportation, if available; and
- (c) Ensuring that other transportation is provided as specified in the client's individual support plan.

(2) The service provider must provide transportation or ensure that clients have a way to get to and from:

- (a) Emergency medical care;
 - (b) Medical appointments; and
 - (c) Therapies.
- (3) As specified in the client's individual support plan, the service provider must provide necessary assistance with transportation to and from:
- (a) School or other publicly funded services;
 - (b) Work;
 - (c) Leisure or recreation activities; and
 - (d) Client-requested activities.
- (4) A vehicle that the service provider uses to transport clients must be insured as required by chapters 46.29 and 46.30 RCW.

(5) The service provider must maintain a business automobile insurance policy on service provider owned vehicles used to transport clients.

(6) The service provider must maintain nonowned vehicle insurance coverage for vehicles not owned by the service provider but used to transport clients.

[Title 388 WAC—p. 640]

(7) Service providers, employees, subcontractors, and volunteers who transport clients must have a valid driver's license as required by chapter 46.20 RCW.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3380, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3390 Physical and safety requirements. (1) Crisis diversion support service providers are exempt from the requirements in this section.

(2) The service provider must ensure that the following home safety requirements are met for each client unless otherwise specified in the client's individual support plan:

- (a) A safe and healthy environment;
- (b) Accessible telephone equipment and a list of emergency contact numbers;
- (c) An evacuation plan developed and practiced with the client;
- (d) Unblocked door and window for emergency exit;
- (e) A safe storage area for flammable and combustible materials;
- (f) An operating smoke detector, with a light alarm for clients with hearing impairments;
- (g) An accessible flashlight or other safe accessible light source in working condition; and
- (h) Basic first-aid supplies.

(3) The service provider must assist clients in regulating household water temperature unless otherwise specified in the client's individual support plan as follows:

- (a) Maintain water temperature in the household no higher than one hundred and twenty degrees Fahrenheit;
- (b) Check water temperature when the client first moves into the household and at least once every three months from then on; and

(c) Regulate water temperature for clients who receive twenty-four hour support, and for other clients as specified in the individual support plan.

(4) The service provider must document and keep records that indicate that physical safety requirements are met for each client.

(5) A client may independently document these requirements are met when the client's individual support plan specifies this level of client involvement.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3390, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3400 Services to nonclients. Before providing services to nonclients in the same household with clients, the service provider must:

- (1) Provide the department with a written description of the household composition;
- (2) Obtain written approval from the division of developmental disabilities; and
- (3) Obtain written consent from each client in the household or the client's legal representative if the client is unable to consent.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3400, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3410 Community protection clients and other clients in the same household. Before allowing a community protection program client to live in the same household with supported living clients who are not in the community protection program, the service provider must:

- (1) Provide the department with a written description of the household composition;
- (2) Participate with the treatment team during the household composition review;
- (3) Obtain written approval from the division of developmental disabilities; and
- (4) Obtain written consent from each client in the household or the client's legal representative if the client is unable to consent.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3410, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3420 Client refusal to participate in services. (1) The service provider must notify the case manager if the client's health and safety is adversely affected by the client's refusal to participate in services.

- (2) Service providers must document each client's refusal to participate in:
 - (a) Physical and safety requirements, as outlined in WAC 388-101-3390; and
 - (b) Client health services support under WAC 388-101-3370.
- (3) Service providers must document the following:
 - (a) A description of events relating to the client's refusal to participate in these services;
 - (b) That the client was informed of the benefits of these services and the possible risks of refusal;
 - (c) A description of the service provider's efforts to give or acquire the services for the client; and
 - (d) Any health or safety concerns that the refusal may pose.
- (4) The service provider must:
 - (a) Review this documentation with the client or the client's legal representative at least every six months; and
 - (b) Request that the client or client's legal representative sign and date the document after reviewing it.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3420, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3430 Changes in client service needs—Nonemergent. The service provider must notify the department:

- (1) When a client's service needs change and the individual support plan no longer addresses the client's needs; and
- (2) May request in writing, assistance from the department's case manager in setting up an assessment meeting.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3430, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3440 Changes in client service needs—Emergent. (1) The service provider must promptly notify the department to ask for emergency assistance when a client's needs change and the actions or continued presence of the client endangers the health, safety and/or personal property of other clients, the client, those working with the client, or other public citizens.

(2009 Ed.)

(2) If further assistance is needed following the department's initial response, the service provider must confirm in writing to the client's case manager on the first working day after initiating a verbal request for such assistance:

- (a) The nature of the emergency;
 - (b) The need for immediate assistance and the specific type of assistance needed; and
 - (c) The specific type of assistance needed.
- (3) When the emergency cannot be resolved and the service provider wants to terminate services to the client, the service provider must:
- (a) Notify the department in writing;
 - (b) Specify the reasons for terminating services to the client; and

(c) Ensure that the department receives the notice at least seventy-two hours before moving the client from the program.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3440, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3450 Service provider refusal to serve a client. (1) The service provider may refuse services to a client when the service provider has determined and documented:

- (a) Why the provider cannot meet the client's needs; or
- (b) How the provider's refusal to serve the client would be in the best interest of the client or other clients.

(2) Before terminating services to the client, the service provider must notify the department, the client and the client's legal representative in writing ten working days before terminating services.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3450, filed 12/21/07, effective 2/1/08.]

INDIVIDUAL INSTRUCTION AND SUPPORT PLAN

WAC 388-101-3460 Individual support plan. The service provider must use the client's current individual support plan in the development of the individual instruction and support plan.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3460, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3470 Development of the individual instruction and support plan. (1) The service provider must develop and implement an individual instruction and support plan for each client that incorporates the department's residential guidelines in developing instruction and support activities.

(2) In developing the individual instruction and support plan, the service provider must:

- (a) Work with the client to develop goals based on the individual support plan that will be worked on during the implementation of the individual instruction and support plan for the upcoming year;

(b) Identify how the instruction and/or support activities will be provided to meet the assessed needs of the client as described in the individual support plan;

(c) Ensure that the individual instruction and support plan contains or refers to other applicable support and/or service information; and

[Title 388 WAC—p. 641]

(d) Include the participation and agreement of the client and other individuals the client wants included.

(3) The service provider must send a copy of the individual instruction and support plan goals together with a list of applicable support and service information and where the information is located to the case manager for review.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3470, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3480 Documentation of the individual instruction and support plan. For each client the service provider must:

(1) Develop and keep a written record of the individual instruction and support plan that includes the elements required in WAC 388-101-3470;

(2) Include a section or page in the individual instruction and support plan that provides or references all applicable support or service information pertaining to the client;

(3) Review and update the plan to reflect changes in the assessed needs as described in the individual support plan;

(4) Sign and date the plan's documents; and

(5) Document the client's agreement with the plan as well as the client's legal representative if applicable.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3480, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3490 Implementation of the individual instruction and support plan. The service provider must:

(1) Oversee the progress made on each client's individual instruction and support plan;

(2) Coordinate with other staff, and other providers serving the client, and other interested persons as needed, in implementing the individual instruction and/or support plan; and

(3) Revise and update the plan as the client's assessed needs change.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3490, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3500 Accessibility of the individual instruction and support plan. The service provider must make the individual instruction and support plan accessible at all times to:

(1) Staff to provide direction on what they are to do to instruct and/or support the client;

(2) The client receiving service;

(3) The client's legal representative; and

(4) Representatives of the department.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3500, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3510 Ongoing updating of the individual instruction and support plan. The service provider must:

(1) Review and revise the individual instruction and support plan as goals are achieved or as client assessed needs change in order to reflect the client's current needs, goals, and preferences:

(a) At least semi-annually; and

[Title 388 WAC—p. 642]

(b) At any time requested by the client or the client's legal representative.

(2) Send an updated copy of the instruction and support goals of the individual instruction and support plan and the list of applicable support and service information and where the information is located to the case manager for review.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3510, filed 12/21/07, effective 2/1/08.]

CLIENT FINANCES

WAC 388-101-3520 Client related funds. If the service provider does not manage the client's funds and receives funds for the client from any source, the service provider must be able to show that all the funds received are:

(1) Given to the client or the client's legal representative;

(2) Deposited to the client's account; or

(3) Used only for the client.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3520, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3530 Individual financial plan. (1) The service provider must develop and implement an individual financial plan with client participation when the client's individual support plan:

(a) Identifies that the client needs support to manage funds; and

(b) Designates the service provider as responsible for that support; or

(c) Indicates the service provider manages any portion of the client's funds.

(2) The service provider must obtain signatures from the client and the client's legal representative on the individual financial plan.

(3) The service provider must include the following in the client's individual financial plan:

(a) Client funds and income managed by the service provider;

(b) Client funds and income managed by the client and the client's legal representative;

(c) The type of accounts containing client funds;

(d) A description of how the client's funds will be spent during a typical month;

(e) Money management instruction or support provided to the client; and

(f) If applicable, asset management including such things as personal property, burial plan, retirement funds, stock, and vehicles.

(4) The service provider must review the individual financial plan with the client at least every twelve months.

(5) The service provider must send a copy of each client's individual financial plan to:

(a) The client's legal representative; and

(b) The client's case manager upon request.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3530, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3540 Managing client funds. (1) Before managing a client's funds the service provider must either:

(a) Obtain written consent from the client or the client's legal representative; or

(b) Become the representative payee.

(2) For any client funds managed by the service provider, the service provider must:

(a) Separately track each client's money, even when several clients reside together;

(b) Maintain a current running balance of each client account;

(c) Make deposits to the client's bank account within one week of receiving the client's money;

(d) Prevent the client's bank account from being overdrawn;

(e) Ensure that client cash funds do not exceed seventy-five dollars per client unless specified differently in the individual financial plan; and

(f) Retain receipts for each purchase over twenty-five dollars.

(3) Social Security Administration requirements for managing the client's Social Security income take precedence over these rules if:

(a) The service provider is the client's representative payee; and

(b) The Social Security Administration requirement conflicts with these rules.

(4) When the service provider manages the client's funds and receives a check made out to the client, the service provider must:

(a) Get the client's signature and designation "for deposit only"; or

(b) Get the client's "x" mark in the presence of a witness and cosign the check with the designation "for deposit only"; and

(c) Deposit the check in the client's bank account as required under subsection (2)(c) of this section.

(5) If a check for the client is made out to a payee other than the client, the service provider must ask the payee to sign the check.

(6) The service provider must not ask the client to sign a blank check.

(7) The service provider may only assist the client to make purchases by check when the client signs the check at the time of the purchase unless:

(a) Otherwise specified in the client's individual financial plan; or

(b) The service provider is the client's representative payee.

(8) The service provider must document in the client's record the name of each staff that may assist the client with financial transactions.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3540, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3545 Using client funds for health services. The service provider must document all denials for client health services from the department's medical assistance administration, and medical insurance companies. The service provider:

(1) Must notify the case manager of the denial in writing; and

(2009 Ed.)

(2) May use client funds for the client's health services if no other funding is available.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3545, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3550 Reconciling and verifying client accounts. (1) For any client funds managed by the service provider, the service provider must:

(a) Reconcile the client's bank accounts to the client's bank statements each month;

(b) Reconcile the client's cash account each month; and

(c) Verify the accuracy of the reconciliation.

(2) The service provider must not allow the same staff person to do both the verification and reconciliation of the client's account.

(3) The service provider must ensure that the verification or reconciliation is done by a staff person who did not:

(a) Make financial transactions on the client's behalf; or

(b) Assist the client with financial transactions.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3550, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3560 Combining service provider and client funds. The service provider must not combine client funds with any service provider funds, such as agency operating funds.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3560, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3570 Client bankbooks and bankcards. (1) For clients who manage their own funds, the service provider must document in the client's record when the client asks the provider to hold the client's bankbooks and bankcards.

(2) When the service provider holds the client's bankcards or bankbooks as requested by the client:

(a) It is not assumed that the service provider is managing the client's funds; and

(b) The client must continue to have access to his or her own funds.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3570, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3580 Client financial records. (1) For client funds that the service provider manages, the service provider must retain documentation including documentation for bank and cash accounts.

(2) The service provider must also keep the following documentation for client financial transactions:

(a) Monthly bank statements and reconciliations;

(b) Checkbook registers and bankbooks;

(c) Deposit receipts;

(d) Receipts for purchases over twenty-five dollars;

(e) A ledger showing deposits, withdrawals, and interest payments to each client; and

(f) A control journal for trust accounts.

(3) The service provider must keep the following documentation for cash and debit transactions:

(a) A detailed ledger signed by the staff who withdrew any of the client's money;

[Title 388 WAC—p. 643]

(b) A detailed accounting of the funds received on behalf of the client including:

- (i) Cash received from writing checks over the purchase amount; and
 - (ii) A list of where the money was spent.
- (c) Receipts for purchases over twenty-five dollars when service provider staff withdrew the money.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3580, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3590 Transferring client funds. (1)

When the service provider manages a client's funds and the client changes service providers, the previous service provider must transfer all of the client's funds, except funds necessary to pay unpaid bills, to the client or designee as soon as possible but no longer than thirty days.

(2) When transferring funds, the previous provider must:

- (a) Have an agreement with the client regarding the amount of money to be withheld to pay bills;
- (b) Inform the client's case manager about any agreement in subsection (2)(a) of this section;
- (c) Give the client and the client's legal representative a written accounting of all known client funds;
- (d) When applicable, give the new service provider a written accounting of all transferred client funds;
- (e) Obtain a written receipt from the client and legal representative for all transferred funds; and
- (f) When applicable, obtain the new service provider's written receipt for the transferred funds.

(3) When the client moves to another living arrangement without supported living services or the client's whereabouts are unknown, the service provider must transfer the client's funds within one hundred eighty days to:

- (a) The client's legal representative;
- (b) The department; or
- (c) The requesting governmental entity.

(4) When the client dies, the service provider must transfer the client's funds within ninety days to:

- (a) The client's legal representative;
- (b) The requesting governmental entity; or
- (c) The department if the client does not have a legal heir.

(5) Social Security Administration requirements for managing the client's Social Security income take precedence over these rules for transferring client funds if:

- (a) The service provider is the client's representative payee; and
- (b) The Social Security Administration requirement conflicts with these rules.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3590, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3600 Client loans. (1) The service provider may loan funds to a client from the service provider's funds and collect the debt from the client in installments.

- (2) The client's service provider must not:
 - (a) Charge the client interest for any money loaned; or
 - (b) Borrow funds from the client.
- (3) The provider must keep the following loan documentation for each loan:

(a) A loan agreement signed by the client or the client's legal representative;

- (b) Amount of the loan;
- (c) Payments on the loan balance; and
- (d) The current balance owed.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3600, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3610 Client reimbursement. The service provider must pay the client the total amount involved when:

- (1) The service provider or staff has stolen, misplaced, or mismanaged client funds; or
- (2) Service charges are incurred on a trust account that the service provider manages for the client.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3610, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3620 Client payment. When the client performs work for the service provider, the service provider must pay the client:

- (1) At least the current minimum wage; and
- (2) According to state and federal requirements.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3620, filed 12/21/07, effective 2/1/08.]

CLIENT MEDICATIONS

WAC 388-101-3630 Medication services—General.

(1) If the service provider is involved in assisting any client with medications, as identified in the client's individual support plan, the service provider must:

- (a) Have systems in place to ensure that medications are given as ordered and in a manner that safeguards the client's health and safety;
- (b) Ensure that each client receives their medication as prescribed, except as provided for in the medication refusal section or in the medication assistance section regarding altering medication; and
- (c) Have a legible prescription label completed by a licensed pharmacy before providing medication assistance or medication administration to a client for prescribed medications.

(2) Group homes licensed as a boarding home or adult family home must meet the medication management requirements of chapter 388-78A or 388-76 WAC. For any difference in requirements the boarding home or adult family home medication rules take precedence over the medication rules of this chapter.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3630, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3640 Medication—Types of support. The service provider must provide medication support as specified in the client's individual support plan. Types of client support include:

- (1) Self-administration of medication;
- (2) Medication assistance;
- (3) Nurse delegated medication administration; and
- (4) Medication administration by a practitioner.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3640, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3650 Medication—Self-administration. If a client is assessed as independent in self-administration of medications the service provider must inform the client's case manager if they have a reason to suspect that the client is no longer safe to self-administer medications.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3650, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3660 Medication assistance. If the client is assessed as needing assistance with medication, the service provider may assist the client to take medications in any of the following ways:

(1) Communicating the prescriber's order to the client in such a manner that the client self-administers his/her medication properly;

(2) Reminding or coaching the client when it is time to take a medication;

(3) Opening the client's medication container;

(4) Handing the client the medication container;

(5) Placing the medication in the client's hand;

(6) Transferring medication from one container to another for the purpose of an individual dose (e.g., pouring a liquid medication from the container to a calibrated spoon or medication cup or using adaptive devices);

(7) Altering a medication by crushing or mixing:

(a) Only if the client is aware that the medication is being altered or added to food or beverage; and

(b) A pharmacist or other qualified practitioner has determined it is safe to alter medication; and

(c) It is documented on the prescription container or in the client's record.

(8) Guiding or assisting the client to apply or instill skin, nose, eye and ear preparations. Hand-over-hand administration is not allowed; and

(9) For group homes that have a boarding home or adult family home license, refer to chapter 388-78A or 388-76 WAC for additional tasks that may be allowed.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3660, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3670 Medication administration—Nurse delegation. If a client is assessed as requiring medication administration and the service provider is not a practitioner, the service provider must ensure the assistance is provided by a licensed health care professional or under nurse delegation as per chapters 246-840 WAC and 18.79 RCW.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3670, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3680 Medication administration. (1) If a service provider is a licensed health care professional, the licensed professional may administer the client's medication.

(2) Service providers may only administer medication under the order of a physician or a health care professional with prescriptive authority.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3680, filed 12/21/07, effective 2/1/08.]

(2009 Ed.)

WAC 388-101-3690 Medication refusal. (1) When a client who is receiving medication support from the service provider chooses to not take his or her medications, the service provider must:

(a) Respect the client's right to choose not to take the medication(s) including psychoactive medication(s); and

(b) Document the time, date and medication the client did not take.

(2) The service provider must take the appropriate action, including notifying the prescriber or primary care practitioner, when the client chooses to not take his or her medications and the client refusal could cause harm to the client or others.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3690, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3700 Storage of medications. (1) The service provider must keep a client's medications so they are not readily available to other clients.

(2) The service provider must store medications:

(a) Under proper conditions for sanitation, temperature, moisture and ventilation, and separate from food or toxic chemicals; and

(b) In the original medication containers with pharmacist-prepared or manufacturer's label, or in medication organizers which are clearly labeled with the:

(i) Name of the client for whom the medication is prescribed;

(ii) Name of the medications; and

(iii) Dosage and frequency.

(3) Group homes must:

(a) Keep all medications in locked storage; and

(b) Use medication organizers only when filled by a pharmacist.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3700, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3710 Medication organizers. (1) Service providers may allow medication organizers maintained by the individual when the organizers are filled by:

(a) The client;

(b) A licensed pharmacist;

(c) An RN; or

(d) The client's legal representative or a family member.

(2) Service providers providing medication assistance or administration to a client must ensure that the medication organizers are labeled.

(3) The client, a pharmacist, an RN, or the client's legal representative or family member may label the medication organizer.

(4) When there is a change in medications by the prescriber, the individual filling the medication organizers must replace labels with required updated information immediately.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3710, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3720 Medications—Documentation. The service provider must maintain a written record of all medications administered to, assisted with, monitored, or refused by the client.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3720, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3730 Disposal of medications. (1) The service provider or his/her designee must properly dispose of all medications that are discontinued, out of date, or superseded by another.

(2) When disposing client medications the service provider must list the:

- (a) Medication;
- (b) Amount; and
- (c) Date that it was disposed.

(3) Two people, one of whom may be the client, must verify the disposal by signature.

(4) For group homes that have a boarding home or adult family home license, refer to chapters 388-78A or 388-76 WAC for medication disposal requirements.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3730, filed 12/21/07, effective 2/1/08.]

PSYCHOACTIVE MEDICATIONS

WAC 388-101-3740 Psychoactive medication assessment. If a client displays symptoms of mental illness and/or persistent challenging behavior, the service provider must:

- (1) Refer the client for a professional assessment;
- (2) Prior to the referral, prepare a psychiatric referral summary, including the frequency and severity of the symptoms or behaviors, and take or send this document to the treatment professional conducting the assessment;
- (3) Respect the client's preference to visit the treatment professional independently; and
- (4) If drugs are prescribed, have the prescribing professional assess the client at least annually to review the continued need for the medication(s) and possible dosage reduction.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3740, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3750 Psychoactive medication treatment plan. (1) If the assessing treatment professional recommends psychoactive medications, the prescribing professional or service provider must document this in the client's psychoactive medication treatment plan. The service provider must ensure the plan includes the following:

- (a) A description of the behaviors, symptoms or conditions for which the medication is prescribed and a mental health diagnosis, if available;
- (b) The name, dosage, and frequency of the medication and subsequent changes in dosage must be documented in the person's medical record;
- (c) The length of time considered sufficient to determine if the medication is effective;
- (d) The behavioral criteria to determine whether the medication is effective and what changes in behavior, mood, thought, or functioning are considered evidence that the medication is effective; and
- (e) The anticipated schedule of visits with the prescribing professional.

(2) The service provider must make sure the treatment plan is updated when there is a change in psychoactive medication type, including intraclass changes.

[Title 388 WAC—p. 646]

(3) The service provider must:

(a) Review the name, purpose, potential side effects and any known potential drug interactions of the psychoactive medication(s) with the client and his/her legal representative and document the review in the client record; and

(b) Have available to staff and clients an information sheet for each psychoactive medication that is being used by each client served by the provider.

(4) The service provider must assist the client in obtaining and taking the medication when:

(a) The client's legal representative if any, is unavailable; and

(b) In the prescribing professional's opinion, medication is needed and no significant risks are associated with the use of the medication.

(5) If a client takes psychoactive medications to reduce challenging behaviors or to treat symptoms of a mental illness that are interfering with the client's ability to have positive life experiences and form and maintain relationships, the service provider must develop and implement a positive behavior support plan.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3750, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3760 Psychoactive medication monitoring. The service provider must:

(1) Monitor the client to help determine if the medication is effective based on criteria identified in the psychoactive medication treatment plan; and

(2) Report to the prescribing professional when:

(a) The medication does not appear to have the desired effects; and

(b) Any changes in client behavior or health that might be adverse side effects of the medication(s).

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3760, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3770 Psychoactive medications—Other. If psychoactive medications are used for diagnoses other than mental illness or persistent challenging behavior, the service provider must follow the general medication requirements in WAC 388-101-3630 through 388-101-3730.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3770, filed 12/21/07, effective 2/1/08.]

CLIENT AND PROGRAM RECORDS

WAC 388-101-3780 Confidentiality of client records.

(1) The service provider must:

(a) Keep all client record information confidential;

(b) Ensure the department's right to have access to and copies of any records as requested or needed; and

(c) Provide access to and copies of client records to the client, or the client's legal representative upon their request.

(2) The service provider must have an authorized release of information form for any transfer or inspection of records, other than those specified in subsection (1) of this section. The authorization form must:

(a) Be specific to the type of information about the transfer or inspection; and

(2009 Ed.)

(b) Be signed by the client or client's legal representative.

(3) A signed release of information is valid for up to one year from the date of signature.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3780, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3790 Charging for searching and duplicating records. (1) The service provider:

(a) Must not charge the department or the client for any searching or duplication of records requested or needed; and

(b) May charge the client's legal representative acting on behalf of the client for searching and duplication of records at a cost not to exceed twenty-five cents a page.

(2) The service provider must not charge the client's legal representative acting on behalf of the client for searching and duplication of records if the client is incapable of making the request.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3790, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3800 Retention of client records. (1) While supporting a client, a service provider must keep all of the client's records for at least four years.

(2) After a client's participation with a service provider ends, the service provider must keep the client's records for at least six years.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3800, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3810 Contents of client records. (1) Crisis diversion service providers are exempt from the client record requirements specified in this section.

(2) Service providers must keep, in each client's record, information including but not limited to the following:

(a) Client's name, address, and Social Security number;

(b) Name, address, and telephone number of the client's involved family members, guardian or legal representative;

(c) Copies of legal guardianship papers, if provided;

(d) Client health records, including:

(i) Name, address, and telephone number of the client's physician, dentist, mental health service provider, and any other current health care service provider;

(ii) Current health care service providers' instructions about health care needed, including appointment dates and date of next appointment if appropriate;

(iii) Written documentation that the health care service providers' instructions have been followed; and

(iv) Record of major health events and surgeries when known.

(e) Copy of the client's most recent individual support plan;

(f) Client's individual instruction and support plan including:

(i) Instruction and support activities for each client as a basis for review and evaluation of client's progress;

(ii) Semiannual review of the individual instruction and support plan;

(iii) Consultation with other service providers and other interested persons;

(2009 Ed.)

(iv) Individual instruction and support plan revisions and changes; and

(v) Other activities relevant to the client that the client wants included.

(g) Progress notes and incident reports;

(h) The client's financial records for funds managed by the service provider, including:

(i) Receipts, ledgers and records of the client's financial transactions; and

(ii) Client's related bankbooks, checkbooks, bank registers, tax records and bank statements.

(i) Burial plans and wills.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3810, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3820 Client's property records. (1) Crisis diversion support service providers are exempt from the requirements in this section.

(2) The service provider must assist clients in maintaining current, written property records unless otherwise specified in the individual support plan. The record must consist of:

(a) A list of personal possessions with a value of at least twenty-five dollars that the client owns when moving into the program;

(b) A list of personal possessions with a value of seventy-five dollars or more per item after the client moves into the program;

(c) Description and identifying numbers, if any, of the property;

(d) The date the client purchased the items after moving into the program;

(e) The date and reason for addition or removal from the record; and

(f) The signature of the staff or client making the entry.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3820, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3830 Record entries. The service provider must ensure that all record entries are:

(1) Documented in ink;

(2) Written legibly at the time of or immediately following the occurrence of the event recorded; and

(3) Signed and dated by the person making the entry.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3830, filed 12/21/07, effective 2/1/08.]

POSITIVE BEHAVIOR SUPPORTS

WAC 388-101-3840 Positive behavior support. Positive behavior support means a recognized approach to supporting clients with challenging behaviors. Positive behavior support focuses on changing the client's environment, skills, and other factors that contribute to the client's challenging behavior(s). Positive behavior support uses a functional assessment to help build respectful plans for clients with challenging behavior(s).

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3840, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3850 Functional assessment. (1) The service provider must conduct and document a functional assessment before developing and implementing a client's positive behavior support plan.

(2) The service provider must start the functional assessment when the client begins to engage in challenging behaviors that interfere with the client's ability to have positive life experiences and form and maintain relationships.

(3) The service provider must ensure that a client's written functional assessment addresses:

- (a) A description of the client and pertinent history;
- (b) The client's overall quality of life;
- (c) The behaviors that are considered challenging and/or are of concern;
- (d) The factors or events which increase the likelihood of challenging behaviors;
- (e) When and where the challenging behavior(s) occurs most frequently;
- (f) The factors or events which increase the likelihood of appropriate behavior;
- (g) An analysis and assessment of the possible functions or purpose the challenging behavior(s) serve for the client including what he or she obtains or avoids by engaging in the behavior(s); and
- (h) A concluding summary of the functions or purpose that each challenging behavior serves for the client.

(4) The service provider must include the following sections in the format of each client's written functional assessment:

- (a) Description and pertinent history;
- (b) Definition of challenging behaviors;
- (c) Data analysis/assessment procedures; and
- (d) Summary statement(s).

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3850, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3860 Positive behavior support plan.

(1) The service provider must develop, train to, and implement a written individualized positive behavior support plan for each client when:

- (a) The client takes psychoactive medications to reduce challenging behavior or treat a mental illness currently interfering with the client's ability to have positive life experiences and form and maintain personal relationships; or
- (b) Restrictive procedures, including physical restraints, identified in the residential services contract are planned or used.

(2) The service provider must:

- (a) Base each client's positive behavior support plan on the functional assessment required in WAC 388-101-3850; and
- (b) Complete and implement the client's positive behavior support plan within ninety days of identifying the client's symptoms and challenging behavior.

(3) The service provider must develop and implement a positive behavior support plan that is consistent with the client's cross system crisis plan, if any.

(4) The service provider must include the following sections in the format of each client's written positive behavior support plan:

- (a) Prevention strategies;

- (b) Teaching and training supports;
- (c) Strategies for responding to challenging behaviors; and

(d) Data collection and monitoring methods.

(5) If data indicates that progress is not occurring after a reasonable time, but not longer than six months, the service provider must:

- (a) Evaluate the positive behavior support plan and the data collected;
- (b) Conduct a new functional assessment when necessary; and
- (c) Develop and implement revisions as needed.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3860, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3870 Client protection. While the functional assessment and positive behavior support plan are being developed, the service provider must:

- (1) Protect the client and others; and
- (2) Document in the client's record how the protection is being done.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3870, filed 12/21/07, effective 2/1/08.]

RESTRICTIVE INTERVENTIONS

WAC 388-101-3880 Group home providers. (1)

When considering restrictive procedures, group home providers licensed as boarding homes must comply with all requirements in chapter 388-78A WAC regarding restraints.

(2) When considering restrictive procedures, group home providers licensed as adult family homes must comply with all requirements in chapter 388-76 WAC regarding restraints.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3880, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3890 Restrictive procedures. (1) The

service provider may:

- (a) Only use restrictive procedures for the purpose of protecting the client, others, or property; and
- (b) Not use restrictive procedures for the purpose of changing behavior in situations where no need for protection is present.

(2) The service provider must have documentation on the proposed intervention strategy before implementing restrictive procedures including:

- (a) A description of the behavior(s) that the restrictive procedures address;
- (b) A functional assessment of the challenging behavior(s);
- (c) The positive behavior support strategies that will be used;
- (d) A description of the restrictive procedure that will be used including:
 - (i) When and how it will be used; and
 - (ii) Criteria for termination of the procedure; and
- (e) A plan to document the use of the procedure and its effect.

(3) The service provider must terminate implementation of the restrictive procedures as soon as the need for protection is over.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3890, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3900 Restrictive procedures approval. (1) The service provider must have documentation of the proposed intervention strategy that:

- (a) Lists the risks of the challenging behavior(s);
- (b) Lists the risks of the proposed restrictive procedure(s);
- (c) Explains why less restrictive procedures are not recommended;
- (d) Indicates nonrestrictive alternatives to the recommendation that have been tried but were unsuccessful; and
- (e) Includes space for the client and/or the client's legal representative to write comments and opinions regarding the plan and the date of those comments.

(2) The service provider must consult with the division of developmental disabilities if:

- (a) The client and/or the client's legal representative disagree with parts of the proposed restrictive procedure; and
 - (b) An agreement cannot be reached.
- (3) Before the service provider implements restrictive procedures they must be approved in writing by:
- (a) The service provider's administrator; or
 - (b) Someone designated by the service provider to have approval authority; and
 - (c) Someone designated by the division of developmental disabilities, when required by the residential services contract.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3900, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3910 Physical intervention systems. Service providers who are using physical interventions with clients must have a physical intervention techniques system that includes at least the following:

- (1) Discussion of the need for positive behavior support;
- (2) Communication styles that help the client to calm down and resolve problems;
- (3) Techniques to prevent escalation of behavior before it reaches the stage of physical assault;
- (4) Techniques for staff to use in response to clients and their own fear, anger, aggression, or other negative feelings;
- (5) Cautions that physical intervention technique(s) may not be changed except as needed for individual disabilities, medical, health, and safety issues. A healthcare professional and a program trainer must approve all modifications;
- (6) Evaluation of the safety of the physical environment;
- (7) Issues of respect and dignity of the client;
- (8) Use of the least restrictive physical interventions depending upon the situation;
- (9) Identification of division of developmental disabilities approved and prohibited physical intervention techniques;
- (10) The need to release clients from physical restraint as soon as possible;
- (11) Instruction on how to support physical interventions as an observer, recognizing signs of:

(2009 Ed.)

- (a) Distress by the client; and
- (b) Fatigue by the staff; and
- (12) Discussion of the importance of complete and accurate documentation.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3910, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3920 Physical interventions. (1) The service provider must use the least restrictive intervention needed to protect each client, others, and property.

(2) The service provider may only use physical interventions with a client when positive or less restrictive techniques have been tried and determined to be insufficient to:

- (a) Protect the client;
 - (b) Protect others; or
 - (c) Prevent property damage.
- (3) The service provider must:
- (a) Terminate the intervention for the client as soon as the need for protection is over; and
 - (b) Only use restrictive physical interventions for the client as part of a positive behavior support plan except:
 - (i) In an emergency when a client's behavior presents an immediate risk to the health and safety of the client or others, or a threat to property; or
 - (ii) When an unknown, unpredicted response from a client jeopardizes the client's or others safety.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3920, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3930 Restrictive physical interventions. Prior to implementing restrictive physical interventions with a client, the provider must:

- (1) Provide documentation to the division of developmental disabilities regarding the proposed intervention;
- (2) Involve the client and the client's legal representative in discussion regarding the need for physical intervention;
- (3) Determine the kind of notification the client's legal representative wants to receive when physical interventions are used; and
- (4) Comply with the requirements defined under WAC 388-101-3890.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3930, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3940 Physical intervention training.

(1) Before using physical interventions with a client, the provider must train all staff who will be implementing those interventions in:

- (a) The use of physical interventions;
 - (b) Crisis prevention techniques; and
 - (c) Positive behavior support.
- (2) Each staff designated to supervise or observe restraint use must be trained in:
- (a) The observation and supervision of physical restraints; and
 - (b) The recognition of potential risks or negative outcomes related to the use of physical restraints.
- (3) The service provider must ensure that staff receiving physical intervention techniques training:
- (a) Complete the course of instruction;

[Title 388 WAC—p. 649]

(b) Demonstrate competency before being authorized to use the techniques with clients; and

(c) Review deescalation and physical intervention techniques annually.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3940, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3950 Mechanical and chemical restraints. (1) The service provider must protect each client's right to be free from mechanical and chemical restraints and involuntary seclusion.

(2) The service provider must use the least restrictive alternatives needed to protect the client, others, or property.

(3) If needed, mechanical restraints may only be used for needed medical or dental treatment and only under the direction of a licensed physician or dentist.

(4) Restraints used as allowed by subsection (3) of this section must be justified and documented in the client's record.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3950, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3960 Monitoring physical and mechanical restraints. (1) The service provider must ensure that any client who is being physically or mechanically restrained is continuously observed to ensure that risks to the client's health and safety are minimized.

(2) The service provider must keep documentation that includes:

- (a) A description of events immediately preceding the client's behavior which led to the use of the restraint;
- (b) The type of restraint used;
- (c) Length of time the client was restrained;
- (d) The client's reaction to the restraint;
- (e) Staff that were involved; and
- (f) Injuries sustained by anyone during the intervention.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3960, filed 12/21/07, effective 2/1/08.]

COMMUNITY PROTECTION

WAC 388-101-3970 Community protection—Approval. In order to provide support to community protection clients, the community protection service provider must, in addition to the other requirements in this chapter:

(1) Be approved by the division of developmental disabilities to serve community protection clients;

(2) Have security precautions reasonably available to enhance protection of neighbors, children, vulnerable adults, animals, and others;

(3) Have for each client an integrated treatment plan with goals, objectives, and therapeutic interventions to assist the client to avoid offending or reoffending; and

(4) Collaborate and coordinate between division of developmental disabilities staff, the treatment team, and community agencies and members.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3970, filed 12/21/07, effective 2/1/08.]

[Title 388 WAC—p. 650]

WAC 388-101-3980 Community protection—Policies and procedures. A community protection service provider must, in addition to other policy and procedure requirements listed in this chapter, develop, train to, and implement the following procedures:

- (1) Client security and supervision;
- (2) Use of a chaperone agreement that describes who will supervise the client when the client is not under the direct supervision of the community protection service provider;
- (3) Compliance with state laws requiring sex offender registration with law enforcement;
- (4) Reporting to the division of developmental disabilities the client's refusal to comply with the treatment plan; and
- (5) Reporting to the division of developmental disabilities and law enforcement client actions that violate the law or a court order.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3980, filed 12/21/07, effective 2/1/08.]

WAC 388-101-3990 Community protection—Treatment team meetings. The community protection service provider must participate in treatment team meetings quarterly or more frequently as needed.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-3990, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4000 Community protection—Staff training. In addition to the staff training requirements in this chapter and the residential services contract, the community protection service provider must ensure that community protection program staff receive training specific to:

- (1) Community protection within ninety calendar days of working with a community protection client; and
- (2) The needs, supports, and services for clients to whom they are assigned.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4000, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4010 Community protection—Written individual plan. (1) The community protection service provider must develop and implement a client's written individual plan as required in the residential services contract and that is based on:

(a) A qualified professional's risk assessment of emotional and behavioral issues related to community protection risks; or

(b) A written risk assessment and treatment recommendations by:

(i) A sexual offender treatment provider or sexual offender treatment provider affiliate if the client has a sexual offense history; or

(ii) A licensed psychologist or psychiatrist with specialized training in the treatment of or three or more years' experience treating violent or aggressive behavior when the person being assessed has demonstrated violent, dangerous, or aggressive behavior.

(2) In addition to the requirements in WAC 388-101-3460 through 388-101-3510, the community protection service provider must include the following in the client's written individual plan:

(a) Intervention strategies and techniques related to community protection risks;

(b) Restrictions and measures, including security precautions; and

(c) A therapist's approval of the written individual plan.

(3) For community protection clients with a history of sexual offending, the assessment by a certified sexual offender treatment provider or sexual offender treatment provider affiliate may serve as the functional assessment and treatment recommendations related to the sexual behaviors.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4010, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4020 Community protection—Client records. In addition to all other client record requirements in this chapter community protection service providers must include the following in the client's record:

(1) Psychosexual and/or psychological evaluations and risk assessments;

(2) Plans and assessments including:

(a) The written individual plan;

(b) The functional assessment;

(c) The positive behavior support plan; and

(d) A therapist approved treatment plan.

(3) The client's sex offender registration with law enforcement authorities when required by law;

(4) Notice to the division of developmental disabilities of the client's sex offender registration; and

(5) Agreements, requirements, and plans, including the chaperone agreement, with individuals who support the client.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4020, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4030 Community protection—Client transportation. In addition to the other client transportation requirements defined in this chapter, community protection service providers must provide or ensure supervised transportation as needed, including but not necessarily limited to, medical emergencies, appointments, to and from the day program site, and community activities.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4030, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4040 Community protection—Program residential location. Before securing and using a residence to provide support to the community protection program client, the community protection service provider must:

(1) Conduct and document site checks of the proposed residence at different days and times of the week;

(2) Consider the client's specific offense patterns;

(3) Determine appropriate and necessary restrictive procedures, including security precautions; and

(4) Obtain written approval for the residential site from the division of developmental disabilities.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4040, filed 12/21/07, effective 2/1/08.]

(2009 Ed.)

WAC 388-101-4050 Community protection—Reducing a client's restrictions. The community protection service provider must participate in any treatment team meetings held to review and consider a reduction in client restrictions.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4050, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4060 Community protection—Leaving the program against treatment team advice. (1) The community protection service provider must immediately notify the division of developmental disabilities when the client leaves the community protection program against treatment team advice; and

(2) Document the client's departure in the client's record.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4060, filed 12/21/07, effective 2/1/08.]

CRISIS DIVERSION BED AND SUPPORT SERVICES

WAC 388-101-4070 Crisis diversion—Access to services. The crisis diversion services provider must:

(1) Be approved by the department to provide crisis diversion services; and

(2) Make crisis diversion services available to clients twenty-four hours per day.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4070, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4080 Crisis diversion bed services—Location. The crisis diversion bed services provider must:

(1) Provide those services in a residence that is maintained by the crisis diversion bed services provider;

(2) Provide a private, furnished bedroom for each crisis diversion client; and

(3) Support only one client in each residence.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4080, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4090 Crisis diversion bed services—Services and activities. The crisis diversion bed services provider must provide the following services and activities:

(1) Support staff, twenty-four hour per day, seven days a week, to meet the client's needs as identified in the client's assessment;

(2) Access to the instruction and support services identified in the client's individual support plan;

(3) Three meals per day plus snacks;

(4) The following items at no cost to the client:

(a) Toiletries and personal care items;

(b) Bedding and towels;

(c) Access to laundry facilities; and

(d) Access to local telephone calls.

(5) Therapeutic interventions aimed at improving the client's functioning;

(6) Medication monitoring as needed;

(7) Transportation to and from the crisis diversion bed location and other necessary appointments or services;

(8) Referral to health care services as needed;

(9) Supports for performing personal hygiene routines and activities of daily living if needed by the client; and

[Title 388 WAC—p. 651]

(10) An accessible site for clients with physical disabilities.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4090, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4100 Crisis diversion bed services—Treatment plan. (1) Crisis diversion bed services providers must develop a crisis services treatment plan within forty-eight hours of the client's placement.

- (2) The treatment plan must include:
- (a) The supports and services that must be provided; and
 - (b) Client discharge goals.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4100, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4110 Crisis diversion bed and support service providers—Client records. (1) Crisis diversion bed and support service providers must keep the following information in client records:

- (a) Client's name, address, and Social Security number;
- (b) Name, address, and telephone number of the client's relative or legal representative; and
- (c) Progress notes and incident reports on clients.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4110, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4120 Crisis diversion bed services—Client records. (1) Crisis diversion bed services providers must maintain a record for each client admitted to the crisis diversion bed.

(2) The client record must include the following information when available:

- (a) Basic demographic information;
- (b) Referral process and intake information;
- (c) Medication records;
- (d) Psychiatric records;
- (e) Crisis diversion bed services provider notes;
- (f) The crisis services treatment plan;
- (g) Cross systems crisis plan;
- (h) Disposition at the client's discharge;
- (i) Dates of admission and discharge;
- (j) Incident reports;
- (k) Copies of legal representative and guardianship papers;
- (l) Health records including the name, address, and telephone number of the client's:
 - (i) Physician;
 - (ii) Dentist;
 - (iii) Mental health service provider; and
 - (iv) Any other health care service providers.
- (m) Health care service providers' instructions, if any, about health care tasks and date of next appointment;
- (n) Written documentation that the health care service providers' instructions have been followed; and
- (o) A record of known major health events, including surgeries.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4120, filed 12/21/07, effective 2/1/08.]

[Title 388 WAC—p. 652]

WAC 388-101-4130 Crisis diversion support services—Location. The crisis diversion support services provider must provide those services in the client's own home.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4130, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4140 Crisis diversion support services—Services and activities. The crisis diversion support services provider must provide the following services and activities:

- (1) Therapeutic interventions to help stabilize the client's behavioral symptoms;
- (2) Assistance with referral to mental health services if needed; and
- (3) Technical assistance to the client's caregivers on support strategies.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4140, filed 12/21/07, effective 2/1/08.]

INCIDENT REPORTING

WAC 388-101-4150 Mandated reporting to the department. Service providers, administrators, owners, and staff:

- (1) Are mandated reporters and must meet the requirements of chapter 74.34 RCW;
- (2) Must make mandated reports to the department's centralized toll free complaint telephone number or fax number immediately when:
 - (a) There is reasonable cause to believe that a vulnerable adult, as defined in chapter 74.34 RCW, has been abandoned, abused, neglected, or financially exploited; or
 - (b) There is a reason to suspect physical or sexual assault.
- (3) Must also make written and oral reports to the department as specified in the provider's residential services contract;
- (4) Must protect the alleged victim and others from further abuse, neglect, abandonment, and financial exploitation; and
- (5) May have their certification and/or contract terminated if they fail to report such incidents.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4150, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4160 Mandated reporting to law enforcement. Service providers, administrators, owners, and staff must immediately report to the appropriate law enforcement agency if there is reason to suspect that any of the following has occurred:

- (1) Sexual assault: Any alleged or suspected sexual assault;
- (2) Physical assault (nonclient to client): Any suspected physical assault as well as any act that causes fear of imminent harm; and
- (3) Physical assault (client to client): Any suspected physical assault that causes bodily injury requiring more than first aid, or in the event of:
 - (a) Injuries that appear on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal area;

(2009 Ed.)

- (b) Fractures;
- (c) Choking attempts;
- (d) Patterns of physical assault between the same vulnerable adults or involving the same vulnerable adults;
- (e) A reasonable cause to believe that an act has caused fear of imminent harm; and
- (f) Any incident, regardless of injury, if requested by the client, his/her legal representative, or family member.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4160, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4170 Mandating reporting policies and procedures. (1) The service provider must develop, train on and implement written policies and procedures for:

- (a) Immediately reporting mandated reporting incidents to:
 - (i) The department and law enforcement;
 - (ii) Appropriate persons within the service provider's agency as designated by the service provider; and
 - (iii) The alleged victim's legal representative.
- (b) Protecting clients;
- (c) Preserving evidence when necessary; and
- (d) Initiating an outside review or investigation.

(2) The service provider must not have or implement any policies or procedures that interfere with a mandated reporter's obligation to report.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4170, filed 12/21/07, effective 2/1/08.]

REMEDIES

WAC 388-101-4190 Provisional certification. (1) The department may impose a provisional certification, not to exceed one hundred eighty days, if any service provider does not comply with requirements of this chapter, other applicable laws and rules, or the residential services contract.

(2) At the end of provisional certification the department may:

- (a) Approve the service provider for regular certification if the service provider has complied with certification requirements; or
- (b) Revoke the service provider's certification and terminate the residential services contract if the service provider has not complied with all certification requirements.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4190, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4200 Decertification. The department may revoke any service provider's certification at any time for noncompliance with the requirements of this chapter, the department's residential services contract, the requirements of chapter 74.34 RCW or other relevant federal, state and local laws, requirements or ordinances.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4200, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4210 Community protection program—Circumstances resulting in enforcement remedies. (1) This section applies only to service providers providing services to community protection clients.

(2009 Ed.)

(2) The department is authorized to impose the enforcement remedies described in chapter 71A.12 RCW when the service provider has:

- (a) Failed or refused to comply with the requirements of chapter 71A.12 RCW and the rules adopted under the chapter;
- (b) Failed or refused to comply with the certification process;
- (c) Prevented or interfered with the department's certification evaluation or complaint investigation by the department;
- (d) Failed to comply with any applicable requirements regarding vulnerable adults under chapter 74.34 RCW; or
- (e) Knowingly, or with reason to know, made a false statement of material fact related to certification or contracting with the department, or in any matter under investigation by the department.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4210, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4220 Community protection program—Authorized enforcement remedies. (1) This section applies only to service providers providing services to community protection clients.

(2) Whenever circumstances in WAC 388-101-4210 are present the department may impose any enforcement remedies authorized by chapter 71A.12 RCW and any rules adopted under it. The department may:

- (a) Decertify or refuse to renew the certification of a service provider;
- (b) Impose conditions on a service provider's certification status;
- (c) Suspend department referrals to the service provider;
- (d) Require a service provider to implement a plan of correction developed by the department and to cooperate with subsequent monitoring of the service provider's progress;
- (e) Impose civil penalties of not more than one hundred fifty dollars per day per violation in the event a service provider fails to implement the plan of correction developed by the department or fails to cooperate with any subsequent monitoring; and
- (f) Impose a separate violation each day during which the same or similar action or inaction occurs.

(2) The provisions of chapter 34.05 RCW apply to enforcement actions under this section. Except for the imposition of civil penalties, the effective date of enforcement actions will not be delayed or suspended pending any hearing or informal review.

(3) The enforcement actions and penalties authorized in this section are not exclusive or exhaustive and nothing in this section prohibits the department from taking any action authorized in statute or rule or under the terms of a contract with the service provider.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4220, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4230 Community protection program—Considerations for imposing remedies. (1) This section applies only to service providers providing services to community protection clients.

[Title 388 WAC—p. 653]

(2) When determining the appropriate enforcement action under WAC 388-101-4220, the department will select actions in proportion to the seriousness of the harm or threat of harm to clients being served by the service provider.

(3) The department may take enforcement actions that are more severe for violations that are uncorrected, repeated, or pervasive or which present a serious threat of harm to the health, safety or welfare of clients served by the service provider.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4230, filed 12/21/07, effective 2/1/08.]

INFORMAL DISPUTE RESOLUTION AND APPEALS

WAC 388-101-4240 Informal dispute resolution. (1) When a service provider disagrees with the department's finding of a violation or certification action under this chapter, the service provider may request an informal dispute resolution meeting with the department.

(2) The service provider must make a written request to the department for an informal dispute resolution meeting within ten working days of receipt of the written notice of the department's final report of findings and/or certification action.

(3) The service provider must submit a written statement identifying the challenged action, and include specifically the issues and regulations involved.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4240, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4250 Administrative review. (1) A service provider may request an administrative review of a certification action within twenty-eight days of receipt of the written notice of the department's certification action.

(2) The service provider must make the request in writing and must:

- (a) Sign the request;
- (b) Identify the challenged decision and the date it was made;
- (c) State specifically the issues and regulations involved and the grounds for the disagreement; and
- (d) Include with the request copies of any supporting documentation for the service provider's position.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4250, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4260 Appeal rights. (1) A service provider:

(a) May contest a decision made by the department pursuant to chapter 71A.12 RCW and according to the provisions of chapters 34.05 RCW and 388-02 WAC;

(b) Must file any request for a hearing with the office of administrative hearings at the mailing address specified in the notice of imposition of an enforcement remedy; and

(c) Must make the request within twenty-eight days of receipt of the written notice of the department's certification action.

(2) Certification actions are effective immediately upon notice and will continue pending any hearing.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4260, filed 12/21/07, effective 2/1/08.]

[Title 388 WAC—p. 654]

ABUSE-NEGLECT FINDING - INDIVIDUAL

WAC 388-101-4265 Investigation of reports. (1) The department may investigate allegations of abandonment, abuse, neglect, or financial exploitation of a client.

(2) The department investigation may include an investigation of allegations about one or more of the following:

- (a) A service provider;
- (b) Anyone associated with a service provider; or
- (c) A client receiving services under this chapter.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4265, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4270 Notice of preliminary finding.

(1) The department will notify the alleged perpetrator in writing within ten working days of making a preliminary finding of abandonment, abuse, neglect or financial exploitation of a client. The written notice:

(a) Will not include the identities of the alleged victim, reporter and witnesses; and

(b) Will include the necessary information for the alleged perpetrator to ask for an administrative hearing to challenge the preliminary finding.

(2) The department must make a reasonable, good faith effort to determine the last known address of the alleged perpetrator.

(3) The department will serve notice of the preliminary finding as provided in chapter 388-02 WAC.

(4) The department may extend the time frame for written notification beyond ten working days for good cause.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4270, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4280 Reporting preliminary findings.

(1) In a manner consistent with confidentiality requirements concerning the client, witnesses, and reporter, the department may provide notification of a preliminary finding to:

- (a) Other divisions within the department;
- (b) The agency or program identified under RCW 74.34.068 with which the alleged perpetrator is associated as an employee, volunteer or contractor;

(c) The employer or program that is currently associated with the individual alleged to have abandoned, abused, neglected, or financially exploited a client, if known;

(d) Law enforcement; and

(e) Other investigative authorities consistent with chapter 74.34 RCW.

(2) The notification will identify the finding as a preliminary finding.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4280, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4290 Disputing a preliminary finding.

(1) An alleged perpetrator of abandonment, abuse, neglect, or financial exploitation of a client may request an administrative hearing to challenge a preliminary finding made by the department.

(2) The request must be made in writing to the office of administrative hearings.

(3) The office of administrative hearings must receive the alleged perpetrator's written request for a hearing within thirty calendar days of the date written on the notice of the preliminary finding.

(4) The written request for a hearing must include:

- (a) The full legal name, current address and phone number of the alleged perpetrator;
- (b) A brief explanation of why the alleged perpetrator disagrees with the preliminary finding;
- (c) A description of any assistance needed in the administrative appeal process by the alleged perpetrator, including a foreign language or sign language interpreter or any reasonable accommodation for a disability; and
- (d) The alleged perpetrator's signature.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4290, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4300 Disclosure of investigative and finding information. (1) Confidential information about clients and mandated reporters received from the department may only be used by the alleged perpetrator to challenge preliminary findings through the appeal process.

(2) Confidential information such as the name and other personal identifying information of the reporter, witnesses, or the client will be redacted from documents unless release of that information is consistent with chapter 74.34 RCW and other applicable state and federal laws.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4300, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4310 Hearing procedures to dispute a preliminary finding. (1) Chapters 34.05 and 74.34 RCW, chapter 388-02 WAC, and the provisions of this chapter govern any appeal regarding a preliminary finding. In the event of a conflict between the provisions of this chapter and chapter 388-02 WAC, the provisions of this chapter shall prevail.

(2) The administrative law judge shall determine whether a preponderance of the evidence supports the preliminary finding that the alleged perpetrator abandoned, abused, neglected, or financially exploited a vulnerable adult, and shall issue a preliminary order.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4310, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4320 Appeal of the administrative law judge's preliminary order on a finding. (1) If the alleged perpetrator or the department disagrees with the administrative law judge's decision, either party may challenge this decision by filing a petition for review with the department's board of appeals under chapters 34.05 RCW and 388-02 WAC.

(2) If the department appeals the administrative law judge's decision, the department will not modify the finding in the department's records until a final hearing decision is issued.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4320, filed 12/21/07, effective 2/1/08.]

(2009 Ed.)

WAC 388-101-4330 Finalizing a preliminary finding.

(1) A preliminary finding becomes a final finding when:

- (a) The department gives the alleged perpetrator notice of the preliminary finding pursuant to WAC 388-101-4270 and the alleged perpetrator does not request an administrative hearing;
- (b) The administrative law judge:
 - (i) Dismisses the hearing following withdrawal of the appeal or default; or
 - (ii) Issues a preliminary order upholding the finding and the alleged perpetrator fails to appeal the preliminary order to the department's board of appeals; or
- (c) The board of appeals issues a final order upholding the finding.

(2) The final finding is permanent and will only be removed from the department's records if:

- (a) It is rescinded following judicial review; or
- (b) The department may decide to remove the single finding of neglect from its records based upon a written petition by the alleged perpetrator provided that no further findings have occurred, and at least one calendar year has passed since the finding was finalized and recorded.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4330, filed 12/21/07, effective 2/1/08.]

WAC 388-101-4340 Reporting final findings. (1) The department will report a final finding of abandonment, abuse, neglect and financial exploitation within ten working days to the following:

- (a) The perpetrator;
- (b) The service provider that was associated with the perpetrator during the time of the incident;
- (c) The service provider that is currently associated with the perpetrator, if known;
- (d) The appropriate licensing, contracting, or certification authority; and
- (e) The federal or state department or agency list of individuals found to have abandoned, abused, neglected, or financially exploited a vulnerable adult.

(2) The findings may be disclosed to the public upon request subject to applicable public disclosure laws.

[Statutory Authority: Chapter 71A.12 RCW. 08-02-022, § 388-101-4340, filed 12/21/07, effective 2/1/08.]

Chapter 388-105 WAC

MEDICAID RATES FOR CONTRACTED HOME AND COMMUNITY RESIDENTIAL CARE SERVICES

WAC

388-105-0005	The daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services.
388-105-0035	Requirements for a capital add-on rate for licensed boarding homes contracted to provide assisted living (AL) services.
388-105-0045	Bed or unit hold—Medicaid resident discharged for a hospital or nursing home stay from an adult family home (AFH) or a boarding home contracted to provide adult residential care (ARC), enhanced adult residential care (EARC), or assisted living services (AL).

388-105-0050 Supplementation—General requirements.
 388-105-0055 Supplementation—Unit or bedroom.

388-105-0030 What are the daily medicaid payment rates for contracted assisted living facilities (AL) not receiving a capital rate add-on? [Statutory Authority: RCW 74.39A.030, 2003 c 231, 04-09-092, § 388-105-0030, filed 4/20/04, effective 5/21/04. Statutory Authority: 2002 c 371, 02-22-058, § 388-105-0030, filed 10/31/02, effective 12/1/02.] Repealed by 06-07-013, filed 3/3/06, effective 4/3/06. Statutory Authority: Chapter 74.39A RCW.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-105-0010 What are care levels? [Statutory Authority: Chapter 74.39A RCW. 01-14-056, § 388-105-0010, filed 6/29/01, effective 7/30/01.] Repealed by 06-07-013, filed 3/3/06, effective 4/3/06. Statutory Authority: Chapter 74.39A RCW.

388-105-0015 How does the department determine whether the medicaid resident needs assistance in completing ADLs and/or has unmet care needs? [Statutory Authority: Chapter 74.39A RCW. 01-14-056, § 388-105-0015, filed 6/29/01, effective 7/30/01.] Repealed by 06-07-013, filed 3/3/06, effective 4/3/06. Statutory Authority: Chapter 74.39A RCW.

388-105-0020 How does the department determine at which care level the medicaid resident will be placed? [Statutory Authority: Chapter 74.39A RCW. 01-14-056, § 388-105-0020, filed 6/29/01, effective 7/30/01.] Repealed by 06-07-013, filed 3/3/06, effective 4/3/06. Statutory Authority: Chapter 74.39A RCW.

388-105-0025 How many ADL values and unmet care need points correspond to the four care levels? [Statutory Authority: Chapter 74.39A RCW. 01-14-056, § 388-105-0025, filed 6/29/01, effective 7/30/01.] Repealed by 06-07-013, filed 3/3/06, effective 4/3/06. Statutory Authority: Chapter 74.39A RCW.

388-105-0040 What are the daily capital add-on rates for assisted living facilities (AL) and the AL daily payment rates with a capital add-on rate? [Statutory Authority: RCW 74.39A.030, 2003 c 231, 04-09-092, § 388-105-0040, filed 4/20/04, effective 5/21/04. Statutory Authority: 2002 c 371, 02-22-058, § 388-105-0040, filed 10/31/02, effective 12/1/02.] Repealed by 06-07-013, filed 3/3/06, effective 4/3/06. Statutory Authority: Chapter 74.39A RCW.

WAC 388-105-0005 The daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services. For contracted AFH and boarding homes contracted to provide AL, ARC, and EARC services, the department pays the following daily rates for care of a medicaid resident:

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE KING COUNTY							
CARE CLASSIFICATION	AL Without Capital		AL With Capital		ARC	EARC	AFH
	Add-on		Add-on				
A Low (1)	\$65.30		\$70.41		\$46.18	\$46.18	\$46.82
A Med (2)	\$70.71		\$75.82		\$52.40	\$52.40	\$53.13
A High (3)	\$79.34		\$84.45		\$66.92	\$66.92	\$59.45
B Low (4)	\$65.30		\$70.41		\$46.18	\$46.18	\$46.82
B Med (5)	\$72.87		\$77.98		\$58.62	\$58.62	\$59.45
B High (6)	\$86.88		\$91.99		\$75.23	\$75.23	\$67.85
C Low (7)	\$70.71		\$75.82		\$52.40	\$52.40	\$53.13
C Med (8)	\$79.34		\$84.45		\$66.92	\$66.92	\$67.85
C High (9)	\$98.77		\$103.88		\$87.68	\$87.68	\$88.89
D Low (10)	\$72.87		\$77.98		\$58.62	\$58.62	\$67.85
D Med (11)	\$79.34		\$84.45		\$66.92	\$66.92	\$76.28
D High (12)	\$98.77		\$103.88		\$87.68	\$87.68	\$88.89

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE METROPOLITAN COUNTIES*							
CARE CLASSIFICATION	AL Without Capital		AL With Capital		ARC	EARC	AFH
	Add-on		Add-on				
A Low (1)	\$59.90		\$64.54		\$46.18	\$46.18	\$46.82
A Med (2)	\$63.15		\$67.79		\$50.32	\$50.32	\$51.03
A High (3)	\$77.18		\$81.82		\$63.81	\$63.81	\$56.28
B Low (4)	\$59.90		\$64.54		\$46.18	\$46.18	\$46.82
B Med (5)	\$68.54		\$73.18		\$55.51	\$55.51	\$56.28
B High (6)	\$84.73		\$89.37		\$71.08	\$71.08	\$64.70
C Low (7)	\$63.15		\$67.79		\$50.32	\$50.32	\$51.03
C Med (8)	\$77.18		\$81.82		\$63.81	\$63.81	\$64.70
C High (9)	\$95.52		\$100.16		\$81.45	\$81.45	\$82.59

D Low (10)	\$68.54	\$73.18	\$55.51	\$55.51	\$64.70
D Med (11)	\$77.18	\$81.82	\$63.81	\$63.81	\$72.06
D High (12)	\$95.52	\$100.16	\$81.45	\$81.45	\$82.59

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE NONMETROPOLITAN COUNTIES**					
CARE CLASSIFICATION	AL Without Capital		ARC	EARC	AFH
	Add-on	AL With Capital Add-on			
A Low (1)	\$58.83	\$63.77	\$46.18	\$46.18	\$46.82
A Med (2)	\$63.15	\$68.09	\$49.29	\$49.29	\$49.98
A High (3)	\$77.18	\$82.12	\$62.78	\$62.78	\$55.24
B Low (4)	\$58.83	\$63.77	\$46.18	\$46.18	\$46.82
B Med (5)	\$68.54	\$73.48	\$54.48	\$54.48	\$55.24
B High (6)	\$84.73	\$89.67	\$69.00	\$69.00	\$63.66
C Low (7)	\$63.15	\$68.09	\$49.29	\$49.29	\$49.98
C Med (8)	\$77.18	\$82.12	\$62.78	\$62.78	\$63.66
C High (9)	\$95.52	\$100.46	\$78.34	\$78.34	\$79.44
D Low (10)	\$68.54	\$73.48	\$54.48	\$54.48	\$63.66
D Med (11)	\$77.18	\$82.12	\$62.78	\$62.78	\$69.96
D High (12)	\$95.52	\$100.46	\$78.34	\$78.34	\$79.44

** Nonmetropolitan counties: Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Garfield, Grant, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Orielle, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla and Whitman.

[Statutory Authority: Chapter 74.39A RCW, RCW 18.20.290, 2006 c 372, 260, and 64. 06-19-017, § 388-105-0005, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 74.39A RCW, 06-07-013, § 388-105-0005, filed 3/3/06, effective 4/3/06. Statutory Authority: RCW 74.39A.030, 2003 c 231. 04-09-092, § 388-105-0005, filed 4/20/04, effective 5/21/04. Statutory Authority: 2002 c 371. 02-22-058, § 388-105-0005, filed 10/31/02, effective 12/1/02. Statutory Authority: 2001 c 7 § 206. 01-21-077, § 388-105-0005, filed 10/18/01, effective 11/18/01. Statutory Authority: Chapter 74.39A RCW, 01-14-056, § 388-105-0005, filed 6/29/01, effective 7/30/01.]

WAC 388-105-0035 Requirements for a capital add-on rate for licensed boarding homes contracted to provide assisted living (AL) services. (1) To the extent funds are appropriated to pay a capital add-on rate to AL contractors, beginning July 1, 2006 and every July 1 thereafter, the department will pay a capital add-on rate to AL contractors that have a medicaid occupancy percentage that equals or exceeds sixty percent as determined in accordance with subsection (2) and (3) of this section. The department will pay the capital add-on rate to those AL contractors meeting the sixty percent medicaid occupancy percentage for a full fiscal year i.e., July 1 through June 30.

(2) The department will determine an AL contractor's medicaid occupancy percentage by dividing its medicaid resident days from the last six months of the calendar year preceding the applicable July 1 rate effective date by the product of the weighted average for all its licensed boarding home beds irrespective of use times the calendar days (one hundred eighty-four) for the same six-month period.

(3) For the purposes of this section, medicaid resident days include those clients enrolled in medicaid managed long-term care programs, including but not limited to the program for all inclusive care (PACE) and medicaid/medicare integration project (MMIP).

[Statutory Authority: Chapter 74.39A RCW, RCW 18.20.290, 2006 c 372, 260, and 64. 06-19-017, § 388-105-0035, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 74.39A RCW, 06-07-012, § 388-105-0035,

filed 3/3/06, effective 4/3/06. Statutory Authority: 2002 c 371. 02-22-058, § 388-105-0035, filed 10/31/02, effective 12/1/02.]

WAC 388-105-0045 Bed or unit hold—Medicaid resident discharged for a hospital or nursing home stay from an adult family home (AFH) or a boarding home contracted to provide adult residential care (ARC), enhanced adult residential care (EARC), or assisted living services (AL). (1) When an AFH, ARC, EARC, or AL contracts to provide services under chapter 74.39A RCW, the AFH, ARC, EARC, and AL contractor must hold a medicaid eligible resident's bed or unit when:

(a) Short-term care is needed in a nursing home or hospital;

(b) The resident is likely to return to the AFH, ARC, EARC, or AL; and

(c) Payment is made under subsection (3) of this section.

(2)(a) When the department pays the contractor to hold the medicaid resident's bed or unit during the resident's short-term nursing home or hospital stay, the contractor must hold the bed or unit for up to twenty days. If during the twenty day bed hold period, a department case manager determines that the medicaid resident's hospital or nursing home stay is not short term and the medicaid resident is unlikely to return to the AFH, ARC, EARC or AL facility, the department will cease paying for the bed hold the day the case manager notifies the contractor of his/her decision.

(b) A medicaid resident's discharge from an AFH, ARC, EARC, or an AL facility for a short term stay in a nursing home or hospital must be longer than twenty-four hours before subsection (3) of WAC 388-105-0045 applies.

(3) The department will compensate the contractor for holding the bed or unit for the:

(a) First through seventh day at seventy percent of the medicaid daily rate paid for care of the resident before the hospital or nursing home stay; and

(b) Eighth through the twentieth day, at eleven dollars a day.

(4) The AFH, ARC, EARC, or AL facility may seek third-party payment to hold a bed or unit for twenty-one days or longer. The third-party payment shall not exceed the medicaid daily rate paid to the facility for the resident. If third-party payment is not available and the returning medicaid resident continues to meet the admission criteria under chapter 388-71 and/or 388-106 WAC, then the medicaid resident may return to the first available and appropriate bed or unit.

(5) The department's social worker or case manager determines whether the:

(a) Stay in a nursing home or hospital will be short-term; and

(b) Resident is likely to return to the AFH, ARC, EARC, or AL facility.

(6) When the resident's stay in the hospital or nursing home exceeds twenty days or the department's social worker or case manager determines that the medicaid resident's stay in the nursing home or hospital is not short-term and the resident is unlikely to return to the AFH, ARC, EARC, or AL facility, then only subsection (4) of this section applies to any private contractual arrangements that the contractor may make with a third party in regard to the discharged resident's unit or bed.

[Statutory Authority: Chapter 74.39A RCW, RCW 18.20.290, 2006 c 372, 260, and 64. 06-19-017, § 388-105-0045, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 74.39A RCW. 06-07-013, § 388-105-0045, filed 3/3/06, effective 4/3/06. Statutory Authority: RCW 74.39A.030, 2003 c 231. 04-09-092, § 388-105-0045, filed 4/20/04, effective 5/21/04.]

WAC 388-105-0050 Supplementation—General requirements. (1) Supplementation of the medicaid daily payment rate is an additional payment requested from a medicaid recipient or a third-party payer by an adult family home (AFH) contractor or a licensed boarding home contractor with a contract to provide adult residential care (ARC), enhanced adult residential care (EARC), or assisted living (AL) services.

(2) The AFH, ARC, EARC, or AL contractor may not request supplemental payment of a medicaid recipient's daily rate for services or items that are covered in the daily rate, and the contractor is required to provide:

(a) Under licensing chapters 388-76 or [388-]78A WAC and chapter 388-110 WAC; and/or

(b) In accordance with his or her contract with the department.

(3) Before a contractor may request supplemental payments, the contractor must have a supplemental payment policy that has been given to all applicants for admittance and current residents. In the policy, the contractor must inform the applicant for admittance or current resident that:

(a) The department medicaid payment plus any client participation assigned by the department is payment in full for the services, items, activities, room and board required by the resident's negotiated service plan per chapter 388-78A WAC or the negotiated care plan per chapter 388-76 WAC and its contract with the department; and

(b) Additional payments requested by the contractor are for services, items, activities, room and board not covered by the medicaid per diem rate.

(4) For services, items and activities, the supplementation policy must comply with RCW 70.129.030(4).

(5) For units or bedrooms for which the contractor may request supplemental payments, the contractor must include in the supplemental payment policy the:

(a) Units and/or bedrooms for which the contractor may request supplementation;

(b) Action the contractor will take when a private pay resident converts to medicaid and the resident or a third party is unwilling or unable to pay a supplemental payment in order for the resident to remain in his or her unit or bedroom. When the only units or bedrooms available are those for which the contractor charges a supplemental payment, the contractor's policy may require the medicaid resident to move from the facility. However, the contractor must give the medicaid resident thirty days notice before requiring the medicaid resident to move.

(6) For the medicaid resident for whom the contractor receives supplemental payments, the contractor must indicate in the resident's record the:

(a) Unit or bedroom for which the contractor is receiving a supplemental payment;

(b) Services, items, or activities for which the contractor is receiving supplemental payments;

(c) Who is making the supplemental payments;

(d) Amount of the supplemental payments; and

(e) Private pay charge for the unit or bedroom for which the contractor is receiving a supplemental payment.

(7) When the contractor receives supplemental payment for a unit or bedroom, the contractor must notify the medicaid resident's case manager of the supplemental payment.

[Statutory Authority: RCW 74.39A.901. 07-04-042, § 388-105-0050, filed 1/30/07, effective 3/2/07.]

WAC 388-105-0055 Supplementation—Unit or bedroom. When the AFH, ARC, EARC, or AL contractor only has one type of unit or all private bedrooms, the contractor may not request supplementation from the medicaid applicant/resident or a third party, unless the unit or private bedroom has an amenity that some or all of the other units or private bedrooms lack e.g., a bathroom in private bedroom, a view unit, etc.

[Statutory Authority: RCW 74.39A.901. 07-04-042, § 388-105-0055, filed 1/30/07, effective 3/2/07.]

Chapter 388-106 WAC LONG-TERM CARE SERVICES

WAC

SCOPE AND DEFINITIONS

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 388-106-0720 What services may I receive under MMIP? [Statutory Authority: RCW 74.08.090, 42 C.F.R. 441.302(a), Social Security Act, Section 1915(c) waiver rules, 42 C.F.R. 438.05-19-045, § 388-106-0720, filed 9/15/05, effective 10/16/05.] Repealed by 08-12-023, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-106-0725 Am I eligible for MMIP services? [Statutory Authority: RCW 74.08.090, 42 C.F.R. 441.302(a), Social Security Act, Section 1915(c) waiver rules, 42 C.F.R. 438.05-19-045, § 388-106-0725, filed 9/15/05, effective 10/16/05.] Repealed by 08-12-023, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-106-0730 How do I pay for MMIP services? [Statutory Authority: RCW 74.08.090, 42 C.F.R. 441.302(a), Social Security Act, Section 1915(c) waiver rules, 42 C.F.R. 438.05-19-045, § 388-106-0730, filed 9/15/05, effective 10/16/05.] Repealed by 08-12-023, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-106-0735 How do I disenroll from MMIP? [Statutory Authority: RCW 74.08.090, 42 C.F.R. 441.302(a), Social Security Act, Section 1915(c) waiver rules, 42 C.F.R. 438.05-19-045, § 388-106-0735, filed 9/15/05, effective 10/16/05.] Repealed by 08-12-023, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090 and 74.09.520.
- 388-106-0740 What is the fair hearing process for enrollee appeals of managed care organization actions? [Statutory Authority: RCW 74.08.090, 42 C.F.R. 441.302(a), Social Security Act, Section 1915(c) waiver rules, 42 C.F.R. 438.05-19-045, § 388-106-0740, filed 9/15/05, effective 10/16/05.] Repealed by 08-12-023, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090 and 74.09.520.

SCOPE AND DEFINITIONS

WAC 388-106-0005 What is the purpose and scope of this chapter? This chapter applies to applicants and recipients of long-term care services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0005, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0010 What definitions apply to this chapter? "Ability to make self understood" means how you make yourself understood to those closest to you; express or communicate requests, needs, opinions, urgent problems and social conversations, whether in speech, writing, sign language, symbols, or a combination of these including use of a communication board or keyboard:

- (a) Understood: You express ideas clearly;
- (b) Usually understood: You have difficulty finding the right words or finishing thoughts, resulting in delayed responses, or you require some prompting to make self understood;
- (c) Sometimes understood: You have limited ability, but are able to express concrete requests regarding at least basic needs (e.g. food, drink, sleep, toilet);
- (d) Rarely/never understood. At best, understanding is limited to caregiver's interpretation of client specific sounds

or body language (e.g. indicated presence of pain or need to toilet.)

"Activities of daily living (ADL)" means the following:

(a) Bathing: How you take a full-body bath/shower, sponge bath, and transfer in/out of tub/shower.

(b) Bed mobility: How you move to and from a lying position, turn side to side, and position your body while in bed, in a recliner, or other type of furniture.

(c) Body care: How you perform with passive range of motion, applications of dressings and ointments or lotions to the body and pedicure to trim toenails and apply lotion to feet. In adult family homes, contracted assisted living, enhanced adult residential care, and enhanced adult residential care-specialized dementia care facilities, dressing changes using clean technique and topical ointments must be performed by a licensed nurse or through nurse delegation in accordance with chapter 246-840 WAC. Body care excludes:

(i) Foot care if you are diabetic or have poor circulation; or

(ii) Changing bandages or dressings when sterile procedures are required.

(d) Dressing: How you put on, fasten, and take off all items of clothing, including donning/removing prosthesis.

(e) Eating: How you eat and drink, regardless of skill. Eating includes any method of receiving nutrition, e.g., by mouth, tube or through a vein.

(f) Locomotion in room and immediate living environment: How you move between locations in your room and immediate living environment. If you are in a wheelchair, locomotion includes how self-sufficient you are once in your wheelchair.

(g) Locomotion outside of immediate living environment including outdoors: How you move to and return from more distant areas. If you are living in a boarding home or nursing facility (NF), this includes areas set aside for dining, activities, etc. If you are living in your own home or in an adult family home, locomotion outside immediate living environment including outdoors, includes how you move to and return from a patio or porch, backyard, to the mailbox, to see the next-door neighbor, etc.

(h) Walk in room, hallway and rest of immediate living environment: How you walk between locations in your room and immediate living environment.

(i) Medication management: Describes the amount of assistance, if any, required to receive medications, over the counter preparations or herbal supplements.

(j) Toilet use: How you use the toilet room, commode, bedpan, or urinal, transfer on/off toilet, cleanse, change pad, manage ostomy or catheter, and adjust clothes.

(k) Transfer: How you move between surfaces, i.e., to/from bed, chair, wheelchair, standing position. Transfer does not include how you move to/from the bath, toilet, or vehicle.

(l) Personal hygiene: How you maintain personal hygiene, including combing hair, brushing teeth, shaving, applying makeup, washing/drying face, hands (including nail care), and perineum (menses care). Personal hygiene does not include hygiene in baths and showers.

"Aged person" means a person sixty-five years of age or older.

"Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to you in your own home.

"Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant must submit the request on a form prescribed by the department.

"Assessment details" means a summary of information that the department entered into the CARE assessment describing your needs.

"Assessment or reassessment" means an inventory and evaluation of abilities and needs based on an in-person interview in your own home or your place of residence, using CARE.

"Assistance available" means the amount of informal support available if the need is partially met. The department determines the amount of the assistance available using one of four categories:

(a) Less than one-fourth of the time;

(b) One-fourth to one-half of the time;

(c) Over one-half of the time to three-fourths of the time;

or

(d) Over three-fourths but not all of the time.

"Assistance with body care" means you need assistance with:

(a) Application of ointment or lotions;

(b) Trimming of toenails;

(c) Dry bandage changes; or

(d) Passive range of motion treatment.

"Assistance with medication management" means you need assistance managing your medications. You are scored as:

(a) Independent if you remember to take medications as prescribed and manage your medications without assistance.

(b) Assistance required if you need assistance from a nonlicensed provider to facilitate your self-administration of a prescribed, over the counter, or herbal medication, as defined in chapter 246-888 WAC. Assistance required includes reminding or coaching you, handing you the medication container, opening the container, using an enabler to assist you in getting the medication into your mouth, alteration of a medication for self-administration, and placing the medication in your hand. This does not include assistance with intravenous or injectable medications. You must be aware that you are taking medications.

(c) Self-directed medication assistance/administration if you are a person with a functional disability who is capable of and who chooses to self-direct your medication assistance/administration.

(d) Must be administered if you must have medications placed in your mouth or applied or instilled to your skin or mucus membrane. Administration must either be performed by a licensed professional or delegated by a registered nurse to a qualified caregiver (per chapter 246-840 WAC). Intravenous or injectable medications may never be delegated. Administration may also be performed by a family member or unpaid caregiver if facility licensing regulations allow.

"Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

"Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"Categorically needy" means the status of a person who is eligible for medical care under Title XIX of the Social Security Act. See WAC 388-475-0100 and chapter 388-513 WAC.

"Client" means an applicant for service or a person currently receiving services from the department.

"Current" means a behavior occurred within seven days of the CARE assessment date, including the day of the assessment. Behaviors that the department designates as current must include information about:

- (a) Whether the behavior is easily altered or not easily altered; and
- (b) The frequency of the behavior.

"Decision making" means your ability and actual performance in making everyday decisions about tasks or activities of daily living. The department determines whether you are:

- (a) Independent: Decisions about your daily routine are consistent and organized; reflecting your lifestyle, choices, culture, and values.
- (b) Modified independence/difficulty in new situations: You have an organized daily routine, are able to make decisions in familiar situations, but experience some difficulty in decision making when faced with new tasks or situations.
- (c) Moderately impaired/poor decisions; unaware of consequences: Your decisions are poor and you require reminders, cues and supervision in planning, organizing and correcting daily routines. You attempt to make decisions, although poorly.
- (d) Severely impaired/no or few decisions: Decision making is severely impaired; you never/rarely make decisions.

"Department" means the state department of social and health services, aging and disability services administration or its designee.

"Designee" means area agency on aging.

"Difficulty" means how difficult it is or would be for you to perform an instrumental activity of daily living (IADL). This is assessed as:

- (a) No difficulty in performing the activity;
- (b) Some difficulty in performing the activity (e.g., you need some help, are very slow, or fatigue easily); or
- (c) Great difficulty in performing the activity (e.g., little or no involvement in the activity is possible).

"Disabling condition" means you have a medical condition which prevents you from self performance of personal care tasks without assistance.

"Estate recovery" means the department's process of recouping the cost of medicaid and long-term care benefit payments from the estate of the deceased client. See chapter 388-527 WAC.

"Home health agency" means a licensed:

(a) Agency or organization certified under medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(b) Home health agency, certified or not certified under medicare, contracted and authorized to provide:

- (i) Private duty nursing; or
- (ii) Skilled nursing services under an approved medicaid waiver program.

"Income" means income as defined under WAC 388-500-0005.

"Individual provider" means a person employed by you to provide personal care services in your own home. See WAC 388-71-0500 through 388-71-05909.

"Disability" is described under WAC 388-511-1105.

"Informal support" means a person or resource that is available to provide assistance without home and community program funding. The person or resource providing the informal support must be age 18 or older.

"Institution" means medical facilities, nursing facilities, and institutions for the mentally retarded. It does not include correctional institutions. See medical institutions in WAC 388-500-0005.

"Instrumental activities of daily living (IADL)" means routine activities performed around the home or in the community and includes the following:

(a) Meal preparation: How meals are prepared (e.g., planning meals, cooking, assembling ingredients, setting out food, utensils, and cleaning up after meals). NOTE: The department will not authorize this IADL to plan meals or clean up after meals. You must need assistance with actual meal preparation.

(b) Ordinary housework: How ordinary work around the house is performed (e.g., doing dishes, dusting, making bed, tidying up, laundry).

(c) Essential shopping: How shopping is completed to meet your health and nutritional needs (e.g., selecting items). Shopping is limited to brief, occasional trips in the local area to shop for food, medical necessities and household items required specifically for your health, maintenance or well-being. This includes shopping with or for you.

(d) Wood supply: How wood is supplied (e.g., splitting, stacking, or carrying wood) when you use wood as the sole source of fuel for heating and/or cooking.

(e) Travel to medical services: How you travel by vehicle to a physician's office or clinic in the local area to obtain medical diagnosis or treatment-includes driving vehicle yourself, traveling as a passenger in a car, bus, or taxi.

(f) Managing finances: How bills are paid, checkbook is balanced, household expenses are managed. The department cannot pay for any assistance with managing finances.

(g) Telephone use: How telephone calls are made or received (with assistive devices such as large numbers on telephone, amplification as needed).

"Long-term care services" means the services administered directly or through contract by the aging and disability services administration and identified in WAC 388-106-0015.

"Medicaid" is defined under WAC 388-500-0005.

"Medically necessary" is defined under WAC 388-500-0005.

"Medically needy (MN)" means the status of a person who is eligible for a federally matched medical program under Title XIX of the Social Security Act, who, but for income above the categorically needy level, would be eligible as categorically needy. Effective January 1, 1996, an AFDC-related adult is not eligible for MN.

"New Freedom consumer directed services (NFCDS)" means a mix of services and supports to meet needs identified in the participant's assessment and identified in a New Freedom spending plan, within the limits of the individual budget, that provide participants with flexibility to plan, select, and direct the purchase of goods and services to meet identified needs. Participants have a meaningful leadership role in:

- (a) The design, delivery and evaluation of services and supports;
- (b) Exercising control of decisions and resources, making their own decisions about health and well being;
- (c) Determining how to meet their own needs;
- (d) Determining how and by whom these needs should be met; and
- (e) Monitoring the quality of services received.

"New Freedom consumer directed services (NFCDS) participant" means a participant who is an applicant for or currently receiving services under the NFCDS waiver.

"New Freedom spending plan (NFSP)" means the plan developed by the participant, within the limits of an individual budget, that details the participant's choices to purchase specific NFCDS and provides required federal medic-aid documentation.

"Own home" means your present or intended place of residence:

- (a) In a building that you rent and the rental is not contingent upon the purchase of personal care services as defined in this section;
- (b) In a building that you own;
- (c) In a relative's established residence; or
- (d) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

"Past" means the behavior occurred from eight days to five years of the assessment date. For behaviors indicated as past, the department determines whether the behavior is addressed with current interventions or whether no interventions are in place.

"Personal aide" is defined in RCW 74.39.007.

"Personal care services" means physical or verbal assistance with activities of daily living (ADL) and instrumental activities of daily living (IADL) due to your functional limitations. Assistance is evaluated with the use of assistive devices.

"Physician" is defined under WAC 388-500-0005.

"Plan of care" means assessment details and service summary generated by CARE.

"Provider or provider of service" means an institution, agency, or person:

- (a) Having a signed department contract to provide long-term care client services; and

- (b) Qualified and eligible to receive department payment.

"Residential facility" means a licensed adult family home under department contract or licensed boarding home under department contract to provide assisted living, adult residential care or enhanced adult residential care.

"Self performance for ADLs" means what you actually did in the last seven days before the assessment, not what you might be capable of doing. Coding is based on the level of performance that occurred three or more times in the seven-day period and does not include support provided as defined in WAC 388-106-0010. Your self performance level is scored as:

- (a) Independent if you received no help or oversight, or if you needed help or oversight only once or twice;
- (b) Supervision if you received oversight (monitoring or standby), encouragement, or cueing three or more times;
- (c) Limited assistance if you were highly involved in the activity and given physical help in guided maneuvering of limbs or other nonweight bearing assistance on three or more occasions. For bathing, limited assistance means physical help is limited to transfer only;
- (d) Extensive assistance if you performed part of the activity, but on three or more occasions, you needed weight bearing support or you received full performance of the activity during part, but not all, of the activity. For bathing, extensive assistance means you needed physical help with part of the activity (other than transfer);
- (e) Total dependence if you received full caregiver performance of the activity and all subtasks during the entire seven-day period from others. Total dependence means complete nonparticipation by you in all aspects of the ADL; or
- (f) Activity did not occur if you or others did not perform an ADL over the last seven days before your assessment. The activity may not have occurred because:

- (i) You were not able (e.g., walking, if paralyzed);
- (ii) No provider was available to assist; or
- (iii) You declined assistance with the task.

"Self performance for IADLs" means what you actually did in the last thirty days before the assessment, not what you might be capable of doing. Coding is based on the level of performance that occurred three or more times in the thirty-day period. Your self performance is scored as:

- (a) Independent if you received no help, set-up help, or supervision;
- (b) Set-up help/arrangements only if on some occasions you did your own set-up/arrangement and at other times you received help from another person;
- (c) Limited assistance if on some occasions you did not need any assistance but at other times in the last thirty days you required some assistance;
- (d) Extensive assistance if you were involved in performing the activity, but required cueing/supervision or partial assistance at all times;
- (e) Total dependence if you needed the activity fully performed by others; or
- (f) Activity did not occur if you or others did not perform the activity in the last thirty days before the assessment.

"Service summary" is CARE information which includes: Contacts (e.g. emergency contact), services the client is eligible for, number of hours or residential rates, per-

sonal care needs, the list of formal and informal providers and what tasks they will provide, a provider schedule, referral needs/information, and dates and agreement to the services.

"**SSI-related**" is defined under WAC 388-475-0050.

"**Status**" means the amount of informal support available. The department determines whether the ADL or IADL is:

(a) Met, which means the ADL or IADL will be fully provided by an informal support;

(b) Unmet, which means an informal support will not be available to provide assistance with the identified ADL or IADL;

(c) Partially met, which means an informal support will be available to provide some assistance, but not all, with the identified ADL or IADL; or

(d) Client declines, which means you do not want assistance with the task.

"**Supplemental Security Income (SSI)**" means the federal program as described under WAC 388-500-0005.

"**Support provided**" means the highest level of support provided (to you) by others in the last seven days before the assessment, even if that level of support occurred only once.

(a) No set-up or physical help provided by others;

(b) Set-up help only provided, which is the type of help characterized by providing you with articles, devices, or preparation necessary for greater self performance of the activity. (For example, set-up help includes but is not limited to giving or holding out an item or cutting food);

(c) One-person physical assist provided;

(d) Two- or more person physical assist provided; or

(e) Activity did not occur during entire seven-day period.

"**You/your**" means the client.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030, 06-16-035, § 388-106-0010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020, 06-05-022, § 388-106-0010, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0010, filed 5/17/05, effective 6/17/05.]

APPLYING FOR SERVICES

WAC 388-106-0015 What long-term care services does the department provide? The department provides long-term care services through programs that are designed to help you remain in the community. These programs offer an alternative to nursing home care (which is described in WAC 388-106-0350 through 388-106-0360). You may receive services from any of the following:

(1) **Medicaid personal care (MPC)** is a medicaid state plan program authorized under RCW 74.09.520. Clients eligible for this program may receive personal care in their own home or in a residential facility.

(2) **Community options program entry system (COPEs)** is a medicaid waiver program authorized under RCW 74.39A.030. Clients eligible for this program may receive personal care in their own home or in a residential facility.

(3) **Medically needy residential waiver (MNRW)** is a medicaid waiver program authorized under RCW 74.39.041. Clients eligible for this program may receive personal care in a residential facility.

(4) **Medically needy in-home waiver (MNIW)** is a medicaid waiver program authorized under RCW 74.09.700. Clients eligible for this program may receive personal care in their own home.

(5) **Chore** is a state-only funded program authorized under RCW 74.39A.110. Grandfathered clients may receive assistance with personal care in their own home.

(6) **Volunteer chore** is a state-funded program that provides volunteer assistance with household tasks to eligible clients.

(7) **Program of all-inclusive care for the elderly (PACE)** is a medicaid/medicare managed care program authorized under 42 CFR 460.2. Clients eligible for this program may receive personal care and medical services in their own home, in residential facilities, and in adult day health centers.

(8) **Adult day health** is a supervised daytime program providing skilled nursing and rehabilitative therapy services in addition to core services outlined in WAC 388-106-0800.

(9) **Adult day care** is a supervised daytime program providing core services, as defined under WAC 388-106-0800.

(10) **GAU-funded residential care** is a state-funded program authorized under WAC 388-400-0025. Clients eligible for this program may receive personal care services in an adult family home or an adult residential care facility.

(11) **Residential care discharge allowance** is a service that helps eligible clients to establish or resume living in their own home.

(12) **Private duty nursing** is a medicaid service that provides an alternative to institutionalization in a hospital or nursing facility setting. Clients eligible for this program may receive at least four continuous hours of skilled nursing care on a day to day basis in their own home.

(13) **Senior Citizens Services Act (SCSA)** is a program authorized under chapter 74.38 RCW. Clients eligible for this program may receive community-based services as defined in RCW 74.38.040.

(14) **Respite program** is a program authorized under RCW 74.41.040 and WAC 388-106-1200. This program provides relief care for unpaid family or other caregivers of adults with a functional disability.

(15) **Programs for persons with developmental disabilities** are discussed in chapter 388-823 through 388-853 WAC.

(16) **Nursing facility.**

(17) **New Freedom consumer directed services (NFCDS)** is a medicaid waiver program authorized under RCW 74.39A.030.

[Statutory Authority: RCW 74.08.090 and 74.09.520, 08-12-023, § 388-106-0015, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030, 06-16-035, § 388-106-0015, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020, 06-05-022, § 388-106-0015, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 42 C.F.R. 441.302 (a), Social Security Act, Section 1915(c) waiver rules, 42 C.F.R. 438.05-19-045, § 388-106-0015, filed 9/15/05, effective 10/16/05. Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0015, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0020 Under the MPC, COPEs, MNRW, MNIW, and chore programs, what services are not covered? The following types of services are not covered under MPC, COPEs, MNRW, MNIW, and chore:

- (1) Child care.
- (2) Individual providers must not provide:
 - (a) Sterile procedures unless the provider is a family member or the client self directs the procedure;
 - (b) Administration of medications or other tasks requiring a licensed health professional unless these tasks are provided through nurse delegation, self-directed care, or the provider is a family member.
- (3) Agency providers, including family members who provide care while working as an agency provider, must not provide:
 - (a) Sterile procedures;
 - (b) Self-directed care;
 - (c) Administration of medications or other tasks requiring a licensed health care professional unless these tasks are provided through nurse delegation.
- (4) Services provided over the telephone.
- (5) Services to assist other household members not eligible for services.
- (6) Development of social, behavioral, recreational, communication, or other types of community living skills.
- (7) Nursing care.
- (8) Pet care.
- (9) Assistance with managing finances.
- (10) Respite.
- (11) Yard care.

[Statutory Authority: RCW 74.08.090, 74.09.520. 08-05-026, § 388-106-0020, filed 2/12/08, effective 3/14/08; 05-11-082, § 388-106-0020, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0025 How do I apply for long-term care services? To apply for long-term care services, you must request an assessment from the department and submit a medicaid application.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0025, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0030 Where can I receive services? You may receive services:

- (1) In your own home.
- (2) In a residential facility, which includes licensed:
 - (a) Adult family homes, as defined in RCW 70.128.010.
 - (b) Boarding homes. Types of licensed and contracted boarding homes include:
 - (i) Assisted living facilities, as defined in WAC 388-110-020;
 - (ii) Enhanced adult residential care facilities, as defined in WAC 388-110-020;
 - (iii) Enhanced adult residential care facilities-specialized dementia care, as defined in WAC 388-110-020; and
 - (iv) Adult residential care facilities, as defined in WAC 388-110-020.
- (3) In a nursing home, as defined in WAC 388-97-005.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0030, filed 5/17/05, effective 6/17/05.]

(2009 Ed.)

WAC 388-106-0035 May I receive personal care services through any of the long-term care programs when I am out of the state of Washington? (1) You may receive personal care assistance through any long-term care programs in WAC 388-106-0015 subsections (1) through (5) when temporarily traveling out of state for less than thirty days, as long as your:

- (a) Individual provider is contracted with the state of Washington;
- (b) Travel plans are coordinated with your case manager prior to departure;
- (c) Services are authorized on your plan of care prior to departure; and
- (d) Services are strictly for your personal care and do not include your provider's travel time, expenses.

(2) You may not receive personal care services outside of the United States.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-106-0035, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0035, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0040 Who can provide long-term care services? The following types of providers can provide long-term care services:

- (1) Individual providers (IPs), who provide services to clients in their own home. IPs must meet the requirements outlined in WAC 388-71-0500 through 388-71-05909.
- (2) Home care agencies, who provide services to clients in their own home. Home care agencies must be licensed under chapter 70.127 RCW and chapter 246-336 WAC and contracted with area agency on aging.
- (3) Residential providers, which include licensed adult family homes and boarding homes, who contract with the department to provide assisted living, adult residential care, and enhanced adult residential care services (which may also include specialized dementia care).
- (4) Providers who have contracted with the department to perform other services.
- (5) In the case of New Freedom consumer directed services (NFCDS), providers meeting NFCDS HCBS waiver requirements contracting with a department approved provider of fiscal management services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-0040, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0040, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0045 When will the department authorize my long-term care services? The department will authorize long-term care services when you:

- (1) Are assessed using CARE;
- (2) Are found financially and functionally eligible for services including, if applicable, the determination of the amount of participation toward the cost of your care and/or the amount of room and board that you must pay;
- (3) Have given consent for services and approved your plan of care; and
- (4) Have chosen a provider(s), qualified for payment.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0045, filed 5/17/05, effective 6/17/05.]

[Title 388 WAC—p. 665]

WAC 388-106-0047 When can the department terminate or deny long-term care services to me? (1) The department will deny or terminate long-term care services if you are not eligible for long-term care services pursuant to WAC 388-106-0210, 388-106-0310, 388-106-0410, 388-106-0510, or 388-106-0610.

(2) The department may deny or terminate long-term care services to you if, after exhaustion of standard case management activities and the approaches delineated in the department's challenging cases protocol, which must include an attempt to reasonably accommodate your disability or disabilities, any of the following conditions exist:

(a) After a department representative reviews with you your rights and responsibilities as a client of the department, per WAC 388-106-1300 and 388-106-1303, you refuse to accept those long-term care services identified in your plan of care that are vital to your health, welfare or safety;

(b) You choose to receive services in your own home and you or others in your home demonstrate behaviors that are substantially likely to cause serious harm to you or your care provider;

(c) You choose to receive services in your own home and hazardous conditions in or immediately around your home jeopardize the health, safety, or welfare of you or your provider. Hazardous conditions include but are not limited to the following:

- (i) Threatening, uncontrolled animals (e.g., dogs);
- (ii) The manufacture, sale, or use of illegal drugs;
- (iii) The presence of hazardous materials (e.g., exposed sewage, evidence of a methamphetamine lab).

[Statutory Authority: RCW 74.08.090, 74.09.520, 42 C.F.R. 441.302(a); Social Security Act section 1915c waiver rules, 42 C.F.R. 440.180. 06-16-070, § 388-106-0047, filed 7/28/06, effective 8/28/06.]

**COMPREHENSIVE ASSESSMENT REPORTING
EVALUATION (CARE) ASSESSMENT**

WAC 388-106-0050 What is an assessment? (1) An assessment is an in-person interview in your home or your place of residence that is conducted by the department to inventory and evaluate your ability to care for yourself. The department will assess you at least annually or more often when there are significant changes to your ability to care for yourself.

(2) Between assessments, the department may modify your current assessment without an in-person interview in your home or place of residence. The reasons that the department may modify your current assessment without conducting an in-person interview in your home or place of residence include but are not limited to the following:

(a) Errors made by department staff in coding the information from your in-person interview;

(b) New information requested by department staff at the time of your assessment and received after completion of the in-person interview (e.g. medical diagnosis);

(c) Changes in the level of informal support available to you; or

(d) Clarification of the coding selected.

(3) When the department modifies your current assessment, it will notify you using a Planned Action Notice of the modification regardless of whether the modification results in

a change to your benefits. You will also receive a new service summary and assessment details.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-106-0050, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0050, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0055 What is the purpose of an assessment? The purpose of an assessment is to:

- (1) Determine eligibility for long-term care programs;
- (2) Identify your strengths, limitations, and preferences;
- (3) Evaluate your living situation and environment;
- (4) Evaluate your physical health, functional and cognitive abilities;
- (5) Determine availability of informal supports and other nondepartment paid resources;
- (6) Determine need for intervention;
- (7) Determine need for case management activities;
- (8) Determine your classification group that will set your payment rate for residential care or number of hours of in-home care;
- (9) Determine need for referrals; and
- (10) Develop a plan of care, as defined in WAC 388-106-0010.
- (11) In the case of New Freedom consumer directed services, the purpose of an assessment is to determine functional eligibility and for the participant to develop the New Freedom spending plan, as defined in WAC 388-106-0010.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-0055, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0055, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0060 Who must perform the assessment? The assessment must be performed by the department. Beginning January 1, 2008, individuals requesting personal care services will be assessed as described in the following chart:

Age of person requesting an assessment for personal care services	Has the person been determined to meet DDD eligibility requirements?	Who will perform the assessment for personal care services?	What assessment will be used?
Under eighteen years of age	Yes	DDD	CARE/DDD Assessment per chapter 388-828 WAC
Under eighteen years of age	No	DDD	CARE/LTC Assessment per chapter 388-106 WAC
Eighteen years of age and older	Yes	DDD	CARE/DDD Assessment per chapter 388-828 WAC
Eighteen years of age and older	No	HCS	CARE/LTC Assessment per chapter 388-106 WAC

[Statutory Authority: RCW 74.08.090, 74.09.520. 07-24-026, § 388-106-0060, filed 11/28/07, effective 1/1/08; 05-11-082, § 388-106-0060, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0065 What is the process for conducting an assessment? The department:

(1) Will assess you using a department-prescribed assessment tool, titled the comprehensive assessment reporting evaluation (CARE).

(2) May request the assessment be conducted in private. However, you have the right to request that third parties be present.

(3) Has the right to end the assessment if behaviors by any party are impeding the assessment process. If an assessment is terminated, the department will reschedule.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-106-0065, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0065, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0070 Will I be assessed in CARE? You will be assessed in CARE if you are applying for or receiving DDD services, COPES, MNIW, MNRW, MPC, chore, respite, adult day health, GAU-funded residential care, PACE, private duty nursing, New Freedom or long-term care services within the WMIP program.

If you are under the age of eighteen and within thirty calendar days of your next birthday, CARE determines your assessment age to be that of your next birthday.

[Statutory Authority: RCW 74.08.090 and 74.09.520. 08-12-023, § 388-106-0070, filed 5/29/08, effective 7/1/08; 07-24-026, § 388-106-0070, filed 11/28/07, effective 1/1/08; 07-10-024, § 388-106-0070, filed 4/23/07, effective 6/1/07; 05-11-082, § 388-106-0070, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0075 How is my need for personal care services assessed in CARE? To assess your need for personal care services, the department gathers information from you, your caregivers, family members, and other sources. The department will assess your ability to perform:

(1) Activities of daily living (ADL) using self performance, support provided, status and assistance available, as defined in WAC 388-106-0010. Also, the department determines your need for "assistance with body care" and "assistance with medication management," as defined in WAC 388-106-0010; and

(2) Instrumental activities of daily living (IADL) using self performance, difficulty, status and assistance available, as defined in WAC 388-106-0010.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0075, filed 5/17/05, effective 6/17/05.]

CARE CLASSIFICATION

WAC 388-106-0080 How is the amount of long-term care services I can receive in my own home or in a residential facility determined? The amount of long-term care services you can receive in your own home or in a residential facility is determined through a classification system. Seventeen classifications apply to clients served in residential and in-home settings. The department has assigned each classification a residential facility daily rate or a base number of hours you can receive in your own home.

[Statutory Authority: 2008 c 329. 08-19-102, § 388-106-0080, filed 9/17/08, effective 10/18/08. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0080, filed 5/17/05, effective 6/17/05.]

(2009 Ed.)

WAC 388-106-0085 What criteria does the CARE tool use to place me in one of the classification groups?

The department uses CARE to assess your characteristics. Based on this assessment, the CARE tool uses the following criteria to place you in one of the classification groups:

- (1) Cognitive performance.
- (2) Clinical complexity.
- (3) Mood/behaviors symptoms.
- (4) Activities of daily living (ADLs).

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0085, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0090 How does the CARE tool measure cognitive performance? (1) The CARE tool uses a tool called the cognitive performance scale (CPS) to evaluate your cognitive impairment. The CPS results in a score that ranges from zero (intact) to six (very severe impairment). Your CPS score is based on:

(a) Whether you are comatose.

(b) Your ability to make decisions, as defined in WAC 388-106-0010 "Decision making."

(c) Your ability to make yourself understood, as defined in WAC 388-106-0010 "Ability to make self understood."

(d) Whether you have short-term memory problem (e.g. can you remember recent events?) or whether you have delayed recall; and

(e) Whether you score as total dependence for self performance in eating, as defined in WAC 388-106-0010 "Self performance of ADLs."

(2) You will receive a CPS score of:

(a) **Zero** when you do not have problems with decision-making ability, making yourself understood, or recent memory.

(b) **One** when you meet one of the following:

(i) Your decision-making ability is scored as modified independence or moderately impaired;

(ii) Your ability to make yourself understood is usually, sometimes, or rarely/never understood; or

(iii) You have a recent memory problem.

(c) **Two** when you meet two of the following:

(i) Your decision-making ability is scored as modified independence or moderately impaired;

(ii) Your ability to make yourself understood is usually, sometimes, or rarely/never understood; and/or

(iii) You have a short-term memory problem or delayed recall.

(d) **Three** when you meet at least two of the criteria listed in subsection (2)(b) of this section and one of the following applies:

(i) Your decision making is moderately impaired; or

(ii) Your ability to make yourself understood is sometimes or rarely/never understood.

(e) **Four** when both of the following criteria applies:

(i) Your decision making is moderately impaired; and

(ii) Your ability to make yourself understood is sometimes or rarely/never understood.

(f) **Five** when your ability to make decisions is scored as severely impaired.

(g) **Six** when one of the following applies:

(i) Your decision making is moderately impaired; and

(ii) Your ability to make yourself understood is sometimes or rarely/never understood.

(f) **Five** when your ability to make decisions is scored as severely impaired.

(g) **Six** when one of the following applies:

(i) Your ability to make decisions is severely impaired and you require total dependence in eating; or

(d) **Three** when you meet at least two of the criteria listed in subsection (2)(b) of this section and one of the following applies:

(i) Your decision making is moderately impaired; or

(ii) Your ability to make yourself understood is sometimes or rarely/never understood.

(e) **Four** when both of the following criteria applies:

(i) Your decision making is moderately impaired; and

(ii) Your ability to make yourself understood is sometimes or rarely/never understood.

(f) **Five** when your ability to make decisions is scored as severely impaired.

(g) **Six** when one of the following applies:

(i) Your ability to make decisions is severely impaired and you require total dependence in eating; or

(f) **Five** when your ability to make decisions is scored as severely impaired.

(g) **Six** when one of the following applies:

(i) Your ability to make decisions is severely impaired and you require total dependence in eating; or

[Title 388 WAC—p. 667]

(ii) You are comatose.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0090, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0095 How does the CARE tool measure clinical complexity? The CARE tool places you in the clinically complex classification group only when you have one or more of the following criteria and corresponding ADL scores:

Condition	AND an ADL Score of
ALS (Lou Gehrig's Disease)	>14
Aphasia (expressive and/or receptive)	>=2
Cerebral Palsy	>14
Diabetes Mellitus (insulin dependent)	>14
Diabetes Mellitus (noninsulin dependent)	>14
Emphysema & Shortness of Breath (at rest or exertion) or dizziness/vertigo	>10
COPD & Shortness of Breath (at rest or exertion) or dizziness/vertigo	>10
Explicit terminal prognosis	>14
Hemiplegia	>14
Multiple Sclerosis	>14
Parkinson Disease	>14
Pathological bone fracture	>14
Quadriplegia	>14
Rheumatoid Arthritis	>14
You have one or more of the following skin problems: <ul style="list-style-type: none"> ■ Pressure ulcers, with areas of persistent skin redness; ■ Pressure ulcers with partial loss of skin layers; ■ Pressure ulcers, with a full thickness lost; ■ Skin desensitized to pain/pressure; ■ Open lesions; and/or ■ Stasis ulcers. AND You require one of the following types of assistance: <ul style="list-style-type: none"> ■ Ulcer care; ■ Pressure relieving device; ■ Turning/reposition program; ■ Application of dressing; or ■ Wound/skin care. 	>=2
You have a burn(s) and you need one of the following: <ul style="list-style-type: none"> ■ Application of dressing; or ■ Wound/skin care 	>=2
You have one or more of the following problems: <ul style="list-style-type: none"> ■ You are frequently incontinent (bladder); ■ You are incontinent all or most of the time (bladder); ■ You are frequently incontinent (bowel); or ■ You are incontinent all or most of the time (bowel). AND One of the following applies: <ul style="list-style-type: none"> ■ The status of your individual management of bowel bladder supplies is "Uses, has leakage, needs assistance"; ■ The status of your individual management of bowel bladder supplies is "Does not use, has leakage"; or ■ You use any scheduled toileting plan. 	>10
You have a current swallowing problem, and you are not independent in eating.	>10
You have Edema.	>14
You have Pain daily.	>14
You need and receive a Bowel program.	>10
You need Dialysis.	>10

Condition	AND an ADL Score of
You require IV nutritional support or tube feedings; and Your total calories received per IV or tube was at least 25%; and Your fluid intake is greater than 2 cups.	>=2
You need Hospice care.	>14
You need Injections.	>14
You need Intravenous medications.	>10
You need management of IV lines.	>10
You need Ostomy care.	>=2
You need Oxygen therapy.	>10
You need Radiation.	>10
You need and receive Passive range of motion.	>10
You need and receive Walking training.	>10
You need Suction treatment.	>=2
You need Tracheostomy care.	>10
You need a Ventilator/respirator You are <18 and you have pain related to your disability and you complain of pain or show evidence of pain daily. (If you are under eighteen and do not have pain related to your disability, you may be placed in the clinically complex classification based on other factors above.)	>10 >14
Key: < means less than. > means greater than. >= means greater than or equal to.	

[Statutory Authority: RCW 74.08.090, 74.09.520. 07-10-024, § 388-106-0095, filed 4/23/07, effective 6/1/07; 05-11-082, § 388-106-0095, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0100 How does the CARE tool measure mood and behaviors? (1) When you do not meet the criteria for the clinically complex classification group, or the criteria for exceptional care, or for in-home only have a cognitive performance scale score of five or six, then the mood and behavior criteria listed in subsections (3) and (4) below determines your classification group. If you are eligible for more than one "B" group classification based on the two methodologies, CARE will place you in the highest group for which you qualify.

(2) For each behavior that the CARE tool has documented, the department will determine a status as "current" or "past" as defined in WAC 388-106-0010.

(3) CARE places you in the mood and behavior classification group only if you have one or more of the behavior/moods that also meets the listed status, frequency, and alterability as identified in the following chart:

Behavior/Mood	AND Status, Frequency & Alterability
Assaultive	Current
Combative during personal care	Current
Combative during personal care	In past and addressed with current interventions
Crying tearfulness	Current, frequency 4 or more days per week
Delusions	In past, addressed with current interventions
Depression score of 14 or greater	N/A
Disrobes in public	Current and not easily altered
Easily irritable/agitated	Current and not easily altered
Eats nonedible substances	Current
Eats nonedible substances	In past, addressed with current interventions
Hallucinations	Current
Hiding items	In past, addressed with current interventions
Hoarding/collecting	In past, addressed with current interventions

Behavior/Mood	AND Status, Frequency & Alterability
Mental health therapy/program	Need
Repetitive complaints/questions	Current, daily
Repetitive complaints/questions	In past, addressed with current interventions
Repetitive movement/pacing	Current, daily
Resistive to care	Current
Resistive to care	In past, addressed with current interventions
Sexual acting out	Current
Sexual acting out	In past, addressed with current interventions
Spitting	Current and not easily altered
Spitting	In past, addressed with current interventions
Breaks/throws items	Current
Unsafe smoking	Current and not easily altered
Up at night and requires intervention	Current
Wanders exit seeking	Current
Wanders exit seeking	In past, addressed with current interventions
Wanders not exit seeking	Current
Wanders not exit seeking	In past, addressed with current interventions
Yelling/screaming	Current, frequency 4 or more days per week

or

(4) CARE places you in the mood and behavior classification group if you have a behavior point score greater than 1, your CPS score (as defined in WAC 388-106-0090) is greater than 2, and your ADL score (as defined in WAC 388-106-0105) is greater than 1.

Status	Intervention	Frequency	Weight
Past	No Intervention	N/A	0
Past	With Intervention	N/A	0.25
Current	N/A	1-3 days/wk	0.5
Current	N/A	4-6 days/wk	0.75
Current	N/A	Daily	1

Each current behavior (as shown in the table below) has a value from .5 to 6 depending on the severity and alterability. Each status combination (shown in the table above) has a weight from 0 to 1. Behavior points are determined by multiplying the value of each current behavior (from the list below) by the weight of the status combination (above). Behavior points for past behaviors will be determined by multiplying the easily altered value of the behavior from the table below by the appropriate weight from the table above (0 or .25).

The list of behaviors below is divided into categories. Each category has a point limit of how many points can be counted toward the total behavior point score as detailed below. The total behavior point score is determined by totaling the weight-adjusted values for each category below.

Behavior	Value	
	Easily Altered/Past	Not Easily Altered
1. Crying and Tearfulness	.5	1
2. Easily Irritable/Agitated	.5	1
3. Obsessive about health or body functions	.5	1
4. Repetitive Physical Movement	.5	1
5. Hiding Items	.5	1
6. Hoarding/Collecting	.5	1

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Behavior	Value	
	Easily Altered/Past	Not Easily Altered
7. Inappropriate Verbal Noise	.5	1
8. Wanders, not exit seeking	.5	1
Maximum total points after adjusting for status for behaviors 1-8 = 2		
9. Repetitive anxious complaints/questions	1	2
10. Rummaging through or takes others belongings	1	2
11. Verbally Abusive	1	2
12. Yelling/Screaming	1	2
13. Spitting	1	2
14. Unrealistic Fears	1	2
15. Accuses others of stealing	1	2
Maximum total points after adjusting for status for behaviors 9-15 = 3		
16. Resistive to care with words/gestures	2	3
17. Up at night, requires intervention	2	3
18. Unsafe cooking	2	3
19. Inappropriate toileting/menses activity	2	3
20. Unsafe smoking	2	3
21. Left home and became lost	2	3
22. Disrobes in public	2	3
Maximum total points after adjusting for status for behaviors 16-22 = 4		
23. Injures self	4	5
24. Wanders/Exit seeking	4	5
25. Sexual acting out	4	5
26. Intimidating	4	5
27. Assaultive	4	5
28. Breaks, throws items	4	5
Maximum total points after adjusting for status for behaviors 23-28 = 10		
29. Fire setting	5	6
30. Combative during care	5	6
31. Pica	5	6
32. Seeks vulnerable partners	5	6
Maximum total points after adjusting for status for behaviors 29-32 = 12		

[Statutory Authority: RCW 74.08.090, 74.09.520, and 2007 c 522. 08-10-022, § 388-106-0100, filed 4/25/08, effective 5/26/08. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0100, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0105 How does the CARE tool measure activities of daily living (ADLs)? (1) CARE determines an ADL score ranging from zero to twenty-eight for each of the following ADLs.

- (a) Personal hygiene;
- (b) Bed mobility;
- (c) Transfers;
- (d) Eating;
- (e) Toilet use;
- (f) Dressing;
- (g) Locomotion in room;
- (h) Locomotion outside room; and
- (i) Walk in room.

[Title 388 WAC—p. 669]

(2) The department through the CARE tool determines the ADL score by using the definitions in WAC 388-106-0010 under "Self-performance for ADLs." The CARE tool assigns the following points to the level of self performance for each of the ADLs listed in subsection (1) of this section. For the locomotion in room, locomotion outside of room and walk in room, the department uses the highest score of the three in determining the total ADL score.

ADL Scoring Chart	
If Self Performance is:	Score Equals
Independent	0
Supervision	1
Limited assistance	2
Extensive assistance	3
Total dependence	4
Did not occur/no provider	4
Did not occur/client not able	4
Did not occur/client declined	0

(3) Although assessed by CARE, the department does not score bathing and medication management to determine classification groups.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0105, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0110 How does the CARE tool evaluate me for the exceptional care classification of the E Group? CARE places you in the exceptional care E Group classifications when the following criteria are met in either diagram 1 or 2:

Diagram 1
You have an ADL score of greater than or equal to 22.
AND
You need a turning/repositioning program.
AND
You need at least one of the following:
■ External catheter;
■ Intermittent catheter;
■ Indwelling catheter care;
■ Bowel program;
■ Ostomy care; or
■ Total in self performance for toilet use.
AND
You need one of the following services provided by an individual provider, agency provider, a private duty nurse, or through self-directed care when in the in home setting, or provided by AFH/boarding home staff, facility RN/LPN, facility staff or private duty nursing when living in a residential setting:
■ Active range of motion (AROM); or
■ Passive range of motion (PROM).

Diagram 2
You have an ADL score of greater than or equal to 22.
AND
You need a turning/repositioning program.
AND

[Title 388 WAC—p. 670]

You need one of the following services provided by an individual provider, agency provider, a private duty nurse, or through self-directed care when in the in home setting, or provided by AFH/boarding home staff, facility RN/LPN, facility staff or private duty nursing when living in a residential setting:

- Active range of motion (AROM); or
- Passive range of motion (PROM).

AND

All of the following apply:

- You require IV nutrition support or tube feeding;
- Your total calories received per IV or tube was greater than 50%; and
- Your fluid intake by IV or tube is greater than 2 cups per day.

AND

You need assistance with one of the following, provided by an individual provider, agency provider, a private duty nurse, or through self-directed care when in the in home setting or provided by AFH/boarding home staff, facility RN/LPN, facility staff, a private duty nurse or nurse delegation when living in a residential setting:

- Dialysis; or
- Ventilator/respirator.

[Statutory Authority: 2008 c 329. 08-19-102, § 388-106-0110, filed 9/17/08, effective 10/18/08. Statutory Authority: RCW 74.08.090, 74.09.520, and 2007 c 522. 08-10-022, § 388-106-0110, filed 4/25/08, effective 5/26/08. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0110, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0115 How does CARE use criteria to place me in a classification group for residential facilities?

The CARE tool uses the criteria of cognitive performance as determined under WAC 388-106-0090, clinical complexity as determined under WAC 388-106-0095, mood/behaviors as determined under WAC 388-106-0100, ADLs as determined under WAC 388-106-0105 and exceptional care under WAC 388-106-0110 to place you into one of the following seventeen residential classification groups:

CARE classification is determined first by meeting criteria to be placed into a group, then you are further classified based on ADL score or behavior point score into a classification subgroup following a classification path of highest possible group to lowest qualifying group.

(1) If you meet the criteria for exceptional care, then CARE will place you in Group E. CARE then further classifies you into:

- (a) Group E High if you have an ADL score of 26-28; or
- (b) Group E Medium if you have an ADL score of 22-25.

(2) If you meet the criteria for clinical complexity and have a cognitive performance score of 4-6 then you are classified in Group D regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

- (a) Group D High if you have an ADL score of 25-28; or
- (b) Group D Medium-High if you have an ADL score of 18-24; or
- (c) Group D Medium if you have an ADL score of 13-17; or
- (d) Group D Low if you have an ADL score of 2-12.

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(3) If you meet the criteria for clinical complexity and have a CPS score of less than 4, then you are classified in Group C regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

- (a) Group C High if you have an ADL score of 25-28; or
- (b) Group C Medium-High if you have an ADL score of 18-24; or

(c) Group C Medium if you have an ADL score of 9-17; or

- (d) Group C Low if you have an ADL score of 2-8.

(4) If you meet the criteria for mood and behavior qualification and do not meet the classification for C, D, or E groups, then you are classified into Group B. CARE further classifies you into:

- (a) Group B High if you have an ADL score of 15-28; or
- (b) Group B Medium if you have an ADL score of 5-14;

or

- (c) Group B Low if you have an ADL score of 0-4.

(5) If you meet the criteria for behavior points and have a CPS score of greater than 2 and your ADL score is greater than 1, and do not meet the classification for C, D, or E groups, then you are classified in Group B. CARE further classifies you into:

(a) Group B High if you have a behavior point score 12 or greater; or

(b) Group B Medium-High if you have a behavior point score greater than 6; or

(c) Group B Medium if you have a behavior point score greater than 4; or

(d) Group B Low if you have a behavior point score greater than 1.

(6) If you are not clinically complex and you do not qualify under either mood and behavior criteria, then you are classified in Group A. CARE further classifies you into:

- (a) Group A High if you have an ADL score of 10-28; or
- (b) Group A Medium if you have an ADL score of 5-9;

or

- (c) Group A Low if you have an ADL score of 0-4.

[Statutory Authority: 2008 c 329. 08-19-102, § 388-106-0115, filed 9/17/08, effective 10/18/08. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0115, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0120 What is the payment rate that the department will pay the provider if I receive personal care services in a residential facility? The department publishes rates and/or adopts rules to establish how much the department pays toward the cost of your care in a residential facility. The department assigns payment rates to the CARE classification groups. Payment for care in a residential facility corresponds to the payment rate assigned to the classification group in which the CARE tool has placed you.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0120, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0125 How does CARE use criteria to place me in a classification group for in-home care? CARE uses the criteria of cognitive performance score as determined under WAC 388-106-0090, clinical complexity as determined under WAC 388-106-0095, mood/behavior and behavior point score as determined under WAC 388-106-0100, ADLS as determined under WAC 388-106-0105, and

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exceptional care as determined under WAC 388-106-0110 to place you into one of the following seventeen in-home groups. CARE classification is determined first by meeting criteria to be placed into a group, then you are further classified based on ADL score or behavior point score into a classification sub-group following a classification path of highest possible base hours to lowest qualifying base hours.

(1) If you meet the criteria for exceptional care, then CARE will place you in **Group E**. CARE then further classifies you into:

(a) **Group E High** with 420 base hours if you have an ADL score of 26-28; or

(b) **Group E Medium** with 350 base hours if you have an ADL score of 22-25.

(2) If you meet the criteria for clinical complexity and have cognitive performance score of 4-6 or you have cognitive performance score of 5-6, then you are classified in **Group D** regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

(a) **Group D High** with 280 base hours if you have an ADL score of 25-28; or

(b) **Group D Medium-High** with 240 base hours if you have an ADL score of 18-24; or

(c) **Group D Medium** with 190 base hours if you have an ADL score of 13-17; or

(d) **Group D Low** with 145 base hours if you have an ADL score of 2-12.

(3) If you meet the criteria for clinical complexity and have a CPS score of less than 4, then you are classified in **Group C** regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

(a) **Group C High** with 200 base hours if you have an ADL score of 25-28; or

(b) **Group C Medium-High** with 180 base hours if you have an ADL score of 18-24; or

(c) **Group C Medium** with 140 base hours if you have an ADL score of 9-17; or

(d) **Group C Low** with 95 base hours if you have an ADL score of 2-8.

(4) If you meet the criteria for mood and behavior qualification and do not meet the classification for C, D, or E groups, then you are classified into **Group B**. CARE further classifies you into:

(a) **Group B High** with 155 base hours if you have an ADL score of 15-28; or

(b) **Group B Medium** with 90 base hours if you have an ADL score of 5-14; or

(c) **Group B Low** with 52 base hours if you have an ADL score of 0-4; or

(5) If you meet the criteria for behavior points and have a CPS score of greater than 2 and your ADL score is greater than 1, and do not meet the classification for C, D, or E groups, then you are classified in **Group B**. CARE further classifies you into:

(a) **Group B High** with 155 base hours if you have a behavior point score 12 or greater; or

(b) **Group B Medium-High** with 110 base hours if you have a behavior point score greater than 6; or

(c) **Group B Medium** with 90 base hours if you have a behavior point score greater than 4; or

(d) **Group B Low** with 52 base hours if you have a behavior point score greater than 1.

(6) If you are not clinically complex and your CPS score is less than 5 and you do not qualify under either mood and behavior criteria, then you are classified in **Group A**. CARE further classifies you into:

(a) **Group A High** with 78 base hours if you have an ADL score of 10-28; or

(b) **Group A Medium** with 62 base hours if you have an ADL score of 5-9; or

(c) **Group A Low** with 29 base hours if you have an ADL score of 0-4.

[Statutory Authority: RCW 74.08.090, 74.09.520, and 2007 c 522. 08-10-022, § 388-106-0125, filed 4/25/08, effective 5/26/08. Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0125, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0130 How does the department determine the number of hours I may receive for in-home care? (1) The department assigns a base number of hours to each classification group as described in WAC 388-106-0125.

(2) The department will deduct from the base hours to account for informal supports, as defined in WAC 388-106-0010, or other paid services that meet some of an individual's need for personal care services, including adult day health, as follows:

(a) The CARE tool determines the adjustment for informal supports by determining the amount of assistance available to meet your needs, assigns it a numeric percentage, and reduces the base hours assigned to the classification group by the numeric percentage. The department has assigned the following numeric values for the amount of assistance available for each ADL and IADL:

Meds	Self Performance	Status	Assistance Available	Value Percentage
Self administration of medications	Rules for all codes apply except independent is not counted	Unmet	N/A	1
		Met	N/A	0
		Decline	N/A	0
		Partially met	<1/4 time	.9
			1/4 to 1/2 time	.7
1/2 to 3/4 time	.5			
>3/4 time	.3			
Unscheduled ADLs	Self Performance	Status	Assistance Available	Value Percentage
Bed mobility, transfer, walk in room, eating, toilet use	Rules apply for all codes except: Did not occur/client not able and Did not occur/no provider = 1; Did not occur/client declined and independent are not counted.	Unmet	N/A	1
		Met	N/A	0
		Decline	N/A	0
		Partially met	<1/4 time	.9
			1/4 to 1/2 time	.7
1/2 to 3/4 time	.5			
>3/4 time	.3			
Scheduled ADLs	Self Performance	Status	Assistance Available	Value Percentage
Dressing, personal hygiene, bathing	Rules apply for all codes except: Did not occur/client not able and Did not occur/no provider = 1; Did not occur/client declined and independent are not counted.	Unmet	N/A	1
		Met	N/A	0
		Decline	N/A	0
		Partially met	<1/4 time	.75
			1/4 to 1/2 time	.55
1/2 to 3/4 time	.35			
>3/4 time	.15			
IADLs	Self Performance	Status	Assistance Available	Value Percentage
Meal preparation, Ordinary housework, Essential shopping	Rules for all codes apply except independent is not counted.	Unmet	N/A	1
		Met	N/A	0
		Decline	N/A	0
		Partially met	<1/4 time	.3
			1/4 to 1/2 time	.2
1/2 to 3/4 time	.1			
>3/4 time	.05			
IADLs	Self Performance	Status	Assistance Available	Value Percentage
Travel to medical	Rules for all codes apply except independent is not counted.	Unmet	N/A	1
		Met	N/A	0
		Decline	N/A	0

IADLs	Self Performance	Status	Assistance Available	Value Percentage
		Partially met	<1/4 time	.9
			1/4 to 1/2 time	.7
			1/2 to 3/4 time	.5
			>3/4 time	.3

Key:
 > means greater than
 < means less than

(b) To determine the amount of reduction for informal support, the value percentages are totaled and divided by the number of qualifying ADLs and IADLs needs. The result is value A. Value A is then subtracted from one. This is value B. Value B is divided by three. This is value C. Value A and Value C are summed. This is value D. Value D is multiplied by the "base hours" assigned to your classification group and the result is the number of in-home hours reduced for informal supports.

(3) Also, the department will adjust in-home base hours when:

(a) There is more than one client receiving ADSA-paid personal care services living in the same household, the status under subsection (2)(a) of this section must be met or partially met for the following IADLs:

- (i) Meal preparation;
- (ii) Housekeeping;
- (iii) Shopping; and
- (iv) Wood supply.

(b) You are under the age of eighteen, your assessment will be coded according to age guidelines codified in WAC 388-106-0213.

(4) In addition to any determination of unmet need in (2)(a) when you are not affected by (3) above, the department

will score the status for meal preparation as unmet when you adhere to at least one of the following special diets:

- (a) ADA (diabetes);
- (b) Autism diet;
- (c) Calorie reduction;
- (d) Low sodium;
- (e) Mechanically altered;
- (f) Planned weight change program;
- (g) Renal diet; or
- (h) Needs to receive nutrition through tube feeding or receives greater than twenty-five percent of calories through tube or parenteral feeding.

(5) In addition to any determination of unmet need in (2)(a) when you are not affected by (3) above, the department will score the status for housework as unmet when you are incontinent of bladder or bowel, documented as:

- (a) Incontinent all or most of the time;
- (b) Frequently incontinent; or
- (c) Occasionally incontinent.

(6) After deductions are made to your base hours, as described in subsections (2) and (3), the department may add on hours based on your living environment:

Condition	Status	Assistance Available	Add On Hours
Offsite laundry facilities, which means the client does not have facilities in own home and the caregiver is not available to perform any other personal or household tasks while laundry is done.	N/A	N/A	8
Client is >45 minutes from essential services (which means he/she lives more than 45 minutes one-way from a full-service market).	Unmet	N/A	5
	Met	N/A	0
	Partially met	<1/4 time	5
		between 1/4 to 1/2 time	4
		between 1/2 to 3/4 time	2
>3/4 time	2		
Wood supply used as sole source of heat.	Unmet	N/A	8
	Met	N/A	0
	Declines	N/A	0
	Partially met	<1/4 time	8
		between 1/4 to 1/2 time	6
		between 1/2 to 3/4 time	4
>3/4 time	2		

(7) In the case of New Freedom consumer directed services (NFCDS), the department determines hours as described in WAC 388-106-1445.

(8) The result of actions under subsections (2), (3), (4), (5) and (6) is the maximum number of hours that can be used to develop your plan of care. The department must take into account cost effectiveness, client health and safety, and program limits in determining how hours can be used to meet

your identified needs. In the case of New Freedom consumer directed services (NFCDS), a New Freedom spending plan (NFSP) is developed in place of a plan of care.

(9) You and your case manager will work to determine what services you choose to receive if you are eligible. The hours may be used to authorize:

- (a) Personal care services from a home care agency provider and/or an individual provider.

(b) Home delivered meals (i.e. a half hour from the available hours for each meal authorized).

(c) Adult day care (i.e. a half hour from the available hours for each hour of day care authorized).

(d) A home health aide if you are eligible per WAC 388-106-0300 or 388-106-0500.

(e) A private duty nurse (PDN) if you are eligible per WAC 388-71-0910 and 388-71-0915 or WAC 388-551-3000 (i.e. one hour from the available hours for each hour of PDN authorized).

(f) The purchase of New Freedom consumer directed services (NFCDS).

[Statutory Authority: RCW 74.08.090, 74.09.520. 08-23-011, § 388-106-0130, filed 11/6/08, effective 12/7/08; 08-03-111, § 388-106-0130, filed 1/22/08, effective 2/22/08. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-0130, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.-020. 06-05-022, § 388-106-0130, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0130, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0135 What are the maximum hours that I can receive for in-home services? The maximum hours that you may receive is the base hours assigned to your classification group and adjusted per WAC 388-106-0130. For chore program clients, the maximum personal care hours per month the department will pay is one hundred sixteen.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0135, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0140 What may change the maximum number of hours that I can receive for in-home personal care services? The maximum number of in-home personal care hours you can receive may change:

(1) When you have a change in any of the criteria listed in WAC 388-106-0125 and/or 388-106-0130; or

(2) Because you meet the criteria in WAC 388-440-0001, an exception to rule is approved by the department for in-home personal care hours in excess of the amount determined to be available to you by the CARE tool.

[Statutory Authority: RCW 74.08.090, 74.09.520, chapters 74.39 and 74.39A RCW. 07-01-046, § 388-106-0140, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0140, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0145 What may change the maximum payment rate that will be paid for residential personal care services provided to me? The maximum payment rate that will be paid for residential personal care services provided to you may change:

(1) When you have a change in any of the criteria listed in WAC 388-106-0115 and/or 388-106-0120; or

(2) Because you meet the criteria in WAC 388-440-0001, an exception to rule is approved by the department for a payment rate for your residential personal care services in excess of the rate determined to be applicable to you by the CARE tool.

[Statutory Authority: RCW 74.08.090, 74.09.520, chapters 74.39 and 74.39A RCW. 07-01-046, § 388-106-0145, filed 12/14/06, effective 1/14/07.]

MEDICAID PERSONAL CARE (MPC)

WAC 388-106-0200 What services may I receive under medicaid personal care (MPC)? You may be eligible to receive only the following services under medicaid personal care (MPC):

(1) Personal care services, as defined in WAC 388-106-0010, in your own home and, as applicable, assistance with personal care tasks while you are out of the home accessing community resources or working.

(2) Personal care services in one of the following residential care facilities:

(a) Adult family homes; or

(b) A licensed boarding home that has contracted with the department to provide adult residential care services.

(3) Nursing services, if you are not already receiving this type of service from another resource. A registered nurse may visit you and perform any of the following activities. The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any additional collateral contact information obtained by your case manager:

(a) Nursing assessment/reassessment;

(b) Instruction to you and your providers;

(c) Care coordination and referral to other health care providers;

(d) Skilled treatment, only in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. In none-emergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource;

(e) File review; and/or

(f) Evaluation of health-related care needs affecting service planning and delivery.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-106-0200, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0200, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0210 Am I eligible for MPC-funded services? You are eligible for MPC-funded services when the department assesses your needs and determines that you meet all of the following criteria:

(1) You are certified as noninstitutional categorically needy, as defined in WAC 388-500-0005. Categorically needy medical institutional programs described in chapter 388-513 WAC do not meet this criteria.

(2) You are functionally eligible which means one of the following applies:

(a) You have an unmet or partially met need with at least three of the following activities of daily living, as defined in WAC 388-106-0010:

For each Activity of Daily Living, the minimum level of assistance required in:		
	Self Performance is:	Support Provided is:
Eating	N/A	Setup

	Self Performance is:	Support Provided is:
Toileting	Supervision	N/A
Bathing	Supervision	N/A
Dressing	Supervision	N/A
Transfer	Supervision	Setup
Bed Mobility	Supervision	Setup
Walk in Room OR Locomotion in Room OR Locomotion Outside Immediate Living Environment	Supervision	Setup
Medication Management	Assistance Required	N/A
Personal Hygiene	Supervision	N/A
Body care which includes: Application of ointment or lotions; Toenails trimmed; Dry bandage changes; or Passive range of motion treatment.	Need	N/A
Your need for assistance in any of the activities listed in subsection (a) of this section did not occur because you were unable or no provider was available to assist you will be counted for the purpose of determining your functional eligibility.		

; or

(b) You have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) with at least one or more of the following:

For each Activity of Daily Living, the minimum level of assistance required in		
	Self Performance is:	Support Provided is:
Eating	Supervision	One person physical assist
Toileting	Extensive Assistance	One person physical assist
Bathing	Limited Assistance	One person physical assist

	Self Performance is:	Support Provided is:
Dressing	Extensive Assistance	One person physical assist
Transfer	Extensive Assistance	One person physical assist
Bed Mobility and Turning and repositioning	Limited Assistance and Need	One person physical assist
Walk in Room OR Locomotion in Room OR Locomotion Outside Immediate Living Environment	Extensive Assistance	One person physical assist
Medication Management	Assistance Required Daily	N/A
Personal Hygiene	Extensive Assistance	One person physical assist
Body care which includes: Application of ointment or lotions; Toenails trimmed; Dry bandage changes; or Passive range of motion treatment.	Need	N/A
Your need for assistance in any of the activities listed in subsection (b) of this section did not occur because you were unable or no provider was available to assist you will be counted for the purpose determining your functional eligibility.		

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0210, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0213 How are my needs assessed if I am a child applying for MPC services? If you are a child applying for MPC services, the department will complete a CARE assessment and:

- (1) Consider and document the role of your legally responsible natural/step/adoptive parent(s).
- (2) The CARE tool will determine your needs as met based on the guidelines outlined in the following table:

Activities of Daily Living (ADLs)

Ages

■ = Code status as Met
Medication Management
 Independent, self-directed, administration required, or must be administered
Locomotion in Room^{Note}



		Activities of Daily Living (ADLs)																	
Ages		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met																			
Independent, supervision, limited or extensive		■	■	■	■														
Total		■	■																
Locomotion Outside Room ^{Note}																			
Independent or supervision		■	■	■	■	■	■												
Limited or extensive		■	■	■	■														
Total		■	■																
Walk in Room ^{Note}																			
Independent, supervision, limited or extensive		■	■	■	■														
Total		■	■																
Bed Mobility																			
Independent, supervision, limited or extensive		■	■	■															
Total		■	■																
Transfers																			
Independent, supervision, limited, extensive or total & under 30 pounds (Total & 30 pounds or more = no age limit)		■	■	■															
Toilet Use																			
Support provided for nighttime wetting only (independent, supervision, limited, extensive)		■	■	■	■	■	■	■	■										
Independent, supervision, limited, extensive		■	■	■	■	■	■												
Total		■	■	■	■														
Eating																			
Independent, supervision, limited, extensive, or total		■	■	■															
Bathing																			
Independent or supervision		■	■	■	■	■	■	■	■	■	■	■	■						
Physical help/transfer only or physical help/part of bathing		■	■	■	■	■	■	■	■										
Total		■	■	■	■	■													
Dressing																			
Independent or supervision		■	■	■	■	■	■	■	■	■	■	■	■						
Limited or extensive		■	■	■	■	■	■	■	■										
Total		■	■	■	■	■													
Personal Hygiene																			
Independent or supervision		■	■	■	■	■	■	■	■	■	■	■	■						
Limited or extensive		■	■	■	■	■	■	■	■										
Total		■	■	■	■	■													

		Instrumental Activities of Daily Living																	
Ages		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met																			
Telephone																			
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Transportation																			
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Shopping																			
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Wood Supply																			
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Housework																			
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Finances																			
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Meal Preparation																			
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

NOTE: If the activity did not occur, the department codes self performance as total and status as met.

	Ages																	
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Additional guidelines based on age																		
Diagnosis	■	■	■	■	■	■												
Is client comatose? = No																		
Pain Daily = No	■	■	■	■	■	■												
Any foot care needs																		
Status = Need met	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Any skin care (other than feet)																		
Status = Need met	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Speech/Hearing																		
Score comprehension as understood	■	■	■															
MMSE	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
can be administered = no																		
Memory																		
Short term memory ok	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Long term memory ok	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Depression																		
Select interview = unable to obtain	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Decision making																		
Rate how client makes decisions = independent	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Bladder/Bowel																		
Support provided for nighttime wetting only - Individual management =	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Does not need/use																		
Support provided for daytime wetting - Individual Management = Does not need/use	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Management = Does not need/use																		
Treatment																		
Passive range of motion	■	■	■	■														
Need = No																		

(3) In addition, determine that the status and assistance available are met or partially met over three-fourths of the time, when you are living with your legally responsible natural/step/adoptive parent(s).

[Statutory Authority: RCW 74.08.090, 74.09.520, 07-24-026, § 388-106-0213, filed 11/28/07, effective 1/1/08; 07-10-024, § 388-106-0213, filed 4/23/07, effective 6/1/07. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020, 06-05-022, § 388-106-0213, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0213, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0215 When do MPC services start? Your eligibility for MPC begins the date the department authorizes services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020, 06-05-022, § 388-106-0215, filed 2/6/06, effective 3/9/06.]

WAC 388-106-0220 How do I remain eligible for MPC? (1) In order to remain eligible for MPC, you must be in need of services in accordance with WAC 388-106-0210 as determined through a CARE assessment. The assessment in CARE must be at least annually or more often when there are significant changes in your functional or financial circumstances.

(2) When eligibility statutes, regulations, and/or rules for MPC change, irrespective of whether your functional or financial circumstances have changed, if you do not meet the changed eligibility requirements, the department will terminate your MPC services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0220, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0225 How do I pay for MPC? (1) If you live in your own home, you do not participate toward the cost of your personal care services.

(2) If you live in a residential facility and are:

(a) An SSI beneficiary who receives only SSI income, you only pay for board and room. You are allowed to keep a personal needs allowance of forty-one dollars and forty-four

cents per month. Effective January 1, 2009 this amount will change to sixty-two dollars and seventy-nine cents;

(b) An SSI beneficiary who receives SSI and another source of income, you only pay for board and room. You are allowed to keep a personal needs allowance of forty-one dollars and forty-four cents. You keep an additional twenty dollars from non-SSI income. Effective January 1, 2009 this amount will change to sixty-two dollars and seventy-nine cents. This new amount includes the twenty dollar disregard;

(c) An SSI-related person under WAC 388-475-0050, you may be required to participate towards the cost of your personal care services in addition to your board and room if your financial eligibility is based on the facility's state contracted rate described in WAC 388-513-1305. You are allowed to keep a personal needs allowance of forty-one dollars and forty-four cents. You keep an additional twenty dollars from non-SSI income. Effective January 1, 2009 this amount will change to sixty-two dollars and seventy-nine cents. This new amount includes the twenty dollar disregard; or

(d) A general assistance client eligible for categorically needy medicaid coverage in an adult family home (AFH), you are allowed to keep a personal needs allowance (PNA) of thirty-eight dollars and eighty-four cents per month. The remainder of your income must be paid to the AFH as your room and board up to the ADSA room and board standards.

(e) A general assistance client eligible for categorically needy medicaid coverage in a boarding home, you are autho-

alized a personal needs grant of up to thirty-eight dollars and eighty-four cents per month.

(f) Personal needs allowance (PNA) standards and the ADSA room and board standard can be found at <http://www.dshs.wa.gov/manuals/eaz/sections/LongTermCare/Itcstandards/PNAchartsubfile.shtml>.

(3) The department pays the residential care facility from the first day of service through the:

(a) Last day of service when the medicaid resident dies in the facility; or

(b) Day of service before the day the medicaid resident is discharged.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530 and Washington state 2007-09 operating budget (SHB 1128). 08-22-052, § 388-106-0225, filed 11/3/08, effective 12/4/08. Statutory Authority: RCW 34.05.353 (2)(d), 74.08.090, and chapters 74.09, 74.04 RCW. 08-11-047, § 388-106-0225, filed 5/15/08, effective 6/15/08. Statutory Authority: RCW 74.08.090, 74.09.520 and 2007-09 operating budget (SHB 1128). 07-21-020, § 388-106-0225, filed 10/8/07, effective 11/8/07. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0225, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0230 Can I be employed and receive MPC? You can be employed and receive MPC services if you remain medicaid eligible under the noninstitutional categorically needy program.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0230, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0235 Are there waiting lists for MPC? There are no waiting lists for MPC. Instead of waiting lists, the department may revise rules to reduce caseload size, hours, rates, or payments in order to stay within the legislative appropriation.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0235, filed 5/17/05, effective 6/17/05.]

ROADS TO COMMUNITY LIVING

WAC 388-106-0250 What is the roads to community living (RCL) demonstration project and who is eligible?

(1) Roads to community living (RCL) is a demonstration project, funded by a five-year "money follows the person" grant authorized under section 6071 of the deficit reduction act of 2005 (P.L. 109-171). It is designed to test services and supports which help customers move from institutional settings into the community if they wish to.

(2) To be eligible, the department must assess your needs in CARE and you must:

(a) Have a continuous six months or longer stay in a qualified institutional setting (hospital, nursing home, residential habilitation center);

(b) Be medicaid eligible for at least thirty days prior to discharge from the institutional setting;

(c) Intend to move to a qualified community setting (home, apartment, licensed residential setting with four or less unrelated individuals); and

(d) Not be able to move into a qualified community setting using available long-term care resources.

(3) When you are discharged to a qualified community setting, you are eligible for continuous medicaid coverage until your RCL services end.

[Title 388 WAC—p. 678]

[Statutory Authority: RCW 74.08.090, 74.09.520, and Deficit Reduction Act of 2005 (P.L. 109-171). 08-18-046, § 388-106-0250, filed 8/29/08, effective 9/29/08.]

WAC 388-106-0255 How long are RCL services available to me? Roads to community living (RCL) can be authorized for no longer than three hundred sixty-five days in a qualified community setting. Day one of the demonstration year is the day you move from the institutional setting into the qualified community setting. Day three hundred sixty-five is the last day you can receive demonstration services.

[Statutory Authority: RCW 74.08.090, 74.09.520, and Deficit Reduction Act of 2005 (P.L. 109-171). 08-18-046, § 388-106-0255, filed 8/29/08, effective 9/29/08.]

WAC 388-106-0260 How do I pay for RCL services? Depending on your income and resources, you may be required to pay participation toward the cost of your care, as outlined in chapters 388-515 or 388-106 WAC.

[Statutory Authority: RCW 74.08.090, 74.09.520, and Deficit Reduction Act of 2005 (P.L. 109-171). 08-18-046, § 388-106-0260, filed 8/29/08, effective 9/29/08.]

WAC 388-106-0265 Do I have the right to a fair hearing while receiving RCL services? Yes, you may request a fair hearing based on the rules outlined in WAC 388-106-1305 to contest eligibility decisions made by the department. Once your three hundred sixty-five days of roads to community living (RCL) eligibility end, per WAC 388-106-0255, you may not request a fair hearing to contest the conclusion of RCL services or to request an extension.

[Statutory Authority: RCW 74.08.090, 74.09.520, and Deficit Reduction Act of 2005 (P.L. 109-171). 08-18-046, § 388-106-0265, filed 8/29/08, effective 9/29/08.]

COMMUNITY OPTIONS PROGRAM ENTRY SYSTEM (COPES)

WAC 388-106-0300 What services may I receive under community options program entry system (COPES) when I live in my own home? When you live in your own home, you may be eligible to receive only the following services under COPES:

(1) Personal care services as defined in WAC 388-106-0010 in your own home and, as applicable, while you are out of the home accessing community resources or working.

(2) Adult day care if you meet the eligibility requirements under WAC 388-106-0805.

(3) Environmental modifications, if the minor physical adaptations to your home:

(a) Are necessary to ensure your health, welfare and safety;

(b) Enable you to function with greater independence in the home;

(c) Directly benefit you medically or remedially;

(d) Meet applicable state or local codes; and

(e) Are not adaptations or improvements, which are of general utility or add to the total square footage.

(4) Home delivered meals, providing nutritional balanced meals, limited to one meal per day, if:

(a) You are homebound and live in your own home;

(b) You are unable to prepare the meal;

(2009 Ed.)

(c) You don't have a caregiver (paid or unpaid) available to prepare this meal; and

(d) Receiving this meal is more cost-effective than having a paid caregiver.

(5) Home health aide service tasks in your own home, if the service tasks:

(a) Include assistance with ambulation, exercise, self-administered medications and hands-on personal care;

(b) Are beyond the amount, duration or scope of medic-aid reimbursed home health services as described in WAC 388-551-2120 and are in addition to those available services;

(c) Are health-related. Note: Incidental services such as meal preparation may be performed in conjunction with a health-related task as long as it is not the sole purpose of the aide's visit; and

(d) Do not replace medicare home health services.

(6)(a) Personal emergency response system (PERS), if the service is necessary to enable you to secure help in the event of an emergency and if:

(i) You live alone in your own home;

(ii) You are alone, in your own home, for significant parts of the day and have no regular provider for extended periods of time; or

(iii) No one in your home, including you, can secure help in an emergency.

(b) A medication reminder if you:

(i) Are eligible for a PERS unit;

(ii) Do not have a caregiver available to provide the service; and

(iii) Are able to use the reminder to take your medications.

(7) Skilled nursing, if the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration or scope of medic-aid-reimbursed home health services as provided under WAC 388-551-2100.

(8) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, if the items are:

(a) Medically necessary under WAC 388-500-0005;

(b) Necessary for: Life support; to increase your ability to perform activities of daily living; or to perceive, control, or communicate with the environment in which you live;

(c) Directly medically or remedially beneficial to you; and

(d) In addition to and do not replace any medical equipment and/or supplies otherwise provided under medic-aid and/or medicare.

(9) Training needs identified in CARE or in a professional evaluation, which meet a therapeutic goal such as:

(a) Adjusting to a serious impairment;

(b) Managing personal care needs; or

(c) Developing necessary skills to deal with care providers.

(10) Transportation services, when the service:

(a) Provides access to community services and resources to meet your therapeutic goal;

(b) Is not diverting in nature; and

(c) Is in addition to and does not replace the medic-aid-brokered transportation or transportation services available in the community.

(11) Nurse delegation services, when:

(a) You are receiving personal care from a registered or certified nursing assistant who has completed nurse delegation core training;

(b) Your medical condition is considered stable and predictable by the delegating nurse; and

(c) Services are provided in compliance with WAC 246-840-930.

(12) Nursing services, when you are not already receiving this type of service from another resource. A registered nurse may visit you and perform any of the following activities. The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any additional collateral contact information obtained by your case manager.

(a) Nursing assessment/reassessment;

(b) Instruction to you and your providers;

(c) Care coordination and referral to other health care providers;

(d) Skilled treatment, only in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. In none-emergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource.

(e) File review; and/or

(f) Evaluation of health-related care needs affecting service plan and delivery.

(13) Community transition services, if you are being discharged from the nursing facility or hospital and if services are necessary for you to set up your own home. Services:

(a) May include: Safety deposits, utility set-up fees or deposits, health and safety assurances such as pest eradication, allergen control or one-time cleaning prior to occupancy, moving fees, furniture, essential furnishings, and basic items essential for basic living outside the institution; and

(b) Do not include rent, recreational or diverting items such as TV, cable or VCRs.

[Statutory Authority: RCW 74.08.090, 74.09.520, 07-24-026, § 388-106-0300, filed 11/28/07, effective 1/1/08. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020, 06-05-022, § 388-106-0300, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0300, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0305 What services may I receive under COPES if I live in a residential facility? If you live in one of the following residential facilities: A licensed boarding home contracted with the department to provide assisted living, enhanced adult residential care, enhanced adult residential care-specialized dementia care or an adult family home, you may be eligible to receive only the following services under COPES:

(1) Personal care services as defined under WAC 388-106-0010.

(2) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, when the items are:

- (a) Medically necessary under WAC 388-500-0005; and
- (b) Necessary: For life support; to increase your ability to perform activities of daily living; or to perceive, control, or communicate with the environment in which you live; and
- (c) Directly medically or remedially beneficial to you; and
- (d) In addition to and do not replace any medical equipment and/or supplies otherwise provided under medicaid and/or medicare; and

(e) In addition to and do not replace the services required by the department's contract with a residential facility.

(3) Training needs identified in CARE or in a professional evaluation, that are in addition to and do not replace the services required by the department's contract with the residential facility and that meet a therapeutic goal such as:

- (a) Adjusting to a serious impairment;
- (b) Managing personal care needs; or
- (c) Developing necessary skills to deal with care providers.

(4) Transportation services, when the service:

- (a) Provides access to community services and resources to meet a therapeutic goal;
- (b) Is not diverting in nature;
- (c) Is in addition to and does not replace the medicaid-brokered transportation or transportation services available in the community; and

(d) Does not replace the services required by DSHS contract in residential facilities.

(5) Skilled nursing, when the service is:

- (a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse;
- (b) Beyond the amount, duration or scope of medicaid-reimbursed home health services as provided under WAC 388-551-2100; and

(c) In addition to and does not replace the services required by the department's contract with the residential facility (e.g. intermittent nursing services as described in WAC 388-78A-2310).

(6) Nursing services, when you are not already receiving this type of service from another resource. A registered nurse may visit you and perform any of the following activities. The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any additional collateral contact information obtained by your case manager.

- (a) Nursing assessment/reassessment;
- (b) Instruction to you and your providers;
- (c) Care coordination and referral to other health care providers;
- (d) Skilled treatment, only in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. In none-emergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource.
- (e) File review; and/or

(f) Evaluation of health-related care needs affecting service plan and delivery.

(7) Community transition services, if you are being discharged from the nursing facility or hospital and if services are necessary for you to live in a residential facility. Services:

(a) May include: Safety deposits, utility set up fees or deposits, health and safety assurances such as pest eradication, allergen control or one time cleaning prior to occupancy, moving fees, furniture, essential furnishings, and basic items essential for basic living outside the institution.

(b) Do not include rent, recreational or diverting items such as TV, cable or VCRs.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-106-0305, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0305, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0310 Am I eligible for COPES-funded services? You are eligible for COPES-funded services if you meet all of the following criteria. The department must assess your needs in CARE and determine that:

(1) You are age:

- (a) Eighteen or older and blind or have a disability, as defined in WAC 388-475-0050; or
- (b) Sixty-five or older.

(2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1505, community options program entry system (COPES).

(3) You:

- (a) Are not eligible for medicaid personal care services (MPC); or
- (b) Are eligible for MPC services, but the department determines that the amount, duration, or scope of your needs is beyond what MPC can provide.

(4) Your CARE assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless COPES services are provided) which is defined in WAC 388-106-0355(1).

[Statutory Authority: RCW 34.05.353 (2)(d), 74.08.090, and chapters 74.09, 74.04 RCW. 08-11-047, § 388-106-0310, filed 5/15/08, effective 6/15/08. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0310, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0315 When do COPES services start? Your eligibility for COPES begins the date the department authorizes services.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0315, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0320 How do I remain eligible for COPES? (1) In order to remain eligible for COPES, you must be in need of services in accordance with WAC 388-106-0310 as determined through a CARE assessment. The assessment in CARE must be at least annually or more often when there are significant changes in your functional or financial circumstances.

(2) When eligibility statutes, regulations, and/or rules for COPES change, irrespective of whether your functional or financial circumstances have changed, if you do not meet the

changed eligibility requirements, the department will terminate your COPES services.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0320, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0325 How do I pay for COPES services? Depending on your income and resources, you may be required to pay participation toward the cost of your care, as outlined in WAC 388-515-1505. If you have nonexempt income that exceeds the cost of COPES services, you may retain the difference. If you are receiving services in:

(1) Your own home, you are allowed to keep some of your income for a maintenance allowance.

(2) In a residential facility, you must use your income to pay for your room and board and services. You are allowed to keep some of your income for personal needs allowance (PNA). The department determines the amount of PNA that you may keep. The department pays the facility for the difference between what you pay and the department-set rate for the facility. The department pays the residential care facility from the first day of service through the:

(a) Last day of service when the medicaid resident dies in the facility; or

(b) Day of service before the day the medicaid resident is discharged.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0325, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0330 Can I be employed and receive COPES? You can be employed and receive COPES, per WAC 388-515-1505.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0330, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0335 Are there waiting lists for COPES? The department will create a waiting list in accordance with caseload limits determined by legislative funding. Wait listed clients will gain access in the following manner:

(1) Nursing home residents wanting COPES waiver services will be ranked first on the wait list by date of application for services;

(2) Then clients living in the community with a higher level of need, as determined by the CARE assessment, will be ranked higher on the wait list over clients with a lower level of need; and

(3) When two or more clients in the community have equal need levels, the client with the earlier application for services will have priority over later applications for services.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0335, filed 5/17/05, effective 6/17/05.]

NURSING FACILITY CARE SERVICES

WAC 388-106-0350 What are nursing facility care services? You may receive care in a nursing facility, as outlined in chapter 388-97 WAC.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0350, filed 5/17/05, effective 6/17/05.]

(2009 Ed.)

WAC 388-106-0355 Am I eligible for nursing facility care services? You are eligible for nursing facility care if the department:

(1) Assesses you in CARE and determines that you meet the functional criteria for nursing facility level of care which means one of the following applies:

(a) You require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis;

(b) You have an unmet or partially met need with at least three of the following activities of daily living, as defined in WAC 388-106-0010:

For each Activity of Daily Living, the minimum level of assistance required in		
	Self Performance is:	Support Provided is:
Eating	N/A	Setup
Toileting	Supervision	N/A
Bathing	Supervision	N/A
Transfer	Supervision	Setup
Bed Mobility	Supervision	Setup
Walk in Room OR Locomotion in Room OR Locomotion Outside Immediate Living Environment	Supervision	Setup
Medication Management	Assistance Required	N/A
Your need for assistance in any activities listed in subsection (b) of this section did not occur because you were unable or no provider was available to assist you will be counted for the purpose in determining your functional eligibility.		

(c) You have an unmet or partially met need with at least two of the following activities of daily living, as defined in WAC 388-106-0010:

For each Activity of Daily Living, the minimum level of assistance required in		
	Self Performance is:	Support Provided is:
Eating	Supervision	One person physical assist
Toileting	Extensive Assistance	One person physical assist
Bathing	Limited Assistance	One person physical assist
Transfer	Extensive Assistance	One person physical assist
Bed Mobility and Turning and repositioning	Limited Assistance and Need	One person physical assist

	Self Performance is:	Support Provided is:
Walk in Room OR Locomotion in Room OR Locomotion Outside Immediate Living Environment	Extensive Assistance	One person physical assist
Medication Management	Assistance Required Daily	N/A
Your need for assistance in any of the activities listed in subsection (c) of this section did not occur because you were unable or no provider was available to assist you will be counted for the purpose of determining your functional eligibility.		

or:

(d) You have a cognitive impairment and require supervision due to one or more of the following: Disorientation, memory impairment, impaired decision making, or wandering and have an unmet or partially met need with at least one or more of the following:

For each Activity of Daily Living, the minimum level of assistance required in		
	Self Performance is:	Support Provided is:
Eating	Supervision	One person physical assist
Toileting	Extensive Assistance	One person physical assist
Bathing	Limited Assistance	One person physical assist
Transfer	Extensive Assistance	One person physical assist
Bed Mobility and Turning and repositioning	Limited Assistance and Need	One person physical assist
Walk in Room OR Locomotion in Room OR Locomotion Outside Immediate Living Environment	Extensive Assistance	One person physical assist
Medication Management	Assistance Required Daily	N/A
Your need for assistance in any of the activities listed in subsection (d) of this section did not occur because you were unable or no provider was available to assist you will be counted for the purpose of determining your functional eligibility.		

(2) Determines that you meet the financial eligibility requirements set through WAC 388-513-1315.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0355, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0360 How do I pay for nursing facility care services? (1) If you are medicaid eligible and the nursing facility admits you without a request for assessment from the department, the nursing facility will not:

- (a) Be reimbursed by the department; or
- (b) Be allowed to collect payment, including a deposit or minimum stay fee, from you or your family/representative for any care provided before the date of request for assessment.

(2) If you are eligible for medicaid-funding nursing facility care, the department pays for your services beginning on the date:

- (a) Of the request for a department assessment; or
- (b) Nursing facility care actually begins, whichever is later.

(3) If you become financially eligible for medicaid after you have been admitted, the department pays for your nursing facility care beginning on the date of:

- (a) Request for assessment or financial application, whichever is earlier;
- (b) Nursing facility placement; or
- (c) When you are determined financially eligible, whichever is later.

(4) Exception: Payment back to the request date is limited to three months prior to the month that the financial application is received.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0360, filed 5/17/05, effective 6/17/05.]

MEDICALLY NEEDY RESIDENTIAL WAIVER

WAC 388-106-0400 What services may I receive under medically needy residential waiver (MNRW)? You may be eligible to receive only the following MNRW services in one of the following residential facilities: A licensed boarding home contracted with the department to provide assisted living, enhanced residential care, enhanced adult residential care-specialized dementia care or an adult family home:

(1) Personal care services as defined in WAC 388-106-0010.

(2) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, when the items are:

- (a) Medically necessary under WAC 388-500-0005; and
- (b) Necessary: For life support; to increase your ability to perform activities of daily living; or to perceive, control, or communicate with the environment in which you live;
- (c) Directly medically or remedially beneficial to you;
- (d) In addition to and do not replace any medical equipment and/or supplies otherwise provided under medicaid and/or medicare; and

(e) In addition to and do not replace the services required by the department's contract with the residential facility.

(3) Training needs identified in CARE or in a professional evaluation that are in addition to and do not replace services required by the department's contract with the residential facility and that meet a therapeutic goal such as:

- (a) Adjusting to a serious impairment;

- (b) Managing personal care needs; or
- (c) Developing necessary skills to deal with care providers.

(4) Transportation services, when the service:

- (a) Provides access to community services and resources provided to meet a therapeutic goal;
- (b) Is not diverting in nature;
- (c) Is in addition to and does not replace the medicaid-brokered transportation or transportation services available in the community; and
- (d) Does not replace the services required by the department's contract with a residential facility.

(5) Skilled nursing, when the service is:

- (a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse;
- (b) Beyond the amount, duration or scope of medicaid-reimbursed home health services as provided under WAC 388-551-2120; and
- (c) In addition to and does not replace the services required by the department's contract with the residential facility (e.g. intermittent nursing services as described in WAC 388-78A-2310).

(6) Nursing services, when you are not already receiving this type of service from another resource. A registered nurse may visit you and perform any of the following activities. The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any additional collateral contact information obtained by your case manager.

- (a) Nursing assessment/reassessment;
- (b) Instruction to care providers and clients;
- (c) Care coordination and referral to other health care providers;
- (d) Skilled treatment, only in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. In none-emergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource.
- (e) File review; and/or
- (f) Evaluation of health-related care needs affecting service plan and delivery.

(7) Community transition services, if you are being discharged from the nursing facility or hospital and if services are necessary for you to live in a residential facility. Services:

- (a) May include: Safety deposits, utility set up fees or deposits, health and safety assurances such as pest eradication, allergen control or one time cleaning prior to occupancy, moving fees, furniture, essential furnishings, and basic items essential for basic living outside the institution.
- (b) Do not include rent, recreational or diverting items such as TV, cable or VCRs.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-106-0400, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0400, filed 5/17/05, effective 6/17/05.]

(2009 Ed.)

WAC 388-106-0410 Am I eligible for MNRW-funded services? You are eligible for MNRW-funded services if you choose to receive services in a residential facility and you meet all of the following criteria. The department must assess your needs, using CARE, and determine that:

- (1) You are age:
 - (a) Eighteen or older and blind or have a disability, as defined in WAC 388-475-0050; or
 - (b) Sixty-five or older.
- (2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1540.
- (3) You are not eligible for medicaid personal care services (MPC) or COPES.
- (4) Your CARE assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless MNRW services are provided) which is defined in WAC 388-106-0355(1).

[Statutory Authority: RCW 34.05.353 (2)(d), 74.08.090, and chapters 74.09, 74.04 RCW. 08-11-047, § 388-106-0410, filed 5/15/08, effective 6/15/08. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0410, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0415 When do MNRW services start? Your eligibility for MNRW begins the date the department authorizes services.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0415, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0420 How do I remain eligible for MNRW? (1) In order to remain eligible for MNRW, you must be in need of services in accordance with WAC 388-106-0410 as determined through a CARE assessment. The assessment in CARE must be at least annually or more often when there are significant changes in your functional or financial circumstances.

(2) When eligibility statutes, regulations, and/or rules for MNRW change, irrespective of whether your functional or financial circumstances have changed, if you do not meet the changed eligibility requirements, the department will terminate your MNRW services.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0420, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0425 How do I pay for MNRW services? (1) You must use your income to pay for your room and board and services. The amount you pay is determined in WAC 388-515-1540. You are allowed to keep some of your income for personal needs allowance (PNA). The department pays the facility for the difference between what you pay and the department-set rate for the facility. The department pays the residential care facility from the first day of service through the:

- (a) Last day of service when the medicaid resident dies in the facility; or
- (b) Day of service before the day the medicaid resident is discharged.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0425, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0430 Can I be employed and receive MNRW? You may be employed and receive MNRW per WAC 388-515-1540.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0430, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0435 Are there waiting lists for MNRW? The department will create a waiting list in accordance with caseload limits determined by legislative funding. Wait listed clients will gain access in the following manner:

(1) Nursing home residents wanting MN waiver services will be ranked first on the wait list by date of application for services;

(2) Then clients living in the community with a higher level of need, as determined by the department's CARE assessment, will be ranked higher on the wait list over clients with lower level of need; and

(3) When two or more clients in the community have equal need levels, the client with the earlier application for services will have priority over later applications for services.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0435, filed 5/17/05, effective 6/17/05.]

MEDICALLY NEEDY IN-HOME WAIVER

WAC 388-106-0500 What services may I receive under medically needy in-home waiver (MNIW)? You may be eligible to receive only the following medically needy in-home waiver (MNIW) services in your own home:

(1) Personal care services as defined in WAC 388-106-0010 in your own home and, as applicable, while you are out of the home accessing community resources or working.

(2) Adult day care if you meet the eligibility requirements under WAC 388-106-0805.

(3) Environmental modifications, if the minor physical adaptations to your home:

(a) Are necessary to ensure your health, welfare and safety;

(b) Enable you to function with greater independence in the home;

(c) Directly benefit you medically or remedially;

(d) Meet applicable state or local codes; and

(e) Are not adaptations or improvements, which are of general utility or add to the total square footage.

(4) Home delivered meals, providing nutritional balanced meals, limited to one meal per day, if:

(a) You are homebound and live in your own home;

(b) You are unable to prepare the meal;

(c) You don't have a caregiver (paid or unpaid) available to prepare this meal; and

(d) Receiving this meal is more cost-effective than having a paid caregiver.

(5) Home health aide service, if the service tasks:

(a) Include assistance with ambulation, exercise, self-administered medications and hands on personal care;

(b) Are beyond the amount, duration or scope of medicare reimbursed home health services (WAC 388-551-2120) and are in addition to those available services;

(c) Are health-related. Note: Incidental services such as meal preparation may be performed in conjunction with a

health-related task as long as it is not the sole purpose of the aide's visit; and

(d) Do not replace medicare home health services.

(6)(a) Personal emergency response system (PERS), if the service is necessary to enable you to secure help in the event of an emergency and if:

(i) You live alone in your own home;

(ii) You are alone, in your own home, for significant parts of the day and have no regular provider for extended periods of time; or

(iii) No one in your home, including you, can secure help in an emergency.

(b) A medication reminder if you:

(i) Are eligible for a PERS unit;

(ii) Do not have a caregiver available to provide the service; and

(iii) Are able to use the reminder to take your medications.

(7) Skilled nursing, if the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration or scope of medicare-reimbursed home health services as provided under WAC 388-551-2120.

(8) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, if the items are:

(a) Medically necessary under WAC 388-500-0005;

(b) Necessary: For life support; to increase your ability to perform activities of daily living; or to perceive, control, or communicate with the environment in which you live;

(c) Directly medically or remedially beneficial to you; and

(d) In addition to and do not replace any medical equipment and/or supplies otherwise provided under medicare and/or medicare.

(9) Training needs identified in CARE or in a professional evaluation, which meet a therapeutic goal such as:

(a) Adjusting to a serious impairment;

(b) Managing personal care needs; or

(c) Developing necessary skills to deal with care providers.

(10) Transportation services if you live in your own home, when the service:

(a) Provides access to community services and resources to meet a therapeutic goal;

(b) Is not diverting in nature;

(c) Is in addition to and does not replace the medicare-brokered transportation or transportation services available in the community.

(11) Nurse delegation services when:

(a) You are receiving personal care from a registered or certified nursing assistant who has completed nurse delegation core training;

(b) Your medical condition is considered stable and predictable by the delegating nurse; and

(c) Services are provided in compliance with WAC 246-840-930.

(12) Nursing services, when you are not already receiving this type of service from another resource. A registered nurse may visit you and perform any of the following activi-

ties. The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any collateral contact information obtained by your case manager.

- (a) Nursing assessment/reassessment;
- (b) Instruction to you and your providers;
- (c) Care coordination and referral to other health care providers;

(d) Skilled treatment, only in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. In non-emergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource;

- (e) File review; and/or
- (f) Evaluation of health-related care needs affecting service planning and delivery.

(13) Community transition services, if you are being discharged from the nursing facility or hospital and if services are necessary for you to set up your own home. Services:

(a) May include: Safety deposits, utility set up fees or deposits, health and safety assurances such as pest eradication, allergen control or one time cleaning prior to occupancy, moving fees, furniture, essential furnishings, and basic items essential for basic living outside the institution.

(b) Do not include rent, recreational or diverting items such as TV, cable or VCRs.

[Statutory Authority: RCW 74.08.090, 74.09.520. 07-24-026, § 388-106-0500, filed 11/28/07, effective 1/1/08. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-106-0500, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0500, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0510 Am I eligible for MNIW-funded services? You are eligible for MNIW-funded services if you choose to receive services in your own home and you meet all of the following criteria. The department must assess your needs in CARE and determine that:

- (1) You are age:
 - (a) Eighteen or older and blind or have a disability, as defined in WAC 388-475-0050; or
 - (b) Sixty-five or older.
- (2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1505;
- (3) You are not eligible for medicaid personal care services (MPC) or COPES;
- (4) Your CARE assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless MNIW services are provided) which is defined in WAC 388-106-0355(1).

[Statutory Authority: RCW 34.05.353 (2)(d), 74.08.090, and chapters 74.09, 74.04 RCW. 08-11-047, § 388-106-0510, filed 5/15/08, effective 6/15/08. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0510, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0515 When do MNIW services start? Your eligibility for MNIW begins the date the department authorizes services.

(2009 Ed.)

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0515, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0520 How do I remain eligible for MNIW? (1) In order to remain eligible for MNIW, you must be in need of services in accordance with WAC 388-106-0510 as determined through a CARE assessment. The assessment in CARE must be at least annually or more often when there are significant changes in your functional or financial circumstances.

(2) When eligibility statutes, regulations, and/or rules for MNIW change, irrespective of whether your functional or financial circumstances have changed, if you do not meet the changed eligibility requirements, the department will terminate your MNIW services.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0520, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0525 How do I pay for MNIW? The amount you pay is determined in WAC 388-515-1550.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0525, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0530 Can I be employed and receive MNIW? You can be employed and receive MNIW, per WAC 388-515-1550.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0530, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0535 Are there waiting lists for MNIW? The department will create a waiting list in accordance with caseload limits determined by legislative funding. Wait listed clients will gain access in the following manner:

- (1) Nursing home residents wanting MN waiver services will be ranked first on the wait list by date of application for services;
- (2) Then clients living in the community with a higher level of need as determined by the department's CARE assessment will be ranked higher on the wait list over clients with lower level of need; and
- (3) When two or more clients in the community have equal need levels, the client with the earlier application for services will have priority over later applications for services.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0535, filed 5/17/05, effective 6/17/05.]

CHORE

WAC 388-106-0600 What services may I receive under chore? You may receive personal care services in your own home and, as applicable, assistance with personal care tasks while you are out of the home accessing community resources or working.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0600, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0610 Am I eligible for chore-funded services? To be eligible for chore-funded services you must meet all of the following criteria:

[Title 388 WAC—p. 685]

(1) Be grandfathered on the chore program before August 1, 2001 and have continued to receive chore without a break in service.

(2) Not be eligible for MPC or COPEs.

(3) Be eighteen years of age or older.

(4) Have an unmet or partially met need with at least one of the following activities of daily living, as defined in WAC 388-106-0010.

For each Activity of Daily Living, the minimum level of assistance required in		
	Self Performance is:	Support Provided is:
Eating	N/A	Setup
Toileting	Supervision	N/A
Bathing	Supervision	N/A
Dressing	Supervision	N/A
Transfer	Supervision	Setup
Bed Mobility	Supervision	Setup
Walk in Room OR Locomotion in Room OR Locomotion Outside Immediate Living Environment	Supervision	Setup
Medication Management	Assistance Required	N/A
Personal Hygiene	Supervision	N/A
Body care which includes: Application of ointment or lotions; Toenails trimmed; Dry bandage changes; or Passive range of motion treatment.	Need	N/A
Your need for assistance in any of the activities listed in this section did not occur because you were unable or no provider was available to assist you will be counted for the purpose of determining your functional eligibility.		

(5) Have net household income (as described in WAC 388-450-0005 and 388-450-0040) not exceeding:

(a) The sum of the cost of your chore services; and

(b) One-hundred percent of the federal poverty level (FPL) adjusted for family size.

(6) Have resources, as described in chapter 388-470 WAC, which do not exceed ten thousand dollars for a one-person family or fifteen thousand dollars for a two-person family. (Note: One thousand dollars for each additional family member may be added to these limits.); and

(7) Not transfer assets on or after November 1, 1995 for less than fair market value, as described in WAC 388-513-1365.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0610, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0615 When do chore services start?

Your eligibility for chore services begins the date the department authorizes services.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0615, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0620 How do I remain eligible for chore?

(1) In order to remain eligible for chore, you must be in need of services in accordance with WAC 388-106-0610 as determined through a CARE assessment. The assessment in CARE must be at least annually or more often when there are significant changes in your functional or financial circumstances.

(2) When eligibility statutes, regulations, and/or rules for chore change, irrespective of whether your functional or financial circumstances have changed, if you do not meet the changed eligibility requirements, the department will terminate your chore services.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0620, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0625 How do I pay for chore?

You may retain an amount equal to one hundred percent of the federal poverty level, adjusted for family size, as the home maintenance allowance and pay the difference between the FPL and your nonexempt income. Exempt income includes:

(1) Income listed in WAC 388-513-1340;

(2) Spousal income allocated and actually paid as participation in the cost of the spouse's community options program entry system (COPEs) services;

(3) Amounts paid for medical expenses not subject to third party payment;

(4) Health insurance premiums, coinsurance or deductible charges; and

(5) If applicable, those work expense deductions listed in WAC 388-106-0630(2).

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0625, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0630 Can I be employed and receive chore?

If you are not medicaid eligible due to your earned income and resources and are receiving chore personal care services:

(1) You may be required to pay participation, per WAC 388-106-0625, for any earned income above one hundred percent of the federal poverty level.

(2) The department will exempt fifty percent of your earned income after work expense deductions. Work expense deductions are:

(a) Personal work expenses in the form of self-employment taxes (FICA); and income taxes when paid;

(b) Payroll deductions required by law or as a condition of employment in the amounts actually withheld;

(c) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars;

(d) Expenses necessary for continued employment such as tools, materials, union dues, transportation to service customers not furnished by the employer; and

(e) Uniforms needed on the job and not suitable for wear away from the job.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0630, filed 5/17/05, effective 6/17/05.]

VOLUNTEER CHORE

WAC 388-106-0650 What services may I receive under volunteer chore? Volunteer chore is a state-funded program which provides volunteer assistance with household tasks and:

(1) Assists people who need but are not eligible for DSHS services.

(2) Complements DSHS services by using volunteer assistance to perform tasks which do not require specially-skilled personnel.

(3) Provides assistance with housework, laundry, shopping, cooking, moving, minor home repair, yard care, limited personal care, monitoring and transportation.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0650, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0655 Am I eligible to receive volunteer chore services? You may receive volunteer chore services if you are:

(1) Eighteen years of age or older;

(2) Living at home unless you are moving from a residential facility to home and need assistance moving;

(3) Unable to perform certain personal care tasks due to functional or cognitive impairment;

(4) Financially unable to purchase services from a private provider;

(5) Not receiving services under COPEs, MNIW, MPC, or chore because you:

(a) Do not meet the eligibility requirements; or

(b) Decline these services.

(6) In need of assistance from volunteer chore in addition to or in substitution of paid services under COPEs, MNIW, MPC, or chore.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0655, filed 5/17/05, effective 6/17/05.]

PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

WAC 388-106-0700 What services may I receive under PACE? Under their contract with the department, the PACE provider develops an individualized plan of care, as defined in 42 CFR 460.106, that integrates necessary long-term care, medical services, mental health services, and alcohol and substance abuse treatment services.

(1) The care plan includes, but is not limited to any of the following long-term care services:

(a) Care coordination;

(b) Home and community-based services:

(i) Personal (in-home) care;

(ii) Residential care.

(c) And, if necessary, nursing facility care.

(2) The care plan may also include, but is not limited to, the following medical services:

(a) Primary medical care;

(b) Vision care;

(c) End of life care;

(d) Restorative therapies, including speech, occupational, and physical therapy;

(e) Oxygen therapy;

(f) Audiology (including hearing aids);

(g) Transportation;

(h) Podiatry;

(i) Durable medical equipment (e.g., wheelchair);

(j) Dental care;

(k) Pharmaceutical products;

(l) Immunizations and vaccinations;

(m) Emergency room visits and inpatient hospital stays.

(3) The care plan may also include any other services determined necessary by the interdisciplinary team to improve and maintain your overall health status.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0700, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0705 Am I eligible for PACE services?

To qualify for medicaid-funded PACE services, you must apply for an assessment by contacting your local home and community services office. The department will assess and determine whether you:

(1) Are age:

(a) Fifty-five or older, and blind or have a disability, as defined in WAC 388-475-0050, SSI-related eligibility requirements; or

(b) Sixty-five or older.

(2) Need nursing facility level of care as defined in WAC 388-106-0355;

(3) Live within the designated service area of the PACE provider;

(4) Meet financial eligibility requirements. This means the department will assess your finances, determine if your income and resources fall within the limits, and determine the amount you may be required to contribute, if any, toward the cost of your care as described in WAC 388-515-1505;

(5) Not be enrolled in any other medicare or medicaid prepayment plan or optional benefit; and

(6) Agree to receive services exclusively through the PACE provider and the PACE provider's network of contracted providers.

[Statutory Authority: RCW 34.05.353 (2)(d), 74.08.090, and chapters 74.09, 74.04 RCW, 08-11-047, § 388-106-0705, filed 5/15/08, effective 6/15/08. Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020, 06-05-022, § 388-106-0705, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0705, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0710 How do I pay for PACE services? Depending on your income and resources, you may be required to pay for part of the PACE services. The department's financial worker will determine what amount, if any, you must contribute if you decide to enroll. The department pays the PACE provider the remaining amount.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0710, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0715 How do I end my enrollment in the PACE program? (1) You may choose to voluntarily end your enrollment in the PACE program without cause at any

time. To do so, you must give the PACE provider written notice. If you give notice:

(a) Before the fifteenth of the month, the department will end your enrollment effective at the end of the month; or

(b) After the fifteenth, the department will end your enrollment effective until the end of the following month.

(2) Your enrollment may also end involuntarily if you:

(a) Move out of the designated service area or are out of the service area for more than thirty consecutive days, unless the PACE provider agrees to a longer absence due to extenuating circumstances;

(b) Engage in disruptive or threatening behavior such that the behavior jeopardizes your health or safety, or the safety of others;

(c) Fail to comply with your plan of care or the terms of the PACE enrollment agreement;

(d) Fail to pay or make arrangements to pay your part of the costs after the thirty-day grace period;

(e) Become financially ineligible for medicaid services, unless you choose to pay privately;

(f) Are enrolled with a provider that loses its license and/or contract; or

(g) No longer meet the nursing facility level of care requirement as defined in WAC 388-106-0205.

(3) For any of the above reasons, the PACE provider must give you written notice, explaining that they are terminating benefits. If the provider gives you notice:

(a) Before the fifteenth of the month, then the department will end your enrollment at the end of the month; or

(b) After the fifteenth, then the department will end your enrollment at the end of the following month.

(4) Before the PACE provider can involuntarily end your enrollment in the PACE program, the department must review and approve it.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.-020. 06-05-022, § 388-106-0715, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0715, filed 5/17/05, effective 6/17/05.]

WASHINGTON MEDICAID INTEGRATION PARTNERSHIP (WMIP)

WAC 388-106-0745 What services may I receive under WMIP? (1) Once you are determined eligible, your care plan could include, but is not limited to, any of the following long-term care services:

(a) Care coordination;

(b) Personal care services in your own home or in a residential facility;

(c) Home health aide;

(d) Adult day services;

(e) Environmental modifications;

(f) Personal emergency response system (PERS);

(g) Skilled nursing;

(h) Specialized medical equipment and supplies;

(i) Home delivered meals;

(j) Residential care;

(k) Nursing facility care.

(2) The care plan may also include medical, chemical dependency, and/or mental health services.

[Title 388 WAC—p. 688]

[Statutory Authority: RCW 74.08.090, 42 C.F.R. 441.302(a), Social Security Act section 1915(c) waiver rules, 42 C.F.R. 438. 06-18-058, § 388-106-0745, filed 8/31/06, effective 10/1/06.]

WAC 388-106-0750 Am I eligible to enroll in WMIP?

(1) To enroll in WMIP you must:

(a) Be aged, blind, or disabled;

(b) Be twenty-one years of age or older;

(c) Receive, or be eligible for, categorically needy medical assistance per WAC 388-500-0005; and

(d) Not be enrolled in any other comparable third party insurance coverage plan that purchases services on a prepaid basis (for example, a prepaid health plan).

(2) To be eligible to receive long-term care services under this program, you must meet functional eligibility for one of the long-term care programs per WAC 388-106-0210(2), 388-106-0310(4), or 388-106-0355(1) and financial eligibility for noninstitutional categorically needy, or institutional categorically needy as described in chapter 388-513 WAC and WAC 388-515-1505.

(3) Ongoing functional and financial eligibility for long-term care services will be determined at least annually by the state.

(4) If you are determined ineligible for long-term care services, you may continue to receive medical, mental health and chemical dependency treatment services through WMIP as long as you continue to meet the criteria listed in subsection (1) above.

[Statutory Authority: RCW 74.08.090, 42 C.F.R. 441.302(a), Social Security Act section 1915(c) waiver rules, 42 C.F.R. 438. 06-18-058, § 388-106-0750, filed 8/31/06, effective 10/1/06.]

WAC 388-106-0755 How do I pay for WMIP services? Depending on your income and resources, you may be required to pay for part of your long-term care services you receive through WMIP. The department will determine what amount, if any, you must contribute toward the cost of your care.

[Statutory Authority: RCW 74.08.090, 42 C.F.R. 441.302(a), Social Security Act section 1915(c) waiver rules, 42 C.F.R. 438. 06-18-058, § 388-106-0755, filed 8/31/06, effective 10/1/06.]

WAC 388-106-0760 How do I disenroll from WMIP?

You may choose to disenroll from WMIP for any reason at any time. See WAC 388-538-061 for additional information on ending enrollment in WMIP.

[Statutory Authority: RCW 74.08.090, 42 C.F.R. 441.302(a), Social Security Act section 1915(c) waiver rules, 42 C.F.R. 438. 06-18-058, § 388-106-0760, filed 8/31/06, effective 10/1/06.]

WAC 388-106-0765 What is the fair hearing process for enrollee appeals of managed care organization actions? See WAC 388-538-112 for additional information specific to the managed care fair hearing process. For hearing information specific to long-term care services eligibility, see WAC 388-106-1305.

[Statutory Authority: RCW 74.08.090, 42 C.F.R. 441.302(a), Social Security Act section 1915(c) waiver rules, 42 C.F.R. 438. 06-18-058, § 388-106-0765, filed 8/31/06, effective 10/1/06.]

ADULT DAY SERVICES

WAC 388-106-0800 What adult day care services may I receive? You may receive the following services in an adult day care:

- (1) Core services, which include assistance with:
 - (a) Locomotion outside of room, locomotion in room, walk in room;
 - (b) Body care;
 - (c) Eating;
 - (d) Repositioning;
 - (e) Medication management that does not require a licensed nurse;
 - (f) Transfer;
 - (g) Toileting;
 - (h) Personal hygiene at a level that ensures your safety and comfort while in attendance at the program; and
 - (i) Bathing at a level that ensures your safety and comfort while in attendance at the program.
- (2) Social services on a consultation basis, which may include:
 - (a) Referrals to other providers for services not within the scope of medicaid reimbursed adult day care services;
 - (b) Caregiver support and education; or
 - (c) Assistance with coping skills.
- (3) Routine health monitoring with consultation from a registered nurse that a consulting nurse acting within the scope of practice can provide with or without a physician's order. Examples include:
 - (a) Obtaining baseline and routine monitoring information on your health status, such as vital signs, weight, and dietary needs;
 - (b) General health education such as providing information about nutrition, illnesses, and preventative care;
 - (c) Communicating changes in your health status to your caregiver;
 - (d) Annual and as needed updating of your medical record; or
 - (e) Assistance as needed with coordination of health services provided outside of the adult day care program.
- (4) General therapeutic activities that an unlicensed person can provide or that a licensed person can provide with or without a physician's order. These services are planned for and provided based on your abilities, interests, and goals. Examples include:
 - (a) Recreational activities;
 - (b) Diversionary activities;
 - (c) Relaxation therapy;
 - (d) Cognitive stimulation; or
 - (e) Group range of motion or conditioning exercises.
- (5) General health education that an unlicensed person can provide or that a licensed person can provide with or without a physician's order, including but not limited to topics such as:
 - (a) Nutrition;
 - (b) Stress management;
 - (c) Disease management skills; or
 - (d) Preventative care.
- (6) A nutritional meal and snacks are provided every four hours, including a modified diet if needed and within the scope of the program, as provided under WAC 388-71-0768;

(7) Supervision and/or protection if needed for your safety;

(8) Assistance with arranging transportation to and from the program; and

(9) First aid and provisions for obtaining or providing care in an emergency. NOTE: If you require the intervention or services of a registered nurse or licensed rehabilitative therapist acting under the supervision of your physician, consider adult day health services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0800, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0805 Am I eligible for adult day care?

(1) If you receive COPES or MNIW, you may be eligible for adult day care as a waiver service if you are assessed as having an unmet need for one or more of the following core services:

- (a) Personal care services;
- (b) Routine health monitoring with consultation from a registered nurse;
- (c) General therapeutic activities; or
- (d) Supervision and/or protection if required for your safety.

(2) You are not eligible for adult day care if you receive COPES or MNIW and you:

- (a) Can independently perform or obtain the services provided at an adult day care center;
- (b) Have unmet needs that can be met through the COPES or MNIW program more cost effectively without authorizing day care services;
- (c) Have referred care needs that:
 - (i) Exceed the scope of authorized services that the adult day care center is able to provide;
 - (ii) Can be met in a less structured care setting; or
 - (iii) Are being met by paid or unpaid caregivers.
- (d) Live in a nursing home, boarding home, adult family home, or other licensed institutional or residential facility; or
- (e) Are not capable of participating safely in a group care setting.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0805, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0810 What adult day health services may I receive? You may receive the following adult day health services:

- (1) All core services under WAC 388-106-0800;
- (2) Skilled nursing services other than routine health monitoring with nurse consultation;
- (3) At least one of the following skilled therapy services: physical therapy, occupational therapy, or speech-language pathology or audiology, as defined under chapters 18.74, 18.59, and 18.35 RCW, and
- (4) Psychological or counseling services, including assessing for psycho-social therapy need, dementia, abuse or neglect, and alcohol or drug abuse; making appropriate referrals; and providing brief, intermittent supportive counseling.

[Statutory Authority: RCW 74.08.090, 74.09.520, 05-11-082, § 388-106-0810, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0815 Am I eligible for adult day health? (1) You are eligible for adult day health services if you meet all of the following criteria. You are:

- (a) Age eighteen years or older.
- (b) Enrolled in one of the following medical assistance programs:
 - (i) Categorically needy (CNP);
 - (ii) Categorically needy qualified medicare beneficiaries (CNP-QMB);
 - (iii) General assistance—Expedited medicaid disability (GA-X); or
 - (iv) Alcohol and Drug Abuse Treatment and Support Act (ADATSA).

(c) Assessed as having an unmet need for skilled nursing under WAC 388-71-0712 or skilled rehabilitative therapy under WAC 388-71-0714; and

(i) There is a reasonable expectation that these services will improve, restore or maintain your health status, or in the case of a progressive disabling condition, will either restore or slow the decline of your health and functional status or ease related pain or suffering; and

(ii) You are at risk for deteriorating health, deteriorating functional ability, or institutionalization; and

(iii) You have a chronic or acute health condition that you are not able to safely manage due to a cognitive, physical, or other functional impairment.

(d) Assessed as having needs for personal care or other core services, whether or not those needs are otherwise met.

(2) You are not eligible for adult day health if you:

(a) Can independently perform or obtain the services provided at an adult day health center;

(b) Have referred care needs that:

(i) Exceed the scope of authorized services that the adult day health center is able to provide;

(ii) Do not need to be provided or supervised by a licensed nurse or therapist;

(iii) Can be met in a less structured care setting; or

(iv) In the case of skilled care needs, are being met by paid or unpaid caregivers.

(c) Live in a nursing home or other institutional facility; or

(d) Are not capable of participating safely in a group care setting.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0815, filed 5/17/05, effective 6/17/05.]

GAU-FUNDED RESIDENTIAL CARE

WAC 388-106-0900 What services may I receive under GAU-funded residential care? You may receive personal care services in an adult family home or a licensed boarding home contracted with the department to provide adult residential care services. You may also receive nurse delegation services under this program.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0900, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0905 Am I eligible to receive GAU-funded residential care services? You are eligible to receive GAU-funded residential care services if:

(1) You meet financial eligibility requirements for general assistance unemployable (GAU), described in WAC 388-400-0025;

(2) You are not eligible for services under COPES, MNRW, or MPC; and

(3) You are assessed in CARE and meet the functional criteria outlined in WAC 388-106-0210(2).

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0905, filed 5/17/05, effective 6/17/05.]

RESIDENTIAL CARE DISCHARGE ALLOWANCE

WAC 388-106-0950 What services may I receive under the residential care discharge allowance? The residential care discharge allowance is a one-time payment used to help you establish or resume living in your own home. You may receive up to eight hundred and sixteen dollars to cover necessary equipment, remodeling, rent, and utilities.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0950, filed 5/17/05, effective 6/17/05.]

WAC 388-106-0955 Am I eligible for residential care discharge allowance? You are eligible for a residential discharge allowance if you:

(1) Receive long-term care services from home and community services;

(2) Are being discharged from a hospital, nursing facility, a licensed boarding home, or adult family home to your own home;

(3) Do not have other programs, services, or resources to assist you with these costs; and

(4) Have needs beyond what is covered under the community transition service (under COPES, MNRW, and MNIW).

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-0955, filed 5/17/05, effective 6/17/05.]

PRIVATE DUTY NURSING

WAC 388-106-1000 What is the intent of WAC 388-106-1000 through 388-106-1055? The intent of WAC 388-106-1000 through 388-106-1055 is to:

(1) Describe the eligibility requirements under which an adult age eighteen or older may receive private duty nursing (PDN) services through the department's aging and disability services administration (ADSA);

(2) Provide assistance to clients and enable families to support clients in their own homes; and

(3) Describe the requirements clients and their families, home health agencies, and privately contracted registered nurses (RNs) and licensed practical nurses (LPNs) must meet in order for services to be authorized for PDN.

[Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. 05-24-091, § 388-106-1000, filed 12/6/05, effective 1/6/06.]

WAC 388-106-1005 What services may I receive under private duty nursing (PDN)? PDN is a program that provides skilled nursing care if you have complex medical needs that cannot be met through other services. PDN is an alternative to institutional care and is the program of last resort.

[Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. 05-24-091, § 388-106-1005, filed 12/6/05, effective 1/6/06.]

WAC 388-106-1010 Am I eligible for medicaid-funded private duty nursing services? In order to be eligible for medicaid-funded PDN, you must:

(1) Be financially eligible, which means you:

(a) Meet medicaid requirements under the categorically needy program or the medically needy program (MNP).

(b) Use private insurance as first payer, as required by medicaid rules. Private insurance benefits, which cover hospitalization and in-home services, must be ruled out as the first payment source to PDN.

(2) Be medically eligible, which means an ADSA department's community nurse consultant (CNC) or ADSA's division of disabilities services' (DDS) nursing care consultant (NCC) must assess you using the CARE assessment and the PDN skilled nursing task log for initial eligibility determination and thereafter every six months, and determine that you:

(a) Require care in a hospital or meet nursing facility level of care, as defined in WAC 388-106-0310; and

(b) Have unmet skilled nursing needs that cannot be met in a less costly program or less restrictive environment; and

(c) Are not able to have your care tasks provided through nurse delegation, WAC 246-840-910 through 246-840-970; through COPES skilled nursing, WAC 388-515-1505; or through self-directed care RCW 74.39.050; and

(d) Have a complex medical need that requires four or more hours every day of continuous skilled nursing care which can be safely provided outside a hospital or nursing facility; and

(e) Require skilled nursing care that is medically necessary, per WAC 388-500-0005; and

(f) Be able to supervise your care (provider) or have a guardian who is authorized to supervise your care; and

(g) Have family or other appropriate informal support who is responsible for assuming a portion of your care; and

(h) Have your primary care physician or ARNP document your medical stability and appropriateness for PDN and:

(i) Provide orders for medical services; and

(ii) Document approval of the service provider's PDN plan of care.

(i) Do not have other resources or means for obtaining this service; and

(j) Are dependant upon technology every day, with at least one of the following skilled care needs:

(i) You need mechanical ventilation, and the use of a mechanical device to fill the lungs with oxygenated air and then allow time for passive exhalation; or

(ii) You need complex respiratory support, which means that:

(A) You require two of the following treatment needs:

(I) Postural drainage and chest percussion; or

(II) Application of respiratory vests; or

(III) Nebulizer treatments with or without medications;

or

(IV) Intermittent positive pressure breathing; or

(V) O2 saturation measurement with treatment decisions dependent on the results; and

(2009 Ed.)

(B) Your treatment needs must be assessed and provided by an RN or LPN; and

(C) Your treatment needs cannot be nurse delegated or self-directed;

(iii) You need tracheostomy care, and tracheal suctioning;

(iv) You need intravenous/parenteral administration of multiple medications, and care is occurring on a continuing or frequent basis; or

(v) You need intravenous administration of nutritional substances, and care is occurring on a continuing or frequent basis.

[Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. 05-24-091, § 388-106-1010, filed 12/6/05, effective 1/6/06.]

WAC 388-106-1020 How do I pay for my PDN services? You are not required to pay participation for PDN services, but the cost of services is subject to estate recovery, under chapter 388-527 WAC. If you are also receiving other services (e.g. COPES), you may be responsible for paying participation as required under WAC 388-515-1505, 388-515-1540, or 388-515-1550. Your financial worker will inform you about your participation requirements for those services.

[Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. 05-24-091, § 388-106-1020, filed 12/6/05, effective 1/6/06.]

WAC 388-106-1025 Who can provide my PDN services? In addition to a family member(s) or an individual provider providing self-directed care under RCW 74.39.050 or an individual provider or home care agency caregiver providing nurse delegation per WAC 246-840-910 through 246-840-970:

(1) A home health agency licensed by the Washington state department of health can provide your PDN services as long as it also has a PDN contract with DSHS's aging and disability services administration.

(2) If a home health agency described in subsection (1) is not willing to provide your PDN services, or is not available due to your geographic location, an ADSA private registered nurse (RN) or licensed practical nurse (LPN) who meets the requirements of WAC 388-106-1040 may be able to provide your PDN services.

[Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. 05-24-091, § 388-106-1025, filed 12/6/05, effective 1/6/06.]

WAC 388-106-1030 Are there limitations or other requirements for PDN? The limits to PDN services are:

(1) Your PDN services can be authorized for four to sixteen hours per day, except as noted in WAC 388-106-1045(4). This authorization is based on a combination of skilled nursing tasks identified in CARE, the department designated PDN skilled nursing task log or equivalent which has been approved by ADSA prior to use, and detailed information provided to CNC or NCC. The CNC or NCC determines initial eligibility for PDN, up to a maximum of sixteen hours per day. After the initial determination of eligibility is made by the CNC or NCC, the PDN skilled nursing task log or its approved equivalent will be initiated and completed by the agency or private nurse(s) for fourteen days and submitted to

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the CNC or NCC for review. At the end of the fourteen-day review period, a final determination will be made on the number of PDN hours required to meet your care needs. PDN skilled task logs or their approved equivalent will also be completed for fourteen days prior to the six-month reassessment for review by the CNC or NCC to determine ongoing eligibility and required PDN hours.

(2) Trained family members must provide for any hours above your assessment determination, or you or your family must pay for these additional hours.

(3) In instances where your family is temporarily absent due to vacations, additional PDN hours must be:

(a) Paid for by you or your family; or

(b) Provided by other trained family members. If this is not possible, you may need placement in a long-term care facility during their absence.

(4) You may use respite care if you and your unpaid family caregiver meet the eligibility criteria defined in WAC 388-106-1210.

(5) You may receive additional hours, up to thirty days only when:

(a) Your family is being trained in care and procedures;

(b) You have an acute episode that would otherwise require hospitalization;

(c) Your caregiver is ill or temporarily unable to provide care; or

(d) There is a family emergency.

[Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. 05-24-091, § 388-106-1030, filed 12/6/05, effective 1/6/06.]

WAC 388-106-1035 What requirements must a home health agency meet in order to provide and get paid for my PDN? A home health agency must:

(1) Be licensed by the Washington state department of health and have a contract to provide private duty nursing services with aging and disability services administration;

(2) Operate under physician orders;

(3) Develop and follow a detailed service plan that is reviewed and signed at least every six months by the client's physician;

(4) Initiate and complete the PDN skilled nursing task log or approved equivalent for fourteen days and submitted to the CNC or NCC for review for initial eligibility determination and fourteen days prior to the six-month reassessments;

(5) Meet all documentation requirement required by DOH In-home licensing, WAC 246-335-055, 246-335-080, and 246-335-110; and

(6) Submit timely and accurate invoices to the social services payment system (SSPS).

[Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. 05-24-091, § 388-106-1035, filed 12/6/05, effective 1/6/06.]

WAC 388-106-1040 What requirements must a private duty RN, or LPN under the supervision of an RN, meet in order to provide and get paid for my PDN services? In order to be paid by the department, a private RN under the supervision of a physician/ARNP, or an LPN under the supervision of an RN, must:

(1) Have a license in good standing, per RCW 18.79.030 (1)(3);

(2) Complete a PDN contract with ADSA;

(3) Provide services according to the plan of care under the supervision/direction of a physician;

(4) Complete a background inquiry application. This will require fingerprinting if the RN or LPN has lived in the state of Washington less than three years;

(5) Have no conviction for a disqualifying crime, as stated in RCW 43.43.830 and 43.43.842 and WAC 388-71-0500 through 388-71-05640 series;

(6) Have no stipulated finding of fact and conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry with a finding of abuse, neglect, abandonment or exploitation of a minor or vulnerable adult;

(7) Meet provider requirements under WAC 388-71-0510, 388-71-0515, 388-71-0540, 388-71-0551, and 388-71-0556;

(8) Complete time sheets monthly;

(9) Complete documentation regarding all PDN services provided per the plan of care as required in WAC 388-502-0020 and 246-840-700;

(10) The PDN skilled nursing task log or its approved equivalent must be initiated and completed by the licensed nurse for fourteen days and submitted to the CNC or NCC for review for initial eligibility determination and fourteen days prior to the six-month reassessment determination. The licensed nurse is responsible to submit these logs to the NCC or CNC when they are completed; and

(11) Submit timely and accurate invoices to SSPS.

[Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. 05-24-091, § 388-106-1040, filed 12/6/05, effective 1/6/06.]

WAC 388-106-1045 Can I receive PDN services in a licensed adult family home (AFH)? You may be eligible to receive PDN services if you are residing in an adult family home (AFH) if the AFH provider (owner and operator) meets the following requirements:

(1) Possesses current Washington state registered nurse license in good standing;

(2) Signs a contract amendment with ADSA in which the provider agrees to ensure provision of twenty-four-hour personal care and nursing care services. Nursing care service will be provided in accordance with chapter 18.79 RCW;

(3) Provides your PDN service through an RN, or LPN under the supervision of an RN. PDN services are based on the CARE assessment, the department designated PDN skilled task log or its approved equivalent, and other documentation which determines eligibility and the number of PDN hours to be authorized;

(4) Provides the PDN services to you. Your service plan may be authorized for four to eight hours per day and cannot exceed a maximum of eight PDN care hours per day based on the CARE assessment, the department designated PDN skilled task log or its approved equivalent, and other documentation;

(5) Have a nursing service plan prescribed by your primary physician or ARNP. The physician/ARNP is responsible for:

(a) Overseeing your plan of care, which must be updated at least every six months;

(b) Monitoring client's medical stability; and

(6) Document the services provided per the plan of care and the department designated PDN skilled task log or its approved equivalent at initial eligibility determination and fourteen days prior to the six-month reassessment determination and other documentation; and

(7) Keep records in accordance with AFH licensing and contract requirements.

[Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. 05-24-091, § 388-106-1045, filed 12/6/05, effective 1/6/06.]

WAC 388-106-1050 May I receive other long-term care services in addition to PDN? (1) In addition to PDN services, you may be eligible to receive care through community options program entry system (COPEs), medically needy residential waiver (MNRW), medically needy in-home waiver (MNIW), or medicaid personal care (MPC), for unmet personal needs not performed by your family/informal support system.

(2) If you receive personal care services in addition to PDN services, you cannot receive your personal care and household tasks from an individual provider, personal aide, or home care agency provider at the same time that your PDN provider is providing your care. The agency or privately contracted nurse is responsible for providing personal care and/or household tasks that occur during the time that they are providing your PDN services, unless you have an informal support that is providing or assisting you at the same time.

[Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. 05-24-091, § 388-106-1050, filed 12/6/05, effective 1/6/06.]

WAC 388-106-1055 Can I choose to self-direct my care if I receive PDN services? You may choose to self-direct part of your health-related tasks to an individual provider, as outlined in RCW 74.39.050. You may also still receive PDN services, if you meet the PDN eligibility requirements.

[Statutory Authority: RCW 74.08.090, 74.09.520 and 42 C.F.R. 440.80. 05-24-091, § 388-106-1055, filed 12/6/05, effective 1/6/06.]

SENIOR CITIZENS' SERVICES

WAC 388-106-1100 What services can I receive under the Senior Citizens' Services Act (SCSA) fund? You may receive community-based services, described in RCW 74.38.040.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1100, filed 5/17/05, effective 6/17/05.]

WAC 388-106-1105 How do I apply for SCSA-funded services? To receive SCSA-funded services, you or your representative must:

(1) Complete and submit a department application form, providing complete and accurate information; and

(2) Promptly submit a written report of any changes in income or resources. For the definition of income and resources, refer to WAC 388-500-0005.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1105, filed 5/17/05, effective 6/17/05.]

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WAC 388-106-1110 Am I eligible for SCSA-funded services at no cost? To be eligible for SCSA-funded services at no cost, you must:

(1) Be age:

(a) Sixty-five or older; or

(b) Sixty or older, and:

(i) Either unemployed, or

(ii) Working twenty hours a week or less;

(2) Have a physical, mental, or other type of impairment, which without services would prevent you from remaining in your home;

(3) Have income at or below forty percent of the state median income (SMI), based on family size; and

(4) Have nonexempt resources (including cash, marketable securities, and real or personal property) not exceeding ten thousand dollars for a single person or fifteen thousand for a family of two, increased by one thousand dollars for each additional family member of the household. Household means a person living alone or a group of people living together.

(5) If you have income over forty percent of SMI, you may be eligible for services on a sliding fee basis.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1110, filed 5/17/05, effective 6/17/05.]

WAC 388-106-1115 What income and resources are exempt when determining eligibility? The following income and resources, regardless of value, are exempt when determining whether you are eligible for SCSA-funded services:

(1) Your home, and the lot it is upon;

(2) Garden produce, livestock, and poultry used for home consumption;

(3) Program benefits which are exempt from consideration in determining eligibility for needs based programs (e.g., uniform relocation assistance, Older Americans Act funds, foster grandparents' stipends or similar moneys);

(4) Used and useful household furnishings, personal clothing, and automobiles;

(5) Personal property of great sentimental value;

(6) Personal property used by the individual to earn income or for rehabilitation;

(7) One cemetery plot for each member of the family unit;

(8) Cash surrender value of life insurance;

(9) Real property held in trust for an individual Indian or Indian tribe; and

(10) Any payment received from a foster care agency for children in the home.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1115, filed 5/17/05, effective 6/17/05.]

WAC 388-106-1120 What if I am not eligible to receive SCSA-funded services at no cost? (1) Even if your income is above the forty percent SMI limit to receive SCSA-funded services at no cost, you may receive SCSA-subsidized services. The department uses a sliding fee schedule to determine what percentage the department pays for the cost of your services. You pay the remaining amount, but not more than the usual rate paid for services, as negotiated by the

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AAA or the department. The formula for determining the department's share of the cost of the services is:

$$\frac{100\% \text{ State Median Income (SMD)} - \text{Household Income} \times 100}{100\% - 40\% \text{ SMI}}$$

(2) Service providers must be responsible for collecting fees owed by eligible persons and reporting to area agencies all fees paid or owed by eligible persons.

(3) Some services are provided at no charge regardless of income or need requirements. These services include, but are not limited to, nutritional services, health screening, services under the long-term care ombudsman program, and access services. Note: Well adult clinic services may be provided in lieu of health screening services if such clinics use the fee schedule established by this section.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1120, filed 5/17/05, effective 6/17/05.]

RESPITE CARE SERVICES

WAC 388-106-1200 What definitions apply to respite care services? The following definitions apply to respite care services:

"Caregivers" means a spouse, relative, or friend who has primary responsibility for the daily care of an adult with a functional disability without receiving payment for services provided.

"Continuous care or supervision" means daily assistance or oversight of an adult with a functional disability.

"Functionally disability" means a condition requiring substantial assistance in completing activities of daily living and community living skills.

"Participant" means an adult with a functional disability who needs substantial daily continuous care or supervision.

"Service provider" means an individual, agency, or organization under contract to the area agency on aging (AAA) or its subcontractor.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1200, filed 5/17/05, effective 6/17/05.]

WAC 388-106-1205 What are respite care services? Respite services relieve unpaid caregivers by providing temporary care or supervision to adults with a functional disability.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1205, filed 5/17/05, effective 6/17/05.]

WAC 388-106-1210 Who is eligible to receive respite care services? (1) To be eligible to receive respite care services, the caregivers must:

- (a) Have primary responsibility for the daily continuous care or supervision of an adult with a functional disability;
- (b) Provide a minimum of an average of twelve hours per day for care or supervision;
- (c) Not be compensated for the care; and
- (d) Be assessed as being at risk of placing the participant in a long-term care facility if home and community support services, including respite care, are not available.

(2) An eligible participant is an adult who:

- (a) Has a functional disability;

(b) Needs daily substantial continuous care or supervision; and

(c) Is assessed as requiring placement in a long-term care facility if home and community support services, including respite care, are not available.

(3) The area agency on aging (AAA) determines how many hours of continuous care or supervision a day an unpaid caregiver must provide to a participant to become eligible for respite care services, as long as it is a minimum of twelve hours per day, as outlined in subsection (1)(b) of this section.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1210, filed 5/17/05, effective 6/17/05.]

WAC 388-106-1215 Who may provide respite care services? Respite care providers include, but are not limited to the following:

- (1) Nursing homes (chapter 388-97 WAC).
- (2) Adult day services, which includes adult day care and adult day health.
- (3) Home health/care agencies.
- (4) Hospitals.
- (5) Licensed residential care facilities such as boarding homes, adult family homes, and assisted living facilities.
- (6) Providers such as volunteer chore workers, senior companions, and individual providers.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1215, filed 5/17/05, effective 6/17/05.]

WAC 388-106-1220 How are respite care providers reimbursed for their services? The department reimburses:

(1) Respite care providers for the number of hours or days of services authorized and used. The rate that is established for the services is negotiated between the respite care program of the local area agency on aging and the respite care service provider.

(2) Medicaid-certified nursing homes and DDD-certified group homes providing respite services the medicaid rate approved for that facility. Contracted nursing homes must not charge more than the medicaid rate for any services covered from the date of eligibility, unless authorized by the department (see RCW 18.51.070). Participants must pay for services not included in the medicaid rate.

(3) Private nursing homes at their published daily rate.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1220, filed 5/17/05, effective 6/17/05.]

WAC 388-106-1225 Are participants required to pay for the cost of their services? (1) There is no charge to the participant whose income is at or below forty percent of the state median income, based on family size.

(2) If the participant's gross income is above forty percent of the state median income, he or she is required to pay for part or all of the cost of the respite care services. The department will determine what amount the participant must contribute based on the state median income and family size.

(3) If the participant's gross income is one hundred percent or more of the state median income, the participant must pay the full cost of services.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1225, filed 5/17/05, effective 6/17/05.]

WAC 388-106-1230 Are there waiting lists for respite services? (1) The department must first consider requests for emergency respite care. An example of an emergency is when the caregiver becomes ill or injured to the extent that the caregiver's ability to care for the participant is impaired.

(2) In nonemergency situations, respite care is allocated based upon available respite funds at the local level. Respite care must be provided on a first-come, first-served basis. If sufficient funds are not available when respite care is requested, services are made available using waiting lists and department-approved priority categories, developed by the AAA, including caregiver vulnerability and health condition, availability of other support systems, and whether other family members need care.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1230, filed 5/17/05, effective 6/17/05.]

CLIENT RIGHTS

WAC 388-106-1300 What rights do I have as a client of the department? As a client of the department, you have a right to:

- (1) Be treated with dignity, respect and without discrimination;
- (2) Not be abused, neglected, financially exploited, abandoned;
- (3) Have your property treated with respect;
- (4) Not answer questions, turn down services, and not accept case management services you do not want to receive. However, it may not be possible for the department to offer some services if you do not give enough information;
- (5) Be told about all services you can receive and make choices about services you want or don't want;
- (6) Have information about you kept private within the limits of the laws and DSHS regulations;
- (7) Be told in writing of agency decisions and receive a copy of your care plan;
- (8) Make a complaint without fear of harm;
- (9) Not be forced to answer questions or do something you don't want to;
- (10) Talk with your social service worker's supervisor if you and your social service worker do not agree;
- (11) Request a fair hearing;
- (12) Have interpreter services provided to you free of charge if you cannot speak or understand English well;
- (13) Take part in and have your wishes included in planning your care;
- (14) Choose, fire, or change a qualified provider you want; and
- (15) Receive results of the background check for any individual provider you choose.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1300, filed 5/17/05, effective 6/17/05.]

WAC 388-106-1303 What responsibilities do I have as a client of the department? As a client of the department, you have a responsibility to:

- (1) Give us enough information to assess your needs;
- (2) Let the social services worker into your home so that your needs can be assessed;
- (3) Follow your care plan;

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- (4) Not act in a way that puts anyone in danger;
- (5) Provide a safe work place;
- (6) Tell your social services worker if there is a change in:
 - (a) Your medical condition;
 - (b) The help you get from family or other agencies;
 - (c) Where you live; or
 - (d) Your financial situation.
- (7) Tell your social services worker if someone else makes medical or financial decision for you;
- (8) Choose a qualified provider;
- (9) Keep provider background checks private;
- (10) Tell your social services worker if you are having problems with your provider; and
- (11) Choose your own health care. Tell your social services worker when you do not do what your doctor says.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-106-1303, filed 2/6/06, effective 3/9/06.]

WAC 388-106-1305 What if I disagree with the result of the CARE assessment and/or other eligibility decisions made by the department? You have a right to contest the result of your CARE assessment and/or other eligibility decisions made by the department. The department will notify you in writing of the right to contest a decision and provide you with information on how to request a hearing.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1305, filed 5/17/05, effective 6/17/05.]

WAC 388-106-1310 When I request a fair hearing on my CARE assessment and another CARE assessment(s) is done between my fair hearing request and the fair hearing, which CARE assessment must the administrative law judge review? When you request a fair hearing on your CARE assessment and another CARE assessment(s) is done between your fair hearing request and the fair hearing, the administrative law judge must review the most recent CARE assessment.

[Statutory Authority: RCW 74.08.090, 74.09.520. 05-11-082, § 388-106-1310, filed 5/17/05, effective 6/17/05.]

WAC 388-106-1315 Do I have a right to an administrative hearing if my total in-home personal care hours approved as an exception to rule are reduced or terminated or if my increased residential payment rate approved as an exception to rule is reduced or terminated? Notwithstanding WAC 388-440-0001(3), you have a right to an administrative hearing regarding the department's exception to rule decision if:

- (1) You receive services in your own home, and:
 - (a) The total number of in-home personal care hours you are currently receiving includes in-home personal care hours approved as an exception to rule in addition to the number of in-home care hours determined to be available to you by CARE; and
 - (b) The total number of in-home personal care hours you are currently receiving is reduced because of a reduction or termination in the number of in-home personal care hours approved as an exception to rule.

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(2) You receive services in a residential facility, and:

- (a) You currently have an increased residential payment rate approved as an exception to rule; and
- (b) Your increased residential payment rate that was approved as an exception to rule is reduced or terminated.

[Statutory Authority: RCW 74.08.090, 74.09.520, chapters 74.39 and 74.39A RCW. 07-01-046, § 388-106-1315, filed 12/14/06, effective 1/14/07.]

NEW FREEDOM CONSUMER DIRECTED SERVICES (NFCDS)

WAC 388-106-1400 What services may I receive under New Freedom consumer directed services (NFCDS)? You may use your individual budget to purchase services that address an identified need in the CARE assessment. Service categories are:

(1) **Personal assistance services**, defined as supports involving the labor of another person to help participants carry out activities they are unable to perform independently as identified in the CARE assessment. Services may be provided in the participant's home or in the community and may include:

(a) Direct personal care services defined as activities of daily living, as defined in WAC 388-106-0010;

(b) Delegated health related tasks, per WAC 388-71-05805 through 388-71-05830. Providers of direct personal care services may be asked to do nurse delegated tasks under supervision of a nurse;

(c) Homemaking, or assistance with instrumental activities of daily living (essential shopping, housework and meal preparation);

(d) Other tasks or assistance with activities that support independent functioning, and are necessary due to functional disability;

(e) Personal assistance with transportation.

(2) **Treatment and health maintenance** activities that:

(a) Are beyond the scope of the medicaid state plan that are necessary to promote the participant's health and ability to live and participate in the community;

(b) Are provided for the purpose of preventing further deterioration, or improving or maintaining the participant's current level of functioning; and

(c) Are performed or provided by people with specialized skill, registration, certification or licenses as required by state law.

(3) **Individual directed goods, services and supports**, defined as services, equipment or supplies not otherwise provided through this waiver or through the medicaid state plan, and address an identified need in the CARE assessment; and

(a) Will allow the participant to function more independently; or

(b) Increase safety and welfare; or

(c) Allow the person to perceive, control, or communicate with their environment.

(4) **Environmental or vehicle modifications**, defined as:

(a) Alterations to a participant's residence or vehicle that:

(i) Are necessary to accommodate the participant's disability and promote functional independence, health, safety and welfare; and

(ii) Are not adaptations or improvements, which are of general utility or add to the total square footage.

(b) Vehicles subject to modification must be owned by the participant or participant's family who reside with the participant; and

(i) Must be in good working condition, licensed, and insured according to Washington state law; and

(ii) Modifications demonstrate cost effectiveness when compared to available alternative transportation.

(5) **Training and educational supports**, which are supports beyond the scope of medicaid state plan services that are necessary to promote the participant's health and ability to live and participate in the community and maintains, slows decline, or improves functioning and adaptive skills. Examples include:

(a) Training or education on participant health issues, or personal skill development;

(b) Training/education to paid or unpaid caregivers related to the needs of the participant.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1400, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1410 Am I eligible for New Freedom consumer directed services (NFCDS)-funded services? You are eligible for NFCDS-funded services if you reside in your own home and meet all of the following criteria. The department must assess your needs using CARE and determine that:

(1) You are in NFCDS HCBS waiver specified target groups of:

(a) Eighteen or older and blind or have a physical disability; or

(b) Sixty-five or older; and

(2) You meet financial eligibility requirements. This means the department will assess your finances, determine if your income and resources fall within the limits, and determine the amount you may be required to contribute, if any, toward the cost of your care as described in WAC 388-515-1505; and

(3) You:

(a) Are not eligible for medicaid personal care services (MPC); or

(b) Are eligible for MPC services, but the department determines that the amount, duration, or scope of your needs is beyond what MPC can provide; and

(4) Your CARE assessment shows you need the level of care provided in a nursing facility as defined in WAC 388-106-0355; and

(5) You live in your own home, or will be living in your own home by the time NFCDS start.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1410, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1415 When do New Freedom consumer directed services (NFCDS) start? Your eligibility for NFCDS begins the date the department authorizes services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1415, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1420 How do I remain eligible for New Freedom consumer directed services (NFCDS)? (1) In order to remain eligible for NFCDS, you must be in need of services in accordance with WAC 388-106-1410, as determined through a CARE assessment. The CARE assessment must be performed at least annually or more often when there are significant changes in your functional or financial circumstances.

(2) When eligibility statutes, regulations, and/or rules for NFCDS change, irrespective of whether your functional or financial circumstances have changed, if you do not meet the changed eligibility requirements, the department will terminate your NFCDS services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1420, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1425 How do I pay for New Freedom consumer directed services (NFCDS)? Depending on your income and resources, you may be required to pay participation toward the cost of your care, as described in WAC 388-515-1505. If you have nonexempt income that exceeds the cost of NFCDS services, you may keep the difference. Since you are receiving services in your own home, you are allowed to keep some of your income for a maintenance allowance.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1425, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1430 Can I be employed and receive New Freedom consumer directed services (NFCDS)? You can be employed and receive NFCDS, per WAC 388-515-1505.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1430, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1435 Who can direct New Freedom consumer directed services (NFCDS)? The NFCDS participant directs services. The participant can also designate a representative to assist them.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1435, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1440 What is an individual budget? An individual budget means the maximum amount of funding authorized by the department and allocated to the participant for the purchase of New Freedom consumer directed services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1440, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1445 How is the amount of the individual budget determined? The department will calculate the individual budget amount after the NFCDS participant is assigned a classification resulting from completion of the comprehensive assessment reporting and evaluation tool, CARE. The calculation will be based on:

(a) The published hourly rate for individual provider personal care paid by the department multiplied by the number of hours generated by the assessment, multiplied by a factor of .95, plus an amount equal to the average per participant expenditures for nonpersonal care supports purchased in the

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COPES waiver. The average will be recalculated in July of each year.

(b) If the participant selects a home care agency, an adjustment will be made for each hour of personal care identified in the NFSP for an amount equal to the difference between the published individual provider rate and home care agency rate.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1445, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1450 Is the individual budget intended to fully meet all of my needs? The program provides funds in an amount proportionate to the amount of resources you would receive through COPES, and gives you flexibility to self-direct the purchase of goods and services to meet your long-term care needs. The degree to which the budget meets your needs depends on the supports you identify and prioritize in your spending plan. Depending on your decisions, after your budget is exhausted, some of your needs may be unmet, or you may find other resources to address them.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1450, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1455 What happens to unused funds from my individual budget? Unused funds, up to three thousand dollars, may be held in reserve for future purchases documented in the NFSP. Reserves in excess of three thousand dollars may be maintained for planned purchases with approval from the department.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1455, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1460 When can my New Freedom spending plan (NFSP) be denied? Your NFSP may be denied when the plan you develop does not:

- (a) Include services in the New Freedom definition;
- (b) Address your needs as it relates to performance of activities of daily living and instrumental activities of daily living;
- (c) Include strategies and steps to address known critical risks;
- (d) Identify the payment rate; or
- (e) Adequately describe the service.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1460, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1465 Who can deny my New Freedom spending plan (NFSP)? Your plan can be denied by your New Freedom consultant, who assists NFCDS participants to develop and use a New Freedom spending plan to:

- (a) Meet identified needs;
- (b) Address health and safety needs;
- (c) Develop options to meet those needs;
- (d) Make informed decisions about their individual budget; and
- (e) Obtain identified supports and services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030. 06-16-035, § 388-106-1465, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1470 Are there waiting lists for New Freedom consumer directed services (NFCDS)? The department will create a waiting list for NFCDS in accordance with caseload limits determined by legislative funding. Participants on the waiting list will gain access in the following order:

(1) Nursing home residents who are returning home and are assessed for NFCDS waiver services will be ranked first on the waiting list by date of application for services;

(2) Individuals living in the community with a higher level of need, as determined by the CARE assessment, will be ranked higher on the wait list over participants with a lower level of need; and

(3) When two or more individuals on the waiting list have equal need levels, the individual with the earlier application for NFCDS will have priority over later applications for services.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030, 06-16-035, § 388-106-1470, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1475 How do I end enrollment in New Freedom consumer directed services (NFCDS)? (1) You may choose to voluntarily end your enrollment from NFCDS without cause at any time. To do so, you must give notice to the department. If you give notice:

(a) Before the fifteenth of the month, the department will end your enrollment at the end of the month; or

(b) After the fifteenth, the department will end your enrollment the end of the following month.

(2) Your enrollment may also end involuntarily if you:

(a) Move out of the designated service area or are out of the service area for more than thirty consecutive days, unless you have documented the purpose of the longer absence in the NFSP; or

(b) Do not meet the terms for consumer direction of services outlined in the NFCDS enrollment agreement when:

(i) Even with help from a representative, you are unable to develop a NFSP or self-direct services or manage your individual budget or NFSP;

(ii) Any one factor or several factors of such a magnitude jeopardize the health, welfare, and safety of you and others, requiring termination of services under WAC 388-106-0047;

(iii) You become financially ineligible for medicaid services; or

(iv) You no longer meet the nursing facility level of care requirement as defined in WAC 388-106-0355.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030, 06-16-035, § 388-106-1475, filed 7/25/06, effective 8/25/06.]

WAC 388-106-1480 What are my hearing rights to appeal New Freedom consumer directed services (NFCDS) actions? You have a right to a hearing under WAC 388-106-1300 through 388-106-1310, and under chapter 388-02 WAC.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.030, 06-16-035, § 388-106-1480, filed 7/25/06, effective 8/25/06.]

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Chapter 388-110 WAC

CONTRACTED RESIDENTIAL CARE SERVICES

WAC

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388-110-080	Social and recreational activities. [Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-080, filed 5/8/96, effective 6/8/96.] Repealed by 04-16-063, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW.
388-110-110	Caregiver education and training requirements. [Statutory Authority: RCW 74.39A.010 and 74.39A.020. 97-19-020, § 388-110-110, filed 9/8/97, effective 10/9/97. Statutory Authority: RCW 74.39A.010, 74.39A.020 and 74.39A.080. 96-21-050, § 388-110-110, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-110, filed 5/8/96, effective 6/8/96.] Repealed by 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.
388-110-170	Education and training requirements. [Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-170, filed 5/8/96, effective 6/8/96.] Repealed by 04-16-063, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW.
388-110-180	Nurse delegation training and registration. [Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.-

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- 060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-180, filed 5/8/96, effective 6/8/96.] Repealed by 04-16-063, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.-060, 74.39A.070, and chapter 74.39A RCW.
- 388-110-190 Performance of delegated nursing care tasks. [Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.-060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-190, filed 5/8/96, effective 6/8/96.] Repealed by 04-16-063, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.-060, 74.39A.070, and chapter 74.39A RCW.
- 388-110-200 Nurse delegation—Penalties. [Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.-080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-200, filed 5/8/96, effective 6/8/96.] Repealed by 04-16-063, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.-070, and chapter 74.39A RCW.
- 388-110-210 Client service eligibility. [Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-210, filed 5/8/96, effective 6/8/96.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090.
- 388-110-230 Client eligibility. [Statutory Authority: RCW 74.39A.-010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.-170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-230, filed 5/8/96, effective 6/8/96.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090.
- 388-110-250 Client service eligibility. [Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-250, filed 5/8/96, effective 6/8/96.] Repealed by 02-21-098, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090.

PART I ALL CONTRACTED RESIDENTIAL CARE SERVICES

WAC 388-110-005 Authority. The following rules are adopted under RCW 74.39A.010, 74.39A.020, 74.39A.060, and 74.39A.070.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. 04-16-063, § 388-110-005, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.-020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-005, filed 5/8/96, effective 6/8/96.]

WAC 388-110-010 Scope and applicability. (1) These rules apply only to boarding homes licensed under chapter 18.20 RCW, or boarding homes located within the boundaries of a federally recognized Indian reservation and licensed by a tribe, that contract with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care.

(2) Only services provided to or on behalf of the assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care resident, and paid for fully or partially by the department shall be subject to these rules.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. 04-16-063, § 388-110-010, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.-

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020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-010, filed 5/8/96, effective 6/8/96.]

WAC 388-110-020 Definitions. "Adult residential care" is a package of services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services in accordance with Parts I and IV of this chapter.

"Applicant" means the individual, partnership, corporation or other entity which has applied for a contract with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care to state funded residents in a licensed boarding home.

"Assisted living services" is a package of services provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services in accordance with Parts I and II of this chapter. Assisted living services include housing for the resident in a private apartment-like unit.

"Boarding home" means the same as the definition found in RCW 18.20.020, or a boarding home located within the boundaries of a federally recognized Indian reservation and licensed by the tribe.

"Case manager" means the department staff person or designee assigned to negotiate, monitor, and facilitate a service plan for residents receiving services fully or partially paid for by the department.

"Contractor" means the individual, partnership, corporation, or other entity which is licensed by the department or tribe to operate the boarding home and contracts with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care to state funded residents in a licensed boarding home.

"Department" means the Washington state department of social and health services (DSHS).

"Dignity" means the quality or condition of being esteemed and respected in such a way as to validate the self-worth of the resident.

"Enhanced adult residential care" is a package of services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department to provide personal care services, intermittent nursing services, and medication administration services in accordance with Parts I and III of this chapter.

"Enhanced adult residential care-specialized dementia care services" is a package of service, including specialized dementia care assessment and care planning, personal care services, intermittent nursing services, medication administration services, specialized environmental features and accommodations, and activity programming. Enhanced adult residential care-specialized dementia care services are delivered only within:

(1) Contracted boarding homes that are dedicated solely to the care of individuals with dementia, including Alzheimer's disease, and that meet the requirements of parts I and III of this chapter; or

(2) Designated, separate units located within contracted boarding homes that are dedicated solely to the care of individuals with dementia, including Alzheimer's disease, and that meet the requirements of parts I and III of this chapter.

"Homelike" means an environment having the qualities of a home, including privacy, comfortable surroundings, and the opportunity to decorate one's living area and arrange furnishings to suit one's individual preferences. A homelike environment provides residents with an opportunity for self-expression, and encourages interaction with the community, family and friends.

"Independence" means free from the control of others and being able to assert one's own will, personality and preferences.

"Individuality" means the quality of being unique; the aggregate of qualities and characteristics that distinguishes one from others. Individuality is supported by modifying services to suit the needs or wishes of a specific individual.

"Medication administration" means the direct application of a prescribed medication, whether by injection, inhalation, ingestion, or any other means, to the body of a resident by a person legally authorized to do so.

"Personal care services" means the same as physical or verbal assistance with activities of daily living included under "personal care services" described in WAC 388-106-0010. Personal care services do not include assistance with instrumental activities of daily living described in WAC 388-106-0010, nor assistance with tasks that must be performed by a licensed health professional.

"Resident" means a person residing in a boarding home for whom services are paid for, in whole or in part, by the department under a contract for assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care. **"Resident"** includes former residents when examining complaints about admissions, readmissions, transfers or discharges. For decision-making purposes, the term **"resident"** includes the resident's surrogate decision maker in accordance with state law or at the resident's request.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020, 06-05-022, § 388-110-020, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW, 04-16-063 and 04-18-001, § 388-110-020, filed 7/30/04 and 8/19/04, effective 9/19/04. Statutory Authority: RCW 74.08.-090, 74.09.520, and 74.39A.090, 02-21-098, § 388-110-020, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040, 96-11-045 (Order 3979), § 388-110-020, filed 5/8/96, effective 6/8/96.]

WAC 388-110-030 Contract application. (1) In order to apply for a contract with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care, an applicant must:

(a) Have a valid boarding home license issued by the department or tribe, or have applied for a boarding home license for the boarding home at which the contracted services will be provided;

(b) Complete and submit a contract application on department provided forms at least ninety days before the requested effective date for the contract; and

(c) Provide information regarding any licensed care facilities with which any of the following have been affiliated within the last ten years:

(i) The applicant;

(ii) Any partner, or owner of five percent or more of the applicant; and

(iii) Any officer, director, or managerial employee of the applicant.

(2) The department must confirm that the applicant has a valid boarding home license issued by the department or tribe and meets the requirements of this chapter before issuing a contract.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.-070, and chapter 74.39A RCW, 04-16-063, § 388-110-030, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040, 96-11-045 (Order 3979), § 388-110-030, filed 5/8/96, effective 6/8/96.]

WAC 388-110-040 Contract qualifications. (1) The department must consider separately and jointly as applicants each person and entity named in the application for a contract for assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care. If the department finds any person or entity unqualified, the department must deny the contract.

(2) In making a determination whether to grant a contract, the department must review and consider:

(a) The information in the application;

(b) Other documents and information the department deems relevant, including inspection and complaint investigation findings for each licensed care facility, and each care facility that was required by law to be licensed but was not, with which any of the following have been affiliated within the last ten years:

(i) The applicant;

(ii) Any partner, or owner of five percent or more of the applicant; or

(iii) Any officer, director, or managerial employee of the applicant.

(c) The history and quality of services provided by the applicant; and

(d) Funding from the legislature available to the department to purchase residential care.

(3) The applicant and the boarding home for which a contract is sought must comply with all requirements established by chapter 74.39A RCW, chapter 388-78A WAC and this chapter.

(4) The department shall review the qualifications of applicants for enhanced adult residential care-specialized dementia care services contracts and may select a limited number with which to enter into contracts, based on:

(a) Which applicants are best qualified to provide specialized dementia care services, as determined by the department;

(b) The need for services in the area of the state in which the applicant is located; and

(c) Other qualifications specified in this section.

(5) The department must deny, suspend, revoke or refuse to renew a contract if an applicant or contractor or any part-

ner, officer, director, managerial employee, or owner of five percent or more of the contractor or applicant has a history of significant noncompliance with federal or state regulations, rules or laws in providing care or services to frail elders, vulnerable adults or children. The department must consider evidence of noncompliance on a case-by-case basis.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. 04-16-063, § 388-110-040, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020 and 74.39A.080. 96-21-050, § 388-110-040, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-040, filed 5/8/96, effective 6/8/96.]

WAC 388-110-050 Change of contractor. (1) A change of contractor must occur when there is a change in the boarding home licensee per WAC 388-78A-2770.

(2) When a change of licensee and contractor is contemplated, the current contractor must notify the department and all residents and residents' representatives at least ninety days prior to the proposed date of change. The notice must be in writing and must contain the following information:

(a) Name of the present contractor and prospective contractor;

(b) Name and address of the boarding home being changed; and

(c) Date of proposed change.

(3) The operation of an assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care contract must not be changed until the new operator has entered into a contract with the department. The new contractor must comply with contract application requirements in WAC 388-110-030.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. 04-16-063, § 388-110-050, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-050, filed 5/8/96, effective 6/8/96.]

WAC 388-110-070 General service standards. The contractor must:

(1) Provide the services agreed upon in the resident's negotiated service agreement and approved by the department case manager consistent with WAC 388-78A-2150, including any reasonable accommodations required by chapter 70.129 RCW, Long-term care residents rights; and

(2) Provide the resident and case manager with a copy of the negotiated service agreement developed according to chapter 388-78A WAC.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. 04-16-063, § 388-110-070, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-070, filed 5/8/96, effective 6/8/96.]

WAC 388-110-090 Administration. The contractor must:

(1) Maintain substantial compliance with all requirements of chapters 18.20 RCW, Boarding homes, and 70.129 RCW, Long-term care resident rights, and chapters 388-78A

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WAC, Boarding home licensing rules, and 388-105 WAC medicaid rates for contracted home and community residential care services;

(2) Permit department representatives to enter the boarding home without prior notification and cooperate with department representatives as they monitor the contract requirements under this chapter and conduct complaint investigations, including but not limited to observing and privately interviewing residents, and accessing resident records.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. 04-16-063, § 388-110-090, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-090, filed 5/8/96, effective 6/8/96.]

WAC 388-110-100 Discharge, social leave, and bed hold. The contractor is not required to discharge (move out) and readmit a resident for absences of less than twenty-one consecutive days. The contractor must:

(1) Note an absence in a resident's record when a resident is absent from the boarding home for more than seventy-two consecutive hours;

(2) Obtain department approval for payment for social leave in excess of eighteen calendar days per year;

(3) Notify the department within one working day whenever the resident:

(a) Is hospitalized;

(b) Is discharged to another boarding home, nursing home or other health care facility;

(c) Dies; or

(d) Is missing from the boarding home and his or her whereabouts are unknown.

(4) Include the department's case manager in the development of a discharge (move out) plan, and have the case manager approve the plan before any required notice of discharge is issued to the resident, except in an emergency;

(5) Notify the medicaid resident of the boarding home's policies regarding bed-holds, consistent with subsections (6) and (7) of this section and WAC 388-105-0045 as soon as possible before, or as soon as practicable following hospitalization or discharge to a nursing home. The notification must include information concerning:

(a) Options for bed-hold payments, and

(b) Rights to return to the boarding home.

(6) Retain a bed or unit for a medicaid resident who is hospitalized or temporarily placed in a nursing home for up to twenty days when the medicaid resident is likely to return to the boarding home and the department makes payment to the boarding home for holding the bed or unit consistent with WAC 388-105-0045. If, prior to the end of the twenty days, the department determines, or the contractor determines and the department concurs, that the medicaid resident will likely not return to the boarding home:

(a) The department must terminate the bed-hold payment; and

(b) The contractor may rent that bed or unit to another resident.

(7) Not seek third-party payment for the first twenty days of retaining the bed for a medicaid resident who is hospitalized or discharged to a nursing home and for whom the

department is making a bed hold payment consistent with WAC 388-105-0045.

(a) The contractor may seek third-party payment consistent with RCW 18.20.290 and chapter 388-105 WAC to hold a bed or unit for the time following the first twenty days of a medicaid resident's absence for hospitalization or nursing home care.

(b) If third-party payment is not available, the medicaid resident may return to the first available and appropriate bed or unit if the medicaid resident:

(i) Continues to meet the boarding home's admission criteria; and

(ii) Chooses to return to the boarding home.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020. 06-05-022, § 388-110-100, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. 04-16-063, § 388-110-100, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-100, filed 5/8/96, effective 6/8/96.]

WAC 388-110-120 Resident personal funds. (1) Upon the death of a resident, the contractor must promptly convey the resident's personal funds held by the boarding home with a final accounting of such funds to the department or to the individual or probate jurisdiction administering the resident's estate no later than forty-five calendar days after the date of the resident's death:

(a) When the personal funds of the deceased resident must be paid to the state of Washington, those funds and the final accounting shall be made payable to the secretary, department of social and health services, and sent to the Office of Financial Recovery, Estate Recovery Unit, P.O. Box 9501, Olympia, Washington 98507-9501, or such address as may be directed by the department in the future;

(b) The check and final accounting accompanying the payment must contain the name and Social Security number of the deceased individual from whose personal funds account the moneys are being paid; and

(c) The department of social and health services shall establish a release procedure for use of funds necessary for burial expenses.

(2) In situations where the resident is absent from the boarding home for an extended time without notifying the boarding home, and the resident's whereabouts is unknown:

(a) The contractor must make a reasonable effort to find the missing resident; and

(b) If the resident cannot be located after ninety days, the contractor must notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The contractor must deliver to the department of revenue the balance of the resident's personal funds within twenty days following such notification.

(3) Prior to the change of contractor of the boarding home business, the contractor must:

(a) Provide each resident with a written accounting of any personal funds held by the boarding home;

(b) Provide the new contractor with a written accounting of all resident funds being transferred; and

(c) Obtain a written receipt for those funds from the new operator.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. 04-16-063, § 388-110-120, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-120, filed 5/8/96, effective 6/8/96.]

PART II ASSISTED LIVING SERVICES

WAC 388-110-140 Assisted living services facility structural requirements. (1) In a boarding home with an assisted living services contract, the contractor must ensure each resident has a private apartment-like unit meeting the requirements of a type 'B' dwelling unit as defined by the International Code Council A117.1 as adopted by the Washington State Building Code Council. Except as provided in subsection (3) of this section, each unit must have at least the following:

(a) A minimum area of one hundred eighty square feet in an existing boarding home, and two hundred twenty square feet in a new boarding home. The minimum area may include counters, closets and built-ins, but must exclude the bathroom;

(b) A separate private bathroom, which includes a sink, toilet, and a shower or bathtub. In a new boarding home, the contractor must provide a minimum of one wheelchair accessible bathroom with a roll-in shower that is at least forty-eight inches by thirty inches for every two residents whose care is partially or fully funded by the department through the assisted living contract;

(c) A lockable entry door;

(d) A kitchen area equipped with a refrigerator, a microwave oven or stovetop, and a counter or table for food preparation. In a new boarding home, the kitchen area must also be equipped with a storage space for utensils and supplies, and a counter surface, a minimum of thirty inches wide by twenty-four inches in depth, a maximum height of thirty-four inches, and a knee space beneath at least twenty-seven inches in height; and

(e) A living area wired for telephone and, where available in the geographic location, wired for television service.

(2)(a) For purposes of this section, a new boarding home is:

(i) A new building to be used as a boarding home or part of a boarding home, for which plans are submitted to the department of health for construction review on or after June 8, 1996; or

(ii) An addition, modification, or alteration to an existing licensed boarding home, for which plans are submitted to the department of health for construction review on or after June 8, 1996.

(A) The department may, in consultation with the office of construction review services in the department of health, exempt from selected new boarding home contract construction requirements, a limited addition, modification, or alteration to an existing licensed boarding home that will improve the quality of life for residents, if compliance with all new boarding home contract construction requirements would otherwise make the limited addition, modification, or alteration cost prohibitive. A limited addition, modification, or alteration means any physical change to an existing licensed

boarding home that does not affect the structural integrity of the building, does not affect fire and life safety, and does not increase the boarding home's maximum facility capacity as defined in WAC 388-78A-2020.

(B) A major addition, modification, or alteration to an existing licensed boarding home must meet new boarding home contract construction requirements for applicable portions of the building. A major addition, modification, or alteration means any physical change within a room or area in an existing licensed boarding home that results in reconstruction to structural or other building systems.

(b) All boarding homes that are not new boarding homes under subsection (2)(a) of this section, are existing boarding homes. An existing building, or portion thereof, that is converted to boarding home use must be considered an existing boarding home unless there is an addition, modification or alteration to the existing building.

(3) If a boarding home submitted plans to the department of health for construction review on or after June 8, 1996, and the boarding home had an assisted living contract as of September 1, 2004, then the boarding home is "grandfathered" under the contracting rules for structural requirements that were in effect at the time of contracting and is considered to meet the assisted living structural requirements of subsection (1) of this section. However, if the same boarding home submits plans to the department of health for construction review for an addition, modification or alteration of the boarding home after September 1, 2004, then the boarding home must meet the current new boarding home requirements of subsection (1) for the applicable portions of the building.

(4) Married couples may share an apartment-like unit under an assisted living contract if:

(a) Both residents understand they are each entitled to live in a separate private unit; and

(b) Both residents mutually request to share a single apartment-like unit.

(5) In a new boarding home, the contractor must provide a private accessible mailbox in which the resident may receive mail.

(6) The contractor must provide homelike smoke-free common areas with sufficient space for socialization designed to meet resident needs. Common areas must be available for resident use at any time provided such use does not disturb the health or safety of other residents. The contractor must make access to outdoor areas available to all residents.

(7) The contractor must provide a space for residents to meet with family and friends outside the resident's living unit.

(8) The department may grant an exemption to the requirements of this section as they apply to a specified resident when it is in the best interest of the specific resident.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. 04-16-063 and 04-18-001, § 388-110-140, filed 7/30/04 and 8/19/04, effective 9/19/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-140, filed 5/8/96, effective 6/8/96.]

WAC 388-110-150 Assisted living service standards.

In a boarding home with an assisted living contract, the contractor must meet the requirements of parts I and II of this

chapter, and for residents served under the assisted living contract:

(1) Ensure that both the physical environment and the delivery of assisted living services are designed to enhance autonomy in ways which reflect personal and social values of dignity, privacy, independence, individuality, choice and decision making of residents. The contractor must provide resident services in a homelike environment for residents who may have a range of needs and preferences.

(2) Must provide or arrange for, at no additional cost to the resident and consistent with chapter 388-78A WAC:

(a) Intermittent nursing services;

(b) Medication administration;

(c) Personal care services; and

(d) Supportive services that promote independence and self-sufficiency.

(3) Make available and offer at no additional cost to the resident generic personal care items needed by the resident such as soap, shampoo, toilet paper, toothbrush, toothpaste, deodorant, sanitary napkins, and disposable razors. This does not include items covered by medical coupons or preclude residents from choosing to purchase their own personal care items.

(4) Provide all residents with access to an on-site washing machine and dryer for resident use.

(5) Make beverages and snacks available to residents.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. 04-16-063, § 388-110-150, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-150, filed 5/8/96, effective 6/8/96.]

PART III

ENHANCED ADULT RESIDENTIAL CARE

WAC 388-110-220 Enhanced adult residential care service standards. (1) In a boarding home with an enhanced adult residential care contract, the contractor must meet the requirements of parts I and III of this chapter, and for residents served under the enhanced adult residential care contract:

(a) Develop for each resident a negotiated service agreement that supports the principles of dignity, privacy, choice in decision making, individuality, and independence.

(b) Provide or arrange for, at no additional cost to the resident and consistent with the resident's negotiated service agreement and chapter 388-78A WAC:

(i) Intermittent nursing services;

(ii) Medication administration;

(iii) Personal care services; and

(iv) Supportive services that promote independence and self-sufficiency; and

(c) Not allow more than two residents per room.

(2) An enhanced adult residential care-specialized dementia care services contract is a distinct contract, separate from an enhanced adult residential care contract. In a boarding home with an enhanced adult residential care-specialized dementia care services contract, the contractor must:

(a) Meet the requirements of parts I and III of this chapter,

(b) Meet the requirements of subsection (1) of this section, and

(c) Maintain an enhanced adult residential care services contract or an assisted living services contract in addition to the enhanced adult residential care-specialized dementia care services contract.

(3) In a boarding home with an enhanced adult residential care-specialized dementia care services contract, for residents served under that contract, the contractor must:

(a) Complete a full assessment of residents as specified in chapter 388-78A WAC, at a minimum, on a semi-annual basis;

(b) Maintain awake staff twenty-four hours per day. The contractor must provide staffing that is adequate to respond to the assessed sleeping and waking patterns and needs of residents;

(c) Develop and implement policies and procedures:

(i) To manage residents who may wander;

(ii) To outline actions to be taken in case a resident elopes; and

(iii) To obtain consultative resources to address behavioral issues for residents. The contractor must include a plan that identifies the professional (i.e., clinical psychologist, psychiatrist, psychiatric nurse practitioner, or other behavioral specialist familiar with care of persons with dementia with complex or severe problems) who will provide the consultation, and when and how the consultation will be utilized.

(d) Ensure that each staff who works directly with residents has at least six hours of continuing education per year related to dementia, including Alzheimer's disease. This six hours of continuing education may be part of the ten hours of continuing education required by WAC 388-112-0205. Appropriate topics include, but are not limited to:

(i) Agitation: Caregiving strategies;

(ii) Challenging behaviors: Strategies for managing aggression and sexual behavior;

(iii) Delusions and hallucinations;

(iv) Using problem-solving strategies in dementia care;

(v) Depression and dementia;

(vi) Fall prevention for people with dementia;

(vii) Personal care as meaningful activity;

(viii) Promoting adequate food and fluid consumption;

(ix) Promoting pleasant and purposeful activity;

(x) Resistance to care: Caregiving strategies; and

(xi) Recognizing and assessing pain in people with dementia.

(e) Provide all necessary physical assistance with bathing and toilet use for residents who require caregivers to perform these activities and subtasks of these activities, and required oversight and supervision, encouragement and cueing. For the purposes of this subsection:

(i) "Bathing" has the same meaning as described in WAC 388-106-0010; and

(ii) "Toilet use" has the same meaning as described in WAC 388-106-0010.

(f) Routinely provide assistance with eating as necessary, including required oversight and supervision, encouragement and cueing. The contractor must also provide all necessary physical assistance with eating on an occasional basis for residents who require total feeding assistance. However, the contractor is not required to provide total feeding

assistance for an extended or indefinite period. As used in this section, eating has the same meaning as described in WAC 388-106-0010, except that the contractor is not required to provide tube feedings or intravenous nutrition.

(g) Provide daily activities consistent with the functional abilities, interests, habits and preferences of the individual residents. The contractor must support the participation of residents and the resident council, if there is one, in the development of recreational and activity programs that reflect the needs and choices of residents. On a daily basis, the contractor must provide residents access to:

(i) Opportunities for independent, self-directed, activities.

(ii) Individual activities, in which a staff person or volunteer engages the resident in a planned and/or spontaneous activity of interest. Activities may include personal care activities that provide opportunities for purposeful and positive interactions; and

(iii) Group activities.

(h) Offer opportunities for activities that accommodate variations in a resident's mood, energy and preferences. The contractor must make appropriate activities available based upon the resident's individual schedule and interests. For example, individuals up at night must have access to staff support, food and appropriate activities;

(i) Make available multiple common areas, at least one of which is outdoors, that vary by size and arrangement such as: various size furniture groupings that encourage social interaction; areas with environmental cues that may stimulate activity, such as a resident kitchen or workshop; areas with activity supplies and props to stimulate conversation; a garden area; and paths and walkways that encourage exploration and walking. These areas must accommodate and offer opportunities for individual or group activity;

(j) Ensure that the outdoor area for residents:

(i) Is accessible to residents without staff assistance;

(ii) Is surrounded by walls or fences at least seventy-two inches high;

(iii) Has areas protected from direct sunshine and rain throughout the day;

(iv) Has walking surfaces that are firm, stable, slip-resistant and free from abrupt changes, and are suitable for individuals using wheelchairs and walkers;

(v) Has suitable outdoor furniture;

(vi) Has plants that are not poisonous or toxic to humans; and

(vii) Has areas for appropriate outdoor activities of interest to residents, such as walking paths, raised garden or flower beds, bird feeders, etc.

(k) Ensure that areas used by residents have a residential atmosphere, and residents have opportunities for privacy, socialization, and wandering behaviors;

(l) Ensure any public address system in the area of specialized dementia care services is used only for emergencies;

(m) Encourage residents' individualized spaces to be furnished and or decorated with personal items based on resident needs and preferences;

(n) Ensure residents have access to their own rooms at all times without staff assistance; and

(o) Make available and offer at no additional cost to the resident generic personal care items needed by the resident

such as soap, shampoo, toilet paper, toothbrush, toothpaste, deodorant, sanitary napkins, and disposable razors. This does not include items covered by medical coupons or preclude residents from choosing to purchase their own personal care items.

[Statutory Authority: RCW 74.08.090, 74.09.520, 74.39A.010 and 74.39A.020, 06-05-022, § 388-110-220, filed 2/6/06, effective 3/9/06. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW, 04-16-063 and 04-18-001, § 388-110-220, filed 7/30/04 and 8/19/04, effective 9/19/04. Statutory Authority: RCW 74.39A.-010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040, 96-11-045 (Order 3979), § 388-110-220, filed 5/8/96, effective 6/8/96.]

PART IV ADULT RESIDENTIAL CARE

WAC 388-110-240 Adult residential care service standards. In a boarding home with an adult residential care contract, the contractor must meet the requirements of parts I and IV of this chapter, and for residents served under the adult residential care contract:

(1) Develop for each resident a negotiated service agreement that supports the principles of dignity, privacy, choice in decision making, individuality, and independence; and

(2) Provide personal care services based on the resident's negotiated service agreement.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW, 04-16-063, § 388-110-240, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.-020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040, 96-11-045 (Order 3979), § 388-110-240, filed 5/8/96, effective 6/8/96.]

PART V REMEDIES FOR ASSISTED LIVING, ENHANCED ADULT RESIDENTIAL CARE, ENHANCED ADULT RESIDENTIAL CARE—SPECIALIZED DEMENTIA CARE, AND ADULT RESIDENTIAL CARE

WAC 388-110-260 Remedies. (1) The department may take one or more of the actions listed in subsection (3)(a) of this section in any case in which the department finds that a contractor of assisted living services, enhanced adult residential care services, enhanced residential care-specialized dementia care services, or adult residential care services has:

(a) Failed or refused to comply with the applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW, chapter 388-78A WAC or of this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a contract or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2)(a) For failure or refusal to comply with any applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW, chapter 388-78A WAC or of this chapter, the department may provide consultation before imposing remedies under subsection (3)(a) unless the violations pose a serious risk to residents, are recurring or have been uncorrected.

(b) When violations of this chapter pose a serious risk to a resident, are recurring or have been uncorrected, the department must impose a remedy or remedies listed under subsection (3)(a). In determining which remedy or remedies to impose, the department must take into account the severity of the impact of the violations on residents and which remedy or remedies are likely to improve resident outcomes and satisfaction in a timely manner.

(3)(a) Actions and remedies the department is authorized to impose include:

(i) Refusal to enter into a contract;

(ii) Imposition of reasonable conditions on a contract, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(iii) Imposition of civil penalties of not more than one hundred dollars per day per violation;

(iv) Suspension, termination, or refusal to renew a contract; or

(v) Order stop placement of persons under the contract.

(b) When the department orders stop placement, the boarding home must not admit any person under the contract until the stop placement order is terminated. The department may approve readmission of a resident to the boarding home from a hospital or nursing home during the stop placement. The department must terminate the stop placement when the department determines that:

(i) The violations necessitating the stop placement have been corrected; and

(ii) The provider exhibits the capacity to maintain adequate care and service.

(c) Conditions the department may impose on a contract include, but are not limited to the following:

(i) Correction within a specified time;

(ii) Training related to the violations; and

(iii) Discharge of any resident when the department determines discharge is needed to meet that resident's needs or for the protection of other residents.

(d) When a contractor fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from the contract payment.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW, 04-16-063, § 388-110-260, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.-020 and 74.39A.080, 96-21-050, § 388-110-260, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040, 96-11-045 (Order 3979), § 388-110-260, filed 5/8/96, effective 6/8/96.]

WAC 388-110-270 Notice, hearing rights, effective dates relating to imposition of remedies. (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 74.39A RCW, except that orders of the department imposing contract suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending any hearing.

(2) Civil monetary penalties shall become due twenty eight days after the contractor is served with a notice of the penalty unless the contractor requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If a hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest

shall accrue beginning thirty days after the department serves the contractor with notice of the penalty at a rate of one percent per month in accordance with RCW 43.20B.695.

(3) A person contesting any decision by the department to impose a remedy must within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Board of Appeals, P.O. Box 45803, Olympia, WA 98504; and

(b) Include in or with the application:

(i) The grounds for contesting the department decision; and

(ii) A copy of the contested department decision.

(4) Administrative proceedings shall be governed by chapter 34.05 RCW, RCW 43.20A.215, where applicable, this section, and chapter 388-02 WAC. If any provision in this section conflicts with chapter 388-02 WAC, the provision in this section governs.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. 04-16-063, § 388-110-270, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-270, filed 5/8/96, effective 6/8/96.]

WAC 388-110-280 Dispute resolution. (1) When a contractor disagrees with the department's finding of a violation under this chapter, the contractor shall have the right to have the violation reviewed under the department's dispute resolution process. Requests for review must be made to the department within ten days of receipt of the written finding of a violation.

(2) When requested by a contractor, the department must expedite the dispute resolution process to review violations upon which a department order imposing contract suspension, stop placement, or a contract condition is based.

(3) Orders of the department imposing contracts suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending dispute resolution.

[Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. 04-16-063, § 388-110-280, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. 96-11-045 (Order 3979), § 388-110-280, filed 5/8/96, effective 6/8/96.]

Chapter 388-112 WAC

RESIDENTIAL LONG-TERM CARE SERVICES

WAC

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TRAINING

SECTION I—PURPOSE AND DEFINITIONS

WAC 388-112-0001 What is the purpose of this chapter? The residential long-term care training requirements under this chapter apply to:

- (1) All adult family homes licensed under chapter 70.128 RCW; and
- (2) All boarding homes licensed under chapter 18.20 RCW.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0001, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0005 What definitions apply to this chapter? "Caregiver" means anyone providing hands-on personal care to another person including but not limited to cuing, reminding, or supervision of residents, on behalf of an adult family home or boarding home, except volunteers who are directly supervised.

"Challenge test" means a competency test taken without first taking the class for which the test is designed.

"Competency" means the minimum level of information and skill trainees are required to know and be able to demonstrate.

"Designee" means a person in a boarding home who supervises caregivers and who is designated by a boarding home administrator to take the trainings in this chapter required of the boarding home administrator. A boarding home administrator may have more than one designee.

"Direct supervision" means oversight by a person who has demonstrated competency in the basic training (and specialty training if required), or who has been exempted from the basic training requirements, is on the premises, and is quickly and easily available to the caregiver.

"DSHS" refers to the department of social and health services.

"Home" refers to adult family homes and boarding homes.

"Indirect supervision" means oversight by a person who has demonstrated competency in the basic training (and specialty training if required), or who has been exempted from the basic training requirements, and who is quickly and easily available to the caregiver, but not necessarily on-site.

"Learning outcomes" means the specific information, skills and behaviors desired of the learner as a result of a specific unit of instruction, such as what they would learn by the end of a single class or an entire course. Learning outcomes are generally identified with a specific lesson plan or curriculum.

"Resident" means a person residing and receiving long-term care services at a boarding home or adult family home. As applicable, the term resident also means the resident's legal guardian or other surrogate decision maker.

"Routine interaction" means contact with residents that happens regularly.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0005, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0010 When do the training requirements go into effect? The training requirements of this chapter begin September 1, 2002, or one hundred twenty days from the date of employment, whichever is later, and apply to:

(1) Adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who are hired or begin to provide hands-on personal care to residents subsequent to September 1, 2002; and

(2) Existing adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who on September 1, 2002, have not successfully completed the training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130 and this chapter. Existing adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who have not successfully completed the training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130 are subject to all applicable requirements of this chapter. However, until September 1, 2002, nothing in this chapter affects the current training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0010, filed 7/11/02, effective 8/11/02.]

SECTION II—ORIENTATION

WAC 388-112-0015 What is orientation? Orientation provides basic introductory information appropriate to the residential care setting and population served. The department does not approve specific orientation programs, materials, or trainers for homes. No test is required for orientation.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0015, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0020 What content must be included in an orientation? Orientation may include the use of videotapes, audiotapes, and other media if the person overseeing the orientation is available to answer questions or concerns for the person(s) receiving the orientation. Orientation must include introductory information in the following areas:

- (1) The care setting;
- (2) The characteristics and special needs of the population served;
- (3) Fire and life safety, including:
 - (a) Emergency communication (including phone system if one exists);
 - (b) Evacuation planning (including fire alarms and fire extinguishers where they exist);
 - (c) Ways to handle resident injuries and falls or other accidents;
 - (d) Potential risks to residents or staff (for instance, aggressive resident behaviors and how to handle them); and
 - (e) The location of home policies and procedures.
- (4) Communication skills and information, including:

- (a) Methods for supporting effective communication among the resident/guardian, staff, and family members;
- (b) Use of verbal and nonverbal communication;
- (c) Review of written communications and/or documentation required for the job, including the resident's service plan;

(d) Expectations about communication with other home staff; and

(e) Whom to contact about problems and concerns.

(5) Universal precautions and infection control, including:

(a) Proper hand washing techniques;

(b) Protection from exposure to blood and other body fluids;

(c) Appropriate disposal of contaminated/hazardous articles;

(d) Reporting exposure to contaminated articles, blood, or other body fluids; and

(e) What staff should do if they are ill.

(6) Resident rights, including:

(a) The resident's right to confidentiality of information about the resident;

(b) The resident's right to participate in making decisions about the resident's care, and to refuse care;

(c) Staff's duty to protect and promote the rights of each resident, and assist the resident to exercise his or her rights;

(d) How and to whom staff should report any concerns they may have about a resident's decision concerning the resident's care;

(e) Staff's duty to report any suspected abuse, abandonment, neglect, or exploitation of a resident;

(f) Advocates that are available to help residents (LTC ombudsmen, organizations); and

(g) Complaint lines, hot lines, and resident grievance procedures.

(7) In adult family homes, safe food handling information must be provided to all staff, prior to handling food for residents.

[Statutory Authority: RCW 18.20.090, 70.128.040, 70.128.230, and 2005 c 505. 06-01-046, § 388-112-0020, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0020, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0025 Is competency testing required for orientation? There is no competency testing required for orientation.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0025, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0030 Is there a challenge test for orientation? There is no challenge test for orientation.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0030, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0035 What documentation is required for orientation? The home must maintain documentation of completion of orientation, issued by the home, that includes:

- (1) The trainee's name;

- (2) A list of the specific information taught;
- (3) Signature of the person overseeing orientation, indicating completion of the required information;
- (4) The trainee's date of employment;
- (5) The name of the home giving the orientation; and
- (6) The date(s) of orientation.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0035, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0040 Who is required to complete orientation, and when must it be completed? Adult family home

(1) All paid or volunteer staff in adult family homes who begin work September 1, 2002 or later must complete orientation before having routine interaction with residents. Orientation must be provided by appropriate adult family home staff.

Boarding home

(2) Boarding home administrators (or their designees), caregivers, and all paid or volunteer staff who begin work September 1, 2002 or later must complete orientation before having routine interaction with residents. Orientation must be provided by appropriate staff.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0040, filed 7/11/02, effective 8/11/02.]

SECTION III—BASIC TRAINING

WAC 388-112-0045 What is basic training? Basic training includes the core knowledge and skills that caregivers need in order to provide personal care services effectively and safely. DSHS must approve basic training curricula.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0045, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0050 Is there an alternative to the basic training for some health care workers? Certain health care workers may complete the modified basic training instead of basic training if they meet the requirements in WAC 388-112-0105.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0050, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0055 What knowledge and skills must be taught in basic training? (1) The basic training knowledge and skills must include all of the learning outcomes and competencies published by the department for the following core knowledge and skills:

- (a) Understanding and using effective interpersonal and problem solving skills with the resident, family members, and other care team members;
- (b) Taking appropriate action to promote and protect resident rights, dignity, and independence;
- (c) Taking appropriate action to promote and protect the health and safety of the resident and the caregiver;
- (d) Correctly performing required personal care tasks while incorporating resident preferences, maintaining the res-

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ident's privacy and dignity, and creating opportunities that encourage resident independence;

- (e) Adhering to basic job standards and expectations.
- (2) The basic training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0055, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0060 Is competency testing required for basic training? Passing the DSHS competency test is required for successful completion of basic training as provided under WAC 388-112-0290 through 388-112-0315.

For licensed adult family home providers and employees, successfully completing basic training includes passing the safe food handling section or obtaining a valid food handler permit.

[Statutory Authority: RCW 18.20.090, 70.128.040, 70.128.230, and 2005 c 505. 06-01-046, § 388-112-0060, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0060, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0065 Is there a challenge test for basic training? Individuals may take the DSHS challenge test instead of the required training. If a person does not pass a challenge test on the first attempt, they may not retake the challenge test and must attend a class.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0065, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0070 What documentation is required for successful completion of basic training? (1) Basic training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (a) The name of the trainee;
- (b) The name of the training;
- (c) The name of the home or training entity giving the training;
- (d) The instructor's name and signature; and
- (e) The date(s) of training.

(2) The trainee must be given an original certificate. A home must keep a copy of the certificate on file.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0070, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0075 Who is required to complete basic training, and when? Adult family homes

(1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC) must complete basic training and demonstrate competency before operating an adult family home.

(2) Adult family home resident managers must complete basic training and demonstrate competency before providing services in an adult family home.

(3) Caregivers in adult family homes must complete basic training within one hundred twenty days of when they begin providing hands-on personal care or within one hun-

dred twenty days of September 1, 2002, whichever is later. Until competency in the basic training has been demonstrated, caregivers may not provide hands-on personal care without indirect supervision.

Boarding homes

(4) Boarding home administrators (or their designees), except administrators with a current nursing home administrator license, must complete basic training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of September 1, 2002, whichever is later.

(5) Caregivers must complete basic training within one hundred twenty days of when they begin providing hands-on personal care or within one hundred twenty days of September 1, 2002, whichever is later. Until competency in the basic training has been demonstrated, caregivers may not provide hands-on personal care without direct supervision.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0075, filed 7/11/02, effective 8/11/02.]

SECTION IV—MODIFIED BASIC TRAINING

WAC 388-112-0080 What is modified basic training?

Modified basic training is a subset of the basic training curriculum designed for certain health care workers defined in WAC 388-112-0105, whose previous training includes many of the outcomes taught in the full basic training. DSHS must approve modified basic training curricula.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0080, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0085 What knowledge and skills must be included in modified basic training? (1) Modified basic training must include all of the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Resident rights, including mandatory reporting requirements;
- (b) Medication assistance regulations;
- (c) Nurse delegation regulations;
- (d) Assessment and observations in home and community settings;
- (e) Documentation in home and community settings;
- (f) Service planning in home and community care settings;
- (g) Resource information, including information on continuing education; and
- (h) Self-directed care regulations for home care.

(2) The modified basic training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0085, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0090 Is competency testing required for modified basic training? Passing the DSHS competency test is required for successful completion of modified basic

training as provided in WAC 388-112-0290 through 388-112-0315.

For licensed adult family home providers and employees, successfully completing modified basic training includes passing the safe food handling section or obtaining a valid food handler permit.

[Statutory Authority: RCW 18.20.090, 70.128.040, 70.128.230, and 2005 c 505. 06-01-046, § 388-112-0090, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0090, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0095 Is there a challenge test for modified basic training? Individuals may take the department's challenge test instead of the required training. If a person does not pass a challenge test on the first attempt, they may not re-take the challenge test and must attend the class.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0095, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0100 What documentation is required for successful completion of modified basic training? (1)

Modified basic training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (a) The name of the trainee;
- (b) The name of the training;
- (c) The name of the home or training entity giving the training;
- (d) The instructor's name and signature; and
- (e) The date(s) of training.

(2) The trainee must be given an original certificate. A home must keep a copy of the certificate on file.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0100, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0105 Who may take modified basic training instead of the full basic training?

Modified basic training may be taken, instead of the full basic training, by a person who can document that they have successfully completed training as a registered or licensed practical nurse, certified nursing assistant, physical therapist, occupational therapist, or Medicare-certified home health aide.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0105, filed 7/11/02, effective 8/11/02.]

SECTION V—SPECIALTY TRAINING

WAC 388-112-0110 What is specialty training? (1)

Specialty or "special needs" training, including caregiver specialty training, provides instruction in caregiving skills that meet the special needs of people living with mental illness, dementia, or developmental disabilities. Specialty trainings are different for each population served and are not interchangeable. Specialty training may be integrated with basic training if the complete content of each training is included. DSHS must approve specialty training curricula for managers and caregivers, except for adult family home caregiver specialty training.

(2) Manager specialty training for boarding home administrators (or designees), adult family home providers and resident managers:

(a) Developmental disabilities specialty training, under WAC 388-112-0120, is the required training on that specialty for adult family home providers and resident managers, and for boarding home administrators (or designees.)

(b) Dementia specialty training, under WAC 388-112-0125, and mental health specialty training, under WAC 388-112-0135, are the required trainings on those specialties for adult family home providers and resident managers, and for boarding home administrators (or designees).

(3) Caregiver specialty training for boarding homes:

(a) Developmental disabilities specialty training, under WAC 388-112-0120, is the required training on that specialty for boarding home caregivers.

(b) Caregiver dementia training, under WAC 388-112-0130, and caregiver mental health training, under WAC 388-112-0140, are the required trainings on those specialties for boarding home caregivers.

(4) Caregiver specialty training for adult family homes:

The provider or resident manager who has successfully completed the manager specialty training, or a person knowledgeable about the specialty area, trains adult family home caregivers in the specialty needs of the individual residents in the adult family home, and there is no required curriculum.

[Statutory Authority: RCW 18.20.090, 70.128.040, 70.128.230, 06-16-072, § 388-112-0110, filed 7/28/06, effective 8/28/06. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-065, § 388-112-0110, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0115 What specialty training, including caregiver specialty training, is required if a resident has more than one special need? If an individual resident has needs in more than one of the special needs areas, the home must determine which of the specialty trainings will most appropriately address the overall needs of the person and ensure that the specialty training that addresses the overall needs is completed as required. If additional training beyond the specialty training is needed to meet all of the resident's needs, the home must ensure that additional training is completed.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-065, § 388-112-0115, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0120 What knowledge and skills must manager and caregiver developmental disabilities specialty trainings include? (1) Manager and caregiver developmental disabilities specialty trainings must include all of the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Overview of developmental disabilities;
- (b) Values of service delivery;
- (c) Effective communication;
- (d) Introduction to interactive planning;
- (e) Understanding behavior;
- (f) Crisis prevention and intervention; and
- (g) Overview of legal issues and individual rights.

(2) For adult family homes, the division of developmental disabilities (DDD) will provide in-home technical assis-

tance to the adult family home upon admission of the first resident eligible for services from DDD and, thereafter, as determined necessary by DSHS.

(3) The manager and caregiver developmental disabilities specialty training learning outcomes and competencies may be obtained from the DSHS division of developmental disabilities.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-065, § 388-112-0120, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0125 What knowledge and skills must manager dementia specialty training include? (1) Manager dementia specialty training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Introduction to the dementias;
- (b) Differentiating dementia, depression, and delirium;
- (c) Caregiving goals, values, attitudes and behaviors;
- (d) Caregiving principles and dementia problem solving;
- (e) Effects of cognitive losses on communication;
- (f) Communicating with people who have dementia;
- (g) Sexuality and dementia;
- (h) Rethinking "problem" behaviors;
- (i) Hallucinations and delusions;
- (j) Helping with activities of daily living (ADLs);
- (k) Drugs and dementia;
- (l) Working with families;
- (m) Getting help from others; and
- (n) Self-care for caregivers.

(2) The manager dementia specialty training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-065, § 388-112-0125, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0130 What knowledge and skills must caregiver dementia training include? (1) Caregiver dementia training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Introduction to the dementias;
- (b) Dementia, depression, and delirium;
- (c) Resident-based caregiving;
- (d) Dementia caregiving principles;
- (e) Communicating with people who have dementia;
- (f) Sexuality and dementia;
- (g) Rethinking "problem" behaviors;
- (h) Hallucinations and delusions;
- (i) Helping with activities of daily living (ADLs); and
- (j) Working with family and friends.

(2) The learning outcomes and competencies for caregiver dementia training may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-065, § 388-112-0130, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0135 What knowledge and skills must manager mental health specialty training include? (1) Manager mental health specialty training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Introduction to mental illness;
 - (b) Culturally compassionate care;
 - (c) Respectful communications;
 - (d) Understanding mental illness - major mental disorders;
 - (e) Understanding mental illness - baseline, decompensation, and relapse planning; responses to hallucinations and delusions;
 - (f) Understanding and interventions for behaviors perceived as problems;
 - (g) Aggression;
 - (h) Suicide;
 - (i) Medications;
 - (j) Getting help from others; and
 - (k) Self-care for caregivers.
- (2) The manager mental health specialty training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0135, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0140 What knowledge and skills must caregiver mental health training include? (1) Caregiver mental health training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

- (a) Understanding major mental disorders;
 - (b) Individual background, experiences and beliefs;
 - (c) Responding to decompensation, relapse, hallucinations and delusions;
 - (d) Interventions for behaviors perceived as problems;
 - (e) Aggression; and
 - (f) Suicide.
- (2) The learning outcomes and competencies for caregiver mental health training may be obtained from the DSHS aging and adult services administration.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0140, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0145 Is competency testing required for specialty training, including caregiver specialty training? Passing the DSHS competency test is required for successful completion of specialty training for adult family home providers and resident managers, and for boarding home administrators (or designees) and caregivers, as provided under WAC 388-112-0290 through 388-112-0315. Competency testing is not required for adult family home caregivers.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0145, filed 7/11/02, effective 8/11/02.]

[Title 388 WAC—p. 712]

WAC 388-112-0150 Is there a challenge test for specialty training, including caregiver specialty training? There is a challenge test for all the specialty trainings, including caregiver specialty trainings, except the adult family home caregiver training. Individuals may take the DSHS challenge test instead of required specialty training. A person who does not pass a challenge test on the first attempt must attend the class.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0150, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0155 What documentation is required for successful completion of specialty training, including caregiver specialty training? Specialty training, including caregiver specialty training, as applicable, must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (1) The trainee's name;
 - (2) The name of the training;
 - (3) The name of the home or training entity giving the training;
 - (4) The instructor's name and signature; and
 - (5) The date(s) of training.
- (6) The trainee must be given an original certificate. The home must keep a copy of the certificate on file.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0155, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0160 Who is required to complete manager specialty training, and when? Adult family homes

(1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC) and resident managers must complete manager specialty training and demonstrate competency before admitting and serving residents who have special needs related to mental illness, dementia, or a developmental disability.

(2) If a resident develops special needs while living in a home without a specialty designation, the provider and resident manager have one hundred twenty days to complete manager specialty training and demonstrate competency.

Boarding homes

(3) If a boarding home serves one or more residents with special needs, the boarding home administrator (or designee) must complete manager specialty training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of September 1, 2002, whichever is later. A boarding home administrator with a current nursing home administrator license is exempt from this requirement, unless the administrator will train their facility caregivers in a caregiver specialty.

(4) If a resident develops special needs while living in a boarding home, the boarding home administrator (or designee) has one hundred twenty days to complete manager specialty training and demonstrate competency. A boarding home administrator with a current nursing home administrator license is exempt from this requirement, unless the administrator will train their facility caregivers in a caregiver specialty.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0160, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0165 Who is required to complete caregiver specialty training, and when? Adult family homes

If an adult family home serves one or more residents with special needs, all caregivers must receive training regarding the specialty needs of individual residents in the home. The provider or resident manager knowledgeable about the specialty area may provide this training.

Boarding homes

If a boarding home serves one or more residents with special needs, caregivers must complete caregiver specialty training and demonstrate competency.

(1) If the caregiver specialty training is integrated with basic training, caregivers must complete the caregiver specialty training within one hundred twenty days of when they begin providing hands-on personal care to a resident having special needs or within one hundred twenty days of September 1, 2002, whichever is later.

(2) If the caregiver specialty training is not integrated with basic training, caregivers must complete the relevant caregiver specialty training within ninety days of completing basic training.

(3) Until competency in the caregiver specialty has been demonstrated, caregivers may not provide hands-on personal care to a resident with special needs without direct supervision

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0165, filed 7/11/02, effective 8/11/02.]

SECTION VI—NURSE DELEGATION CORE TRAINING

WAC 388-112-0170 What is nurse delegation core training? Nurse delegation core training is required before a nursing assistant may be delegated a nursing task. DSHS approves instructors for nurse delegation core training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0170, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0175 What knowledge and skills must nurse delegation core training include? Only the curriculum developed by DSHS may be used for nurse delegation core training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0175, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0180 Is competency testing required for nurse delegation core training? Passing the DSHS competency test is required for successful completion of nurse delegation core training, as provided under WAC 388-112-0265 through 388-112-0295.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0180, filed 7/11/02, effective 8/11/02.]

(2009 Ed.)

WAC 388-112-0185 Is there a challenge test for nurse delegation core training? There is no challenge test for nurse delegation core training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0185, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0190 What documentation is required for successful completion of nurse delegation core training? (1) Nurse delegation core training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (a) The name of the trainee;
 - (b) The name of the training;
 - (c) The name of the training entity giving the training;
 - (d) The instructor's name and signature; and
 - (e) The date(s) of training.
- (2) The trainee must be given an original certificate. Homes must keep a copy of the certificate on file.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0190, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0195 Who is required to complete nurse delegation core training, and when? Adult family homes

(1) Before performing any delegated nursing task, adult family home staff must:

- (a) Successfully complete DSHS-designated nurse delegation core training;
- (b) Be a nursing assistant registered or certified under chapter 18.88A RCW; and
- (c) If a nursing assistant registered, successfully complete basic training.

Boarding homes

(2) Before performing any delegated nursing task, boarding home staff must:

- (a) Successfully complete DSHS-designated nurse delegation core training;
- (b) Be a nursing assistant registered or certified under chapter 18.88A RCW; and
- (c) If a nursing assistant registered, successfully complete basic training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-065, § 388-112-0195, filed 7/11/02, effective 8/11/02.]

SECTION VII—CONTINUING EDUCATION

WAC 388-112-0200 What is continuing education? Continuing education is additional caregiving-related training designed to increase and keep current a person's knowledge and skills. DSHS does not preapprove continuing education programs or instructors.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0200, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0205 How many hours of continuing education are required each year? (1) Individuals subject to a continuing education requirement must complete at least

[Title 388 WAC—p. 713]

ten hours of continuing education each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training.

(2) One hour of completed classroom instruction or other form of training (such as a video or on-line course) equals one hour of continuing education.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0205, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0210 What kinds of training topics are required for continuing education? Continuing education must be on a topic relevant to the care setting and care needs of residents, including but not limited to:

- (1) Resident rights;
- (2) Personal care (such as transfers or skin care);
- (3) Mental illness;
- (4) Dementia;
- (5) Developmental disabilities;
- (6) Depression;
- (7) Medication assistance;
- (8) Communication skills;
- (9) Positive resident behavior support;
- (10) Developing or improving resident centered activities;
- (11) Dealing with wandering or aggressive resident behaviors;
- (12) Medical conditions; and
- (13) In adult family homes, safe food handling.

[Statutory Authority: RCW 18.20.090, 70.128.040, 70.128.230, and 2005 c 505. 06-01-046, § 388-112-0210, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0210, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0215 Is competency testing required for continuing education? Competency testing is not required for continuing education.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0215, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0220 May basic or modified basic training be completed a second time and used to meet the continuing education requirement? Retaking basic or modified basic training may not be used to meet the continuing education requirement.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0220, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0225 May specialty training be used to meet continuing education requirements? Manager specialty training and caregiver specialty training, except any specialty training completed through a challenge test, may be used to meet continuing education requirements.

(1) If one or more specialty trainings are completed in the same year as basic or modified basic training, the specialty training hours may be applied toward the continuing education requirement for up to two calendar years following the year of completion of the basic and specialty trainings.

[Title 388 WAC—p. 714]

(2) If one or more specialty trainings are completed in a different year than the year when basic or modified basic training was taken, the specialty training hours may be applied toward the continuing education requirement for the calendar year in which the specialty training is taken and the following calendar year.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0225, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0230 May nurse delegation core training be used to meet continuing education requirements? Nurse delegation training under WAC 388-112-0175 may be applied toward continuing education requirements for the calendar year in which it is completed.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0230, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0235 May residential care administrator training be used to meet continuing education requirements? Residential care administrator training under WAC 388-112-0275 may be used to meet ten hours of continuing education requirements.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0235, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0240 What are the documentation requirements for continuing education? (1) The adult family home or boarding home must maintain documentation of continuing education including:

- (a) The trainee's name;
- (b) The title or content of the training;
- (c) The instructor's name, name of the home or training entity giving the training, or the name of the video, on-line class, professional journal, or equivalent instruction materials completed;
- (d) The number of hours of training; and
- (e) The date(s) of training.

(2) The trainee must be given an original certificate or other documentation of continuing education.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0240, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0245 Who is required to complete continuing education training, and when? Adult family homes

(1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC), resident managers, and caregivers must complete ten hours of continuing education each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training.

(2) Continuing education must be on a topic relevant to the care setting and care needs of residents in adult family homes.

(3) Continuing education must include 0.5 hours per year on safe food handling in adult family homes.

(2009 Ed.)

Boarding homes

(4) Boarding home administrators (or their designees) and caregivers must complete ten hours of continuing education each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training. A boarding home administrator with a current nursing home administrator license is exempt from this requirement.

(5) Continuing education must be on a topic relevant to the care setting and care needs of residents in boarding homes.

[Statutory Authority: RCW 18.20.090, 70.128.040, 70.128.230, and 2005 c 505. 06-01-046, § 388-112-0245, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0245, filed 7/11/02, effective 8/11/02.]

SECTION VIII—CPR AND FIRST-AID TRAINING

WAC 388-112-0250 What is CPR training? Cardiopulmonary resuscitation (CPR) training is training provided by an authorized CPR instructor.

[Statutory Authority: RCW 18.20.090, 70.128.040, 70.128.230, 06-16-072, § 388-112-0250, filed 7/28/06, effective 8/28/06. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0250, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0255 What is first-aid training? First-aid training is training that meets the guidelines established by the Occupational Safety and Health Administration and listed at www.osha.gov. Topics include:

- (1) General program elements, including:
 - (a) Responding to a health emergency;
 - (b) Surveying the scene;
 - (c) Basic cardiopulmonary resuscitation (CPR);
 - (d) Basic first aid intervention;
 - (e) Standard precautions;
 - (f) First aid supplies; and
 - (g) Trainee assessments.
- (2) Type of injury training, including:
 - (a) Shock;
 - (b) Bleeding;
 - (c) Poisoning;
 - (d) Burns;
 - (e) Temperature extremes;
 - (f) Musculoskeletal injuries;
 - (g) Bites and stings;
 - (h) Confined spaces; and
 - (i) Medical emergencies; including heart attack, stroke, asthma attack, diabetes, seizures, and pregnancy.
- (3) Site of injury training, including:
 - (a) Head and neck;
 - (b) Eye;
 - (c) Nose;
 - (d) Mouth and teeth;
 - (e) Chest;
 - (f) Abdomen; and
 - (g) Hand, finger and foot.
- (4) Successful completion of first aid training, following the OSHA guidelines, also serves as proof of the CPR training.

(2009 Ed.)

[Statutory Authority: RCW 18.20.090, 70.128.040, 70.128.230, and 2005 c 505. 06-01-046, § 388-112-0255, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0255, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0260 What are the CPR and first-aid training requirements? Adult family homes

(1) Adult family home providers and resident managers must possess a valid CPR and first-aid card or certificate prior to providing care for residents, and must maintain valid cards or certificates.

(2) Licensed nurses working in adult family homes must possess a valid CPR card or certificate within thirty days of employment and must maintain a valid card or certificate. If the licensed nurse is an adult family home provider or resident manager, the valid CPR card or certificate must be obtained prior to providing care for residents.

(3) Adult family home caregivers must obtain and maintain a valid CPR and first-aid card or certificate:

(a) Within thirty days of beginning to provide care for residents, if the provision of care for residents is directly supervised by a fully qualified caregiver who has a valid first-aid and CPR card or certificate; or

(b) Before providing care for residents, if the provision of care for residents is not directly supervised by a fully qualified caregiver who has a valid first-aid and CPR card or certificate.

Boarding homes

(4) Boarding home administrators who provide direct care, and caregivers must possess a valid CPR and first-aid card or certificate within thirty days of employment, and must maintain valid cards or certificates. Licensed nurses working in boarding homes must possess a valid CPR card or certificate within thirty days of employment, and must maintain a valid card or certificate.

[Statutory Authority: RCW 18.20.090, 70.128.040, 70.128.230, and 2005 c 505. 06-01-046, § 388-112-0260, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0260, filed 7/11/02, effective 8/11/02.]

SECTION IX—RESIDENTIAL CARE ADMINISTRATOR TRAINING

WAC 388-112-0265 What is residential care administrator training? Residential care administrator training is a minimum of forty-eight hours of training on topics related to the management of adult family homes. DSHS must approve residential care administrator training curricula.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0265, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0270 Who must take the forty-eight hour adult family home residential care administrator training and when? Providers licensed prior to December 31, 2006: Before operating more than one adult family home, the provider (including an entity representative as defined under chapter 388-76 WAC) must successfully complete the department approved forty-eight hour residential care administrator training.

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Prospective providers applying for a license after January 1, 2007: Before a license for an adult family home is granted, the prospective provider must successfully complete the department approved forty-eight hour residential care administrator training for adult family homes.

[Statutory Authority: RCW 74.08.090, 18.20.090, 70.128.040, chapter 70.128 RCW and 2006 c 249, 07-01-045, § 388-112-0270, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-066, § 388-112-0270, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0275 What knowledge and skills must residential care administrator training include? Minimally, residential care administrator training must have at least forty-eight hours of class time, and include all of the following:

- (1) Business planning and marketing;
- (2) Fiscal planning and management;
- (3) Human resource planning;
- (4) Resident health services;
- (5) Nutrition and food service;
- (6) Working with people who are elderly, chronically mentally ill, or developmentally disabled;
- (7) The licensing process;
- (8) Social and recreational activities;
- (9) Resident rights;
- (10) Legal issues;
- (11) Physical maintenance and fire safety; and
- (12) Housekeeping.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-066, § 388-112-0275, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0280 Is competency testing required for residential care administrator training? Competency testing is not required for residential care administrator training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-066, § 388-112-0280, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0285 What documentation is required for residential care administrator training? (1) Residential care administrator training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (a) The trainee's name;
- (b) The name of the training;
- (c) The name of the training entity giving the training;
- (d) The instructor's name and signature; and
- (e) The date(s) of training.

(2) The trainee must be given an original certificate. A copy of the certificate must be in the adult family home's files.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-066, § 388-112-0285, filed 7/11/02, effective 8/11/02.]

SECTION X—COMPETENCY TESTING

WAC 388-112-0290 What is competency testing? Competency testing, including challenge testing, is evaluat-

[Title 388 WAC—p. 716]

ing a trainee to determine if they can demonstrate the required level of skill, knowledge, and/or behavior with respect to the identified learning outcomes of a particular course.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-066, § 388-112-0290, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0295 What components must competency testing include? Competency testing must include the following components:

- (1) Skills demonstration of ability to perform and/or implement specific caregiving approaches, and/or activities as appropriate for the training;
- (2) Written evaluation to show level of comprehension and knowledge of the learning outcomes for the training; and
- (3) A scoring guide for the tester with clearly stated criteria and minimum proficiency standards.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-066, § 388-112-0295, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0300 What training must include the DSHS-developed competency test? Basic, modified basic, manager specialty, caregiver specialty, and nurse delegation core training must include the DSHS-developed competency test.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-066, § 388-112-0300, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0305 How must competency test administration be standardized? To standardize competency test administration, testing must include the following components:

- (1) The person teaching the course must administer or supervise the administration of all testing; and
- (2) The tester must follow DSHS guidelines for:
 - (a) The maximum length of time allowed for testing;
 - (b) The amount and nature of instruction given to students before beginning a test;
 - (c) The amount of assistance to students allowed during testing;
 - (d) The accommodation guidelines for students with disabilities; and
 - (e) Accessibility guidelines for students with limited English proficiency.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-066, § 388-112-0305, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0310 What form of identification must students provide before taking a competency or challenge test? Students must provide photo identification before taking a competency test (or challenge test, when applicable) for basic, modified basic, specialty, or nurse delegation training.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233, 02-15-066, § 388-112-0310, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0315 How many times may a competency test be taken? (1) A competency test that is part of a course may be taken twice. If the test is failed a second time, the person must retake the course before any additional tests are administered. Licensed adult family providers and employees who fail the food handling section of the basic training competency test a second time, must obtain a valid food worker permit.

(2) If a challenge test is available for a course, it may be taken only once. If the test is failed, the person must take the classroom course.

[Statutory Authority: RCW 18.20.090, 70.128.040, 70.128.230, and 2005 c 505. 06-01-046, § 388-112-0315, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0315, filed 7/11/02, effective 8/11/02.]

SECTION XI—CURRICULUM APPROVAL

WAC 388-112-0320 What trainings must be taught with a curriculum approved by DSHS? (1) The following trainings must be taught using the DSHS curriculum or other curriculum approved by DSHS:

- (a) Basic;
- (b) Modified basic;
- (c) Manager mental health, dementia, and developmental disabilities specialty training;
- (d) Caregiver specialty training in boarding homes; and
- (e) Any training that integrates basic training with a manager or caregiver specialty training.

(2) The residential care administrator training must use a curriculum approved by DSHS.

(3) The nurse delegation training must use only the DSHS curriculum.

(4) A curriculum other than the DSHS curriculum must be approved before it is used. An attestation that the curriculum meets all requirements under this chapter will be sufficient for initial approval. Final approval will be based on curriculum review, as described under WAC 388-112-0330.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0320, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0325 What are the minimum components that an alternative curriculum must include in order to be approved? In order to be approved, an alternative curriculum must at a minimum include:

- (1) All the DSHS-published learning outcomes and competencies for the course;
- (2) Printed student materials that support the curriculum, a teacher's guide or manual, and learning resource materials such as learning activities, audio-visual materials, handouts, and books;
- (3) The recommended sequence and delivery of the material;
- (4) The teaching methods or approaches that will be used for different sections of the course, including for each lesson:
 - (a) The expected learning outcomes;
 - (b) Learning activities that incorporate adult learning principles and address the learning readiness of the student population;
 - (c) Practice of skills to increase competency;

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- (d) Feedback to the student on knowledge and skills;
- (e) An emphasis on facilitation by the teacher; and
- (f) An integration of knowledge and skills from previous lessons to build skills.

(5) A list of the sources or references, if any, used to develop the curriculum;

(6) Methods of teaching and student evaluation for students with limited English proficiency and/or learning disabilities; and

(7) A plan for updating material. Substantial changes to a previously approved curriculum must be approved before they are used.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0325, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0330 What is the curriculum approval process? (1) An alternative curriculum must be submitted to DSHS for approval with:

(a) Identification of where each DSHS-published required learning outcome and competency is located in the alternate curriculum;

(b) All materials identified in WAC 388-112-0325; and

(c) A letter from the boarding home administrator or adult family home provider attesting that the training curriculum addresses all of the training competencies identified by DSHS;

(2) DSHS may approve a curriculum based upon the attestation in (1)(c) above, until it has been reviewed by DSHS;

(3) If, upon review by DSHS, the curriculum is not approved, the alternative curriculum may not be used until all required revisions have been submitted and approved by DSHS.

(4) After review of the alternative curriculum, DSHS will send a written response to the submitter, indicating approval or disapproval of the curriculum and if disapproved, the reasons for denial;

(5) If the alternative curriculum is not approved, a revised curriculum may be resubmitted to DSHS for another review.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0330, filed 7/11/02, effective 8/11/02.]

SECTION XII—HOME-BASED TRAINING

WAC 388-112-0335 What are the requirements for a boarding home or adult family home that wishes to conduct basic, modified basic, manager specialty, or caregiver specialty training? (1) A boarding home or adult family home wishing to conduct basic, modified basic, manager specialty, or caregiver specialty training for boarding home caregivers may do so if the home:

(a) Verifies and documents that all instructors meet each of the minimum instructor qualifications for the course they plan to teach;

(b) Teaches using a complete DSHS-developed or approved alternative curriculum.

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(c) Notifies DSHS in writing of the home's intent to conduct staff training prior to providing the home's first training, and when changing training plans, including:

- (i) Home name;
 - (ii) Name of training(s) the home will conduct;
 - (iii) Name of curriculum(s) the home will use;
 - (iv) Name of lead instructor and instructor's past employment in boarding homes and adult family homes; and
 - (v) Whether the home will train only the home's staff, or will also train staff from other homes;
- (d) Ensures that DSHS competency tests are administered as required under this chapter;
- (e) Provides a certificate of completion of training to all staff that successfully complete the entire course, including:

- (i) The trainee's name;
 - (ii) The name of the training;
 - (iii) The name of the home giving the training;
 - (iv) The instructor's name and signature; and
 - (v) The date(s) of training;
- (f) Keeps a copy of student certificates on file for six years, and gives the original certificate to the trainee;
- (g) Keeps attendance records and testing records of students trained and tested on file for six years; and
- (h) Reports training data to DSHS in DSHS-identified time frames

(2) An adult family home wishing to conduct caregiver specialty training that is taught by the provider, resident manager, or person knowledgeable about the specialty area, as required under WAC 388-112-0110 subsection (3), must document the specialty training as provided under WAC 388-112-0155.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0335, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0340 Do homes need department approval to provide continuing education for their staff? Homes may provide continuing education for their staff without prior approval of curricula or instructors by the department.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0340, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0345 When can DSHS prohibit a home from conducting its own training? DSHS may prohibit a home from providing its own basic, modified basic, specialty, or caregiver specialty training when:

- (1) DSHS determines that the training fails to meet the standards under this chapter;
- (2) The home's instructor does not meet the applicable qualifications under WAC 388-112-0375 through 388-112-0395; or
- (3) The home's instructor has been a licensee, boarding home administrator, or adult family home resident manager, as applicable, of any home subject to temporary management or subject to a revocation or summary suspension of the home's license, a stop placement of admissions order, a condition on the license related to resident care, or a civil fine of five thousand dollars or more, while the instructor was the licensee, administrator, or resident manager; or

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(4) The home has been operated under temporary management or has been subject to a revocation or suspension of the home license, a stop placement of admissions order, a condition on the license related to resident care, or a civil fine of five thousand dollars or more, within the previous twelve months.

(5) Nothing in this section shall be construed to limit DSHS' authority under chapters 388-76 or 388-78A WAC to require the immediate enforcement, pending any appeal, of a condition on the home license prohibiting the home from conducting its own training programs.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0345, filed 7/11/02, effective 8/11/02.]

XIII—INSTRUCTOR APPROVAL

WAC 388-112-0350 What trainings must be taught by an instructor who meets the applicable minimum qualifications under this chapter? (1) The following trainings must be taught by an instructor who meets the applicable minimum qualifications for that training: Basic training;

modified basic training; mental health, dementia, and developmental disability specialty training; and caregiver specialty training that is not taught by the boarding home administrator (or designee) or adult family home provider or resident manager.

(2) Nurse delegation training and residential care administrator training must be taught by an instructor who is approved by DSHS.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0350, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0355 What are an instructor's or training entity's responsibilities? The instructor or training entity is responsible for:

- (1) Coordinating and teaching classes,
- (2) Assuring that the curriculum used is taught as designed,
- (3) Selecting qualified guest speakers where applicable,
- (4) Administering or overseeing the administration of DSHS competency and challenge tests,
- (5) Maintaining training records including student tests and attendance records for a minimum of six years,
- (6) Reporting training data to DSHS in DSHS-identified time frames, and
- (7) Issuing or reissuing training certificates to students.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0355, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0360 Must instructors be approved by DSHS? (1) DSHS-contracted instructors

(a) DSHS must approve any instructor under contract with DSHS to conduct basic, modified basic, specialty, or nurse delegation core training classes using the training curricula developed by DSHS.

(b) DSHS may select contracted instructors through a purchased services contract procurement pursuant to chapter 236-48 WAC or through other applicable contracting proce-

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dures. Contractors must meet the minimum qualifications for instructors under this chapter and any additional qualifications established through a request for qualifications and quotations (RFQQ) or other applicable contracting procedure.

(2) Homes conducting their own training

Homes conducting their own training programs using the training curricula developed by DSHS or alternative curricula approved by DSHS must ensure that their instructors meet the minimum qualifications for instructors under this chapter.

(3) Other instructors

DSHS must approve all other instructors not described in subsection (1) and (2) of this section.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0360, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0365 Can DSHS deny or terminate a contract with an instructor or training entity? (1) DSHS may determine not to accept a bid or other offer by a person or organization seeking a contract with DSHS to conduct basic, modified basic, specialty, or nurse delegation core training classes using the training curricula developed by DSHS. The protest procedures under chapter 236-48 WAC, as applicable, are a bidder's exclusive administrative remedy. No administrative remedies are available to dispute DSHS' decision not to accept an offer that is not governed by chapter 236-48 WAC, except as may be provided through the contracting process.

(2) DSHS may terminate any training contract in accordance with the terms of the contract. The contractor's administrative remedies shall be limited to those specified in the contract.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0365, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0370 What is a guest speaker, and what are the minimum qualifications to be a guest speaker for basic and developmental disabilities specialty training? Guest speakers for basic and developmental disabilities specialty training teach a specific subject in which they have expertise, under the supervision of the instructor. A guest speaker must have as minimum qualifications, an appropriate background and experience that demonstrates that the guest speaker has expertise on the topic he or she will teach. The instructor must select guest speakers that meet the minimum qualifications, and maintain documentation of this background. DSHS does not approve guest speakers.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0370, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0375 What are the minimum general qualifications for an instructor teaching a DSHS curriculum or DSHS-approved alternate curriculum as defined under chapter 388-112 WAC? An instructor teaching a DSHS curriculum or DSHS-approved alternate curriculum must meet the following minimum general qualifications:

- (1) Twenty-one years of age; and

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(2) Has not had a professional health care or social services license or certification revoked in Washington state (however, no license or certification is required).

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0375, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0380 What are the minimum qualifications for an instructor for basic or modified basic training? An instructor for basic or modified basic training must meet the following minimum qualifications in addition to the general instructor qualifications in WAC 388-112-0375:

(1) Education and work experience:

(a) Upon initial approval or hire, must have:

(i) A high school diploma and one year of professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting; or

(ii) An associate degree in a health field and six months professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting.

(2) Teaching experience:

(a) Must have one hundred hours of experience teaching adults on topics directly related to the basic training; or

(b) Must have forty hours of teaching while being mentored by an instructor who meets these qualifications, and attend a class in adult education that meets the requirements of WAC 388-112-0400.

(3) The instructor must be experienced in caregiving practices and capable of demonstrating competency with respect to the course content or units being taught;

(4) Instructors who will administer tests must have experience or training in assessment and competency testing; and

(5) If required under WAC 388-112-0075 or 388-112-0105, instructors must successfully complete basic or modified basic training prior to beginning to train others.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0380, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0385 What are the minimum qualifications for instructors for manager and caregiver mental health specialty? (1) Instructors for manager mental health specialty training: The minimum qualifications for instructors for manager mental health specialty, in addition to the general qualifications in WAC 388-112-0375 include:

(a) The instructor must be experienced in mental health caregiving practices and capable of demonstrating competency in the entire course content;

(b) Education

(i) Bachelor's degree, registered nurse, or mental health specialist, with at least one year of education in seminars, conferences, continuing education, or in college classes, in subjects directly related to mental health, such as, but not limited to, psychology. (One year of education equals twenty-four semester hours, thirty-six quarter hours, or one hundred ninety-two hours of seminars, conferences, and continuing education.)

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(ii) If required under WAC 388-112-0160, successful completion of the mental health specialty training, prior to beginning to train others.

(c) Work experience - Two years full-time equivalent direct work experience with people who have a mental illness; and

(d) Teaching experience

(i) Two hundred hours experience teaching mental health or closely related subjects; and

(ii) Successful completion of an adult education class or train the trainer as follows:

(A) For instructors teaching alternate curricula, a class in adult education that meets the requirements of WAC 388-112-0400, or a train the trainer class for the curriculum they are teaching;

(B) For instructors teaching DSHS-developed mental health specialty training, successful completion of the DSHS-developed train the trainer.

(e) Instructors who will administer tests must have experience or training in assessment and competency testing.

(2) Instructors for caregiver mental health specialty training:

(a) Caregiver mental health specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager mental health specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.

(b) Caregiver mental health specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager mental health specialty in subsection (1).

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0385, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0390 What are the minimum qualifications for instructors for manager and caregiver dementia specialty? (1) The minimum qualifications for instructors for manager dementia specialty, in addition to the general qualifications under WAC 388-112-0375, include:

(a) The instructor must be experienced in dementia caregiving practices and capable of demonstrating competency in the entire course content;

(b) Education

(i) Bachelor's degree, registered nurse, or mental health specialist, with at least one year of education in seminars, conferences, continuing education or college classes, in dementia or subjects directly related to dementia, such as, but not limited to, psychology. (One year of education equals twenty-four semester hours, thirty-six quarter hours, or at least one hundred ninety-two hours of seminars, conferences, or continuing education.)

(ii) If required under WAC 388-112-0160, successful completion of the dementia specialty training, prior to beginning to train others.

(c) Work experience - Two years full-time equivalent direct work experience with people who have dementia; and

(d) Teaching experience

(i) Two hundred hours experience teaching dementia or closely related subjects; and

(ii) Successful completion of an adult education class or train the trainer as follows:

(A) For instructors teaching alternate curricula, a class in adult education that meets the requirements of WAC 388-112-0400, or a train the trainer class for the curriculum they are teaching;

(B) For instructors teaching DSHS-developed dementia specialty training, successful completion of the DSHS-developed train the trainer.

(d) Instructors who will administer tests must have experience or training in assessment and competency testing.

(2) Instructors for caregiver dementia specialty training:

(a) Caregiver dementia specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager dementia specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.

(b) Caregiver dementia specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager dementia specialty in subsection (1).

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0390, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0395 What are the minimum qualifications for instructors for manager and caregiver developmental disabilities specialty? (1) The minimum qualifications for instructors for manager developmental disabilities specialty, in addition to the general qualifications under WAC 388-112-0375, include:

(a) Education and work experience:

(i) Bachelor's degree with at least two years of full-time work experience in the field of disabilities; or

(ii) High school diploma or equivalent, with four years full time work experience in the field of developmental disabilities, including two years full time direct work experience with people who have a developmental disability.

(b) Successful completion of developmental disabilities specialty training under WAC 388-112-0120; and

(c) Teaching experience:

(i) Two hundred hours of teaching experience; and

(ii) Successful completion of adult education or train the trainer as follows:

(A) For instructors teaching alternative curricula, a class in adult education that meets the requirements of WAC 388-112-0400, or a train the trainer class for the curriculum they are teaching;

(B) For instructors teaching DSHS-developed developmental disabilities specialty training, successful completion of the DSHS-developed train the trainer.

(d) Instructors who will administer tests must have experience in assessment and competency testing.

(2) Instructors for caregiver developmental disabilities specialty training:

(a) Caregiver developmental disabilities specialty may be taught by a boarding home administrator (or designee),

adult family home provider, or corporate trainer, who has successfully completed the manager developmental disabilities specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.

(b) Caregiver developmental disabilities specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager developmental disabilities specialty in subsection (1).

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0395, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0400 What must be included in a class on adult education? A class on adult education must include content, student practice, and evaluation of student skills by the instructor in:

- (1) Adult education theory and practice principles;
- (2) Instructor facilitation techniques;
- (3) Facilitating learning activities for adults;
- (4) Administering competency testing; and
- (5) Working with adults with special training needs (for example, English as a second language or learning and literacy issues).

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0400, filed 7/11/02, effective 8/11/02.]

SECTION XIV—PHYSICAL RESOURCES AND STANDARD PRACTICES FOR TRAINING

WAC 388-112-0405 What physical resources are required for basic, modified basic, specialty, or nurse delegation core classroom training and testing? (1) Classroom space used for basic, modified basic, specialty, or nurse delegation core classroom training must be accessible to trainees and provide adequate space for learning activities, comfort, lighting, lack of disturbance, and tools for effective teaching and learning such as white boards and flip charts. Appropriate supplies and equipment must be provided for teaching and practice of caregiving skills in the class being taught.

(2) Testing sites must provide adequate space for testing, comfort, lighting, and lack of disturbance appropriate for the written or skills test being conducted. Appropriate supplies and equipment necessary for the particular test must be provided.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0405, filed 7/11/02, effective 8/11/02.]

WAC 388-112-0410 What standard training practices must be maintained for basic, modified basic, specialty, or nurse delegation core classroom training and testing? The following training standards must be maintained for basic, modified basic, specialty or nurse delegation core classroom training and testing:

- (1) Training, including all breaks, must not exceed eight hours within one day;

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(2) Training provided in short time segments must include an entire unit, skill or concept;

(3) Training must include regular breaks; and

(4) Students attending a classroom training must not be expected to leave the class to attend to job duties, except in an emergency.

[Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. 02-15-066, § 388-112-0410, filed 7/11/02, effective 8/11/02.]

**Chapter 388-145 WAC
EMERGENCY RESPITE CENTERS**

WAC

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PURPOSE

WAC 388-145-0010 What is the purpose of this chapter? The department issues or denies a license on the basis of compliance with licensing requirements. This chapter defines general and specific licensing requirements for emergency respite centers. Unless noted otherwise, these requirements apply to people who want to be licensed or relicensed to provide facility-based emergency respite care.

The department is committed to ensuring that children who receive emergency respite care experience health, safety, and well-being. We want these children's experiences to be beneficial to them not only in the short term, but also in the long term. Our licensing requirements reflect our commitment to children.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0010, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0020 What definitions apply to this chapter? The following definitions are important to understand these rules:

"Abuse or neglect" means injury, sexual abuse, sexual exploitation, negligent treatment or mistreatment of a child where the child's health, welfare and safety are harmed.

"Capacity" means the maximum number of children that a facility is licensed to care for at a given time.

"Children" or **"youth,"** means individuals who are:

- (1) Under eighteen years old, including expectant mothers under eighteen years old; or
- (2) Up to twenty-one years of age with developmental disabilities.

"Child-placing agency" means an agency licensed to place children for temporary care, continued care, or adoption.

"Compliance agreement" means a written licensing improvement plan to address specific skills, abilities, or other issues of a fully licensed facility to maintain and/or increase the safety and well-being of children in their care.

"DCCCEL" means the division of child care and early learning. DCCCEL licenses child care homes and child care centers.

"DCFS" means the division of children and family services.

"DDD" means the division of developmental disabilities.

"DSHS" or **"department"** means the department of social and health services (DSHS).

"DLR" means the division of licensed resources.

"DOH" means the department of health.

"ERC" or **"emergency respite center"** is an agency that may be commonly known as a crisis nursery that pro-

vides emergency or crisis care for children to prevent child abuse or neglect.

"Firearms" means guns or weapons, including but not limited to the following: BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, and shotguns.

"Hearing" means the department's administrative review process.

"I" refers to anyone who operates or owns emergency respite center.

"Individual with developmental disabilities" means an individual who meets the eligibility requirements in RCW 71A.10.020 and WAC 388-825-030 for services. A developmental disability is any of the following: Mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition described in WAC 388-825-030. These conditions must originate before the age of eighteen years; be expected to continue indefinitely; and result in a substantial handicap.

"Infants" means children under one year of age.

"License" means a permit issued by the department affirming that a facility meets the licensing requirements.

"Licensor" means a division of licensed resources (DLR) employee at DSHS who:

- (1) Approves licenses or certifications for group facilities; and
- (2) Monitors facilities to ensure that they continue to meet health and safety requirements.

"Nonambulatory" means not able to walk.

"Nonmobile" refers to children who are not yet walking, are unable to walk, or unable to use a wheelchair or other device to move about freely.

"Premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Probationary license" means a license issued as a disciplinary measure to an individual or agency that has previously been issued a full license but is out of compliance with licensing standards.

"Respite" means brief, relief care provided to parents or legal guardians with the child care provider fulfilling some or all of the functions of the care-taking responsibilities of the parent or guardian.

"Severe developmental disabilities" means significant disabling, physical and/or mental condition(s) that cause a child to need external support for self-direction, self-support and social participation.

"Universal precautions" is a term relating to procedures designed to prevent transmission of bloodborne pathogens in health care and other settings. Under universal precautions (sometimes call standard precautions), blood or other potentially infectious materials of all patients should always be considered potentially infectious for HIV and other pathogens. Individuals should take appropriate precautions using personal protective equipment like gloves to prevent contact with blood.

"Washington state patrol fire protection bureau" is the name of the state agency commonly called the **"state fire marshal"** with authority and responsibility for the inspection of life and fire safety of facilities caring for six or more children.

"We" or "our" refers to the department of social and health services, including DLR licensors and DCFS social workers.

"You" refers to anyone who operates an emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0020, filed 3/26/03, effective 4/26/03.]

GENERAL INFORMATION

WAC 388-145-0030 What is an emergency respite center? An emergency respite center is an agency that may be commonly known as a crisis nursery, which provides emergency or crisis care for nondependent children to prevent abuse and/or neglect for up to seventy-two hours.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0030, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0040 What services may be provided or arranged for by the emergency respite center? An emergency respite center may provide the following:

- (1) The provision of direct child care;
- (2) A family assessment;
- (3) Appropriate community service referrals; and/or
- (4) Family support services.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0040, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0050 Are there services an emergency respite center may not provide? The services provided by an emergency respite center may not substitute for those provided by:

- (1) Crisis residential centers;
- (2) HOPE centers; or
- (3) Any other services required under chapter 13.32A (Family reconciliation services) or 13.34 RCW (Child welfare).

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0050, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0060 What age children may a center serve? (1) Emergency respite centers may provide care for children from birth through seventeen years.

(2) There is one situation when an emergency respite center may provide care for a person eighteen through twenty years of age. That situation is when an eighteen through twenty-year old person is developmentally disabled and admitted with a sibling who is under eighteen.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0060, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0070 Who may place children at a center? A parent or legal guardian of a child may voluntarily place a child in an emergency respite center for up to seventy-two hours.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0070, filed 3/26/03, effective 4/26/03.]

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APPLICATION

WAC 388-145-0080 Is a license required? (1) In most situations, a license is required to provide child care at an emergency respite center.

(2) The department does not require licenses for people providing care in any of the situations defined in RCW 74.15.020(2). Examples are relatives, school nurseries, and hospitals.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0080, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0090 How old do I have to be to apply for a license? You must be at least twenty-one years old to apply for a license to provide care to children at an emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0090, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0100 What personal characteristics must a person have to provide care to children at a center? If a person is requesting a license or a position as an employee, volunteer, intern, or contractor in an emergency respite center, he/she must:

(1) Demonstrate an understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, and social needs of the children under his/her care.

(2) Be able to furnish the child with a nurturing, respectful, supportive, and responsive environment.

(3) Not have been disqualified by our background check (chapter 388-06 WAC) before having unsupervised access to children.

(4) Not have been found to have committed child abuse or neglect.

(5) Not have had a license denied or revoked from an agency that provides care to children or vulnerable adults, unless the department determines that the denial or revocation was not based on a factor that may pose a risk to the health, safety or welfare of children.

[Statutory Authority: RCW 74.15.030, 74.15.280. 05-11-008, § 388-145-0100, filed 5/4/05, effective 6/4/05. Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0100, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0110 What personal information may I be required to provide to be licensed? (1) The department may request additional information at any time and it may include, but is not limited to:

- (a) Substance and alcohol abuse evaluations and/or documentation of treatment;
- (b) Psychiatric evaluations;
- (c) Psycho-sexual evaluations; and
- (d) Medical evaluations and/or medical records.

(2) The applicant/licensees pays for any evaluation requested by the department.

(3) The applicant/licensee must give permission for the licensor to speak with the evaluator/provider before and after the evaluation.

(4) If an applicant or licensee refuses to comply with subsections (1), (2), or (3) of this section, then DLR may deny the application or revoke the license.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0110, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0120 How do I apply for a license? (1)

To apply for an emergency respite center license, the person or legal entity responsible for the center must send the application form to your licensor at DLR.

(2) With the application form, you must send the following information:

(a) Written verification for each applicant and staff person of completion of:

(i) A tuberculosis test or X ray unless you can demonstrate medical reasons prohibiting the test;

(ii) First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

(iii) HIV/AIDS and bloodborne pathogens training including infection control standards.

(b) A completed background check form for each applicant, staff person, board member, intern or volunteer on the premises who:

(i) Is at least sixteen years old; and

(ii) Has unsupervised access to children (emergency respite centers must comply with chapter 388-06 WAC regarding background checks).

(3) If you, any staff person, board member, intern, or volunteer has lived in Washington state less than three years and will have unsupervised access to children, you must provide us with a completed FBI fingerprint form.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0120, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0130 What is required to document completed background checks on staff? The licensee of an emergency respite center must keep a log of all background check results of employees, volunteers, and interns on the premises of the center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0130, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0140 What first aid and cardiopulmonary resuscitation (CPR) training is required? (1) You and your staff at an emergency respite center must have the following current first-aid and CPR training:

(a) Basic standard first aid; and

(b) Age-appropriate cardiopulmonary resuscitation (CPR).

(2) Approved first aid and CPR training must be in accordance with a nationally recognized standard.

(3) A person with first aid and CPR training must be on the premises of an emergency respite center at all times, when children are present.

(4) The requirement for CPR training may be waived for persons with a statement from their physician that the training is not advised for medical reasons. This person must not be the only person on the premises when children are present.

(5) You must keep records in your center showing who has completed current first aid and CPR training. This

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includes copies of the certificate of completion for the training for each staff person.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0140, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0150 What HIV/AIDS and bloodborne pathogens training is required? (1)

You must provide or arrange for training for yourself and your staff at an emergency respite center on infection control, prevention, transmission, and treatment of HIV and AIDS and bloodborne pathogens.

(2) You must use infection control requirements and educational material consistent with the approved current curriculum "*Know - HIV/AIDS Prevention Education for Health Care Facility Employees*," published by the department of health, office on HIV/AIDS.

(3) Child care workers and anyone else providing direct care to children at an emergency respite center must use universal precautions (see definitions) when coming in contact with the bodily fluids or secretions of a child.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0150, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0160 How long do I have to complete the licensing application packet? (1)

You must complete your licensing application with supporting documents, such as training certificates, within ninety days of first applying for your emergency respite center license.

(2) If you fail to meet this deadline and have not contacted your licensor, your licensor may consider your application withdrawn.

(3) If you are applying for a license renewal, you must send the application form to your licensor at least ninety days prior to the expiration of your current license.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0160, filed 3/26/03, effective 4/26/03.]

LICENSING AND PROGRAM APPROVAL

WAC 388-145-0170 Does the department need to approve the program I offer? (1)

The department must approve the program that you have developed for children under your care at an emergency respite center.

(2) You must send to DLR a detailed written program description outlining educational, recreational, and any therapeutic services you will provide to children and their families.

(3) A sample of the schedule of daily activities for children under care must be included with the program description.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0170, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0180 May a facility have more than one type of license? (1)

A facility-based emergency respite center licensed by the division of licensed resources may also be licensed as a child care center by the division of child care and early learning.

(2) The licensee must meet the requirements for both licenses and the have written approval for both licenses from each division.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0180, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0190 What hours may a center be open? An emergency respite center may choose to be open up to twenty-four hours a day, seven days a week.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0190, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0200 How does the department decide how many children a center may serve? (1) The department approves the number of children that an emergency respite center may serve based on an evaluation of these factors:

- (a) Physical accommodations in the center;
- (b) The number of staff, family members and volunteers available for providing care;
- (c) Your skills and the skills of your staff;
- (d) The ages and characteristics of the children you are serving;
- (e) The evaluation of fire safety by the Washington state patrol fire protection bureau; and
- (f) The evaluation of health and safety by the department of health.

(2) Based on the evaluation, the department may license you for the care of fewer children than your facility could house.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0200, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0210 Will the department grant exceptions to the licensing requirements? (1) At its discretion, the department may make exceptions to the licensing requirements for emergency respite centers. The exceptions:

- (a) Must regard only nonsafety requirements.
 - (b) Must not compromise the safety and well being of the children receiving care.
- (2) You must make a written request for an exception to the licensing requirements.
- (3) After granting an exception to a licensing requirement, the department may:
- (a) Limit or restrict your license; and/or
 - (b) Require you to enter into a compliance agreement to ensure the safety and well being of the children in your care.
- (4) You must keep a copy of the approved exception and any compliance agreement to the licensing requirements for your files.
- (5) You do not have appeal rights if the department denies your request for an exception to our requirements.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0210, filed 3/26/03, effective 4/26/03.]

CORRECTIVE ACTION

WAC 388-145-0220 Does the department issue probationary licenses? (1) The department may issue an emergency respite center a probationary license as part of a corrective action plan with a licensed provider.

(2) The department must base its decision about whether to issue a probationary license on the following:

- (a) Intentional or negligent noncompliance with the licensing rules;
 - (b) A history of noncompliance with the rules;
 - (c) Current noncompliance with the rules;
 - (d) Evidence of a good faith effort to comply; and
 - (e) Any other factors relevant to the specific situation.
- (3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0220, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0230 When is a license denied, suspended or revoked? (1) An emergency respite center license must be denied, suspended or revoked if the department decides that you cannot provide care for children in a way that ensures their safety, health and well-being.

(2) The department must deny, suspend, or revoke your license for any of the reasons that follow:

(a) Your facility fails to meet the health and safety requirements to receive a certificate of compliance as required by the department of health and/or Washington state patrol fire protection bureau.

(b) You or anyone on the premises have been disqualified by your background check (see chapter 388-06 WAC).

(c) You or anyone on the premises have been found to have committed child abuse or neglect, or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(d) You or anyone on the premises had a license denied or revoked from an agency that provided care to children or vulnerable adults, unless the department determines that the denial or revocation was not based on a factor that may pose a risk to the health, safety or welfare of children.

(e) You try to get a license deceitfully, such as making false statements or leaving out important information on the application.

(f) You commit, permit or assist in an illegal act on the premises of an emergency respite center providing care to children.

(g) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(h) You knowingly allowed employees or volunteers with false statements on their applications to work at your agency.

(i) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

(j) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(k) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

(l) You have failed to comply with the federal and state laws for any Native American children that you have under care.

[Statutory Authority: RCW 74.15.030, 74.15.280. 05-11-008, § 388-145-0230, filed 5/4/05, effective 6/4/05. Statutory Authority: RCW 74.15.280,

74.15.020 and 2001 c 230. 03-08-026, § 388-145-0230, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0240 Are there any other reasons that could potentially cause me to lose my license? (1) The department may suspend or revoke your emergency respite center license if you go beyond the conditions of your license by:

- (a) Having more children than your license allows; or
- (b) Having children with ages different than your license allows.

(2) The department also may suspend or revoke your license if you:

- (a) Fail to provide a safe, healthy and nurturing environment for children under your care; or
- (b) Fail to comply with any of our other licensing requirements.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0240, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0250 What happens when a licenser is notified that a licensee has received a noncompliance support order from the division of child support? (1) The department must suspend an emergency respite care license, if the licenser receives a notice from the division of child support that the licensee is not in compliance with a support order under authority of RCW 43.20A.205 and 74.20A.320.

(2) In this situation, the suspension of a center license, for noncompliance of a support order, would be effective on the date the licensee receives a notice from the licenser.

(3) The license remains suspended until the licensee provides proof that he or she is in compliance with the child support order.

(4) The licensee does not have a right to an administrative hearing based on a suspension of the center license due to noncompliance of a child support order.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0250, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0260 How will the department notify me if my license is denied, suspended, or revoked? (1) The department sends you a certified letter informing you of any decision to deny, suspend or revoke your emergency respite center license.

(2) In the letter, the department also informs you what you may do if you disagree with the decision of the department to deny, suspend or revoke your emergency respite center license.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0260, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0270 What may I do if I disagree with the department's decision to deny, suspend or revoke my license? (1) You have the right to appeal any decision the department makes to deny, suspend, or revoke your emergency respite center license. The exception is outlined in WAC 388-145-0250 and deals with noncompliance of a child support order.

(2) Your right to appeal and the procedures for that process are outlined in RCW 43.20A.205 and 74.14.130, chapter 34.05 RCW, and chapter 388-02 WAC.

(2009 Ed.)

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0270, filed 3/26/03, effective 4/26/03.]

POSTING LICENSE AND REPORTING CHANGES

WAC 388-145-0280 Where do I post my license? You must post your emergency respite center license where the public can easily view it.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0280, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0290 What changes to my center must I report to my licenser? (1) You must report to your licenser immediately any changes in the original emergency respite center licensing application. This includes changes in:

- (a) Your location or designated space, including address;
- (b) Your phone number;
- (c) The maximum number, age ranges, and sex of children you wish to serve; or
- (d) The structure of your facility or on the premises from events causing damage, such as a fire, or from remodeling.

(2) A license is valid only for the person or organization named on the license at a specific address. If you operate an emergency respite center, you must also report any of the following changes to your licenser:

- (a) A change of your agency's executive director;
- (b) The death, retirement, or incapacity of the person who holds the license;
- (c) A change in the name of a licensed corporation, or the name by which your center is commonly known; or
- (d) Changes in an agency's articles of incorporation and bylaws that apply to the operation or the license of the facility.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0290, filed 3/26/03, effective 4/26/03.]

FIRE SAFETY

WAC 388-145-0300 Must I comply with the requirements of the Washington state patrol fire protection bureau to receive a license? (1) An emergency respite center must comply with the requirements for fire safety of the Washington state patrol fire protection bureau under WAC 212-12-210.

(2) The Washington state patrol fire protection bureau will issue a notice of approval for licensing to the licensing agency when you have met their requirements for fire safety.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0300, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0310 Do I need to notify the local fire department of the location of my center? You must notify the local fire authority of the location of your emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0310, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0320 Are local ordinances part of the licensing requirements? (1) Local ordinances (laws), such as zoning regulations and local building codes, are outside

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the scope of the licensing requirements for an emergency respite center.

(2) The department may require you to provide proof that you have met local ordinances.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0320, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0330 Are there other fire safety requirements for inside a center? An emergency respite center must comply with the fire safety requirements that follow.

(1) Every sleeping room used by children under care must have at least one operable window or door approved for emergency escape or rescue that must open directly into a public street, public alley, yard, or exit court.

(2) Centers with floors located more than four feet above or below grade (one-half story) must not be used for care of nonambulatory children.

(3) Emergency windows must:

(a) Be operable from the inside to provide a full, clear opening without the use of separate tools;

(b) Have a minimum net clear open area of 5.7 square feet;

(c) Have a minimum net clear open height dimension of twenty-four inches;

(d) Minimum net clear open width dimension of twenty inches;

(e) Have a finished sill height of not more than forty-four inches above the floor.

(4) No child may occupy a space that is accessible only by a ladder, folding stairs, or a trap door.

(5) Every bathroom door lock must be designed to permit the opening of the locked door from the outside.

(6) Every closet door latch must be designed to open from the inside.

(7) Open-flame devices and fireplaces, heating and cooking appliances, and products capable of igniting clothing must not be left unattended or used incorrectly.

(8) Fireplaces, wood stoves and other heating systems that have a surface hot enough to cause a burn must have a barrier to prevent access by children under age six years.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0330, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0340 What are the requirements for smoke detectors? (1) Emergency respite centers licensed for sixteen or more residents must have an approved automatic and manual fire alarm system.

(2) Operation of any fire alarm activating device must automatically, without delay, activate off-site monitoring and signal a general alarm indication and sound an audible alarm throughout the building or affected part of the building.

(3) Emergency respite centers licensed for fewer than sixteen persons must have smoke detectors installed in all sleeping room, corridors, and in areas separating use areas from sleeping areas.

(4) Smoke detectors must be installed following the approved manufacturer's instructions.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0340, filed 3/26/03, effective 4/26/03.]

[Title 388 WAC—p. 728]

WAC 388-145-0350 What are the requirements for a fire evacuation plan? (1) You must develop a written fire evacuation plan for your emergency respite center.

(2) The evacuation plan must include:

(a) An evacuation floor plan, identifying exit doors and windows;

(b) Action that the person discovering a fire must take;

(c) Methods for sounding an alarm on the premises;

(d) Ways to evacuate the building that ensures responsibility for children; and

(e) Action that staff must take while waiting for the fire department.

(3) The plan must be posted at each exit door.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0350, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0360 What fire prevention measures must I take? The department requires that you must take the following fire prevention measures for your emergency respite center:

(1) You must assure that furnace rooms are:

(a) Maintained free of lint, grease, and rubbish; and

(b) Suitably isolated, enclosed, or protected.

(2) Flammable or combustible materials must be stored away from exits and in areas that are not accessible to children. Combustible rubbish must not be allowed to collect and must be removed from the building or stored in closed, metal containers away from building exits.

(3) All trash must be removed daily from the building and thrown away in a safe manner outside the building. All containers used for the disposal of waste material must consist of noncombustible materials and have tops.

(4) All electrical motors must be kept free of dust.

(5) Open-flame devices capable of igniting clothing must not be left on, unattended or used in a manner that could result in an accidental ignition of children's clothing.

(6) Candles must not be used.

(7) All electrical circuits, devices and appliances must be properly maintained. Circuits must not be overloaded. Extension cords and multiplug adapters must not be used in place of permanent wiring and proper outlets.

(8) Fireplaces, woodstoves, and similar devices must be installed and approved according to the rules that were in effect at the time of installation (see the local building permit). These devices must be properly maintained and must be cleaned and certified at least once a year or maintained according to the manufacturer's recommendations.

(9) Separate hazardous areas by at least a "one-hour" fire-resistant wall. Hazardous areas include rooms or spaces containing:

(a) A commercial-type cooking kitchen;

(b) A boiler;

(c) A maintenance shop;

(d) A janitor closet;

(e) A woodworking shop;

(f) A vehicle garage;

(g) Flammable or combustible materials; or

(h) Painting operations.

(10) The department does not require a fire-resistant wall when:

(a) A kitchen contains only a domestic cooking range; and

(b) Food preparation does not produce smoke or grease-laden vapors.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0360, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0370 What are the requirements for fire drills? (1) You must conduct monthly fire drills to test and practice the evacuation procedures.

(2) The monthly fire drill must be conducted on each shift, so that each person providing care to children participates in the drill.

(3) You must consult with and follow the Washington state patrol fire protection bureau protocol for "mock" fire drills, if you care for nonambulatory children.

(4) You must maintain a written record on the premises that indicates the date and time that drill practices were completed at your emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0370, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0380 What fire safety procedures do center staff need to know? You and your staff at an emergency respite center must be familiar with:

(1) Safety procedures related to fire prevention; and

(2) All aspects of a fire drill.

(3) Your and your staff must be able to:

(a) Operate all fire extinguishers installed on the premises;

(b) Test smoke detectors (single station types);

(c) Conduct frequent inspections of the facility to identify fire hazards; and

(d) Correct any hazards noted during the inspection.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0380, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0390 What are the requirements for fire sprinkler systems? (1) Where a sprinkler system is required, a system complying with the uniform building code standards must be installed.

(2) A Washington state licensed fire sprinkler contractor must annually test and certify sprinkler systems installed in an emergency respite center for fire prevention.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0390, filed 3/26/03, effective 4/26/03.]

HEALTH AND ENVIRONMENT

WAC 388-145-0400 Does an ERC need approval from the department of health to operate? (1) An emergency respite center must receive a certificate of compliance from the department of health before the department (DSHS) will issue an emergency respite center license.

(2) The department of health (DOH) conducts the health and safety survey. A registered nurse (RN) and/or a public health sanitarian may complete the survey.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0400, filed 3/26/03, effective 4/26/03.]

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WAC 388-145-0410 What are the physical structure safety requirements for a center? You must keep the equipment and the physical structures in your emergency respite center safe and clean for the children you serve. You must:

(1) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair.

(2) Provide handrails for steps, stairways, and ramps, if required by the department.

(3) Have emergency lighting devices available and in operational condition.

(4) Furnish your center appropriately, based on the age and activities of the children under care.

(5) Have washable, water-resistant floors in your center bathrooms, kitchens, and any other rooms exposed to moisture. The department may approve washable, short-pile carpeting that is kept clean and sanitary for your facility's kitchens.

(6) Provide tamper proof or tamper resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other persons with limited mental capacity or who might be endangered by access to them.

(7) Have easy access to rooms occupied by children in case an emergency arises. Some examples are bedrooms, toilet rooms, shower rooms, and bathrooms.

(8) Have a written disaster plan for emergencies such as fire and earthquakes.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0410, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0420 What are the requirements for the location of a center? (1) Your center must be located on a well-drained site, free from hazardous conditions. Some examples of hazards are natural or man-made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

(2) The safety of the children in care is paramount. You must discuss with the licensor any potential hazardous conditions, considering the children's ages, behaviors, and abilities.

(3) If the department decides that hazardous conditions are present at the emergency respite center, a supervision plan must be written for the children in care.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0420, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0430 What are the requirements for emergency aid vehicle access to my center? (1) Your emergency respite center must be accessible to emergency vehicles.

(2) Your address must be clearly visible on the facility or mailbox so that firefighters or medics can easily find your center location.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0430, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0440 What steps must I take to ensure children's safety around outdoor bodies of water? (1) You must ensure children in your care at an emergency respite center are safe around bodies of water.

(2) On a daily basis, you must empty and clean any portable wading pool that children use.

(3) When they are swimming, wading, or near a body of water, children under twelve must be in continuous visual or auditory range at all times by an adult with current first aid and age appropriate CPR.

(4) You must ensure age and developmentally appropriate supervision of any child that uses hot tubs, swimming pools, spas, and other man-made and natural bodies of water.

(5) You must lock hot tubs and spas when they are not in use.

(6) You must place a fence designed to discourage climbing and have a locking gate around a pool. The pool must be inaccessible to children when not in use.

(7) A certified lifeguard must be on duty when children are using a public or private swimming pool.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0440, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0450 What measures must I take for pest control? You must make reasonable attempts, using the least toxic methods, to keep the premises of the emergency respite center free from pests. This includes rodents, flies, cockroaches, fleas, and other insects.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0450, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0460 What are the requirements regarding pets and animals at a center? (1) In an emergency respite center, you must not have any common household pets, exotic pets, other animals, birds, insects, reptiles, or fish that are dangerous or provide a risk to the children in care.

(2) Common household pets, exotic pets, animals, birds, insects, reptiles, and fish must:

(a) Be cared for in compliance with state regulations and local ordinances; and

(b) Be free from disease and cared for in a safe and sanitary manner.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0460, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0470 Are alcoholic beverages allowed at a center? You can not have alcohol on the premises of an emergency respite center. The staff of the center may not consume alcohol on the premises or during breaks.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0470, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0480 Is smoking permitted around children? (1) You must prohibit smoking in the emergency respite center and in motor vehicles while transporting children.

(2) You may permit adults to smoke outdoors away from children.

(3) Nothing in this section is meant to interfere with traditional or spiritual Native American ceremonies involving the use of tobacco.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0480, filed 3/26/03, effective 4/26/03.]

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WAC 388-145-0490 May I have firearms at a center? The department prohibits firearms, ammunition, and other weapons on the premises of an emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0490, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0500 May I use wheeled baby walkers? The department prohibits the use of wheeled baby walkers in an emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0500, filed 3/26/03, effective 4/26/03.]

STORAGE OF MEDICATIONS AND CHEMICALS

WAC 388-145-0510 Are there requirements for the storage of medications? At an emergency respite center:

(1) You must keep all medications, including pet medications, vitamins and herbal remedies, in locked storage.

(2) You must store external medications separately from internal medications.

(3) You must store medications according to the manufacturer or pharmacy instructions.

(4) Pet and human medications must be stored in separate places.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0510, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0520 Are there requirements for storing dangerous chemicals or other substances? (1) At an emergency respite center, you must store the following items in a place that is not accessible to children, persons with limited mental capacity, or anyone who might be endangered by access to the following products:

(a) Cleaning supplies;

(b) Toxic or poisonous substances;

(c) Aerosols; and

(d) Items with warning labels.

(2) When containers are filled with toxic substances from a stock supply, you must label the containers filled from a stock supply.

(3) Toxic substances must be stored separately from food items.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0520, filed 3/26/03, effective 4/26/03.]

FIRST-AID SUPPLIES

WAC 388-145-0530 Are first-aid supplies required?

(1) At an emergency respite center, first-aid supplies must be kept on hand for immediate use, including nonexpired syrup of ipecac that is to be used only when following the instruction of the poison control center.

(2) The following first-aid supplies must be kept on hand:

(a) Barrier gloves and one-way resuscitation mask;

(b) Bandages;

(c) Scissors and tweezers;

(d) Ace bandage;

(e) Gauze;

(f) Thermometer; and

(g) A first-aid manual.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0530, filed 3/26/03, effective 4/26/03.]

MEDICAL CARE AND MEDICATION MANAGEMENT

WAC 388-145-0540 What are the requirements for medical policies and procedures for a center? (1) Emergency respite centers must have written policies and procedures about the control of infections. These policies must include, but are not limited to, the following areas:

- (a) Isolation;
 - (b) Aseptic procedures;
 - (c) Reporting communicable diseases;
 - (d) Hygiene, including hand washing, using the toilet, diapering, and laundering.
- (2) Emergency respite centers must maintain current written medical policies and procedures to be followed on:
- (a) Prevention of the transmission of communicable diseases including:
 - (i) Handwashing for staff and children;
 - (ii) Management and reporting of communicable diseases.
 - (b) Medication management, including steps to be taken if medication is incorrectly administered;
 - (c) First aid;
 - (d) Care of minor illnesses;
 - (e) Actions to be taken for medical emergencies;
 - (f) Infant care procedures when infants are under care; and
 - (g) General health practices.
- (3) You must arrange to have one of the following help you develop and periodically review your medical policies and procedures:
- (a) An advisory physician,
 - (b) A physician's assistant, or
 - (c) A registered nurse.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0540, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0550 Must all children accepted for care have current immunizations? Emergency respite centers may accept a child who is not current with immunizations for care at an emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0550, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0560 What must I do to prevent the spread of infections and communicable diseases? (1) You must take precautions to guard against infections and communicable diseases infecting the children under care in an emergency respite center.

(2) Staff with a reportable communicable disease in an infectious stage, as defined by the department of health, must not be on duty until they have a physician's approval for returning to work.

(3) Each center that cares for medically fragile children must have an infection control program supervised by a registered nurse.

(4) Applicants for a license or adults authorized to have unsupervised access to children in a center must have a tuber-

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culin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

- (a) The person has evidence of testing within the previous twelve months;
 - (b) The person has evidence that they have a negative chest X ray since previously having a positive skin test;
 - (c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.
- (5) The department does not require a tuberculin skin test if:
- (a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or
 - (b) A physician indicates that the test is medically inadvisable.
- (6) Persons whose tuberculosis skin test is positive must have a chest X ray within thirty days following the skin test.
- (7) The department does not require retesting at the time of license renewal, unless the licensee or staff person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0560, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0570 How do I manage medications for children? You must meet specific requirements for managing prescription and nonprescription medication for children under your care. The requirements are:

- (1) Only you or another authorized care provider may give or have access to medications for the child under your care.
- (2) Only you or another authorized care provider may give prescription and nonprescription medications. Written approval of the child's parent or legal guardian is required to give the child any medication.
- (3) You must keep a record of all medications you give a child.

(4) You or another authorized care provider must contact a pharmacist or the department of health regarding the proper disposal of medications that are not returned to the parent or legal guardian of the child.

(5) You must give certain classifications of nonprescribed medications, only with the dose and directions on the manufacturer's label for the age and /or weight of the child needing the medication. These nonprescribed medications include but are not limited to:

- (a) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;
- (b) Nonnarcotic cough suppressants;
- (c) Decongestants;
- (d) Antacids and anti-diarrhea medication;
- (e) Anti-itching ointments or lotions intended specifically to relieve itching;
- (f) Shampoo for the removal of lice;
- (g) Diaper ointments and powders intended specifically for use in the diaper area of children; and
- (h) Sun screen (for children over six months of age).

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0570, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0580 May I accept medicine from a child's parent or guardian? The only medicine you may accept from the child's parent or legal guardian is medicine in the original container labeled with:

- (1) The child's first and last names;
- (2) The date the prescription was filled;
- (3) The medication's expiration date; and
- (4) Legible instructions for the administration of the drug (manufacturer's instructions or prescription label).

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0580, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0590 When may children take their own medicine? (1) You may permit children under your care to take their own medicine as long as:

- (a) They are physically and mentally capable of properly taking the medicine; and
- (b) The child's parent or legal guardian approves in writing.

(2) You must keep the written approval by the child's parent or legal guardian in your records.

(3) When children take their own medication, the medication and medical supplies must be kept locked or inaccessible to other children and unauthorized persons.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0590, filed 3/26/03, effective 4/26/03.]

FOOD/DIET/MENUS

WAC 388-145-0600 Are there general menu requirements? The department has menu requirements for emergency respite centers.

(1) Your program must be in compliance with the department of health standards in chapter 246-215 WAC on food service sanitation.

(2) You must prepare and date daily menus, including snacks, at least one week in advance.

(3) You must provide for the proper storage, preparation, and service of food to meet the needs of the program.

(4) A menu must specify a variety of foods for adequate nutrition and meal enjoyment.

(5) You must keep the menus on file for a minimum of six months so that we can review your menus.

(6) You must post each person's dietary restrictions, if any, for staff to follow.

(7) You must post a schedule of mealtimes.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0600, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0610 How often must I feed children at a center? (1) You must provide all children a minimum of three meals in each twenty-four hour period. You may vary from this guideline only if you write to your licensor requesting a change and the request is approved by DLR.

(2) The time interval between the evening meal or snack and breakfast must not be more than fourteen hours.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0610, filed 3/26/03, effective 4/26/03.]

[Title 388 WAC—p. 732]

WAC 388-145-0620 How do I handle a child's special diet? Unless a child is admitted to an emergency respite center with a written physician's order as medically necessary for the child, the following must not be served:

- (1) Nutrient concentrates, supplements, or amnio acids;
- (2) Vitamins; or
- (3) Modified diets.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0620, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0630 Do you have special requirements for serving milk? (1) You must serve only pasteurized milk or a pasteurized milk product.

(2) You may not serve the following types of milk to any child under twenty-four months of age unless you have written permission by a physician, or parent or legal guardian:

- (a) Skim milk;
- (b) Reconstituted nonfat dry milk; and
- (c) One and two percent butterfat milk.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0630, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0640 What home canned foods may I use? You may not serve home canned foods to children at an emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0640, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0650 What requirements must I meet for feeding babies? You must meet the following requirements for feeding babies:

(1) If more than one child is bottle-fed, all formulas must be in sanitized bottles with nipples and labeled with the child's name and date prepared.

(2) You must refrigerate filled bottles if the bottles are not used immediately. Contents must be discarded if not used within twenty-four hours.

(3) If you reuse bottles and nipples, you must sanitize them.

(4) Infants who are six months of age or over may hold their own bottles as long as an adult remains in the room, within eyesight. You must take bottles from the child when the child finishes feeding, or when the bottle is empty.

(5) You must not prop a bottle when feeding an infant.

(6) To prevent uneven heating, formula must not be warmed in a bottle used for feeding in a microwave oven.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0650, filed 3/26/03, effective 4/26/03.]

ROOM REQUIREMENTS

WAC 388-145-0660 Are there room requirements? (1) You must provide rooms that are ample in size and properly furnished for the number of children you serve at an emergency respite center.

(2) With more than twelve children, you must provide at least one separate indoor recreation area. Its size and location must be sufficient for the age and number of the children using it to engage in recreational and informal education activities.

(3) You must provide a room or area that is used as an administrative office. In addition, suitable offices must be provided for social service staff. In facilities caring for fewer than thirteen children, these offices may be combined with the administrative office.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0660, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0670 What does the room temperature at a center need to be? (1) You must maintain the temperature within your emergency respite center facility at a reasonable level while occupied. This would normally be a minimum of sixty-eight degrees Fahrenheit during awake hours and a minimum of sixty-five degrees Fahrenheit during sleeping hours.

(2) You must consider the age and needs of the children under your care in determining appropriate temperature.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0670, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0680 What are the kitchen requirements? (1) You must provide facilities to properly store, prepare, and serve food to meet the needs of the children under your care at your emergency respite center.

(2) All food service facilities and food handling practices must comply with rules and regulations of the state board of health governing food service sanitation (see chapter 246-215 WAC). This includes food handler's permit for all staff.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0680, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0690 May I use the kitchen for activities for children? Children are not allowed in the kitchen of an emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0690, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0700 May a room be used for more than one purpose? At your emergency respite center you may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided that:

(1) The room is of sufficient size; and

(2) The room's usage for one purpose does not interfere with usage of the room for another purpose.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0700, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0710 What are the general requirements for bedrooms? You must meet all the following requirements for bedrooms if you provide full-time care at an emergency respite center.

(1) An adult must be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping.

(2) Any room used for sleeping must be at least thirty-five square feet per child.

(3) Bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the occupants (normally, seven and a half feet); and

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(b) At least one window of not less than one-tenth of the required floor space that opens to the outside. This allows natural light into the bedroom and permits emergency access or exit.

(4) The number of beds allowed at an emergency respite center is established in consultation with the DOH surveyor for each facility.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0710, filed 3/26/03, effective 4/26/03.]

BEDS AND CRIBS

WAC 388-145-0720 What are the requirements for beds? (1) Children in overnight care must have their own bed at an emergency respite center. The bed must be at least twenty-seven inches wide with a clean and comfortable mattress in good condition.

(2) For each child in care, you must provide a pillow and pillowcase, blankets, and sheets.

(3) Pillows must be covered with waterproof material or be washable.

(4) Bedding must be clean.

(5) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

(6) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of children.

(7) You must not allow children to use the loft style beds or upper bunks of double-deck beds if using them due to age, development or condition could hurt them. Examples: Pre-school age children and children with disabilities.

(8) If a cot is used as the bed, the licensee must ensure the child's cot is of sufficient length and width, and constructed to provide adequate comfort for the child to sleep. The licensee must ensure that the cot surface is of a material that can be cleaned with a detergent solution, disinfected, and allowed to air dry.

(9) You must not use canvas cots.

(10) A mat may be used for napping but not as a substitute for a bed.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0720, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0730 Are there requirements for the use of cribs? (1) You must provide an infant with a crib that ensures the safety of the infant and complies with chapter 70.111 RCW, Infant Crib Safety Act.

(2) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants less than six months of age.

(3) Cribs, infant beds, bassinets, and playpens must:

(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily sanitized; and

(b) Be made of wood, metal, or approved plastic with secure latching devices

(4) Crib bumpers, stuffed toys, and pillows must not be used in cribs, infant beds, bassinets, or playpens.

(5) You must follow the recommendation of the American Academy of Pediatrics, 1-800-505-CRIB, placing infants on their backs each time for sleep.

[Title 388 WAC—p. 733]

(6) The distance between each crib/bed must provide enough space for exiting and allow staff access to children. Normally, this would be thirty inches.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0730, filed 3/26/03, effective 4/26/03.]

DIAPER CHANGING AND BATHING FACILITIES

WAC 388-145-0740 What are the requirements for diapers and diaper-changing areas? At an emergency respite center, you must follow the requirements for diapers, diaper-changing rooms, and potty-chairs.

(1) You must separate diaper-changing areas from food preparation areas.

(2) You must sanitize diaper-changing areas between each use or you must use a nonabsorbent, disposable covering that is discarded after each use.

(3) For cleaning children, you must use either disposable towels or clean cloth towels that have been laundered between each use.

(4) You and any caregiver must wash hands before and after diapering each child.

(5) You must use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family.

(6) Diaper-changing procedures must be posted at the changing areas.

(7) Diaper-changing areas must be adjacent to a hand-washing sink.

(8) The staff must be within arms-length of the child being diapered at all times while changing diapers. The use of safety belts is prohibited.

(9) Diaper-changing tables or surfaces must have a barrier or edge that is a minimum of four inches above the pad or six inches above the top of the table.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0740, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0750 What are the requirements for bathing facilities? Emergency respite centers must comply with the requirements that follow.

(1) Bathing facilities must be inaccessible to children when not in use.

(2) Preschool age and younger children must be supervised while using bathing facilities.

(3) Bathing facilities must be equipped with a conveniently located grab bar or other safety device such as a non-skid pad.

(4) The ratio of bathing facilities to children in care must be 1:8.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0750, filed 3/26/03, effective 4/26/03.]

TELEPHONE/LIGHTING/VENTILATION/WATER/WASTE DISPOSAL

WAC 388-145-0760 Do I need a telephone? (1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) You must post emergency phone numbers next to the phone.

[Title 388 WAC—p. 734]

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0760, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0770 What are the lighting requirements? (1) You must locate light fixtures and provide lighting that promotes good visibility and comfort for the children under your care at your emergency respite center.

(2) Emergency respite centers must have nonhazardous light fixture covers or shatter resistant (or otherwise made safe) light bulbs or tubes.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0770, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0780 What are the requirements for ventilation? (1) You must ensure that your physical facility is ventilated for the health and comfort of the persons under your care at the emergency respite center.

(2) A mechanical exhaust fan to the outside must ventilate toilets and bathrooms, and utility rooms with mop sinks that do not have windows opening to the outside.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0780, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0790 What are the requirements about drinking water? (1) You must provide the following:

(a) A public water supply or a private water supply approved by the local health authority at the time of licensing or relicensing; and

(b) Disposable paper cups, individual drinking cups or glasses, or angled jet type drinking fountains.

(2) You must not use bubbler type fountains or common drinking cups.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0790, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0800 What are the requirements for sewage and liquid wastes? Emergency respite centers must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0800, filed 3/26/03, effective 4/26/03.]

LAUNDRY, SINKS, AND TOILETS

WAC 388-145-0810 What are the requirements for laundry facilities? The department has specific requirements for laundry facilities at an emergency respite center.

(1) You must have separate and adequate facilities for storing soiled and clean linen.

(2) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis.

(3) You must locate laundry equipment in an area separate from the kitchen and child care areas.

(4) Laundry equipment must be vented to the outdoors.

(5) You must make laundry equipment inaccessible to young children.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0810, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0820 What are the requirements for washing clothes? You must use an effective way to sanitize laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials at your emergency respite center. You must sanitize laundry through temperature control or the use of chemicals.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0820, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0830 Do I need a housekeeping sink? Facilities licensed to provide emergency respite care must have and use a housekeeping sink or DOH-approved method of drawing clean mop water and disposing of the wastewater.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0830, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0840 What are the requirements for handwashing sinks? (1) An emergency respite center must supply children with warm running water for handwashing. The water must be kept at a temperature range of not less than eighty-five degrees Fahrenheit and not more than one hundred and twenty degrees Fahrenheit.

(2) The children's handwashing facilities must be located in or adjacent to rooms used for toileting.

(3) The center must provide the child with soap and individual towels or other appropriate devices for washing and drying the child's hands and face.

(4) Handwashing sinks must be of appropriate height and size for children in care or your center must furnish safe, easily cleanable platforms impervious to moisture.

(5) An emergency respite center must provide a minimum of one handwashing sink:

(a) For every fifteen children normally on site during the day; and

(b) For every eight children normally on site overnight.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0840, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0850 What are the requirements for toilets? (1) An emergency respite center must provide a minimum of one indoor flush-type toilet:

(a) For every fifteen children normally on site during the day; and

(b) For every eight children normally on site overnight.

(2) Children eighteen months of age or younger and other children using toilet training equipment need not be included when determining the number of required flush-type toilet.

(3) If urinals are provided, the number of urinals must not replace more than one-third of the total required toilets.

(4) Privacy for toileting must be provided for children of the opposite sex who are six years of age and older and for other children demonstrating a need for privacy.

(5) A mounted toilet paper dispenser for each toilet must be provided.

(6) Toilets and urinals must be of appropriate height and size for children in care or your center must furnish safe, easily cleanable platforms impervious to moisture.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0850, filed 3/26/03, effective 4/26/03.]

(2009 Ed.)

WAC 388-145-0860 Must a center have toilet training equipment for children? (1) An emergency respite center must have developmentally appropriate toilet-training equipment, when the center serves children who are not toilet trained.

(2) The equipment must be sanitized after each child's use.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0860, filed 3/26/03, effective 4/26/03.]

INDOOR PLAY AREAS

WAC 388-145-0870 What are the requirements for indoor play areas? (1) The emergency respite center's indoor premises must contain adequate area for child play and sufficient space to house a developmentally appropriate program for the number and age range of children served.

(2) You must provide a minimum of thirty-five square feet of usable floor space per child, not counting bathrooms, hallways, and closets.

(3) You may use and consider the napping area as child care space, if there are not beds or cots on the floor space.

(4) Any room used for napping or sleeping must have a window to allow natural light into the room.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0870, filed 3/26/03, effective 4/26/03.]

OUTDOOR PLAY AREAS

WAC 388-145-0880 What are the requirements for an outdoor play area? (1) You must provide a safe and securely-fenced or department-approved, enclosed outdoor play area at an emergency respite center.

(2) The fenced or approved enclosed outdoor play area must prevent child access to roadways and other dangers.

(3) The fence or enclosure must protect the play area from unauthorized exit or entry. Any fence or enclosure must be designed to discourage climbing.

(4) The outdoor play area must adjoin directly the indoor premises or be reachable by a safe route and method.

(5) The outdoor play area must promote the child's active play, physical development, and coordination.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0880, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0890 What are the size requirements for an outdoor play area? (1) You must ensure the play area at an emergency respite center contains a minimum of seventy-five usable square feet per child.

(2) If not all of the children are using the outdoor play area at the same time, you may reduce the outdoor play area size by the number of children normally using the play area at one time.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0890, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0900 What are the requirements for playground equipment? (1) You must provide a variety of age appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities at an emergency respite center.

(2) You must arrange, design, construct, and maintain equipment and ground cover to prevent child injury.

(3) The quantity of outdoor play equipment must offer the child a range of outdoor play options.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0900, filed 3/26/03, effective 4/26/03.]

TRANSPORTATION

WAC 388-145-0910 Are there requirements to follow when I transport children? When you transport children under your care, you must follow these requirements.

(1) The vehicle must be kept in a safe operating condition.

(2) The driver must have a valid driver's license.

(3) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five preschool-aged children in the vehicle;

(b) Staff-to-child ratio guidelines or your contract require a second staff person; or

(c) The child's specific needs require a second adult person.

(4) The driver or owner of the vehicle must be covered under an automobile liability and insurance policy.

(5) Your vehicles must be equipped with seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law.

(6) The number of passengers must not exceed the vehicle's seat belts.

(7) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as appropriate for age, whenever the vehicle is in motion.

(8) Buses approved by the state patrol are not required to have seat belts.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0910, filed 3/26/03, effective 4/26/03.]

CLIENT RECORDS

WAC 388-145-0920 What does the department require for keeping client records? (1) Your records must be kept at your emergency respite center and contain, at a minimum, the following information:

(a) The child's name and birthdate;

(b) Daily attendance logs;

(c) A copy of any suspected child abuse and/or neglect referrals made to children's administration;

(d) Names, address and home and business telephone numbers of parents or persons to be contacted in case of emergency;

(e) Dates and illnesses or accidents while at the center;

(f) Medications and treatments given at the center;

(g) Facility and/or daily logs must have the signature of the person making the written entry;

(h) Health screening information including any allergy information; and

(i) Other information determined relevant by the department.

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(2) Identifying and personal information about the child and their family must be kept confidential, unless permission has been given for release by the parent.

(3) You must keep information about the child and their families in a secure place.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0920, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0930 What written information is needed before a child is admitted to a center? Before accepting a child for care at an emergency respite center you must obtain the following written consent and information from the parent or guardian:

(1) Permission from the child's parent or guardian authorizing the placement of their child;

(2) Permission to seek emergency medical care or surgery on behalf of their child;

(3) Basic family information, including address, telephone numbers, and emergency contact; and

(4) Basic medical information, including current medication, known allergies, and at-risk behaviors of the child.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0930, filed 3/26/03, effective 4/26/03.]

CLIENT PROTECTION

WAC 388-145-0940 What are the requirements for protecting a child under my care from abuse or neglect? As part of ensuring a child's health, welfare and safety, you must protect children under your care from all forms of child abuse or neglect (see RCW 26.44.020(12) and chapter 388-15 WAC for more details).

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0940, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0950 What are the nondiscrimination requirements? You must follow all state and federal laws regarding nondiscrimination while providing services to children in your care.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0950, filed 3/26/03, effective 4/26/03.]

WAC 388-145-0960 Do I have to admit or retain all children at the center? An emergency respite center has the right to refuse to admit or retain a child who can not be served safely or who may pose a risk to other children.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0960, filed 3/26/03, effective 4/26/03.]

CLIENT RIGHTS

WAC 388-145-0970 Do I have responsibility for a child's personal hygiene? (1) You must provide or arrange for children under your care to have items needed for grooming and personal hygiene.

(2) You must assist these children in using these items, based on the child's developmental needs.

(3) Clothing must be clean and age-appropriate.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0970, filed 3/26/03, effective 4/26/03.]

(2009 Ed.)

WAC 388-145-0980 Do I have responsibility for a child's personal items at the center? You must provide separate space for the storage of personal items such as clothing and toys, for each child at your emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0980, filed 3/26/03, effective 4/26/03.]

DISCIPLINE

WAC 388-145-0990 What requirements must I follow when disciplining children? (1) You are responsible for disciplining children in your care. This responsibility may not be delegated to a child.

(2) Discipline must be based on an understanding of the child's needs and stage of development.

(3) Discipline must be designed to help the child under your care to develop inner control, acceptable behavior and respect for the rights of others.

(4) Discipline must be fair, reasonable, consistent, and related to the child's behavior.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-0990, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1000 What types of disciplinary practices are forbidden? (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

- (a) Spanking children with a hand or object;
- (b) Biting, jerking, kicking, hitting, or shaking the child;
- (c) Pulling the child's hair;
- (d) Throwing the child;
- (e) Purposely inflicting pain as a punishment;
- (f) Name calling or using derogatory comments;
- (g) Threatening the child with physical harm;
- (h) Threatening or intimidating the child; or
- (i) Placing or requiring a child to stand under a cold water shower.

(2) You must not use methods that interfere with a child's basic needs. These include, but are not limited to:

- (a) Depriving the child of sleep;
- (b) Providing inadequate food, clothing or shelter;
- (c) Restricting a child's breathing;
- (d) Interfering with a child's ability to take care of their own hygiene and toilet needs; or
- (e) Providing inadequate medical or emergency dental care.

(3) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.

(4) You must not give one child's medications to another child.

(5) You must not use medication for behavior management unless a physician to control that child's behavior prescribes the medication.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1000, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1010 Does the department require a written statement describing my discipline methods? (1) You must provide a written statement describing the disci-

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pline methods you use with your application and reapplication for licensure.

(2) If your discipline methods change, you must immediately provide a new statement to your licensor describing your current practice.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1010, filed 3/26/03, effective 4/26/03.]

PHYSICAL RESTRAINT

WAC 388-145-1020 What types of physical restraint are acceptable? (1) You must use efforts other than physical restraint to redirect or deescalate a situation.

(2) If a child's behavior poses an immediate risk to physical safety, you may use a physical restraint on a child. The restraint must be reasonable and necessary to:

(a) Prevent a child on the premises from harming himself/herself or others; or

(b) Protect property from serious damage.

(3) You and the staff may use restraining techniques:

(a) If your emergency respite center provides care to school-age children only; and

(b) Is approved by DLR for the use of physical restraint.

You and your staff must be trained in accordance with the DLR behavior management policy before restraining a child in a nonemergency situation.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1020, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1030 What types of physical restraint are not acceptable for children? You must not use:

(1) Physical restraint as a form of punishment or discipline;

(2) Mechanical restraints, such as handcuffs and belt restraints;

(3) Locked time-out rooms; or

(4) Physical restraint techniques that restrict breathing, or inflict pain as a strategy for behavior control, or that might injure a child. These include, but are not limited to:

(a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;

(b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;

(c) Arm twisting;

(d) Hair holds;

(e) Choking or putting arms around the throat; or

(f) Chemical restraints, including but not limited to pepper spray.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1030, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1040 What must I do following an incident that involved using physical restraint? The director or program supervisor of an emergency respite center must review any incident with the staff who used physical restraint to ensure that the decision to use physical restraint and its application were appropriate.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1040, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1050 What incidents involving children must I report? (1) You or your staff at an emergency respite center must report any of the following incidents immediately to your local children's administration intake staff and the child's parent or legal guardian:

- (a) Any reasonable cause to believe that a child has suffered child abuse or neglect;
 - (b) Any violations of the licensing or certification requirements;
 - (c) Death of a child;
 - (d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;
 - (e) Any use of physical restraint that is alleged to be improper, excessive, or results in injury;
 - (f) Sexual contact between two or more children that is not considered typical play between preschool age children;
 - (g) Any disclosures of sexual or physical abuse by a child in care;
 - (h) Physical assaults between two or more children that result in injury requiring off-site medical treatment or hospitalization;
 - (i) Unexpected or emergent health problems that require off-site medical treatment;
 - (j) Any medication that is given incorrectly and requires off-site medical treatment; or
 - (k) Serious property damage that is a safety hazard and is not immediately corrected.
- (2) You or your staff must report immediately, any of the following incidents to the child's parent or legal guardian:
- (a) Suicidal/homicidal ideation, gestures, or attempts that do not require professional medical treatment;
 - (b) Unexpected health problems that do not require professional medical treatment;
 - (c) Any incident of medication administered incorrectly;
 - (d) Physical assaults between two or more children that resulted in injury but did not require professional medical treatment;
 - (e) Runaways; and
 - (f) Use of physical restraints for routine behavior management.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1050, filed 3/26/03, effective 4/26/03.]

STAFFING RATIO

WAC 388-145-1060 What is the ratio of child care staff to children at a center? At all times, emergency respite centers must have the following minimum staffing ratios:

- (1) At least two staff on duty when children are present; and
- (2) One child care staff providing visual or auditory supervision for every four children in care.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1060, filed 3/26/03, effective 4/26/03.]

SUPERVISION OF CHILDREN

WAC 388-145-1070 What are the requirements for supervision of children at a center? (1) Emergency respite centers must provide or arrange for care and supervision that

is appropriate for the child's age, developmental level, and condition.

(2) In emergency respite centers, children must be within visual and auditory range at all times.

(3) Emergency respite centers must supervise children who help with activities involving food preparation, based on their age and skills.

(4) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower at an emergency respite center.

(5) Staff, volunteers, and others caring for children at an emergency respite center must provide the children with:

- (a) Appropriate adult supervision;
- (b) Emotional support;
- (c) Personal attention; and
- (d) Structured daily routines and living experiences.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1070, filed 3/26/03, effective 4/26/03.]

STAFF POSITIONS AND QUALIFICATIONS

WAC 388-145-1080 What are the responsibilities of the director? (1) The director of an emergency respite center is responsible for the overall management of the center's facility and operation.

(2) The director serves as the administrator of the center.

(3) The director must ensure the emergency respite center complies with the licensing requirements contained in this chapter.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1080, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1090 Are there general qualifications for all staff in an emergency respite center? You, your staff, and other persons at an emergency respite center who have access to the children must be able to demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the children in care.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1090, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1100 What are the minimum qualifications and training requirements for center staff?

Position	Qualifications	Background Check	TB Test	Food Handlers Permit	First Aid and CPR	HIV/AIDS and Bloodborne Pathogens Training
Director or program supervisor	<ul style="list-style-type: none"> •Twenty-one years of age; •Bachelor's degree; or •Five years of experience in child development, social service or related field. 	X	X	X	X	X
Primary child care worker	<ul style="list-style-type: none"> •Twenty-one years of age; •High school diploma or GED; •Two years of experience caring for children; or •Twenty hours training child development. 	X	X	X	X	X
Child care assistant	<ul style="list-style-type: none"> •Eighteen years of age; •High school diploma or GED; •One year of experience caring for children; or •Twenty hours training if obtained within first year of employment. 	X	X	X	X	X
Work study students	<ul style="list-style-type: none"> •Sixteen years of age; •Involved in an education-related program; and •Supervised by primary or child care assistant. 	X	X	X	X	X
Case manager	Bachelor's degree in social services, child development, or related field; recommended position, not required.	X	X	X	X	X
Volunteers	<ul style="list-style-type: none"> •Sixteen years of age. •Supervised at all times. 	X	X	X	Recommended training	X

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1100, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1110 May one person hold two positions at a center? (1) The director and program supervisor may be one and the same person when qualified for both positions.

(2) The director and program supervisor may also serve as child care staff when the role does not interfere with the director's or program supervisor's management and supervisory responsibilities.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1110, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1120 Who must be on the premises while children are in care at a center? (1) The director, program supervisor, or case manager at an emergency respite center must normally be on the premises during daytime hours when children are in care.

(2) If temporarily absent (for two hours or less) from the center, the director and program supervisor must leave a

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competent, designated staff person in charge. This person must meet the qualifications of primary child care staff person.

(3) During evening, overnight, and weekend shifts, at least one of the staff on the premises must be a primary child care worker when children are present. The other staff may be a child care assistant. The director, program supervisor, or case manager must be on-call and able to respond by telephone within fifteen minutes.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1120, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1130 Are child care assistants allowed to provide care to a group of children without supervision? (1) You may assign a child care assistant to support lead child care staff at an emergency respite center.

[Title 388 WAC—p. 739]

(2) No person under eighteen years of age may be assigned sole responsibility for a group of children at an emergency respite center.

(3) Any child care assistant under twenty-one years old may care for a child or group of children without direct supervision for up to fifteen minutes.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1130, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1140 Are volunteers allowed to provide child care to children without supervision? The volunteer at an emergency respite center must care for a child only under the direct supervision of the primary child care staff person or program director.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1140, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1150 Do volunteers count in the staff-to-child ratio respite center? You may count the volunteer in the staff-to-child ratio when the volunteer meets the required staff qualifications at an emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1150, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1160 Are professional consultants and case managers needed? (1) Emergency respite centers may have consultants and case managers available, as needed, to work with the staff, the children you serve, and the children's families. Any consultants or case managers must meet the full professional competency requirements in their respective fields. The consultants and case managers must have:

(a) The training, experience, knowledge and demonstrated skills in each area that he or she will be advising;

(b) The ability to ensure that your staff develop their skills and understanding needed to effectively manage their cases;

(c) Knowledge of mandatory child abuse and neglect reporting requirements; and

(d) Training and experience in early childhood education.

(2) Consultants and case managers may be hired as staff or operate under a contract with an emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1160, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1170 What clerical, accounting and administrative services do I need? You must have sufficient clerical, accounting and administrative services to maintain proper records and carry out your program at an emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1170, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1180 What support and maintenance staff do I need? You must have sufficient support and maintenance services to maintain and repair your facility and prepare and serve meals at an emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1180, filed 3/26/03, effective 4/26/03.]

[Title 388 WAC—p. 740]

ON-GOING STAFF TRAINING

WAC 388-145-1190 Is in-service training required for staff? (1) You must offer in-service training programs for developing and upgrading staff skills.

(2) If you have five or more employees or volunteers, your training plan must be in writing.

(3) You must discuss with the staff your policies and procedures as well as the rules contained in this chapter.

(4) You must provide or arrange for your staff to have training for the services that you provide to children under your care.

(5) Your training on behavioral management must be approved by DLR and must include nonphysical age-appropriate methods of redirecting and controlling behavior, as described in the department's behavior management policy.

(6) Your training must include monthly practice of fire drills and disaster training for each staff.

(7) You must record the amount of time and type of training provided to staff.

(8) This information must be kept in each employee's file or in a separate training file.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1190, filed 3/26/03, effective 4/26/03.]

PROGRAM ACTIVITIES AND TOYS

WAC 388-145-1200 What are the requirements for an activity program? (1) You must provide an activity program at an emergency respite center that is designed to meet the developmental, cultural, and individual needs of the children served at an emergency respite center.

(2) You must ensure the emergency respite center's activity program allows time for children to have daily opportunities for small and large muscle activities and outdoor play.

(3) You must provide a written outline of planned activities, allowing flexibility for special events and specific child circumstances.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1200, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1210 What activities must I provide to children? (1) Activities must be designed for the developmental stages of the children you serve at an emergency respite center, allowing a balance between:

(a) Child-initiated and staff-initiated activities;

(b) Free play and organized events;

(c) Individual and group activities; and

(d) Quiet and active experiences.

(2) You must ensure that children at an emergency respite center are grouped to ensure the safety of children.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1210, filed 3/26/03, effective 4/26/03.]

WAC 388-145-1220 What types of toys must I provide? (1) You must provide safe and suitable toys and equipment for all children in your care at an emergency respite center.

(2) You must have toys that relate to the different developmental stages of the children you serve at an emergency respite center.

[Statutory Authority: RCW 74.15.280, 74.15.020 and 2001 c 230. 03-08-026, § 388-145-1220, filed 3/26/03, effective 4/26/03.]

Chapter 388-147 WAC

LICENSING REQUIREMENTS FOR PREGNANT AND PARENTING TEEN PROGRAMS AND FACILITIES

WAC

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AUTHORITY

WAC 388-147-0010 What authority does the department of social and health services have to license residential programs for pregnant and parenting teens and their

children? (1) The rules are adopted under authority of chapter 74.15 RCW.

(2) The rules in this chapter are the minimum licensing requirements for residential programs for pregnant and parenting teens, age sixteen and seventeen and their children.

(3) The department issues or denies a license on the basis of compliance with the minimum licensing requirements contained in this chapter.

(4) Nothing in this chapter is intended to deny any individual access to services or the rights afforded him or her under other Revised Codes of Washington (RCW).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0010, filed 12/9/04, effective 1/9/05.]

PURPOSE AND DEFINITIONS

WAC 388-147-0020 What is the purpose of this chapter? This chapter defines general and specific minimum licensing requirements for independent-living pregnant and parenting teen facilities. A program approved for licensing or relicensing under this chapter requires housing and services, as described in sections of the chapter. The licensing requirements in this chapter are intended to be for programs for teens age sixteen or older that are pregnant or parenting. A program for pregnant or parenting teens younger than age sixteen would require consultation with and approval from the department's licensing agent to be licensed under this chapter.

The department is committed to ensuring that the pregnant and parenting teens and their children who receive residential care experience health, safety, and well-being. Our licensing requirements reflect our commitment to children and youth.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0020, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0030 What definitions do I need to know to understand this chapter? The following definitions are important to understand these rules:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or mistreatment of a child/youth where the child/youth's health, welfare and safety are harmed.

"Agency" as defined in RCW 74.15.020 (1)(a) through (k).

"Assessment" means the appraisal or evaluation of a child's physical, mental, social and/or emotional condition.

"Capacity" means the maximum number of children that a home or facility is licensed to care for at a given time.

"Care provider" means any licensed or certified person or organization, or staff member of a licensed organization that provides twenty-four hour residential services to children and youth.

"Case manager" means an agency employee who coordinates and links the youth to appropriate services.

"Children" mean individuals who are under eighteen years old and are the children of the teen resident.

"Compliance agreement" means a written licensing improvement plan to address deficiencies in specific skills, abilities or other issues of a fully licensed facility in order to

maintain and/or increase the safety and well-being of children in care.

"Department" means the department of social and health services (DSHS).

"DLR" means the division of licensed resources.

"DOH" means the department of health.

"Firearms" means guns or weapons, including but not limited to the following: BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, and shotguns.

"Full licensure" means an entity meets the requirements established by the state for licensing or approved as meeting state minimum licensing requirements.

"Hearing" means the administrative review process.

"I" refers to anyone who is licensed, operates, or owns a facility for pregnant and parenting teens and their children.

"Infant" means a child less than one year of age.

"License" means a permit issued by the department affirming that a program/facility meets the minimum licensing requirements.

"Licensee" means the individual or agency that is responsible for the operation of the program and health and safety of the facility.

"Licensor" means a division of licensed resources (DLR) employee, children's administration of DSHS who:

(1) Approves licenses for pregnant and parenting teen programs/facilities; and

(2) Monitors facilities to ensure that they continue to meet minimum licensing requirements.

"Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement, as defined in RCW 74.15.020. Maternity services, in this chapter refer to services to youth who are less than eighteen years.

"Nonambulatory" means not able to walk or traverse a normal path to safety without the physical assistance of another individual.

"Premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Probationary license" means a license issued as part of a disciplinary action to an individual or agency that has previously been issued a full license but is out of compliance with the minimum licensing requirements.

"Provide care" to youth means the agency makes available residential services including case management to a client.

"Relative" means a person who is related to the child as defined in RCW 74.15.020 (4)(a)(i), (ii), (iii), and (iv) only.

"Resident" means the pregnant or parenting teen and her child or children.

"Service plan" means a description of the services to be provided or performed and who has responsibility to provide or perform the activities for a teen and the teen's child or children.

"Social service staff" means a clinician, program manager, case manager, consultant, contractor, or other staff person who is an employee of the agency or hired to develop and implement the child's individual service plans.

"Staff" means employees, interns, volunteers, or any individual operating under the auspices of the agency provid-

ing services to pregnant and parenting teens and their children.

"**Standard precautions**" is a term relating to procedures designed to prevent transmission of bloodborne pathogens in health care and other settings. Under standard precautions, blood or other potentially infectious materials of all people should always be considered potentially infectious for HIV and other pathogens. Individuals should take appropriate precautions using personal protective equipment like gloves to prevent contact with blood or other bodily fluids.

"**Washington state patrol fire protection bureau**" or "**WSP/FPB**" is the name for the agency popularly known as the state fire marshal.

"**We**" or "**our**" refers to the department of social and health services, including division of licensed resources (DLR) licensors.

"**You**" refers to the licensee or anyone who owns or operates a program/facility for pregnant and parenting teens and their children.

"**Youth**" means the pregnant or parenting teen resident, age sixteen or seventeen.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0030, filed 12/9/04, effective 1/9/05.]

APPLICATION PROCESS

WAC 388-147-0040 Is a license required to provide care to pregnant and parenting teens and their children? If you regularly provide residential care to a child or youth less than age eighteen who is not related to you, you must be licensed.

Note: See definition of relatives exempt from licensing RCW 74.15.030(2).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0040, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0050 How old do I have to be to apply for a license? You must be at least twenty-one years old to apply for a license to provide residential and case management services to pregnant and parenting teens and their children.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0050, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0060 What personal characteristics are needed to be licensed? Individuals requesting a license or a position as an employee, volunteer, intern, or contractor must have the following specific personal characteristics:

(1) Able to demonstrate an understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, and social needs of the children and youth in care.

(2) Must not have been disqualified by the department's background check (chapter 388-06 WAC) prior to having unsupervised access to children.

(3) Have not had a license denied or revoked from an agency that regulates the care of children or vulnerable adults, unless the department determines that the individual does not pose a risk to a child's safety, well being, and long-term stability.

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(4) Must not have been found to have committed abuse or neglect of a child or a vulnerable adult, unless the department determines that the individual does not pose a risk to a child's safety, well being, and long-term stability.

(5) The department may require additional information from the applicant, employee, intern, or contractor. This information may be requested at any time and may include, but is not limited to:

(a) Substance and alcohol abuse evaluations and/or documentation of treatment;

(b) Psychiatric and psychological evaluations;

(c) Psycho-sexual evaluations; and

(d) Medical evaluations and/or medical records.

(6) Any evaluation requested under subsection (5) of this section will be at the applicant/licensees expense.

(7) The licensor must be given permission to speak with the evaluator/provider prior to and after the evaluation.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0060, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0070 What is required when completing an application for licensing? License applications are available from the division of licensed resources, children's administration.

(1) To apply for a license, the person or legal entity responsible for the facility must include with the application the following:

(a) Written verification for all applicant(s), staff, interns, volunteers and individuals who may have unsupervised access to children and youth in care of the following information:

(i) A tuberculosis (TB) test or an X ray, unless the individual can demonstrate a religious or a medical reason prohibiting the test;

Note: Written documentation from your physician that indicates you are free of the signs and symptoms of tuberculosis may be accepted for individuals with a religious or a medical prohibition to the TB test.

(ii) First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the residents in care; and

(iii) HIV/AIDS and bloodborne pathogens training including infection control standards.

(2) The completed background check forms on anyone on the premises having unsupervised access to children who is at least sixteen years old or older who is not a resident must be sent to the licensor. Note: See chapter 388-06 WAC.

(3) A completed FBI fingerprint form must be completed on a licensee, staff, employee, and any individual having unsupervised access to residents, who has lived outside Washington state within the last three years.

(4) Certificates of compliance from the department of health (DOH) and Washington state patrol fire protection bureau (WSPFPB) demonstrating the facility has met the requirements for health, fire and life safety are required prior to licensing. Both agencies perform inspections of the facility, including apartments, at licensing and relicensing of the facility. Proper notice to apartment residents is required.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0070, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0080 How long does an applicant have to complete the licensing application packet? (1) An applicant must complete the licensing application with supporting documents, such as training certificates and certificates of compliance from the department of health and Washington state patrol fire protection bureau within ninety days of first applying for the license. If the applicant fails to meet this deadline and has not contacted the licensor, the application may be considered withdrawn.

(2) If a licensee is applying for a license renewal, the application forms must be sent to the licensor at least ninety days prior to the expiration of the current license.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0080, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0090 Will the department license or continue to license a facility if the facility does not meet the licensing requirements? (1) At its discretion, the department may make exceptions and license or continue to license a facility that does not meet the minimum licensing requirements.

(2) Exceptions are approved for nonsafety requirements only.

(3) The safety and well-being of the children and youth receiving care must not be compromised.

(4) The request for an exception to the licensing requirements must be in writing.

(5) The applicant or licensee must keep a copy of the approved exception to the licensing requirements for their files.

(6) Along with an exception to the licensing requirements, the department may limit or restrict a license issued and/or require the licensee to enter into a compliance agreement to ensure the safety and well-being of the children and youth in care.

(7) The applicant or licensee does not have appeal rights if the department denies your request for an exception to our requirements.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0090, filed 12/9/04, effective 1/9/05.]

CORRECTIVE ACTION

WAC 388-147-0100 Does the department issue a probationary license? (1) The department may, at its discretion, issue a probationary license as part of a corrective action plan with a licensed provider.

(2) The department will base its decision as to whether a probationary license will be issued on a consideration of the following:

(a) Intentional or negligent noncompliance with the licensing rules;

(b) A history of noncompliance with the rules;

(c) Current noncompliance with the rules;

(d) Evidence of a good faith effort to comply; and

(e) Any other factors relevant to the specific situation.

(3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months. A decision not to issue a probationary license is not subject to appeal.

[Title 388 WAC—p. 744]

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0100, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0110 When is a license denied, suspended or revoked? (1) A license must be denied, suspended or revoked if the department decides that the applicant or licensee cannot provide care for residents in a way that ensures their safety, health and well-being.

(2) The department must, also, disqualify an applicant or licensee for any of the reasons that follow. The applicant or licensee:

(a) Has been disqualified by the background check (see chapter 388-06 WAC).

(b) Has been found to have committed child abuse or neglect or treated, permitted or assisted in treating children or vulnerable adults in care with cruelty, indifference, abuse, neglect, or exploitation, unless the department determines that the applicant or licensee does not pose a risk to a child or youth's safety, well-being, and long-term stability.

(c) Tries to get a license by deceitful means, such as making false statements or omitting critical information on the application.

(d) Commits, permits, or assists in an illegal act on the premises of a facility providing care to children and youth.

(e) Uses illegal drugs, or excessively uses alcohol and/or prescription drugs.

(f) Knowingly allows employees or volunteers who made false statements or omit critical information on their applications to work at the agency or facility.

(g) Knowingly allows employees or volunteers who use illegal drugs, alcohol, or prescription drugs that affect their ability to perform their job duties to work at the agency or be on the premises of the facility when children/youth are present.

(h) Repeatedly lacks qualified or an adequate number of staff to care for the number and types of children and youth under care.

(i) Has refused to allow the department's authorized staff and inspectors to have requested information or access to the facility, youth or child, program files, and/or your staff. Any inspection requires appropriate tenant notice. Immediate access to client residence is in emergency situations only.

(j) Are unable to manage the property, fiscal responsibilities, or staff of the agency.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0110, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0120 Are there any other reasons that might cause me to lose my license? The department may suspend or revoke a license if the licensee:

(1) Exceeds the conditions of the facility license by:

(a) Having more youth or children residing at the facility than the license allows;

(b) Having youth or children residents with ages different than the license allows;

(c) Failing to provide a safe and healthy environment for youth and children under care; or

(d) Failing to comply with any of the other minimum licensing requirements.

(2) Fails to meet the health and safety requirements to receive a certificate of compliance as required by the depart-

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ment of health or the Washington state patrol fire protection bureau.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0120, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0130 When is an employee or volunteer disqualified from having unsupervised access to a child or youth in a licensed facility? The department must disqualify an employee or volunteer of a licensed facility from having unsupervised access to a child or youth when he or she:

(1) Has a disqualifying background check result (see chapter 388-06 WAC);

(2) Has been found to have committed child abuse or neglect or have treated, permitted, or assisted in treating children, youth, or vulnerable adult with cruelty, indifference, abuse, neglect, or exploitation, unless the department determines that he or she does not pose a risk to a child or youth's safety, well being, and long-term stability;

(3) Attempted to become employed, volunteer, or otherwise have unsupervised access to children or youth by deceitful means, such as making false statements or omitting critical information on an application to work or volunteer at a licensed home, facility, or agency; or

(4) Used illegal drugs, alcohol, or prescription drugs that affected his or her ability to perform his or her job duties while on the premises when children or youth are present.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0130, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0140 How is the applicant or licensee notified if the department decides to modify, deny, suspend, or revoke a license? The department sends the applicant or licensee a certified letter informing him or her of the decision to modify, deny, suspend or revoke their license. In the letter, the department also tells the applicant or licensee what he or she needs to do if they disagree with the decision.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0140, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0150 What may an applicant or licensee do if he or she disagrees with the department's decision to modify, deny, suspend or revoke the license? The applicant or licensee has the right to appeal any decision the department makes to deny, modify, suspend, or revoke his or her license.

(1) The applicant or licensee may request an administrative hearing to disagree with the department's decision to modify, suspend, revoke or deny your license.

(2) The applicant or licensee must request an administrative hearing within twenty-eight days of receiving a certified letter with the department's decision (see chapter 34.05 RCW).

(3) The applicant or licensee must send a letter to the office of administrative hearings requesting an administrative hearing. The letter must have the following attachments:

(a) A specific statement of the applicant or licensee's reasons for disagreeing with the department decision and any laws that relate to the reasons; and

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(b) A copy of the certified letter from the department that the applicant or licensee is disputing.

(4) The administrative hearing will take place before an administrative law judge who is an employee of the office of administrative hearings.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0150, filed 12/9/04, effective 1/9/05.]

PROGRAM SERVICES

WAC 388-147-0160 Does the department need to approve the program offered for pregnant and parenting teens? The department must approve pregnant and parenting teen programs offered to youth prior to licensing.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0160, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0170 Is a program description required as part of the license application? As part of the application, the applicant/licensee must send to the licensing agency (DLR) a written statement that includes the program mission, goals, and a detailed written program description outlining case management and other services the program will provide or offer to pregnant and parent teens and their children.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0170, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0180 What must be included in a pregnant and parenting teen program? An agency licensed to provide a program for pregnant and parenting teens and their children must include:

- (1) Safe and stable housing;
- (2) An assessment of the family's need(s);
- (3) Referral to an authorized medical care provider for prenatal and postnatal medical care;
- (4) Case management services; and
- (5) The provision of direct services or referrals to services, as assessed and to the extent those services are available.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0180, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0190 What independent living skills may be offered? (1) The types of assistance, service, and support the pregnant and parenting teen program offers will vary based on the chronological age, the developmental stage, family resources, and the supervision needs of the individual youth.

(2) Assistance may be offered in the broad categories of:

(a) Parenting skills development and support (including instruction that includes the prohibition of spanking or the use of cruel or frightening discipline of her child by the teen parent);

(b) Skills for independence (budgeting, comparative shopping, cooking, cleaning, etc);

(c) Basic educational competencies (including assisting in developing or arranging for an educational plan for each youth in care who has not completed high school or the GED, support for regular school attendance, homework completion, and tutoring;

[Title 388 WAC—p. 745]

(d) Employment preparation (including volunteer experiences, job interview skills, resume development, appropriate work environment behavior, vocational training etc.);

(e) Interpersonal skills and health care (including education in nutrition, pregnancy prevention, sexually transmitted infections, substance abuse, health insurance, etc.);

(f) Housing (including skills needed to be a good roommate, options for housing, rental agreements, landlord/tenant relationships, etc.); and

(g) Developing significant support systems (identifying adults who can be a positive example and support in the future).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0190, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0200 Is a residential facility for pregnant and parenting teens required to provide childcare?

(1) If the residential facility serves parents with children, the licensee or staff must assist the teen parent in arranging licensed childcare, when appropriate. An example is when teen parents are working or are in school and needs childcare.

(2) The childcare home or center used by teen parents must be licensed, when licensing is a legal requirement, as outlined in chapter 74.15 RCW.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0200, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0210 What are the requirements about nondiscrimination? Any licensed programs for pregnant or parenting teens must follow all state and federal laws regarding nondiscrimination while providing services to children and youth.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0210, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0220 Is participation in the program conditional on a teen's decision about keeping or relinquishing her child? Services to pregnant and parenting teens must not be contingent upon a teen's decision to keep or relinquish her child.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0220, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0230 What are your requirements for keeping client records? (1) Any identifying and personal information about a child/youth and the child/youth's family must be kept confidential.

(2) You must keep records about children/youth and their families in a secure place.

(3) If the information is available, your records must contain, at a minimum, the following:

(a) The child and youth parent's name and birth date;

(b) Information on the child's biological father;

(c) Name and telephone number of the social worker for each child/youth in care, if the child or youth is in the custody of the department of social and health services;

(d) Name, address, and telephone number of the teen's parent or person to be contacted in case of emergency;

(e) Appropriate medical history including any current medical problems, type of medical coverage and provider(s);

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(f) Other pertinent information related to the child and youth's physical health, current mental and emotional health, and dental records.

(4) The youth's records must contain a copy of the parent or legal guardian's consent to place or a court order that gives the licensed agency approval to house the youth.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0230, filed 12/9/04, effective 1/9/05.]

STAFF AND STAFF QUALIFICATIONS

WAC 388-147-0240 What personnel policies must a program have? (1) As an employer, you are responsible for complying with federal and state antidiscrimination laws related to employee personnel policies and procedures.

(2) You must keep a log with background check information, containing dates of request and completion of the checks on all staff, interns, volunteers, and contractors.

(3) If the program has five or more staff, volunteers, or interns you must have written policies covering qualifications, training, and duties for employees, interns, and volunteers.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0240, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0250 Must the facility license be posted? The licensee must post the agency license where the public can easily view it.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0250, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0260 What are the qualifications for an executive director? An executive director or person responsible for the agency administration, agency oversight, and fiscal operation of a program for pregnant and parenting teens must meet, at a minimum, the following requirements:

(1) Be able to communicate to the department the roles, expectations, and purpose of the program; and

(2) Have relevant education or four years of successful experience with similar duties and responsibilities for the administration, oversight, and fiscal management of a program or an agency.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0260, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0270 Is a supervisor or case consultant needed? The licensee must provide or arrange for social services by qualified persons who meet the education and training requirements that follow:

(1) One person who provides supervision or case consultation must have a master's degree in social work or a closely related field from an accredited school.

(2) The individual with the master's degree must have:

(a) The training, experience, knowledge and demonstrated skills in each area he or she will be supervising or advising; and

(b) The ability to ensure that staff develop the skills and understanding needed to effectively manage their cases.

(3) The person with a master's degree must consult, with any social service or case management staff having a bache-

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lor's degree or less of formal education, one hour for every eighty hours the staff person works.

(4) Consultants may be hired as staff or operate under a contract.

(5) When case management is provided by another agency, the licensee must have a written agreement with the agency describing the scope of service they provide.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0270, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0280 What are the qualifications of a case manager? A social service or case manager for a pregnant or parenting teen program must have, at a minimum, the following:

- (1) A bachelor's degree in social services or closely related field from an accredited school; or
- (2) Five years of successful full-time experience in a relevant field.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0280, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0290 What are the responsibilities of the case manager? Case management services for pregnant and parenting teen programs must include the following:

- (1) An assessment of the teen's circumstances and needs;
- (2) Assist in the development of an individual or family services plan with attainable goals;
- (3) Assisting with independent living skills development;
- (4) The coordination of services;
- (5) Monitoring of the progress of service plan;
- (6) Appropriate recordkeeping; and
- (7) Client advocacy.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0290, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0300 What are the required ratios of case management staff to youth? The minimum ratio of case management staff to youth for pregnant and parenting teen programs is one staff person to fifteen teens.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0300, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0310 Is an on-site facilities manager required? All residential facilities for pregnant or parenting teens must have an on-site facility manager.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0310, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0320 What are the qualifications for an on-site facilities manager? The department requires that the on-site facilities manager for a pregnant and parenting teen program:

- (1) Be at least twenty-one years old;
- (2) Have the skills and abilities to work successfully with teens; and
- (3) Have effective communication and problem solving skills.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0320, filed 12/9/04, effective 1/9/05.]

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WAC 388-147-0330 What are the responsibilities of the on-site facilities manager? The responsibility of the on-site facility manager for a pregnant or parenting teen housing program includes:

- (1) Ensuring lease compliance by the residents; and
- (2) Responding to emergency situations, such as medical and fire emergencies when he or she is present at the facility.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0330, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0340 What clerical, accounting and administrative services are needed? The licensee must have sufficient clerical, accounting and administrative services to maintain proper records and carry out the pregnant and parenting teen program.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0340, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0350 What support and maintenance staff are needed? The licensee must have sufficient support and maintenance services to maintain and repair your facility.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0350, filed 12/9/04, effective 1/9/05.]

STAFF TRAINING

WAC 388-147-0360 What first aid and cardiopulmonary resuscitation (CPR) training is required? (1) If you have a facility that provides licensed care, you, your staff, interns, volunteers, and any individual who may at any time have unsupervised access, must have basic standard first-aid and age-appropriate cardiopulmonary resuscitation (CPR) training.

(2) The approved first aid and CPR training must be provided by a certified instructor in accordance with a nationally recognized standard.

(3) Records must be kept at the facility or readily available to the licensor showing who has completed current first aid and CPR training.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0360, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0370 What HIV/AIDS and blood-borne pathogens training is required? (1) Licensees, staff, and any individual who may have unsupervised contact with residents must have training on the transmission and prevention of HIV/AIDS and bloodborne pathogens. Such training must include infection control standards.

(2) The infection control requirements and educational material must be consistent with the current approved curriculum *Know-HIV/AIDS Prevention Education for Health Care Facility Employees*, published by the department of health, office on HIV/AIDS.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0370, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0380 What steps must be taken to prevent the spread of infections and communicable diseases? (1) The licensee must take precautions to guard against infections and communicable diseases infecting the children and

youth residing at the facility by following the department of health regulations.

(2) Applicants for a license or adults authorized to have unsupervised access to residents at the facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed, volunteering, or licensed unless:

(a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest X ray since a previously positive skin test; or

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(3) The department does not require a tuberculin skin test if:

(a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or

(b) A physician indicates that the test is medically unadvisable.

(4) Persons whose tuberculosis skin test is positive must have a chest X ray within thirty days following the skin test.

(5) The department does not require retesting for license renewals unless a person believes he or she has been exposed to someone with tuberculosis or if testing is recommended by his or her health care provider.

(6) The licensee must keep the results of the TB test results in the personnel files available for review by DLR.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0380, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0390 Is in-service training required?

(1) The licensee must offer in-service training for developing and upgrading staff skills.

(2) If the pregnant and parenting teen program has five or more employees or volunteers, a training plan must be in writing.

(3) The licensee must discuss with staff the licensed agency's policies and procedures, mandatory reporting of suspected child abuse or neglect; as well as the rules contained in this chapter.

(4) The licensee must provide or arrange for staff to have training for the services that are provided to children and youth in the program.

(5) Training on behavioral management must be approved by DLR and must include nonphysical age-appropriate methods of redirecting and controlling behavior.

(6) The licensee must record the amount of time and type of training provided to staff.

(7) This information must be kept in each employee's file or in a separate training file.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0390, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0400 What types of disciplinary practices are forbidden at a facility? (1) This section applies to the discipline of teens at the facility and the children of the teens.

(2) The licensee or staff must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

(a) Spanking children with a hand or object;

(b) Biting, jerking, kicking, hitting, or shaking the child;

(c) Pulling the child or youth's hair;

(d) Throwing the child or youth;

(e) Purposely inflicting pain as a punishment;

(f) Name calling, using derogatory comments;

(g) Threatening the child or youth with physical harm;

(h) Threatening or intimidating the child or youth; or

(i) Depriving the child or youth of sleep;

(j) Restricting a child or youth's breathing; or

(k) Interfering with a child or youth's ability to take care of his or her own hygiene and toilet needs.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0400, filed 12/9/04, effective 1/9/05.]

REPORTING REQUIREMENTS

WAC 388-147-0410 What are the reporting requirements? (1) The licensee and staff of a licensed program for pregnant and parenting teens are mandatory reporters and must report any suspected child abuse or neglect to children's administration intake staff or law enforcement. (See RCW 26.44.020(12) and chapter 388-15 WAC for more details.)

(2) The licensee or staff must report the following incidents as soon as possible, and in not instance later than forty-eight hours, to children's administration intake staff:

(a) Death of a child or youth;

(b) Any violations of the licensing requirements where the health and safety of a child or youth is at risk and the violations are not corrected immediately or may compromise the continuing health and safety of children or youth;

(c) Any child or youth's suicide attempt that results in injury requiring medical attention or hospitalization;

(d) Any use of physical restraint that is alleged improperly applied or excessive;

(e) Sexual contact between two or more children that is not considered typical play between preschool age children;

(f) Any disclosures of sexual or physical abuse by a child or youth resident;

(g) Any physical assaults between two or more children or youth that result in injury requiring off-site medical attention or hospitalization;

(h) Any assaults of staff by children or youth that result in injury requiring off-site medical attention or hospitalization; or

(i) Any medication that is given incorrectly and requires off-site medical attention or hospitalization.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0410, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0420 What changes to a facility must the licensee report to the licensor? (1) A license is valid only for the person, organization, or agency named on the license and only for the specific address listed on the license.

(2) The licensee must report to the licensor immediately any changes in the original licensing application. Changes include any of the following:

(a) Changes in the location or designated space, including address;

(b) Changes in facility phone number;

(c) Changes in the maximum number, age ranges, and sex of children the licensee wishes to serve; and

(d) Changes in the structure of the facility or premises from events causing damage, such as a fire, or from remodeling.

(e) A change of the organization or agency's executive director or any staff changes;

(f) The death, retirement, or incapacity of the person who holds the license;

(g) A change in the name of a licensed corporation, or the name by which the facility is commonly known; or

(h) Changes in an agency's articles of incorporation and bylaws.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0420, filed 12/9/04, effective 1/9/05.]

HEALTH AND SAFETY

WAC 388-147-0430 How is the capacity determined for a facility? (1) The department licenses a facility for the number of youth and children based on the certification of occupancy from the Washington state patrol fire protection bureau;

(2) The department may issue a license to an applicant or licensee for the care of fewer youth and children than normally would reside at a facility based on an evaluation of the following factors:

(a) The number of staff and volunteers available for providing services;

(b) The skills of the staff and experience with the population of a pregnant and parenting teen program; and

(c) The ages and characteristics of the youth and children to be served.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0430, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0440 Are there general food service requirements? (1) The program must be in compliance with the department of health standards in chapter 246-215 WAC on food service sanitation when common food preparation areas are used.

(2) When a staff person is preparing or assisting in preparing food he or she must have a food handler's permit.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0440, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0450 What are the requirements for managing medications? (1) All medications must be inaccessible to children, including pet medications, vitamins and herbal remedies.

(2) Pet and human medications must be stored in separate places.

(3) Internal and external medications must be stored in separate places.

(4) Only the child's parent or another authorized care provider (example: Respite provider) is allowed to have access to medications for a child.

(5) The child's parent or another authorized care provider must give prescription and nonprescription medications:

(a) Only as specified on the prescription label; or

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(b) As otherwise approved by a physician or another person legally authorized to prescribe medication.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0450, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0460 What are the requirements for transporting children and youth? When the licensee or staff transport children or youth, they must follow these requirements.

(1) The vehicle must be kept in a safe operating condition.

(2) The driver must have a valid driver's license.

(3) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five preschool-aged children traveling without their parent in the vehicle; or

(b) The child's specific needs require a second adult person.

(4) The driver or owner of the vehicle must be covered under an automobile liability insurance policy.

(5) The vehicles must be equipped with, seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law.

(6) The number of passengers must not exceed the vehicle's seat belts.

(7) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as appropriate for age, whenever the vehicle is in motion.

(8) Buses approved by the state patrol are not required to have seat belts.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0460, filed 12/9/04, effective 1/9/05.]

BEDS, CRIBS, AND EQUIPMENT

WAC 388-147-0470 What are the requirements for beds? (1) Each resident must have his or her own bed that is at least twenty-seven inches wide with a clean and comfortable mattress in good condition, pillow, sheets, blankets, and pillowcases. Each resident's pillow must be covered with waterproof material or be washable.

(2) Bedding must be clean.

(3) Infants must have a crib that ensures the safety of the infant and complies with chapter 70.11 RCW, Infant Crib Safety Act.

(4) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants less than six months of age.

(5) Cribs, infant beds, bassinets, and playpens must:

(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily sanitized; and

(b) Be made of wood, metal, or approved plastic with secure latching devices.

(6) Crib bumpers, stuffed toys and pillows must not be used in cribs, infant beds, bassinets, or playpens with an infant unless advised differently by the child's physician.

(7) The teen mother must follow the recommendation of the American Academy of Pediatrics, 1-800-505-CRIB, placing infants on their backs each time for sleep, unless advised differently by the child's physician.

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(8) The teen mother may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of children under six years of age.

(9) Children may not use the loft style beds or upper bunks of double-deck beds if using them due to age, development, or condition could hurt them. Examples: Preschool children, expectant mothers, and children with a disability.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0470, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0480 May wheeled baby walkers be used? The department prohibits the use of wheeled baby walkers in licensed facilities.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0480, filed 12/9/04, effective 1/9/05.]

RESIDENTIAL FACILITY

WAC 388-147-0490 What health and safety requirements are there? A residential facility for pregnant and parenting teens and their children is required to meet the health and fire safety requirements to receive a certificate of compliance from the department of health and the Washington state patrol fire protection bureau prior to licensing.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0490, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0500 Are local ordinances part of the licensing requirements? (1) The applicant or licensee is responsible for complying with local ordinances (laws), such as zoning regulations and local building codes.

(2) The department may require the applicant or licensee provide proof that the facility complies with local ordinances.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0500, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0510 What are the requirements regarding the location of a facility? (1) The address must be clearly visible on the facility or mailbox so that fire fighters or medics can easily find your location.

(2) The facility must be:

(a) Accessible to emergency vehicles; and

(b) Located on a well-drained site, free from hazardous conditions.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0510, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0520 What physical structure safety requirements must a facility meet? The licensee must keep the equipment and the physical structures in the facility safe and clean for the children/youth served. The licensee must:

(1) Maintain buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair;

(2) Provide handrails for steps, stairways, and ramps; if required by the department of health or Washington state patrol fire protection bureau;

(3) Have emergency lighting devices, such as flashlights, available and in operational condition;

[Title 388 WAC—p. 750]

(4) Furnish the facility appropriately, based on the age and activities of the children and youth residing at the facility;

(5) Have washable, water-resistant floors in the apartments and facility bathrooms, kitchens, and any other rooms exposed to moisture. The department may approve washable, short-pile carpeting that is kept clean and sanitary for apartment and facility's kitchens;

(6) Provide tamper proof or tamper resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other persons with limited mental capacity or who might be endangered by access to them; and

(7) Have easy access to rooms occupied by children or youth in case an emergency arises. Some examples are bedrooms, toilet rooms, shower rooms, and bathrooms.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0520, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0530 What measures are required for pest control? The licensee must make reasonable attempts to keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0530, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0540 What are the requirements regarding pets and animals in a facility? (1) Youth must not have any common household pets, exotic pets, animals, birds, insects, reptiles, or fish that are dangerous to children/youth on the premises.

(2) The department, at its discretion, may limit the type and number of common household pets, exotic pets, animals, birds, insects, reptiles or fish accessible to children if the department determines there are risks to the children/youth in care.

(3) The licensee must ensure that common household pets, exotic pets, animals, birds, insects, reptiles, and fish are free from disease and cared for in a safe and sanitary manner.

(4) Common household pets, exotic pets, animals, birds, insects, reptiles, and fish must be cared for in compliance with state regulations and local ordinances.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0540, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0550 Are alcoholic beverages or illegal drugs allowed at a facility? The facility must not have alcohol or illegal drugs on the premises. The staff of these facilities may not consume alcohol or illegal drugs on the premises or during breaks.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0550, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0560 Is smoking permitted around children or youth? (1) The licensee and staff must prohibit smoking in the living space of any facility caring for children/youth and in motor vehicles while transporting children/youth.

(2) The licensee may permit adults to smoke outdoors away from children/youth.

(3) Nothing in this section is meant to interfere with traditional or spiritual Native American or other religious ceremonies involving the use of tobacco.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0560, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0570 Are firearms allowed at a facility? The licensee must not permit firearms, ammunition, and other weapons on the premises of the facilities where children or youth reside.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0570, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0580 What are the requirements for storing dangerous chemicals or other substances? (1) The licensee must ensure that residents store the following items in a place that is not accessible to children or other persons with limited mental capacity or who might be endangered by access to these products:

- (a) Cleaning supplies;
- (b) Toxic or poisonous substances;
- (c) Aerosols; and
- (d) Items with warning labels.

(2) When containers are filled with toxic substances from a stock supply, the containers must be labeled.

(3) Toxic substances must be stored separately from food items.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0580, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0590 What first-aid supplies are needed? (1) The licensee must keep on hand for immediate use the following first aid supplies:

- (a) Barrier gloves and a one-way resuscitation mask;
- (b) Bandages and gauze;
- (c) Ace bandage;
- (d) Scissors and tweezers; and
- (e) A thermometer.

(2) The Poison Control Center's 1-800 number must be readily accessible to facility staff and teen parents.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0590, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0600 Is a telephone required at the facility? (1) The facility must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) Emergency telephone numbers must be posted next to the telephone or in a specified location with easy access.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0600, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0610 What are the lighting requirements for the facility? The licensee must locate light fixtures and provide lighting that promotes good visibility and comfort for the children and youth residing at the facility.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0610, filed 12/9/04, effective 1/9/05.]

(2009 Ed.)

WAC 388-147-0620 What are the requirements for laundry facilities? The department has specific requirements for on-site laundry facilities.

(1) The licensee must have separate and adequate facilities for storing soiled and clean linen.

(2) The licensee must locate laundry equipment in an area separate from the kitchen and childcare areas.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0620, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0630 What are the requirements for toilets, sinks, and bathing facilities? The licensee must meet certain requirements for toilets, sinks, and bathing facilities.

(1) The licensee must provide at least one indoor flush-type toilet, one nearby handwashing sink with hot and cold running water, and a bathing facility.

(2) Toilet and bathing facilities must allow privacy for children who are five years of age or older and opposite genders.

(3) Handwashing and bathing facilities must be provided with hot running water that does not exceed one hundred twenty degrees.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0630, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0640 What are the requirements about drinking water? The licensee must provide a public water supply or a private water supply approved by the local health authority at the time of licensing or relicensing.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0640, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0650 What are the requirements for sewage and liquid wastes? The licensee must ensure that sewage and liquid wastes are discharge into:

- (1) A public sewer system;
- (2) A functioning septic system; or
- (3) A department of health approved alternative system.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0650, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0660 Is a disaster plan required? (1) The licensee must ensure the facility has a disaster plan that addresses internal and external emergencies, such as a violent or threatening person on the premises, fire, earthquake, and power failure.

(2) Residents must be educated and familiar with the plan.

(3) The licensee must post a written disaster plan for easy access to staff and residents.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0660, filed 12/9/04, effective 1/9/05.]

FIRE SAFETY

WAC 388-147-0670 What fire safety procedures do case management and facility staff need to know? (1) Case managers and facility staff must be familiar with safety procedures related to fire prevention.

[Title 388 WAC—p. 751]

(2) The staff must be familiar with all aspects of the fire drill.

(3) The staff must be able to:

(a) Operate all fire extinguishers installed on the premises;

(b) Test smoke detectors (single station types); and

(c) Conduct frequent inspections of the facility to identify fire hazards and take action to correct any hazards noted during the inspection.

(4) If the facility has individual apartments for residents inspections of the apartments must be conducted with proper notice to apartment residents.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0670, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0680 What fire safety requirements must the licensee follow? A residential facility for pregnant or parenting teens and their children must comply with the regulations developed by the chief of the Washington state patrol through the director of the fire protection bureau (WSP/FPB). The regulations are the minimum requirements for protecting life and property against fire. Contact the WSP/FPB for specific requirements.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0680, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0690 What other requirements must I follow for smoke detectors? Facilities must have smoke detectors that are UL or Factory Mutual approved and comply with any other smoke detector requires of the Washington state patrol fire protection bureau.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0690, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0700 What fire safety instruction is required for children and youth residing in a facility? (1) The licensee or staff must:

(a) Conduct a fire drill at least once each month or as required under WAC 212-12-044 by WSPFPB, at varying times of the day and night so that staff on all shifts practice the procedures.

(b) Instruct children and youth who are capable of understanding and following emergency evacuation procedures how to exit the building in case of fire.

(c) Maintain a written record of such testing on the premises that indicates the date and time the test was completed.

(2) Any simulated fire drills for medically fragile or non-ambulatory children must meet WAC 212-12-005 as required by the WSP/FPB.

(3) If the use of a fire ladder is part of an evacuation plan it must be inspected annually to ensure it is in working order.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0700, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0710 What are the requirements for a fire or other emergency evacuation plan? (1) The licensee must develop a written emergency evacuation plan for the facility.

(2) The evacuation plan must include a floor plan, identifying exit doors and windows.

[Title 388 WAC—p. 752]

(3) The plan must be posted at each exit door.

(4) The licensee must ensure that the plan includes:

(a) Action to take by the person discovering a fire or other situation requiring emergency evacuation;

(b) Methods for sounding an alarm on the premises;

(c) Action to take for evacuating the building that ensures responsibility for the children;

(d) Action to take while waiting for the fire department or other emergency personnel; and

(e) If the use of a fire ladder is part of the evacuation plan it must be inspected at least annually to ensure it is in working order.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0710, filed 12/9/04, effective 1/9/05.]

WAC 388-147-0720 Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building? (1) A facility with multiple Washington state licenses or certifications for the care of children or youth in the same building must comply with the most stringent construction and fire safety requirements for the physical structure, if children and youth share the same space.

(2) If the same facility has multiple Washington state licenses the licensee must notify the following of this:

(a) The Washington state patrol fire protection bureau inspector; and

(b) All of the licensing and certification agents.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 05-01-075, § 388-147-0720, filed 12/9/04, effective 1/9/05.]

Chapter 388-148 WAC

LICENSING REQUIREMENTS FOR CHILD FOSTER HOMES, STAFFED RESIDENTIAL HOMES, GROUP RESIDENTIAL FACILITIES, AND CHILD-PLACING AGENCIES

WAC

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- 388-148-0915 What steps must be taken after a youth is admitted into a CRC?
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CRISIS RESIDENTIAL CENTERS—RECORD-KEEPING

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 388-148-0285 Do I need a housekeeping sink? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0285, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
 388-148-0360 Whom do I notify about medication changes and reactions? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0360, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
 388-148-0450 What types of toys must I provide to children? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0450, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
 388-148-0500 May I receive more than one in-home care license? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0500, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
 388-148-0615 Are there specific fire safety requirements for the care of nonmobile children? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0615, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
 388-148-0630 What fire prevention measures must I take? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0630, filed 8/28/01, effective 9/28/01.] Repealed by 04-

08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.

- 388-148-0635 What are the requirements for fire sprinkler systems? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0635, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.

- 388-148-0650 What requirements do you have regarding windows in staffed residential homes and group care facilities? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0650, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.

- 388-148-0735 When do I need a special care room? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0735, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.

- 388-148-0935 How long may a youth stay at a CRC? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0935, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.

- 388-148-1020 Must a staffed residential home operate in conjunction with another program? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1020, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.

- 388-148-1065 Do child-placing agency foster homes and group care facilities need to be licensed before placements? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1065, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.

PURPOSE AND DEFINITIONS

WAC 388-148-0005 What is the purpose of this chapter? The department issues or denies a license or certification on the basis of compliance with licensing requirements. This chapter defines general and specific licensing requirements for foster homes, staffed residential homes, group facilities, and child-placing agencies. We include licensing requirements for people who operate foster homes, group care programs and facilities, staffed residential homes, and child-placing agencies. In addition, we describe our requirements for specialized services offered in these homes and facilities, including: Maternity services, day treatment services, crisis residential centers, group receiving centers services for children with severe developmental disabilities and programs for medically fragile children. Unless noted otherwise, these requirements apply to people who want to be licensed, certified, relicensed and recertified.

The department is committed to ensuring that the children who receive care experience health, safety, and well-being. We want these children's experiences to be beneficial to them not only in the short run, but also in the long term. Our licensing requirements reflect our commitment to children.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0005, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0005, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0010 What definitions do I need to know to understand this chapter? The following definitions are for the purpose of this chapter and are important to understand these rules:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or mistreatment of a child where the child's health, welfare and safety are harmed.

"Agency" is defined in RCW 74.15.020(1).

"Assessment" means the appraisal or evaluation of a child's physical, mental, social and/or emotional condition.

"Capacity" means the maximum number of children that a home or facility is licensed to care for at a given time.

"Care provider" means any licensed or certified person or organization or staff member of a licensed organization that provides twenty-four-hour care for children.

"Case manager" means the private agency employee who coordinates the planning efforts of all the persons working on behalf of a child. Case managers are responsible for implementing the child's case plan, assisting in achieving those goals, and assisting with day-to-day problem solving.

"Certification" means:

(1) Department approval of a person, home, or facility that does not legally need to be licensed, but wishes to have evidence that it meets the minimum licensing requirements; or

(2) Department licensing of a child-placing agency to certify that a foster home meets licensing requirements.

"Children" or **"youth,"** for this chapter, means individuals who are:

(1) Under eighteen years old, including expectant mothers under eighteen years old; or

(2) Up to twenty-one years of age and pursuing a high school, equivalent course of study (GED), or vocational program;

(3) Up to twenty-one years of age with developmental disabilities; or

(4) Up to twenty-one years of age if under the custody of the Washington state juvenile rehabilitation administration.

"Child-placing agency" means an agency licensed to place children for temporary care, continued care or adoption.

"Crisis residential center (CRC)" means an agency under contract with DSHS that provides temporary, protective care to children in a foster home, regular (semi-secure) or secure group setting.

"Compliance agreement" means a written licensing improvement plan to address deficiencies in specific skills, abilities or other issues of a fully licensed home or facility in order to maintain and/or increase the safety and well-being of children in their care.

"DCFS" means the division of children and family services.

"DDD" means division of developmental disabilities.

"Department" means the department of social and health services (DSHS).

"Developmental disability" is a disability as defined in RCW 71A.10.020.

"DLR" means the division of licensed resources.

"Firearms" means guns or weapons, including but not limited to the following: BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, and shotguns.

"Foster-adopt" means placement of a child with a foster parent(s) who intends to adopt the child, if possible.

"Foster home or foster family home" means person(s) licensed to regularly provide care on a twenty-four-hour basis to one or more children in the person's home.

"Full licensure" means an entity meets the requirements established by the state for licensing or approved as meeting state minimum licensing requirements.

"Group care facility for children" means a location maintained and operated for a group of children on a twenty-four-hour basis.

"Group receiving center" or **"GRC"** means a facility providing the basic needs of food, shelter, and supervision for more than six children placed by the department, generally for thirty or fewer days. A group receiving center is considered a group care program and must comply with the group care facility licensing requirements.

"Hearing" means the administrative review process.

"I" refers to anyone who operates or owns a foster home, staffed residential home, and group facilities, including group homes, child-placing agencies, maternity homes, day treatment centers, and crisis residential centers.

"Infant" means a child under one year of age.

"License" means a permit issued by the department affirming that a home or facility meets the minimum licensing requirements.

"Licensor" means:

(1) A division of licensed resources (DLR) employee at DSHS who:

(a) Approves licenses or certifications for foster homes, group facilities, and child-placing agencies; and

(b) Monitors homes and facilities to ensure that they continue to meet minimum health and safety requirements.

(2) An employee of a child-placing agency who:

(a) Attests that foster homes supervised by the child-placing agency meets licensing requirements; and

(b) Monitors those foster homes to ensure they continue to meet the minimum licensing standards.

"Maternity service" as defined in RCW 74.15.020.

"Medically fragile" means the condition of a child who has a chronic illness or severe medical disabilities requiring regular nursing visits, extraordinary medical monitoring, or on-going (other than routine) physician's care.

"Missing child" means:

(1) Any child up to eighteen years of age for whom Children's Administration (CA) has custody and control (not including children in dependency guardianship) and:

(a) The child's whereabouts are unknown; and/or

(b) The child has left care without the permission of the child's caregiver or CA.

(2) Children who are missing are categorized under one of the following definitions:

(a) **"Taken from placement"** means that a child's whereabouts are unknown, and it is believed that the child is being or has been concealed, detained or removed by another person from a court-ordered placement and the removal, concealment or detainment is in violation of the court order;

(b) **"Absence not authorized, whereabouts unknown"** means the child is not believed to have been taken from placement, did not have permission to leave the placement, and there has been no contact with the child and the whereabouts of the child is unknown; or

(c) **"Absence not authorized, whereabouts known"** means that a child has left his or her placement without permission and the social worker has some contact with the child or may periodically have information as to the whereabouts of the child.

"Multidisciplinary teams (MDT)" means groups formed to assist children who are considered at-risk youth or children in need of services, and their parents.

"Nonambulatory" means not able to walk or traverse a normal path to safety without the physical assistance of another individual.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"Premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Probationary license" means a license issued as part of a disciplinary action to an individual or agency that has previously been issued a full license but is out of compliance with minimum licensing requirements and has entered into an agreement aimed at correcting deficiencies to minimum licensing requirements.

"Psychotropic medication" means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior. These include anti-psychotic, antidepressants and anti-anxiety medications.

"Relative" means a person who is related to the child as defined in RCW 74.15.020 (4)(a)(i), (ii), (iii), and (iv) only.

"Respite" means brief, temporary relief care provided to a child and his or her parents, legal guardians, or foster parents with the respite provider fulfilling some or all of the functions of the care-taking responsibilities of the parent, legal guardian, or foster parent.

"Secure facilities" means a crisis residential center that has locking doors and windows, or secured perimeters intended to prevent children from leaving without permission.

"Service plan" means a description of the services to be provided or performed and who has responsibility to provide or perform the activities for a child or child's family.

"Severe developmental disabilities" means significant disabling, physical and/or mental condition(s) that cause a child to need external support for self-direction, self-support and social participation.

"Social service staff" means a clinician, program manager, case manager, consultant, or other staff person who is an employee of the agency or hired to develop and implement the child's individual service and treatment plans.

"Staffed residential home" means a licensed home providing twenty-four-hour care for six or fewer children or expectant mothers. The home may employ staff to care for children or expectant mothers. It may or may not be a family residence.

"Standard precautions" is a term relating to procedures designed to prevent transmission of bloodborne pathogens in health care and other settings. Under standard precautions, blood or other potentially infectious materials of all people should always be considered potentially infectious for HIV and other pathogens. Individuals should take appropriate precautions using personal protective equipment like gloves to prevent contact with blood or other bodily fluids.

"Washington state patrol fire protection bureau" or **"WSP/FPB"** means the state fire marshal.

"We" or **"our"** refers to the department of social and health services, including DLR licensors and DCFS social workers.

"You" refers to anyone who operates a foster home, staffed residential home, and group facilities, including group homes, maternity programs, day treatment programs, crisis residential centers, group receiving centers, and child-placing agencies.

[Statutory Authority: RCW 74.15.030, 74.08.090, and chapters 74.13 and 74.15 RCW. 06-22-030, § 388-148-0010, filed 10/25/06, effective 11/25/06. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0010, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0010, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0015 Am I required to have a license to provide care to children? (1) If you regularly provide care on a twenty-four hour basis to a child who is not related to you, you must be licensed.

(2) The types of homes or facilities that need a license include:

- (a) Foster homes;
- (b) Group care programs;
- (c) Programs for medically fragile children and children with severe developmental disabilities;
- (d) Maternity services;
- (e) Day treatment programs;
- (f) Crisis residential centers;
- (g) Staffed residential homes;
- (h) Child-placing agencies; and
- (i) Group receiving centers.

Note: Homes and facilities offering maternity services, day treatment, crisis residential centers, group receiving centers, services to medically fragile children and/or children with severe developmental disabilities will need to follow the specific program requirements outlined in this chapter as well.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0015, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0015, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0020 When is a license not required if I provide care to children? The department does not require licenses for people providing care in any of the situations as defined in RCW 74.15.020(2).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0020, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0020, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0025 How do you decide how many children I may serve in my home or facility? (1) The department approves the number of children that a home or facility may serve, based on an evaluation of these factors:

- (a) Physical accommodations in your home or facility;
- (b) The number of staff, family members and volunteers available for providing care;
- (c) Your skills and the skills of your staff;
- (d) The ages and characteristics of the children you are serving; and

(e) The certification of occupancy from the Washington state department of health if your facility is a group care program, or a staffed residential home licensed for six children.

(2) Based on the evaluation, the department may license you for the care of fewer children than you normally would serve in your category of care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0025, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0025, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—STAFF QUALIFICATIONS

WAC 388-148-0030 How old do I have to be to apply for a license to provide care to children? You must be at least twenty-one years old to apply for a license to provide care to children.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0030, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0035 What personal characteristics do I need to provide care to children? If you are requesting a license, certification, or a position as an employee, volunteer, intern, or contractor in a foster home, group care facility, staffed residential home, or child-placing agency you must have the following specific personal characteristics:

(1) You must demonstrate that you have the understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, and social needs of the children under your care.

(2) You must not have been disqualified by our background check (chapter 388-06 WAC) prior to having unsupervised access to children.

(3) You have not had a license denied or revoked from an agency that regulates the care of children or vulnerable adults, unless the department determines that you do not pose a risk to a child's safety, well being, and long-term stability.

(4) You must not have been found to have committed abuse or neglect of a child or vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well being, and long-term stability.

(5) You must have the ability to furnish the child with a nurturing, respectful, supportive, and responsive environment.

(6) The department may require you to give additional information. We may request this information at any time and it may include, but is not limited to:

- (a) Substance and alcohol abuse evaluations and/or documentation of treatment;
 - (b) Psychiatric or psychological evaluations;
 - (c) Psycho-sexual evaluations; and
 - (d) Medical evaluations and/or medical records.
- (7) Any evaluation requested under WAC 388-148-0035 (6)(a)-(d) will be at the applicant/licensees expense.

(8) The licenser must be given permission to speak with the evaluator/provider prior to and after the evaluation.

(9) Misrepresentation by a prospective employee, intern, or volunteer may be grounds for termination or denial of employment or volunteer service by that individual.

(2009 Ed.)

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0035, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0035, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—TRAINING REQUIRED

WAC 388-148-0040 What first-aid and cardiopulmonary resuscitation (CPR) training is required? (1) If you have a home or facility that provides licensed care, you, your staff, interns, volunteers, and any individual who may at any time be the sole caregiver, must have basic standard first aid and age-appropriate cardiopulmonary resuscitation (CPR) training.

(2) The approved first aid and CPR training must be in accordance with a nationally recognized standard.

(3) For licensed facilities and homes, a person with first aid and CPR training must be on the premises when children are present.

(4) The CPR training is not required for licensees with a statement from their physician that the training is not advised for medical reasons. However, another person with current CPR training must be on the premises when children are present.

(5) You must keep records in your home or facility showing who has completed current first-aid and CPR training.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0040, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0040, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0045 What HIV/AIDS and blood-borne pathogens training is required? (1) You must provide or arrange for training for yourself, your staff, and any individual who may at anytime be the sole caregiver, on the prevention and transmission of HIV/AIDS, and bloodborne pathogens. Such training must include infection control standards.

(2) You must use infection control requirements and educational material consistent with the current approved curriculum *Know - HIV/AIDS Prevention Education for Health Care Facility Employees*, published by the department of health, office on HIV/AIDS.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0045, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0045, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—APPLICATION AND LICENSING PROCESS

WAC 388-148-0050 How do I apply for a license? License applications are available from the division of licensed resources and licensed child placing agencies.

(1) To apply for a license, the person or legal entity responsible for your home or facility must include with the application the following:

(a) Written verification for each applicant(s), staff, interns, volunteers and individuals who may have unsupervised access to children in care of the following information:

(i) A negative tuberculosis test or an X ray, unless you can demonstrate a religious or a medical reason prohibiting the test;

[Title 388 WAC—p. 759]

Note: Written documentation from your physician that indicates you are free of the signs and symptoms of tuberculosis may be accepted for individuals with a religious or a medical prohibition to the TB test.

(ii) First aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

(iii) HIV/AIDS and bloodborne pathogens training including infection control standards.

(2) You must send a completed background check form to your licensor on anyone on the premises having unsupervised access to a child who:

(a) Is at least sixteen years old or older;

(b) Is not a foster child; nor an individual eighteen through twenty years old authorized to remain in foster care (see chapter 388-06 WAC).

(3) You must send a completed FBI fingerprint form on any individual in your home or facility who has lived outside Washington state within the last three years and meets WAC 388-148-0050 (2)(a)(b).

(4) A group care facility or staffed residential home licensed for six is required to meet the health and fire safety requirements to receive a certificate of compliance from the department of health and the Washington state patrol fire protection bureau.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-21-063, § 388-148-0050, filed 10/18/04, effective 11/18/04; 04-08-073, § 388-148-0050, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0050, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0055 How long do I have to complete the licensing application packet? (1) You must complete your licensing application with supporting documents, such as training certificates, within ninety days of first applying for your license. If you fail to meet this deadline and have not contacted your licensor, your licensor may consider your application withdrawn.

(2) If you are applying for a license renewal, other than as a foster home, you must send the application form to your licensor at least ninety days prior to the expiration of your current license.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0055, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0055, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0058 May I receive more than one in-home family license? (1) The department does not issue licenses for both a foster home and another kind of in-home family care, except in rare situations.

(2) In rare situations, a family that has demonstrated exceptional abilities in relation to meeting the special needs of children to be cared for may be granted approval to be licensed for foster care and another type of in-home family care. Approval may be granted if it appears to be in the best interest of the child and would not jeopardize the health and safety of children in the home.

(3) The following conditions apply to a home with more than one in-home family license:

(a) It must be clear that one type of care does not interfere with the health and safety of any child while providing the other type of care; and

[Title 388 WAC—p. 760]

(b) The total number of children in all categories of care must not exceed the number permitted by the most stringent capacity standards for the licensed care of children.

(4) The approval for more than one in-home family license must be in writing and signed by the director of the division of licensed resources or designee and the appropriate authority of the other division.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0058, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0060 May my relative or I be certified by a child-placing agency to be a foster parent and be an employee of that same agency? (1) You or your relative(s),

are not allowed to be certified by a child-placing agency as a foster home, if you or your relative is in an administrative or supervisory role, or directly involved in:

(a) Foster home certification;

(b) Placement;

(c) Case management; or

(d) Authorization of payment to yourself or your relative for that same child-placing agency.

(2) A foster parent certified by a child-placing agency who becomes employed by that agency, in one of the roles listed in WAC 388-148-0060(1) must be recertified through an agency other than their employer or licensed directly by DLR within six months of employment.

Note: Relative as defined under RCW 74.15.020 (4)(i) through (iv).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0060, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0060, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0065 When may I be certified to provide care to children? When you meet the licensing requirements, you may apply for certification of your home or facility by the department rather than a license, if the following conditions apply:

(1) You are exempt from needing a license (per chapter 74.15 RCW); and

(2) You wish to serve department-funded children; or

(3) You are licensed by authority of an Indian tribe within the state under RCW 74.15.190.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0065, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0065, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0070 Is there a difference between licensing and certification? (1) The department has the sole legal authority to license or approve homes and facilities for the care of children in out-of-home placement.

(2) The department may license a child-placing agency, including a Tribal CPA, to operate foster home, staffed residential home, and/or group care facilities.

(3) The child-placing agency is only authorized to "certify" or attest to the department that the foster home meets the licensing requirements.

(4) The certification requirements are the same as the licensing requirements and are contained in this chapter.

(5) The department has the final approval for licensing the home or facility that the CPA will be supervising.

(6) The department's representative signs the license of the home or facility.

(7) A home "certified" by a child-placing agency (CPA) and licensed by the department must be supervised by that CPA to have a valid license.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0070, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0070, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0075 May I be licensed with the department and certified by a child-placing agency at the same time? You may not be licensed directly by the department to provide foster care to children and be certified and supervised by a child-placing agency, at the same time.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0075, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0075, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0080 What may I do if I disagree with the decision of a child-placing agency that I do not meet the licensing requirements? If you disagree with the child-placing agency's decision, you must abide by the child-placing agency's grievance process to challenge the decision.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0080, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—CORRECTIVE ACTION

WAC 388-148-0085 Will the department license or continue to license a home or facility if the home or facility does not meet the licensing requirements? (1) At its discretion, the department may make exceptions and license or continue to license a home or facility that does not meet the minimum licensing requirements.

(2) Exceptions are approved for nonsafety requirements only.

(3) The safety and well-being of the children receiving care must not be compromised.

(4) The request for an exception to the licensing requirements must be in writing.

(5) You must keep a copy of the approved exception to the licensing requirements for your files.

(6) Along with an exception to the licensing requirements, the department may limit or restrict a license issued to you and/or require you to enter into a compliance agreement to ensure the safety and well-being of the children in your care.

(7) You do not have appeal rights if the department in its discretion denies your request for an exception to the minimum licensing requirements.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0085, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0085, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0090 Does the department issue probationary license? (1) The department may issue a probationary license as part of a corrective action plan with a licensed provider.

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(2) The department will base its decision as to whether a probationary license will be issued on a consideration of the following:

(a) Intentional or negligent noncompliance with the licensing rules;

(b) A history of noncompliance with the rules;

(c) Current noncompliance with the rules;

(d) Evidence of a good faith effort to comply; and

(e) Any other factors relevant to the specific situation.

(3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months. A decision not to issue a probationary license is not subject to appeal.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0090, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0090, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0095 When are licenses denied, suspended or revoked? (1) A license must be denied, suspended or revoked if the department decides that you cannot provide care for children in a way that ensures their safety, health and well-being.

(2) The department must, also, disqualify you for any of the following reasons:

(a) You have been disqualified by your background check (see chapter 388-06 WAC).

(b) You have been found to have committed child abuse or neglect or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(c) You or anyone living on the premises had a license denied or revoked from an agency that regulates care of children or vulnerable adults, unless the department determines that you do not pose a risk to children or vulnerable adults.

(d) You try to get a license by deceitful means, such as making false statements or omitting critical information on the application.

(e) You commit, permit or assist in an illegal act on the premises of a home or facility providing care to children.

(f) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(g) You knowingly allowed employees or volunteers who made false statements or omit critical information on their applications to work at your agency.

(h) You knowingly allowed employees or volunteers who use illegal drugs, alcohol, or prescription drugs that affect their ability to perform their job duties to work at your agency or be on the premises when children are present.

(i) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care. Repeatedly means more than twice during a six-month period.

(j) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(k) You are unable to properly manage the property, fiscal responsibilities, or staff in your agency.

(l) You have failed to comply with the federal and state laws for any Native American children that you have under care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0095, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0095, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0098 When is an employee or volunteer disqualified from having unsupervised access to a child in a licensed home, facility, or agency? The department must disqualify an employee or volunteer of a licensed home, facility, or agency from having unsupervised access to a child(ren) when he or she:

- (1) Has a disqualifying background check (see chapter 388-06 WAC);
- (2) Has been found to have committed child abuse or neglect or have treated, permitted, or assisted in treating children with cruelty, indifference, abuse, neglect, or exploitation;
- (3) Had a license denied or revoked from an agency that regulates the care of children or vulnerable adults;
- (4) Attempted to become employed, volunteer, or otherwise have unsupervised access to children by deceitful means, such as making false statements or omitting critical information on an application to work or volunteer at a licensed home, facility, or agency;
- (5) Used illegal drugs, alcohol, or prescription drugs that affected their ability to perform their job duties while on the premises when children are present; or
- (6) Has committed, permitted, or assisted in an illegal act on the premises of a home or facility providing care to children.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0098, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0100 Are there any other reasons that might cause me to lose my license? The department may suspend or revoke your home or facility license if you:

- (1) Exceed the conditions of your home or facility license by:
 - (a) Having more children than the license allows;
 - (b) Having children with ages or genders different than the license allows;
 - (c) Failing to provide a safe, healthy and nurturing environment for children under your care; or
 - (d) Failing to comply with any of the other licensing requirements.
- (2) Fail to meet the health and safety requirements to receive a certificate of compliance as required by the department of health and/or the Washington state patrol fire protection bureau.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0100, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0100, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0105 How do you notify me if you have modified, denied, suspended, or revoked my license? The department sends you a certified letter informing you of the decision to modify, deny, suspend or revoke your license. In the letter, the department also tells you what you need to do if you disagree with the decision.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0105, filed 8/28/01, effective 9/28/01.]

[Title 388 WAC—p. 762]

WAC 388-148-0110 What may I do if I disagree with your decision to modify, deny, suspend or revoke my license? You have the right to appeal any decision the department makes to deny, modify, suspend, or revoke your license.

(1) You may request an administrative hearing to disagree with the department's decision to modify, suspend, revoke or deny your license.

(2) You must request an administrative hearing within twenty-eight days of receiving a certified letter with the department's decision (see chapter 34.05 RCW).

(3) You must send a letter to the office of administrative hearings, P.O. Box 42488, Olympia, Washington 98504-2488, 1-800-583-8271 requesting an administrative hearing. The letter must have the following attachments:

(a) A specific statement of your reasons for disagreeing with the department decision and any laws that relate to your reasons; and

(b) A copy of the certified letter from the department that you are disputing.

(4) The administrative hearing will take place before an administrative law judge employed by the office of administrative hearings.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0110, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0110, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0115 May I appeal the decision of the office of administrative hearings' administrative law judge? (1) The decision of the administrative law judge (ALJ) will become the final decision of the department, unless either you or the department files a petition for review with DSHS board of appeals within twenty-one days after the administrative law judge's initial decision is mailed to the parties.

(2) The procedure for requesting, or responding to, a petition for review with the board of appeals is in WAC 388-02-0560 through 388-02-0635.

(3) If either party asks for a review, the decision of the board of appeals review judge will be the department's final decision.

(4) If you disagree with the decision of the board of appeals, you may file a petition in superior court and ask for judicial review. The procedure for judicial review is in RCW 34.05.510 to 34.05.598.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0115, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—RECORD-KEEPING/REPORTING/PERSONNEL POLICIES/POSTING OF LICENSE

WAC 388-148-0120 What incidents involving children must I report? (1) You or your staff must report the incidents contained in WAC 388-148-0120(2), as soon as possible and in no instance later than forty-eight hours to your local:

- (a) Children's administration intake staff, and
 - (b) The child's social worker or case manager.
- (2) The incidents to be reported include:

(a) Any reasonable cause to believe that a child has suffered child abuse or neglect;

(b) Any violations of the licensing or certification requirements where the health and safety of a foster child is at risk and the violations are not corrected immediately;

(c) Death of a child;

(d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(e) Any use of physical restraint that is alleged improperly applied or excessive;

(f) Sexual contact between two or more children that is not considered typical play between preschool age children;

(g) Any disclosures of sexual or physical abuse by a child in care;

(h) Physical assaults between two or more children that result in injury requiring off-site medical attention or hospitalization;

(i) Physical assaults of foster parent or staff by children that result in injury requiring off-site medical attention or hospitalization;

(j) Any medication that is given incorrectly and requires off-site medical attention; or

(k) Serious property damage or other significant licensing requirement that is a safety hazard and is not immediately corrected or may compromise the continuing health and safety of children.

(3) You or your staff must report the following incidents as soon as possible or in no instance later than forty-eight hours, to the child's social worker, if the child is in the department's custody or to the case manager if placed with a child-placing agency program:

(a) Suicidal/homicidal ideations, gestures, or attempts that do not require professional medical treatment;

(b) Unexpected health problems outside the anticipated range of reactions caused by medications, that do not require professional medical attention;

(c) Any incident of medication incorrectly administered;

(d) Physical assaults between two or more children that result in injury but did not require professional medical attention;

(e) Any emergent medical or psychiatric care that requires off-site attention; and

(f) Use of prohibited physical restraints for behavior management as described in WAC 388-148-0485.

(4) Programs providing care to medically fragile children who have nursing care staff on duty may document the incidents described in WAC 388-148-0120 (3)(b)(c) in the facility daily logs, rather than contacting the social worker or case manager, if agreed to in the child's ISSP.

[Statutory Authority: RCW 74.15.030, 74.08.090, and chapters 74.13 and 74.15 RCW. 06-22-030, § 388-148-0120, filed 10/25/06, effective 11/25/06. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0120, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0120, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0123 What are my reporting responsibilities when a child is missing from care? (1) As soon as you have reason to know a child in your care is missing as defined in WAC 388-148-0010, or has refused to return to or remain in your care, or whose whereabouts are otherwise

unknown, you or your staff are required to notify the following:

(a) The child's assigned social worker, if the child is in the department's custody;

(b) CA intake, if the social worker is not available or it is after normal business hours; or

(c) The case manager if the child is placed by a child-placing agency program.

(2) You or your staff are required to contact local law enforcement if the child is missing as defined in WAC 388-148-0010 within six hours. However, if one or more of the following factors are present, you must contact law enforcement immediately:

(a) The child has been, or is believed to have been, taken from placement as defined in WAC 388-148-0010;

(b) The child has been, or is believed to have been, lured from placement or to have left placement under circumstances that indicate the child may be at risk of physical or sexual assault or exploitation;

(c) The child is age thirteen or younger;

(d) The child has one or more physical or mental health conditions that if not treated daily will place the child at severe risks;

(e) The child is pregnant or parenting and the infant/child is believed to be with him or her;

(f) The child has severe emotional problems (e.g., suicidal ideations) that if not treated will place the child at severe risk;

(g) The child has a developmental disability that impairs the child's ability to care for him/herself;

(h) The child has a serious alcohol and/or substance abuse problem; or

(i) The child is at risk due to circumstances unique to that child.

After contacting local law enforcement, the Washington State Patrol's (WSP) Missing Children Clearinghouse must also be contacted and informed that the child is missing from care. The telephone number for the Clearinghouse is 1 (800) 543-5678.

(3) If the child leaves school or has an unauthorized absence from school, the caregiver should consult with the social worker to assess the situation and determine when law enforcement should be called. If any of the factors listed in subsections (2)(a) through (h) of this section are present, the caregiver and the social worker may decide it is appropriate to delay notification to law enforcement for up to four hours after the end of the school day to give the child the opportunity to return on their own.

(4) The caregiver will provide the following information to law enforcement and to the social worker when making a missing child report, if available:

(a) When the child left;

(b) Where the child left from;

(c) What the child was wearing;

(d) Any known behaviors or interactions that may have precipitated the child's departure;

(e) Any possible places the child may go to;

(f) Any special physical or mental health conditions or medications that affect the child's safety;

(g) Any known companions who may be aware of and involved in the child's absence;

- (h) Other professionals, relatives, significant adults or peers who may know where the child would go; and
 - (i) A recent photo of the child.
- (5) The caregiver should obtain the number of the missing person report and provide that number to CA staff.

[Statutory Authority: RCW 74.15.030, 74.08.090, and chapters 74.13 and 74.15 RCW. 06-22-030, § 388-148-0123, filed 10/25/06, effective 11/25/06.]

WAC 388-148-0125 What are your requirements for keeping client records? (1) Any identifying and personal information about a child and the child's family must be kept confidential.

(2) You must keep records about children and their families in a secure place. For foster homes, if the child is in the department's custody, at the end of the child's placement, reports and information about the child or the child's family must be returned to the child's social worker.

(3) During a placement in your foster home, your records must be kept at your home and contain, if available, at a minimum, the following information:

- (a) The child's name, birth date, and legal status;
- (b) Name and telephone number of the social worker for each child in care;
- (c) Names, address and telephone numbers of parents or persons to be contacted in case of emergency;
- (d) Information on specific cultural needs of the child;
- (e) Medical history including any medical problems, name of doctor, type of medical coverage and provider;
- (f) Mental health history and any current mental health, chemical dependency, and behavioral issues, including medical and psychological reports when available;
- (g) Other pertinent information related to the child's health, including dental records;
- (h) Immunizations are not required to be current for children placed in:
 - (i) Receiving and interim care homes and facilities;
 - (ii) Crisis residential centers; and
 - (iii) A foster home licensed by a child-placing agency to provide emergency respite services to parents on a voluntary placement agreement.

Note: If a child's placement extends beyond thirty days, you must obtain the child's immunization records. If the child is not current with immunization, they must be updated as soon as medically possible.

- (i) Child's school records, report cards, school pictures, and individual education plans (IEP);
 - (j) Special instructions including supervision requirements and suggestions for managing problem behavior;
 - (k) Inventory of the child's personal belongings at the time of placement; and
 - (l) The child's visitation plan.
- (4) During a child's placement in a home or facility, the child's record must be kept secure at the site and contain, at a minimum, the following information in addition to the information in subsection (3)(a) through (l) of this section:
- (a) Written consent from the child placing agency, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order);
 - (b) Names, addresses, and telephone numbers of persons authorized to take the child under care out of the facility;

(c) A copy of the court order or voluntary placement agreement that gives approval to place the child;

(d) Case plans, such as children's administration's "individual service and safety plan (ISSP);" and

(e) Documentation of therapy treatment received by children with the signature of the person making the entry to the therapy or progress notes.

(5) If you operate a group care program, staffed residential home, or child-placing agency and have client files with information not returned to the department, you must keep them for six years following the termination or expiration of any contract you have with the department.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0125, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0125, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0127 What are the requirements for information kept in facility logs for staffed residential homes and group care programs? (1) Staffed residential homes and group care programs must document the following information for each shift:

- (a) Serious child health or safety issues;
 - (b) Dates and illnesses or accidents while in care;
 - (c) Medications and treatments given with the child's name;
 - (d) After-hours telephone number of the supervisor;
 - (e) On-call and relief staff on premises during emergencies; and
 - (f) The signature of the staff person reviewing the log.
- (2) Staffed residential homes and group care programs must keep current:
- (a) Medication logs;
 - (b) Incident logs, including a copy of any suspected child abuse and/or neglect referrals made to children's administration; and
 - (c) Daily or shift logs.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0127, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0130 What information may I share about a child or a child's family? (1) Information about a child or the child's family is confidential and must only be shared with people directly involved in the case plan for a child.

(2) You may discuss information about the child, the child's family and the case plan only with:

- (a) A representative of the department, including staff from DCFs and DLR; department of health and the office of the state fire marshal;
- (b) A child-placing agency case manager assigned to the child;
- (c) The child's assigned guardian ad litem or court-appointed special advocate; or
- (d) Others designated by the child's social worker.

(3) You may check with your child's social worker for guidance about sharing information with the child's teacher, counselor, doctor, respite care provider, any other professional, or others involved in the case plan.

(4) Child-placing agencies and the department must share with the child's care provider any information about the child and child's family related to the case plan.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0130, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0130, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0135 What changes to my home or facility must I report to my licensor? (1) You must report to your licensor immediately any changes in the original licensing application. Changes include any of the following:

- (a) Changes in your location or designated space, including address;
- (b) Changes in your phone number;
- (c) Changes in the maximum number, age ranges, and sex of children you wish to serve;
- (d) Changes in the structure of your facility or premises from events causing damage, such as a fire, or from remodeling;
- (e) Addition of any new staff person, employee, intern, contractor, or volunteer, who might have unsupervised contact with the children in care; or
- (f) Changes in household composition, such as:
 - (i) A marriage, separation or divorce;
 - (ii) Incapacity or serious physical or mental illness of a foster parent or member of the household;
 - (iii) The death of anyone in the household;
 - (iv) A change in employment status or significant change in income; or
 - (v) A change in who resides in the household or is on the premises for more than fourteen days.
- (g) Any arrests or convictions that occur between the date of your license and the expiration date of your license for you or anyone sixteen years or older residing at your home.

(2) A license is valid only for the person or organization named on the license and only for the specific address listed on the license. If you operate a group facility or child-placing agency, you must also report any of the following changes to your licensor:

- (a) A change of your agency's executive director or any staff changes;
- (b) The death, retirement, or incapacity of the person who holds the license;
- (c) A change in the name of a licensed corporation, or the name by which your facility is commonly known; or
- (d) Changes in an agency's articles of incorporation and bylaws.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0135, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0135, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0140 What personnel policies must I have? (1) You must comply with federal and state antidiscrimination laws related to personnel policies and procedures.

You must keep a background check log that contains information on dates of request and completion of the checks.

(2) If you have five or more staff, volunteers, or interns you must have written policies covering qualifications, training, and duties for employees, interns, and volunteers.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0140, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0140, filed 8/28/01, effective 9/28/01.]

(2009 Ed.)

WAC 388-148-0145 Where do I post my license? (1) Foster home parents do not need to post their license.

(2) If you operate any other kind of home, facility, or agency you must post your license where the public can easily view it.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0145, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—HEALTH AND GENERAL SAFETY

WAC 388-148-0150 Are local ordinances part of the licensing requirements? (1) You are responsible for complying with local ordinances (laws), such as zoning regulations and local building codes.

(2) The department may require you to provide proof that you are complying with local ordinances.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0150, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0150, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0155 What physical structure safety requirements must my home or facility meet? You must keep the equipment and the physical structures in your home or facility safe and clean for the children you serve. You must:

(1) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair;

(2) Provide handrails for steps, stairways, and ramps; if required by the department;

(3) Have emergency lighting devices available and in operational condition;

(4) Furnish your home or facility appropriately, based on the age and activities of the children under care.

(5) Have washable, water-resistant floors in your home or facility bathrooms, kitchens, and any other rooms exposed to moisture. The department may approve washable, short-pile carpeting that is kept clean and sanitary for your home or facility's kitchens.

(6) All homes and facilities must provide tamper proof or tamper resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other persons with limited mental capacity or who might be endangered by access to them.

(7) Have easy access to rooms occupied by children in case an emergency arises. Some examples are bedrooms, toilet rooms, shower rooms, and bathrooms.

(8) Except for foster homes, have posted a written disaster plan for emergencies such as fire and earthquakes.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0155, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0160 What measures must I take for pest control? You must make reasonable attempts to keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0160, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0165 What are the requirements regarding the location of my home or facility? (1) Your address must be clearly visible on the home, facility, or mailbox so that firefighters or medics can easily find your location.

(2) Your home or facility must be accessible to emergency vehicles.

(3) Your home or facility must be located on a well-drained site, free from hazardous conditions. The safety of the children in care is paramount. You must discuss with the licensor any potential hazardous conditions, considering the children's ages, behaviors, and abilities.

(4) A licensing safety and supervision plan must be written if the department determines that hazardous conditions are present. Some examples of hazards are natural or man-made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0165, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0165, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0170 What steps must I take to ensure children's safety around outdoor bodies of water? (1) You must ensure children in your care or placed in your home or facility are safe around bodies of water.

(2) You must daily empty and clean any portable wading pool that children use.

(3) Children under twelve must be in continuous visual or auditory range at all times, when the children are swimming, wading, or boating, by an adult with current age appropriate first aid and CPR.

(4) You must ensure age and developmentally appropriate supervision of any child that uses hot tubs, swimming pools, spas, and around man-made and natural bodies of water.

(5) All safety devices and rescue equipment, such as personal flotation devices must meet state and federal water safety regulation.

(6) You must lock or secure hot tub and spa areas when they are not in use.

(7) You must place a fence designed to discourage climbing and have a locking gate around a pool or have another DLR approved safety device. The pool must be inaccessible to children when not in use.

(8) Foster homes with pools must have a written licensing safety and supervision plan.

(9) Individuals supervising children in foster homes and staffed residential homes licensed for five or fewer children must know how and be able to use rescue equipment or have a current life-saving certification, when children are using a pool on the premises.

(10) All group care facilities and staffed residential homes licensed for six children must have a person with current life-saving certification on-duty when children are using a pool at the facility.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0170, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0170, filed 8/28/01, effective 9/28/01.]

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WAC 388-148-0175 What are your requirements regarding pets and animals in my home or facility? (1) In a foster home, staffed residential home, or group care facility, you must not have any common household pets, exotic pets, animals, birds, insects, reptiles, or fish that are dangerous to the children in care.

(2) The department, at its discretion, may limit the type and number of common household pets, exotic pets, animals, birds, insects, reptiles or fish accessible to children if the department determines there are risks to the children in care.

(3) You must ensure that common household pets, exotic pets, animals, birds, insects, reptiles, and fish are free from disease and cared for in a safe and sanitary manner.

(4) Common household pets, exotic pets, animals, birds, insects, reptiles, and fish must be cared for in compliance with state regulations and local ordinances.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0175, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0180 Are alcoholic beverages or illegal drugs allowed at my home or facility? (1) In a foster home, you may have alcoholic beverages on the premises as long as they are inaccessible to children. If alcohol is on the premises of a foster home the issue must be addressed in the licensing safety and supervision plan.

(2) Licensed homes and facilities must not have illegal drugs on the premises.

(3) A group care facility or staffed residential home must not have alcohol or illegal drugs on the premises. The staff of these facilities may not consume alcohol or illegal drugs on the premises or during breaks.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0180, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0180, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0185 Is smoking permitted around children? (1) You must prohibit smoking in the living space of any home or facility caring for children and in motor vehicles while transporting children.

(2) You may permit adults to smoke outdoors away from children.

(3) Nothing in this section is meant to interfere with traditional or spiritual Native American or religious ceremonies involving the use of tobacco.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0185, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0185, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0190 May I have firearms in my home or facility? (1) Except for foster homes, you must not permit firearms, ammunition, and other weapons on the premises of homes or facilities that provide care to children.

(2) If you are licensed as a foster home, firearms, ammunition, and other weapons must be kept in locked container, gun cabinet, gun safe, or another storage area made of strong, unbreakable material when not in use.

(a) If the storage cabinet has a glass or another breakable front, the guns must be secured with a locked cable or chain placed through the trigger guards.

(b) Ammunition must be stored in a place that is separate from weapons or locked in a gun safe.

(2009 Ed.)

(c) Weapons and ammunition must be accessible only to authorized persons.

(3) You may allow a child to use a firearm only if:

(a) The child's social worker approves;

(b) Competent adults are supervising use; and

(c) The youth has completed an approved gun safety or hunter safety course.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0190, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0195 What are your requirements for storing dangerous chemicals or other substances? (1) You must store the following items in a place that is not accessible to preschool children or other persons with limited mental capacity or who might be endangered by access to these products:

(a) Cleaning supplies;

(b) Toxic or poisonous substances;

(c) Aerosols; and

(d) Items with warning labels.

(2) When containers are filled with toxic substances from a stock supply, you must label containers filled from a stock supply.

(3) Toxic substances must be stored separately from food items.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0195, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0200 Do I need first-aid supplies? (1)

You must keep first-aid supplies, and additional medications recommended by a child's physician, on hand for immediate use. You must keep the telephone number of the poison control center with the first aid supplies and you must post the number on or near your telephone.

(2) The following first-aid supplies must be kept on hand:

(a) Barrier gloves and one-way resuscitation mask;

(b) Bandages;

(c) Scissors and tweezers;

(d) Ace bandage;

(e) Gauze; and

(f) Thermometer.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0200, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0200, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0205 What requirements are there for the storage of medications? (1) You must keep all medications, including pet medications, vitamins and herbal remedies, in locked storage.

(2) Pet and human medications must be stored in separate places.

(3) You must store external medications separately from internal medications.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0205, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0210 What requirements do I need to follow when I transport children? When you transport children under your care, you must follow these requirements.

(2009 Ed.)

(1) The vehicle must be kept in a safe operating condition.

(2) The driver must have a valid driver's license.

(3) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five preschool-aged children in the vehicle;

(b) Staff-to-child ratio guidelines or your contract require a second staff person; or

(c) The child's specific needs require a second adult person.

(4) The driver or owner of the vehicle must be covered under an automobile liability insurance policy.

(5) Your vehicles must be equipped with, seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law.

(6) The number of passengers must not exceed the vehicle's seat belts.

(7) Buses approved by the state patrol are not required to have seat belts.

(8) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as appropriate for age, whenever the vehicle is in motion.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0210, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0210, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0215 May I use wheeled baby walkers? The department prohibits the use of wheeled baby walkers in foster homes and facilities.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0215, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—FIRE SAFETY

WAC 388-148-0220 What fire safety requirements must I follow to qualify for a license? (1) If you operate a group care facility or a staffed residential home licensed for six children, you must comply with the regulations developed by the chief of the Washington state patrol through the director of the fire protection bureau (WSP/FPB). The regulations are minimum requirements for protecting life and property against fire. They are contained in the current adopted fire code and Washington state amendments as adopted by the state of Washington. Contact the WSP/FPB for specific requirements.

(2) All foster homes and those staffed residential homes licensed for five or fewer children must have inspections by WSP/FPB or the local fire authority only if, either:

(a) The licensor request the inspections due to questions of fire safety; or

(b) Local ordinances or WSP/FPB require these inspections.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0220, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0220, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0225 What fire safety requirements are there for exits? (1) Group care facilities and staffed residential home licensed for six children must comply with the

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Washington state patrol protection bureau regulations regarding exits.

(2) All foster homes and those staffed residential home licensed for five or fewer children must comply with the fire safety requirements that follow concerning exits from homes.

(a) Exit doors and rescue windows must be easily and quickly opened from the inside without requiring a key or special instructions.

(b) Each home and facility must have at least one swinging exit door that is pivoted or hinged on the side.

(c) Each home or facility must have two means of exit, from the apartment, house, or facility, with at least one exit on each floor. The requirement for one of the two exits may be deleted if:

(i) A residential sprinkler system (complying with the WSP/FPB regulations and the currently adopted edition of the National Fire Protection Association (N.F.P.A.) #13) is provided throughout the entire building; and

(ii) The remaining exit is a door.

(d) Every occupied area must have access to one exit. Such exits may not be locked or blocked from the opposite side.

(e) Obstacles must not be placed in corridors, aisles, doorways, exit doors, stairways, ramps, or windows that could delay exiting in case of emergency.

(f) Barriers to exiting must be restricted to baby gates or DLR-approved electronic monitoring devices that do not delay exiting in case of emergency.

(g) Stoves or heaters must not block escape or exit routes.

(h) Flammable, combustible, or poisonous material must be stored away from exits and away from areas that are accessible to children under care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0225, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0225, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0230 Are there other fire safety requirements for inside a foster home or staffed residential home licensed for five or fewer children? All foster homes and those staffed residential homes licensed for five or fewer children must comply with the fire safety requirements that follow.

(1) Every bedroom used by children under care must have easy entry and exit, including one of these features:

(a) Two separate doors; or

(b) One door leading to an area with an exit; and

(c) A window that opens to the outside and is large enough for emergency personnel or rescuer access.

(2) No space may be lived-in by the children in care that is accessible only by a ladder, folding stairs, or a trap door.

(3) Every bathroom door lock must be designed to permit the opening of the locked door from the outside.

(4) Every closet door latch must be designed to be opened from the inside.

(5) Open-flame devices and fireplaces, heating and cooking appliances, and products capable of igniting clothing must not be left unattended or used incorrectly.

(6) Fireplaces, wood stoves and other heating systems that have a surface hot enough to cause a burn must have a barrier to prevent access by children under age six years.

[Title 388 WAC—p. 768]

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0230, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0230, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0235 What are the requirements for smoke detectors for foster homes and staffed residential homes licensed for five or fewer children? (1) All foster homes and those staffed residential homes licensed for five or fewer children must place a smoke detector in good working condition in each bedroom or in areas close to where children sleep, such as a hallway. If the smoke detector is mounted on the wall, it must be twelve inches from the ceiling and a corner.

(2) If a sleeping or napping room has a ceiling height that is at least twenty-four inches higher than its adjoining hallway, you must install a smoke detector in both the hallway and the sleeping or napping room.

(3) Smoke detectors must be tested twice a year to ensure they are in working order.

(4) Document date and time of test.

(5) If questions arise concerning fire danger, the local fire protection authority must be consulted.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0235, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0235, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0240 What are the requirements for fire extinguishers in homes and facilities? (1) All homes and facilities must have readily available at least one approved 2A10BC-rated or larger all purpose (ABC) fire extinguisher.

Note: Approved 2A10BC-rated means a fire extinguisher with an Underwriters' Laboratory label on the nameplate classifying the extinguisher as 2A10BC-rated. These extinguishers are usually multipurpose, five-pound dry chemical units.

(2) Approved fire extinguisher(s) must be located in the area of the normal path of exiting. The maximum travel distance to an extinguisher from any place on the premises must not exceed seventy-five feet. When the travel distance exceeds seventy-five feet, additional extinguisher(s) are required.

(3) Fire extinguishers must be ready for use at all times.

(4) Fire extinguishers must be kept on a shelf or mounted in a bracket so that the top of the extinguisher is not more than five feet above the floor.

(5) Fire extinguishers must receive a maintenance certification by a licensed firm specializing in this work, based on the manufacturer's recommended schedule. Maintenance means a thorough check of the extinguisher for:

(a) Mechanical parts;

(b) Extinguishing agent; and

(c) Expelling means.

(6) Exception: New fire extinguishers do not need to receive an additional certification test during the first year.

(7) For all foster homes and staffed residential homes licensed for five or fewer children, if local fire authorities require installation of a different type or size of fire extinguisher, those requirements apply instead of the departments, as long as at least the minimum size is maintained.

(2009 Ed.)

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0240, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0240, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0245 What fire escape measures must be taken for multilevel homes and facilities? (1) Multilevel homes and facilities must have a means of escape from an upper floor.

(2) If a fire ladder is needed to escape from an upper story window, it must be functional and stored in a location that is easily accessible.

(3) For all foster homes and those staffed residential homes licensed for five or fewer children, the local fire authority may be consulted to determine if a fire ladder is needed to ensure adequate safety.

(4) For group care programs and staffed residential homes licensed for six children fire escape measures from multilevel buildings is determined by the WSP/FPB representative.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0245, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0245, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0250 What fire safety instructions must I give to children residing in a home or staffed residential home licensed for five or fewer children? (1) You must instruct children, under your care, who are capable of understanding and following emergency evacuation procedures how to exit the building in case of fire.

(2) For foster homes and staffed residential homes licensed for five or fewer children, you must conduct fire drills at quarterly intervals or as required by WAC 212-12-044 by the WSP/FPB to test and practice evacuation procedures.

(3) Any simulated fire drills for medically fragile or non-ambulatory children must meet WAC 212-12-005 as required by the WSP/FPB.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0250, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0250, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0255 What are the requirements for a fire evacuation plan? (1) You must develop a written fire evacuation plan for your home or facility. The evacuation plan must include an evacuation floor plan, identifying exit doors and windows. Except in foster homes, the plan must be posted at each exit door.

(2) You must ensure that the plan includes:

(a) Action to take by the person discovering a fire;

(b) Methods for sounding an alarm on the premises;

(c) Action to take for evacuating the building that ensures responsibility for the children;

(d) Action to take while waiting for the fire department; and

(e) If the use of a fire ladder is part of the evacuation plan it must be inspected at least annually to ensure it is in working order.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0255, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0255, filed 8/28/01, effective 9/28/01.]

(2009 Ed.)

GENERAL REQUIREMENTS—ROOM REQUIREMENTS

WAC 388-148-0260 What are the general requirements for bedrooms? You must meet all of the following requirements for bedrooms if you provide full-time care in a home or facility.

(1) An adult must be on the same floor or within easy hearing distance and access to where children under six years of age are sleeping. Infants under age one year must be on the same floor as an adult.

(2) You must use only bedrooms that have unrestricted direct access to hallways, corridors, living rooms, day rooms, or other such common use areas.

(3) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(4) For facilities licensed after December 31, 1986, bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the occupants. Normally, this would be seven and a half feet; and

(b) A window that can open into the outside, allowing natural light into the bedroom and permitting emergency access or exit.

(5) Foster children must not share the same bedroom with children six years or older of a different gender.

(6) Children in care must not share the same bed.

(7) In group care facilities and staffed residential homes licensed for six children, single occupancy bedrooms must provide at least fifty square feet of floor space.

(8) In foster homes and staffed residential homes licensed for five or fewer children, single occupancy bedrooms must provide adequate floor space for the safety and comfort of the child. Normally, this would be at least fifty square feet of floor space, not including closets.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0260, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0260, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0265 What are additional requirements for bedrooms for more than one person? (1) You must not allow a child over one year of age to share a bedroom with an adult who is not the child's parent. A foster child over one year may share the bedroom of the foster parent(s) for close supervision due to the child's medical or developmental condition. A written recommendation of the child's physician is required.

(2) There must be no more than four persons to a bedroom.

(3) Multiple occupancy bedrooms must provide adequate floor space for safety and comfort of the children. Normally this would be at least fifty square feet of floor space per occupant, not including closets.

(4) When a mother and her infant sleep in the same room, the room must contain at least eighty square feet of usable floor space.

(5) You must allow only one mother and her newborn infant(s) to occupy a bedroom.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0265, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0265, filed 8/28/01, effective 9/28/01.]

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WAC 388-148-0270 What are the requirements for beds? (1) Each child in care must have a bed of his or her own.

(2) For each child in care, you must provide a bed at least twenty-seven inches wide with a clean and comfortable mattress in good condition, pillow, sheets, blankets, and pillowcases. Each child's pillow must be covered with waterproof material or be washable.

(3) Bedding must be clean.

(4) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

(5) You must provide an infant with a crib that ensures the safety of the infant and complies with chapter 70.111 RCW, Infant Crib Safety Act.

(6) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age.

(7) Cribs, infant beds, bassinets, and playpens must:

(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily sanitized; and

(b) Be made of wood, metal, or approved plastic with secure latching devices.

(8) Crib bumpers, stuffed toys and pillows must not be used in cribs, infant beds, bassinets, or playpens with an infant unless advised differently by the child's physician.

(9) You must follow the recommendation of the American Academy of Pediatrics, 1-800-505-CRIB, placing infants on their backs each time for sleep, unless advised differently by the child's physician.

(10) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of children under six years of age.

(11) You must not allow children to use the loft style beds or upper bunks of double-deck beds if using them due to age, development or condition could hurt them. Examples: Preschool children, expectant mothers, and children with a disability.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0270, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0270, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS— TELEPHONE/LIGHTING/VENTILATION/WATER/ LAUNDRY/SEWAGE

WAC 388-148-0275 Do I need a telephone at my home or facility? The department has two requirements for the telephone that you must meet at your home or facility.

(1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) You must post emergency phone numbers next to the phone, or at a specified place for easy access.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0275, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0275, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0280 What are the lighting requirements for my home or facility? (1) You must locate light fixtures and provide lighting that promotes good visibility and comfort for the children under your care.

[Title 388 WAC—p. 770]

(2) In addition, group care facilities must have nonbreakable light fixture covers or shatter resistant light bulbs or tubes.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0280, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0290 What does the room temperature for my home or facility need to be? You must maintain the temperature within your home or facility at a reasonable level while occupied. You must consider the age and needs of the children under your care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0290, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0300 How must I ventilate my home or facility? You must ensure that your physical facility is ventilated for the health and comfort of the persons under your care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0300, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0300, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0305 What are the requirements for laundry facilities? The department has specific requirements for laundry facilities at your home or facility.

(1) You must have separate and adequate facilities for storing soiled and clean linen.

(2) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis.

(3) Except for foster homes, you must locate laundry equipment in an area separate from the kitchen and child care areas.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0305, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0305, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0310 What are the requirements for washing clothes? You must use an effective way to sanitize laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials. You must sanitize laundry through temperature or chemicals.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0310, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0315 What are the requirements for toilets, sinks, and bathing facilities? You must meet certain requirements for toilets, sinks, and bathing facilities.

(1) You must provide at least one indoor flush-type toilet, one nearby handwashing sink with hot and cold running water, and a bathing facility.

(2) You must comply with all of the following requirements for toilet and bathing facilities:

(a) Toilet and bathing facilities must allow privacy for children who are five years of age or older and opposite genders.

(b) Toilet, urinals, and handwashing sinks must be the appropriate height for the children served, or have a safe and easily cleaned step stool or platform that is water-resistant.

(2009 Ed.)

(c) Handwashing and bathing facilities must be provided with hot running water that does not exceed one hundred twenty degrees.

(d) All bathing facilities must have a conveniently located grab bar unless we approve other safety measures, such as nonskid pads.

(e) You must provide potty-chairs and toilet training equipment for toddlers. You must regularly maintain this equipment and keep it in sanitary condition. You must put potty-chairs, when in use, on washable, water-resistant surfaces.

(f) In group care facilities, whenever urinals are provided, the number of urinals must not replace more than one-third of the total number of required toilets.

(g) You must provide soap and clean towels, disposable towels or other approved hand-drying devices to the persons under your care.

(h) In programs providing care to expectant mothers:

(i) Bathing facilities must have adequate grab bars in convenient places; and

(ii) Except in foster homes, all sleeping areas must have at least one toilet and handwashing sink on the same floor.

(3) The following ratios of persons normally on the premises to bathrooms at the facilities shall apply:

	Toilets	Handwashing Sinks	Bathing Facilities
Group care facilities and SRH licensed for six children	Two minimum and 1:8 ratio	Two minimum and 1:8 ratio	One minimum and 1:8 ratio
Foster homes and staffed residential homes licensed for five or fewer children	One minimum	One minimum	One minimum

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0315, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0315, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0320 What are the requirements about drinking water? You must provide the following:

(1) A public water supply or a private water supply approved by the local health authority at the time of licensing or relicensing; and

(2) Disposable paper cups, individual drinking cups or glasses, or angled jet type drinking fountains.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0320, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0320, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0325 What are the requirements for sewage and liquid wastes? You must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system, or department of health approved alternative system.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0325, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0325, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—MEDICAL CARE AND MEDICATION MANAGEMENT

WAC 388-148-0330 Am I required to obtain a child's health history? (1) You may obtain the health history from the social worker or child-placing agency making the placement for all children that are accepted into your home or facility.

(2) The health history must include:

- (a) The date of the child's last physical examination;
- (b) Allergies;
- (c) Any special health problems;
- (d) A history of immunizations;
- (e) Clinical and medical diagnoses and treatment plans;

and

(f) All currently prescribed medications.

(3) When leaving the home or facility, the health history of the child must go with the child to the next placement for continuity of care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0330, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0335 When must I get an EPSDT exam for a child under my care? (1) An early and periodic screening, diagnosis and treatment (EPSDT) exam must be completed for any child in care more than thirty days, who within the past year, has not had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).

(2) In consultation with the child's social worker and physician, you must schedule an EPSDT exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP) according to the published frequency schedule.

Note: You may contact the child's social worker for information on this.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0335, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0335, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0340 What are the requirements for immunizations for children? (1) Contact the child's social worker before beginning any immunization schedule to avoid duplication of immunizations.

(2) You may accept a child who has not received all immunizations on a conditional basis if immunizations are started as soon as medically possible.

(3) If you are providing care and have minor children of your own who are on the premises of a home or facility, your children must have proof of current immunizations.

(4) The department may give conditional approval for any of your own children who have not received all immunizations as long as their immunizations are started soon as medically possible.

(5) The department may grant exceptions to this requirement for immunizations for your children in two situations:

- (a) You, as parent or guardian, have signed a statement indicating your religious, philosophical or personal objections to the requirement; or

(b) You have a physician's statement indicating that a valid medical reason exists for not obtaining immunizations for your own child.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0340, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0340, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0345 What must I do to prevent the spread of infections and communicable diseases? You must take precautions to guard against infections and communicable diseases infecting the children under care in your home or facility.

General communicable diseases and infections

(1) In each home or facility, other than a foster home, staff with a reportable communicable disease or notifiable disease condition, as defined by the department of health, in chapter 246-101 WAC, in an infectious stage must not be on duty until they have a physician's approval for returning to work.

(2) Each home or facility, other than a foster home, that cares for medically fragile children and children with a severe developmental disability must have an infection control program supervised by a registered nurse.

(3) Foster homes and staffed residential homes licensed for five or fewer children who are medically fragile may use other alternatives, such as in-home nursing services, to consult on infection control procedures.

Tuberculosis

(4) Applicants for a license or adults authorized to have unsupervised access to children in a home or facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

(a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest X ray since a previously positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(5) The department does not require a tuberculin skin test if:

(a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or

(b) A physician indicates that the test is medically inadvisable.

(6) Persons whose tuberculosis skin test is positive must have a chest X ray within thirty days following the skin test.

(7) The department does not require retesting for license renewals unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

(8) The facility must keep the results of the applicant and employees TB test results in the personnel file available for review by DLR.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0345, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0345, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0350 What are the requirements for obtaining consent for medical care for children under my care? (1) In general, the department is the legal custodian of a child in foster care. The department has the authority to consent to emergent and routine medical services on behalf of the child. The department delegates some of that authority to out-of-home placement providers (both foster parents and facility-based programs). You must contact the child's social worker or children's administration intake (emergency placements) for specific information for each child.

(2) In case of medical emergency, contact children's administration intake as soon as possible.

(3) If you care for children in the custody of another agency, tribal court or other court you must follow the direction of that agency or court regarding permission to provide consent for medical care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0350, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0350, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0352 What are the requirements for the management of medication for children in my care? General medication management requirements

(1) Medication must not be used for behavior control, unless prescribed for that purpose by a physician or another person legally authorized to prescribe medication.

(2) Only you or another authorized care provider (such as a respite provider) are allowed to have access to medications for a child under your care.

(3) You or another authorized care provider must give prescription and nonprescription medications:

(a) Only as specified on the prescription label; or

(b) As otherwise approved by a physician or another person legally authorized to prescribe medication.

(4) If you care for children in the custody of another agency, tribal or other court you must follow the direction of that agency or court regarding giving or applying prescription and nonprescription medications.

(5) Foster homes must keep a record of all prescription medication given to a foster child.

(6) All licensees, except foster homes, must keep a record of all prescription and nonprescription medications given to children in care.

Nonprescription medications

(7) You or another authorized care provider may give the following nonprescription medications according to product instructions, without prior approval of the department:

(a) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;

(b) Nonnarcotic cough suppressants;

(c) Decongestants;

(d) Antacids and anti-diarrhea medication;

(e) Anti-itching ointments or lotions intended specifically to relieve itching;

(f) Shampoo for the removal of lice;

(g) Diaper ointments and powders intended specifically for use in the diaper area of children;

(h) Sun screen for children over six months; and

(i) Antibacterial ointments.

Note: Other nonprescription medications may be given with a physician's standing order, if the order is child specific.

Prescription medications

(8) Children taking prescription medications, internally, must have the prescribing physician's written authorization before any other medications, herbal supplements, remedies, vitamins, or minerals are given.

(9) You must notify the child's social worker of changes in prescribed medications.

(10) Except for foster homes, the disposal of any prescription medication must be documented and contain the following information:

- (a) What medication was disposed;
- (b) The name of the child the medication was prescribed for;
- (c) The amount disposed;
- (d) The name of the individual disposing of the medication; and
- (e) The name of the individual witnessing the disposal.

Note: You may consult with a pharmacist on the proper disposal of medications that are no longer being taken or have expired.

Psychotropic medications

(11) Care providers must not consent to giving or stopping a psychotropic medication. Consent to begin or to stop a psychotropic medication for a child can only be given by one of these:

- (a) The child's parent;
- (b) Dependency guardians based on the authority of the dependency guardianship court order;
- (c) A court order; or
- (d) The child's social worker, if:
 - (i) The child is legally free and in the permanent custody of the department; or
 - (ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0352, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0355 May I accept medicine from a child's parent or guardian? (1) The only medicine you may accept from the child's parent, guardian, or responsible relative is medicine in the original container labeled with:

- (a) The child's first and last name;
- (b) The date the prescription was filled;
- (c) The medication's expiration date; and
- (d) Legible instructions for administration (manufacturer's instructions or prescription label) of the medication.

(2) You must notify the child's social worker when you receive a prescription from a child's parent or guardian.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0355, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0355, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0365 When may children take their own medicine? (1) You may permit children under your care to take their own medicine as long as:

- (a) They are physically and mentally capable of properly taking the medicine; and
- (b) You must keep the written approval by the child's social worker in your records.

(2009 Ed.)

(2) When a child is taking their own medication, the medication and medical supplies must be kept locked or inaccessible to unauthorized persons.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0365, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0365, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—FOOD/DIET/INFANT CARE

WAC 388-148-0370 What food and meal guidelines must I follow? (1) Food served to children in your care must meet the needs of the children.

(2) For an educational and social environment during mealtimes, children must not be routinely separated from the adults and/or required to have separate menus unless ordered by the child's health care provider.

(3) You must provide the facilities for proper storage, preparation, and service of food to meet the needs of the program.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0370, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0375 How often must I feed children?

(1) You must provide all children a minimum of three meals in each twenty-four-hour period. You may vary from this guideline only if you have written approval from the child's physician and social worker.

(2) The time interval between the evening meal and breakfast must not be more than fourteen hours.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0375, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0375, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0380 How do I handle a child's special diet? You must have approval of the child's social worker and written instructions by a physician, parent or guardian before serving nutrient concentrates, nutrient supplements, vitamins, and modified diets (therapeutic and allergy diets).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0380, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0380, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0385 Are there special requirements for serving milk? You must follow these requirements for serving milk:

(1) Serve only pasteurized milk or a pasteurized milk product.

(2) Not serve the following types of milk to any child less than twenty-four months of age unless you have written permission by a physician:

- (a) Skim milk;
- (b) Reconstituted nonfat dry milk; and
- (c) One and two percent butterfat milk.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0385, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0385, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0390 What home-canned foods may I use? (1) In all homes and facilities, except foster homes, you may serve only home-canned high-acid foods with a pH of less than 4.6 such as canned fruits, jams, jellies, and pickles.

(2) In foster homes, all home-canned foods must be prepared following published procedures that are approved by the extension service.

(3) You must be able to provide the printed procedure that you followed.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0390, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0395 What requirements must I meet for feeding babies? You must meet the following requirements for feeding babies:

(1) In group care settings, all formulas must be in sanitized bottles with nipples and labeled with the child's name and date prepared if more than one child is bottle-fed.

(2) You must refrigerate filled bottles if bottles are not used immediately and contents must be discarded if not used within twenty-four hours.

(3) If you reuse bottles and nipples, you must sanitize them.

(4) If breast milk is provided by anyone other than a baby's biological mother, approval must be obtained from the child's social worker.

(5) Infants who are six months of age or over may hold their own bottles as long as an adult remains in the room and within observation range. You must take bottles from the child when the child finishes feeding or when the bottle is empty, or when the child falls asleep.

(6) You must not prop bottles while feeding infants.

(7) To prevent uneven heating, formula must not be warmed in a microwave oven in the bottle that will be used for feeding the baby.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0395, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0395, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0400 What are the requirements for diapers and diaper-changing areas? In a foster home or group care program you must follow the requirements for diapers, diaper-changing rooms and toilet-training equipment.

(1) You must separate diaper-changing areas from food preparation areas.

(2) You must sanitize diaper-changing areas and toilet-training equipment between each use or you must use a non-absorbent, disposable covering that is discarded after each use.

(3) For cleaning children, you must use either disposable towels or clean cloth towels that have been laundered between each use.

(4) You and any caregiver must wash hands before and after diapering each child.

(5) In group care programs, you must use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family.

(6) In group care programs, diaper-changing procedures must be posted at the changing areas.

[Title 388 WAC—p. 774]

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0400, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0400, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—CLOTHING AND PERSONAL HYGIENE

WAC 388-148-0405 Do I have responsibility for a child's clothing? You must provide or arrange for appropriate clothing for the children under your care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0405, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0410 May a child take personal belongings after being discharged from a home or facility? You must permit a child who is discharged from your home or facility to take with them the personal belongings they brought with them or acquired while in care. This includes clothing, personal mementos, bicycles, gifts, and any saved money or regular allowance. There are two ways this may occur:

(1) The child may take these belongings upon leaving your home or facility; or

(2) If it is impossible for the child to take their belongings at the time they leave, you are required to secure the child's belongings for up to thirty days and cooperate with the child's social worker to transfer the belongings to the child, as soon as possible.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0410, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0415 Do I have responsibility for a child's personal hygiene? You must provide or arrange for children under your care to have items needed for grooming and personal hygiene. You must assist these children in using these items, based on the child's developmental needs.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0415, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—CLIENT RIGHTS

WAC 388-148-0420 What are the requirements for protecting a child under my care from abuse and neglect? As part of ensuring a child's health, welfare and safety, you must protect children under your care from all forms of child abuse and neglect (see RCW 26.44.020(12) and chapter 388-15 WAC for more details).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0420, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0422 What are the requirements for privacy for children in out-of-home placements? (1) In general, children in out-of-home placement have the right to privacy of personal mail and phone calls.

(2) The department and its delegates may censor the child's mail and monitor telephone calls to the extent necessary and in the manner specified by the court order for the child's safety or well-being.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0422, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0425 What are the requirements about nondiscrimination? You are expected to follow all state and federal laws regarding nondiscrimination while providing services to children in your care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0425, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0425, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0430 May I take a foster child to church services, temple, mosque or synagogue? (1) You may have a child attend church services, temple, mosque, or synagogue, if the child chooses to participate.

(2) You must respect the religious backgrounds or preferences of the children under your care.

(3) Children have the right to practice their own faith.

(4) Children have the right not to practice your faith without consequences.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0430, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0430, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0435 Do I have to admit or retain all children? (1) A foster home or other program has the right to refuse to admit or retain a child in a program.

The exceptions to this requirement are the individual programs that have contracts that specify a child can not be denied admission.

(2) A joint decision may be made by the provider and the placement agency to serve the child elsewhere, for the health and safety of the child or others.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0435, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0440 What must I consider in assigning work to children in my home or facility? (1) Children may do regular household tasks without payment.

(2) Children may do work assignments other than household tasks that are appropriate to their age and physical conditions and receive monetary compensation if this is part of their service plan.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0440, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0445 What toys and activities must I provide to children? You must provide children with safe and suitable toys and activities that contribute to developing their physical, mental, social, and emotional skills. Activities must be designed for the developmental stages of the children you serve.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0445, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0445, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0455 Do I need permission to travel on an overnight trip or out-of-state with my foster child? Contact the child's social worker with the agency having legal custody of the child for written permission prior to overnight trips, out-of-state, or out-of-country travel.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0455, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0455, filed 8/28/01, effective 9/28/01.]

(2009 Ed.)

GENERAL REQUIREMENTS—SUPERVISION

WAC 388-148-0460 What requirements do you have for supervising children? (1) For all homes and facilities you must provide or arrange for care and supervision that is appropriate for the child's age, developmental skill level, and condition.

(2) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower.

(3) Foster parents and facility staff must provide the children in their care with appropriate adult supervision, emotional support, personal attention, and structured daily routines and living experiences.

(4) Except group receiving centers, children in group care must be supervised during sleeping hours by at least one awake staff when:

(a) There are more than six children in care; and

(b) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; or

(c) The youth's behavior poses a risk to self or others.

(5) In foster homes and staffed residential homes, children must be supervised during sleeping hours by at least one awake staff only when it is part of the child's written supervision plan.

(6) Adequate supervision should be arranged and maintained during times of crisis when one or more family members or staff members may be unavailable to provide the necessary supervision or coverage for other children in care.

(7) When special supervision is required and agreed upon between the department and the agency or foster parent, the agency or foster parent provides the necessary supervision. This supervision may require auditory or visual supervision at all times.

(8) When a child has exhibited behavior in a previous placement or the placement agency believes the child poses a risk to other children the agency must inform the provider and jointly develop a plan to address the risk.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0460, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0460, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—DISCIPLINE

WAC 388-148-0465 What requirements must I follow when disciplining children? (1) You are responsible for disciplining children in your care. This responsibility may not be delegated to a child.

(2) Discipline must be based on an understanding of the child's needs and stage of development.

(3) Discipline must be designed to help the child under your care to develop inner control, acceptable behavior and respect for the rights of others.

(4) Discipline must be fair, reasonable, consistent, and related to the child's behavior.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0465, filed 8/28/01, effective 9/28/01.]

[Title 388 WAC—p. 775]

WAC 388-148-0470 What types of disciplinary practices are forbidden? (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

- (a) Spanking children with a hand or object;
- (b) Biting, jerking, kicking, hitting, or shaking the child;
- (c) Pulling the child's hair;
- (d) Throwing the child;
- (e) Purposely inflicting pain as a punishment;
- (f) Name calling, using derogatory comments;
- (g) Threatening the child with physical harm;
- (h) Threatening or intimidating the child; or
- (i) Placing or requiring a child to stand under a cold water shower.

(2) You must not use methods that interfere with a child's basic needs. These include, but are not limited to:

- (a) Depriving the child of sleep;
 - (b) Providing inadequate food, clothing, living space, or shelter;
 - (c) Restricting a child's breathing;
 - (d) Interfering with a child's ability to take care of their own hygiene and toilet needs; or
 - (e) Providing inadequate medical or dental care.
- (3) You must not use methods that deprive a child of necessary services. These include, but are not limited to, contacting:

- (a) The assigned social worker;
 - (b) The assigned legal representative;
 - (c) Parents or other family members who are identified in the service plan; or
 - (d) Individuals providing the child with therapeutic activities as part of the child's service plan.
- (4) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.

(5) You must not use medications for a child that have been prescribed for someone else.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW, 04-08-073, § 388-148-0470, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0470, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0475 Do you require a written statement describing my discipline methods? (1) You must provide a written statement with your application and reapplication for licensure describing the discipline methods you use.

(2) If your discipline methods change, you must immediately provide a new statement to your licensor describing your current practice.

[Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0475, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—PHYSICAL RESTRAINT

WAC 388-148-0480 When may a child be restrained? (1) You must use efforts other than physical restraint to redirect or deescalate a situation, unless the child's behavior poses an immediate risk to physical safety.

(2) When a child's behavior poses an immediate risk to physical safety you may use physical restraint. The restraint must be reasonable and necessary to:

(a) Prevent a child from harming him or herself, or others; or

(b) Protect property from serious damage.

(3) If a group care program is approved by DLR for the use of physical restraint, the licensee and staff must be trained in the appropriate use of restraining techniques in accordance with the children's administration's behavior management policy before restraining a child.

(4) Medication prescribed by a physician to control behavior must be only given as prescribed.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW, 04-08-073, § 388-148-0480, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0480, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0485 What types of physical restraint are not acceptable for children? Homes and facilities must follow these requirements. You must not:

(1) Use physical restraint as a form of punishment or discipline.

(2) Use mechanical restraints, such as handcuffs and belt restraints, unless ordered by the child's physician, such as a belt restraint for an infant with reflux who must be secured to a wedge.

(3) Use physical restraint techniques that restrict breathing, inflict pain as a strategy for behavior control, or that is likely to cause injury that is more than transient to a child. These include, but are not limited to:

- (a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;
- (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
- (c) Arm twisting;
- (d) Hair holds;
- (e) Choking or putting arms around the throat; or
- (f) Chemical restraints, including but not limited to pepper spray.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW, 04-08-073, § 388-148-0485, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0485, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0487 Are there requirements for time-out or quiet rooms? (1) Locked time-out or quiet rooms are prohibited in foster homes and staffed residential homes licensed for five or fewer children.

(2) Locked time-out or quiet rooms are prohibited in group care facilities and staffed residential homes licensed for six unless, the group facility or staffed residential home:

(a) Has approval from the Washington state patrol fire protection bureau or a certificate of compliance stating that the facility is in compliance with the fire codes with Washington state amendments;

(b) Has approval from the DLR licensor stating the facility is in compliance with the children's administration's behavior management guidelines; and

(c) Has current written approval of the DLR director.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW, 04-08-073, § 388-148-0487, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0488 Are time-delay mechanisms allowed on windows and doors of a facility or staffed residential home licensed for six? The use of time-delay mech-

anisms that meet the fire codes with Washington state amendments of the Washington state patrol fire protection bureau for fire and life safety may be approved for group care facilities and staffed residential homes licensed for six children, if:

(1) There is an exterior door(s) that ensures egress when the building needs to be evacuated;

(2) The time-delay mechanism(s) automatically unlocks when the fire alarm goes off;

(3) The licensee has approval from the DLR licensor stating that the program is in compliance with the children's administration's behavior management guidelines; and

(4) The licensee has current written approval of the DLR director.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0488, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0490 What must I do following an incident that involved using physical restraint? (1) In foster homes, the foster parent must send a copy of the documented use of physical restraint to the child's social worker and licensor within forty-eight hours; or if the foster home is supervised by a child-placing agency to the case manager.

(2) The CPA case manager must furnish a copy of the incident report to the child's DCFS social worker and DLR licensor.

(3) For group care programs and all staffed residential homes, the director or program supervisor must:

(a) Review any incident with the staff who used physical restraint to ensure that the decision to use physical restraint and its application were appropriate; and

(b) Report the incident if it meets criteria in WAC 388-148-0120.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0490, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0490, filed 8/28/01, effective 9/28/01.]

FOSTER HOME REQUIREMENTS

WAC 388-148-0505 What services must a foster parent be able to provide? (1) Foster parents must be able to meet the child's basic needs and have the knowledge and skills to:

(a) Protect and nurture children in a safe, healthy environment with unconditional positive support;

(b) Support relationships among children and their parents, siblings, and kin;

(c) Meet the developmental needs of the child by:

(i) Helping the child cope with separation and loss;

(ii) Helping the child build positive attachments to appropriate adults;

(iii) Building self-esteem;

(iv) Giving positive guidance;

(v) Supporting cultural identity;

(vi) Using discipline appropriate to the child's age and stage of development;

(vii) Supporting intellectual and educational growth;

(viii) Encouraging and modeling positive social relationships and responsibilities; and

(ix) Helping the child gain age appropriate skills for independence.

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(2) Foster parents must support the permanent placement plan for the child, focusing first on the birth family reuniting, and then, on options leading to a permanent placement.

(3) Foster parents are encouraged to participate as members of the child's treatment team.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0505, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0510 What educational support must I provide to children under my care? If you operate a foster home, you must:

(1) Assist the child to attend school on a regular basis if this is part of the child's service plan;

(2) Provide a suitable study area for the children under your care; and

(3) Provide opportunities to learn appropriate skills for the development of self-sufficiency.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0510, filed 8/28/01, effective 9/28/01.]

FOSTER HOMES—FOSTER PARENT QUALIFICATIONS/TRAINING/CAPACITY ALLOWED

WAC 388-148-0515 What is the minimum age to be a foster parent? You need to be at least twenty-one years old to be a foster parent.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0515, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0520 What are the training requirements for foster parents and prospective foster parents? At least one foster parent must:

(1) Attend required orientation and preservice training programs that the department sponsors, or that your licensed child-placing agency offers; and

(2) Complete all other required DLR-approved training after licensing.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0520, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0520, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0525 How many children may my foster home serve? (1) The department may restrict the number, age range, or gender of children a foster home is licensed to serve up to the maximum listed below. The age of the foster and birth applicant or licensee's children, and the physical and emotional condition of the children are considered in making this decision. These requirements are for all foster homes, including those that only have foster children for a short time (sometimes called a "receiving home").

(2) In a two-parent household, the [total] maximum number of children in your home may be no more than six children, including your own children.

(3) In a single parent household, the maximum number of children in your home may be no more than four children, including your own children.

(4) A home may at the discretion of the department be licensed for the care of at least one child when the foster parent(s) have more of their own children than specified in sub-

[Title 388 WAC—p. 777]

section (2) and (3) of this section, if they meet the other licensing requirements.

(5) You may have only two children under two years of age in your home at a time. This includes foster children and your own children.

(6) The capacity restrictions in this section may at the discretion of the department be exceeded in extraordinary situations, such as to place a sibling group, to place a child with a relative, or because the foster family has demonstrated exceptional abilities in relation to the special needs of a foster child, if this appears to be in the best interest of the child and would not jeopardize the health and safety of the other children in the home. Approval to exceed the capacity restrictions must be in writing and signed by the DLR manager or designee.

(7) The department may license a foster home for up to three medically fragile foster children that are severe enough to need semi-skilled maintenance or supportive services if:

(a) Your training and/or experience qualifies you to provide proper care;

(b) The children's treatment requires nursing service oversight; and

(c) The maximum number of medically fragile children in your home is three or fewer; and

(d) You have a written plan on how you will evacuate children in case of fire or other emergency.

(8) The department may license a foster family for up to two nonmobile children.

(9) While providing respite care, you may only exceed the number of children you are licensed to serve with prior approval by the DLR director or designee.

(10) The department may license a foster home to serve up to four children with developmental disabilities as defined in RCW 71A.10.020, at any one time.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0525, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0525, filed 8/28/01, effective 9/28/01.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

FOSTER HOMES—FOSTER PARENT EMPLOYMENT AND RESPITE

WAC 388-148-0530 May I be employed if I am a foster parent? (1) If you are a single parent or both parents of a two-parent household are employed outside the home, you must give the child-placing agency or the department a written outline of your plan for supervising the children under your care while you are working.

(2) At least one parent must be available to respond to school crisis.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0530, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0535 Do I need to have income separate from foster care payments? You must have sufficient regular income, at least, an amount that meets current TANF standards for the number of persons in your home, to main-

tain your own family, without the foster care payments made for the children in care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0535, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0535, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0540 When may I use respite care? (1) Foster families may arrange for respite (brief temporary relief) care with the consent of the child's social worker.

(2) Respite care may be arranged in advance or on an emergency basis.

(3) Respite care may be arranged to support the care a foster parent is providing or to provide substitute care in the absence of foster parents.

(4) Respite care given outside the foster parent's home must be provided by licensed providers.

(5) While providing respite, licensees must not exceed their licensed capacity and must maintain compliance with the licensing requirements.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0540, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0540, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0541 Excluding respite care, who may provide care to a foster child in the foster home when the foster parent is away from the home? (1) Occasionally, and for less than twenty-four hours, the foster parent, at their own expense, may use a friend or a relative as a substitute caregiver in the foster home, without verifying criminal and founded child abuse/neglect history when the foster parent has no reason to suspect the substitute caregiver:

(a) Has a criminal or founded child abuse or neglect history that would disqualify them from caring for a department child; or

(b) Would be a risk to the foster child while in the substitute's care.

(2) The foster parent must:

(a) Be familiar and comfortable with the individual who will be caring for the foster child;

(b) Meet with the substitute caregiver and review the expectations regarding supervision and discipline of the foster child, including the requirement that no physical discipline is used on foster children;

(c) Be responsible for providing the caregiver any special care instructions;

(d) Provide information on how to be contacted by the substitute caregiver; and

(e) Ensure the child has a safety plan.

(3) If the care by the friend or relative is a regular arrangement, the foster parents must have written approval of the social worker for the arrangement and provide the social worker with evidence from the substitute caregiver of:

(a) Current first aid and age-appropriate CPR training;

(b) HIV/AIDS and bloodborne pathogens training;

(c) A nondisqualifying background check; and

(d) A tuberculosis test.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0541, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0542 May a foster child be supervised by someone under eighteen in the foster home? (1) A foster parent, at their own expense, may use a friend or relative who is sixteen or seventeen to supervise (baby sit) a foster child under the following conditions:

(a) The foster parent knows the youth babysitter to be reliable and mature enough to provide appropriate care to the foster child.

(b) The youth babysitter has completed a background check within the past year. Exception: For occasional care of less than twenty-four hours, the verification of the background check is not required, as provided in WAC 388-148-0541 (1)(a)(b).

(c) The youth babysitter must not be responsible for more than three children.

(2) If the care by the youth babysitter is a regular arrangement, the foster parents must have the written approval of the social worker and provide the social worker with evidence from the youth babysitter of:

(a) Current first aid and age-appropriate CPR training;

(b) HIV/AIDS training including bloodborne pathogens training;

(c) A nondisqualifying background check; and

(d) A tuberculosis test.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0542, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0545 May I place my foster child with another family temporarily? Foster parents must not place a child in another home temporarily or otherwise without the written consent of:

(1) The child's social worker; or

(2) The child placing agency case manager, if any.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0545, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0550 May my foster children participate in routine activities without a licensed provider supervising the activity? Contact the child's social worker for prior approval for your foster child's participation in routine activities without a licensed provider supervising the activity, such as clubs, social outings with classmates or friends.

Note: The social worker with the agency having legal custody of the child is the contact person.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0550, filed 8/28/01, effective 9/28/01.]

REQUIREMENTS FOR ALL LICENSES, EXCEPT FOSTER HOMES—PROGRAM AND SERVICES

WAC 388-148-0555 Do I need a social summary for children under my care? (1) Except for foster homes and group receiving centers, all programs must develop a written diagnostic social summary for each child accepted for care.

(2) The social summary must serve as the basis of the child's admission to care.

(3) If a child needs to be accepted for emergency care, such as placement in a crisis residential center, the department does not require the social study to be completed prior to admission. In these cases, if the child remains in care

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beyond thirty days, a summary must be completed as soon as possible.

(4) The study must contain the following information for the child:

(a) Copies of psychological or psychiatric evaluations, if any, on the child under care.

(b) A narrative description of the child's background and family that identifies the immediate and extended family resources;

(c) The child's interrelationships and the problems and behaviors that have required care away from his or her own home;

(d) The child's primary and alternate permanency plan;

(e) Previous placement history, if any; and

(f) An evaluation of the child's need for the particular services and type of care you provide.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0555, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0555, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0560 Do I need a treatment plan for children under my care? (1) Except group receiving centers, all group care programs, staffed residential homes, and foster homes of child-placing agencies that have contracts or agreements with the department to provide treatment or therapeutic services to dependent children, must assist in developing and implementing a written treatment plan for each child by the thirtieth day in care.

(2) The treatment plan must:

(a) Identify the service needs of the child, parent or guardian;

(b) Describe the treatment goals and strategies for achieving those goals;

(c) Include a running account of the treatment received by the child and others involved in the treatment plan, such as any group treatment or individual counseling; and

(d) Be updated at least quarterly to show the progress toward meeting goals and list barriers to the permanent plan.

(3) A social service staff person must review and sign approving the child's treatment plan.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0560, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0560, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0565 Do you need to approve the program that I offer for children under my care? (1) The department must approve the program that you have developed for children under your care.

(2) You must send to DLR a detailed written program description outlining educational, recreational, and therapeutic services you will provide to children and their families. A sample of the schedule of daily activities for children under care must be included.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0565, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0570 What education and vocational instruction must I provide to the children under my care?

(1) If you operate a staffed residential home or a group care program, you must meet the following requirements for pro-

viding education and vocational instruction to the children under your care. You must:

(a) Develop or arrange for an educational plan for each child in care who has not completed high school and/or the GED (high school equivalency examination);

(b) Support each child participating in their education plan; and

(c) Provide suitable study areas for children under your care.

(2) If the instruction is given on your premises, you must:

(a) Have the program certified by the office of the superintendent of public instruction and provide classrooms separate from the living area;

(b) Send the department a written description of how you will provide an educational program for children under your care; and

(c) Provide or arrange for independent living skills education for developing self-sufficiency for the children under your care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0570, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0575 What medical policies and procedures must I have? (1) If you operate a staffed residential home or a group care program, you must have written policies and procedures about the control of infections. These must include, but are not limited to, the following areas:

(a) Isolation;

(b) Aseptic procedures;

(c) Reporting communicable diseases;

(d) Hygiene, including hand washing, using the toilet, diapering, and laundering.

(2) Group care facilities must maintain current written medical policies and procedures to be followed on:

(a) Prevention of the transmission of communicable diseases including:

(i) Handwashing for staff and children;

(ii) Management and reporting of communicable diseases.

(b) Medication management;

(c) First aid;

(d) Care of minor illnesses;

(e) Actions to be taken for medical emergencies;

(f) Infant care procedures when infants are under care; and

(g) General health practices.

(3) If you are licensed as a group home or as a facility that can care for thirteen or more persons at once, you must arrange to have one of the following help you develop and periodically review your medical policies and procedures:

(a) An advisory physician,

(b) A physician's assistant, or

(c) A registered nurse.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0575, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0580 What nursing services must I provide? (1) If you operate a staffed residential home or facility caring for chronically ill children or medically fragile children, you must arrange for regular nursing visits.

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(a) These must include at least monthly visits unless a different agreement is specified in the individual child's treatment plan.

(b) The nurse must be registered and currently licensed in the state of Washington.

(2) The nurse's name, address and telephone number must be readily available to the staff at your home or facility.

(3) The nurse must assist the agency in setting up a program that provides for regular medical check-ups and follow-up for special health care needs specified by the child's physician or your staff.

(4) The nurse must advise and assist nonmedical staff at your home or facility in maintaining child health records, meeting daily health needs and caring for children with minor illnesses and injuries.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0580, filed 8/28/01, effective 9/28/01.]

ALL LICENSES EXCEPT FOSTER HOMES AND GROUP RECEIVING CENTERS—SOCIAL SERVICE STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0585 What social service staff do I need? (1) Except for foster homes, group receiving centers, and juvenile detention facilities, you must provide or arrange for social services by qualified persons who meet the education and training requirements that follow:

(a) One person who provides social services must have a master's degree in social work or a closely related field from an accredited school.

(b) Social service staff without a master's degree in social work or closely related field must have a bachelor's degree in social work or a closely related field from an accredited school. A person with a master's degree must consult with any social service staff who has only a bachelor's degree one hour for every twenty hours the staff person works.

(2) When social services are provided by another agency, you must have a written agreement with the agency describing the scope of service they provide.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0585, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0585, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0590 What clerical, accounting and administrative services do I need for my home or facility? You must have sufficient clerical, accounting and administrative services to maintain proper records and carry out your program.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0590, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0595 What support and maintenance staff do I need for my home or facility? If you operate a home or facility other than a foster home, you must have sufficient support and maintenance services to maintain and repair your facility, prepare and serve meals.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0595, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0600 Do I need professional consultants for my program? (1) Except for foster homes, you must have consultants available as needed, to work with your staff, the children you serve, and the children's families. The consultants that are used by your program must meet the full professional competency and requirements and academic training in their respective fields. The consultant or consultants must have:

- (a) A master's degree from a recognized school of social work or closely related field;
- (b) The training, experience, knowledge and demonstrated skills in each area that he or she will be supervising or advising; and
- (c) The ability to ensure staff develop their skills and understanding needed to effectively manage their cases.

(2) Consultants may be hired as staff or operate under a contract with the program.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0600, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0600, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0605 Is in-service training required? If you have employees in your home or facility, you must offer in-service training programs for developing and upgrading staff skills.

- (1) If you have five or more employees or volunteers, your training plan must be in writing.
- (2) You must discuss with the staff your policies and procedures as well as the rules contained in this chapter.
- (3) You must provide or arrange for your staff to have training for the services that you provide to children under your care.
- (4) Your training on behavioral management must be approved by DLR and must include nonphysical age-appropriate methods of redirecting and controlling behavior, as described in children's administration's guidelines on behavior management.
- (5) You must record the amount of time and type of training provided to staff.
- (6) This information must be kept in each employee's file or in a separate training file.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0605, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0605, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0610 What are the required ratios of social service staff to children under care? You must meet the minimum ratios of social service staff to children under care as shown in the chart below:

Type of Facility	Minimum Ratio of Full-Time Social Service Staff to Children Under Care
Day treatment program	1 to 15
Group homes	1 to 25
Child-placing agency	1 to 25
Maternity services	1 to 25
Regular and secure crisis residential centers	1 to 5

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0610, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0610, filed 8/28/01, effective 9/28/01.]

GROUP CARE FACILITIES AND STAFFED RESIDENTIAL HOMES LICENSED FOR SIX CHILDREN—FIRE SAFETY REQUIREMENTS

WAC 388-148-0620 What safety features do I need for hazardous areas? The department requires hazardous areas in a group care facility or a staffed residential home licensed for six children meet the facility fire and life safety requirements as developed by the chief of the Washington state patrol through the director of the fire protection bureau.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0620, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0620, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0625 What other requirements must I follow for smoke detectors? (1) Group care facilities and staffed residential homes licensed for six children must have smoke detectors that are UL or Factory Mutual approved.

(2) Smoke detectors must have a strobe and be in compliance with the Americans with Disabilities Act (ADA).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0625, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0625, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0640 What fire safety procedures do staff of a group care facility and a staffed residential home licensed for six children need to know? You and your staff at a group care facility and a staffed residential home licensed for six children must be familiar with safety procedures related to fire prevention.

- (1) You and your staff must be familiar with all aspects of the fire drill.
- (2) You and your staff must be able to:
 - (a) Operate all fire extinguishers installed on the premises;
 - (b) Test smoke detectors (single station types); and
 - (c) Conduct frequent inspections of the home or facility to identify fire hazards and take action to correct any hazards noted during the inspection.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0640, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0640, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0645 What are the requirements for fire drills and testing smoke detectors? (1) You must conduct a fire drill in your staffed residential home licensed for six children or group care facility at least once each month at varying times of the day and night so that staff on all shifts practice the procedures.

You must maintain a written record on the premises that indicates the date and time that all drill practices were completed.

(2) Single-station smoke detectors must be tested monthly or in a manner specified by the manufacturer. You must maintain a written record of such testing on the premises that indicates the date and time the test was completed.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0645, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0645, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0655 Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building? (1) A facility with multiple Washington state licenses or certifications for the care of children in the same building must comply with the most stringent construction and fire safety requirements for the physical structure, if children share the same space.

(2) If the same facility has multiple Washington state licenses the licensee must notify:

(a) The Washington state patrol fire protection bureau inspector; and

(b) All of the licensing and certification agents.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0655, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0655, filed 8/28/01, effective 9/28/01.]

GROUP CARE FACILITIES AND STAFFED RESIDENTIAL HOMES—FOOD AND MEALS

WAC 388-148-0660 Do mealtimes need to be established? Group care facilities and staffed residential homes must establish and post a schedule of mealtimes.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0660, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0660, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0665 Do you have general menu requirements? The department has menu requirements for group care facilities that care for children.

(1) If you operate a facility other than a foster home or a staffed residential home you must prepare and date daily menus, including snacks, at least one week in advance.

(2) You must provide for the proper storage, preparation, and service of food to meet the needs of the program.

(3) Your program must be in compliance with the department of health standards in chapter 246-215 WAC on food service sanitation.

(4) A menu must specify a variety of foods for adequate nutrition and meal enjoyment.

(5) You must keep the menus on file for a minimum of six months so that we can review your menus.

(6) You must post each person's dietary restrictions, if any, for staff to follow.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0665, filed 8/28/01, effective 9/28/01.]

GROUP CARE—PROGRAM REQUIREMENTS AND SERVICES

WAC 388-148-0670 What types of group care programs are licensed to provide care to children? (1) The following types of programs may be licensed as group care to provide care for children on a twenty-four-hour basis:

(a) Group residential programs;

(b) Independent living skills programs;

(c) Maternity services;

(d) Services to children with severe developmental disabilities and medically fragile children;

(e) Crisis residential centers and secure crisis residential centers;

(f) Group receiving centers; and

[Title 388 WAC—p. 782]

(g) Day treatment programs. Day treatment programs are considered group care programs under this chapter, though they are not twenty-four-hour residential programs.

(2) If your group care facility provides services named in WAC 388-148-0670 (1)(c) through (g) you will need to comply with the licensing requirements specific to those programs. A license may be issued for that specific type of care, such as a crisis residential center in addition to the group care license.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0670, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0670, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0680 What basic elements must a group care program include? (1) Your group care program must provide a safe and healthy group living environment that meets the developmental needs of the children in your care, including:

(a) A clean, homelike environment;

(b) Basic necessities such as adequate food, appropriate clothing and recreational opportunities;

(c) Safety;

(d) An age-appropriate environment with necessary structure, routine, and rules to provide for a healthy life, growth and development.

(2) Your program must be staffed with employees who are competent to provide for the safety and needs of the children in your care.

(3) Your program must have a written statement that includes your mission, goals, and a description of the services you provide.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0680, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0685 Who may a group care program provider serve? (1) If you are a group care program provider, you may serve children who are at least six years of age and meet one of the following conditions:

(a) Have behavior that cannot be safely or effectively managed in foster care;

(b) Need temporary placement awaiting a more permanent placement;

(c) Need emergency placement during a temporary disruption of a current placement;

(d) Have emotional, physical, or mental disabilities;

(e) Need a transitional living setting;

(f) Need respite care from a licensed provider; or

(g) Are age sixteen or older and need to acquire independent living skills.

(2) If your group care program serves children with severe developmental disabilities, medically fragile children, maternity services, or is a group receiving center or meets RCW 74.15.020 (2)(m), the children may be younger than six years of age.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0685, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0685, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0690 What services must I provide if I have a group care license? You must provide specialized services that are needed by the group that you serve. These

services may be provided through your own program or through using other community resources.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0690, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0695 Must I give a child an allowance? Group care facilities, except group receiving centers, must give the children under their care allowances based on age, needs and ability to handle money. These facilities must keep track of allowances given to children in a ledger.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0695, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0695, filed 8/28/01, effective 9/28/01.]

GROUP CARE—STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency? A group care program, child-placing agency executive director, or person responsible for the agency administration, agency oversight, and fiscal operation must meet, at a minimum, the requirements that follow.

(1) Be able to communicate to the department the roles, expectations and purposes of the program;

(2) Work with representatives of other agencies; and

(3) Have appropriate education and four years of successful experience with similar duties and responsibilities for the administration oversight, and fiscal management of an agency.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0700, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0700, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0705 Do I need an on-site program manager or social service staff at each group care facility? Each group care facility must have an on-site program manager, social service staff, or person with the equivalent training and experience of an on-site program manager at each facility during business hours.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0705, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0705, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0710 What are the responsibilities of the on-site program manager or social service staff for a group care facility? The on-site program manager or social service staff has the following responsibilities:

(1) Coordinates the day-to-day operations of the program;

(2) Supervises the child care staff;

(3) Oversees the completion of each child's plan of care and treatment.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0710, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0710, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0715 What qualifications must the on-site program manager, or social service staff for a group care program or a CPA program manager have? (1) Each on-site program manager or social service staff for group care

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and CPA program manager must have the following qualifications:

(a) A bachelor's degree in a social services or closely related field from an accredited school; or

(b) Five years of successful full-time experience in a relevant field; and

(c) Supervisory abilities that promote effective staff performance; and

(d) Relevant experience, training, and demonstrated skills in each area that he or she will be supervising or managing.

(2) The same person may have the responsibilities of the executive director and the group care on-site program manager, social service staff or a CPA program manager, if that person meets the qualifications for both positions.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0715, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0715, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0718 What are the responsibilities for child care staff at a group care program? The child care staff responsibilities at a group care program includes care, supervision, and behavior management of the children under care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0718, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0720 What are the qualifications for child care staff and case aides? The department requires child care staff and case aides:

(1) Be at least twenty-one years old;

(2) Exception: Child care staff may be eighteen to twenty years old if enrolled and participating in an internship or practicum program with an accredited college or university; and supervised by staff twenty-one years or older;

(3) Have a high school diploma or GED;

(4) Have one year of experience working with children;

(5) Have the skills and abilities to work successfully with the challenging behaviors of children in care; and

(6) Have effective communication and problem solving skills.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0720, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0720, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0722 What are the qualifications for health care staff for a group care program or a child-placing agency caring for medically fragile children? (1) The health care staff, such as a licensed practical nurse (LPN) and nurse assistant certified, must meet the full professional competency requirements in their respective field when working in a group care facility or a CPA program for medically fragile children.

(2) The health care staff must maintain their certification or licensure as required by the department of licensing.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0722, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0725 What is the ratio of child care staff to children in group care facilities? The department has specific requirements for the ratio of child care staff to children in group care.

(1) The ratio for group care is at least one child care staff member on site for every eight children during waking and sleeping hours.

Note: Crisis residential centers, group receiving centers, staffed residential homes, maternity programs, and programs for children with severe developmental disabilities have different requirements.

(2) At least two adults, including at least one child care staff person, must be on site whenever more than eight children are on the premises.

(3) To keep the proper ratio of staff to children, the executive director, health care staff, on-site program manager, support staff and maintenance staff may serve temporarily as child care staff if they meet all other child care staff qualifications and training.

(4) During sleeping hours of youth, at least one staff person must be awake in all group home programs when:

(a) There are more than six youth in care; and

(b) The major focus of the program is behavioral change rather than the development of independent living skills, such as teen parent and independent living skills programs; or

(c) The youth's behavior poses a safety risk to self or others.

(5) When only one child care staff is on site, a second staff must be on call.

(6) You must have relief staff so that all staff can have the equivalent of two days off a week.

(7) If you have more than one program in one building, such as a group care program and a crisis residential center, you must follow the most stringent staffing ratio requirements.

(8) For juvenile detention facilities certified as meeting the minimum licensing requirements, at least one child care staff member must be on duty for every ten children in care during the sleeping and waking hours.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0725, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0725, filed 8/28/01, effective 9/28/01.]

GROUP CARE—ROOM REQUIREMENTS

WAC 388-148-0730 Are there room requirements for group care facilities? You must meet the following room requirements to operate a group care facility.

(1) You must provide rooms that are ample in size and properly furnished for the number of children you serve.

(2) You must have a comfortably furnished living room.

(3) You must have a dining room area that is ample in size and suitably furnished for your residents.

(4) Juvenile detention facilities, certified as meeting the licensing requirements, are not required to meet these first three standards, (WAC 388-148-0730 (1)(2)(3)).

(5) With more than twelve children, you must provide at least one separate indoor recreation area. Its size and location must be sufficient for the age and number of the children to engage in recreational and informal education activities.

[Title 388 WAC—p. 784]

(6) You must provide a room or area that is used as an administrative office. In addition, suitable offices must be provided for social service staff. In facilities caring for fewer than thirteen children, these offices may be combined with the administrative office.

(7) You must provide a space that can be used as a visiting area.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0730, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0730, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0740 What are the kitchen requirements? (1) You must provide facilities to properly store, prepare, and serve food to meet the needs of the children under your care.

(2) All food service facilities and food handling practices in day treatment programs and group care facilities must comply with rules and regulations of the state board of health governing food service sanitation (see chapter 246-215 WAC).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0740, filed 8/28/01, effective 9/28/01.]

SPECIFIC PROGRAM REQUIREMENTS— MATERNITY SERVICES

WAC 388-148-0745 Who may provide maternity services? The following programs, homes, facilities, and agencies that may provide or arrange for maternity services include:

- (1) Foster homes;
- (2) Staffed residential homes;
- (3) Group homes for new mothers with infants;
- (4) Independent living programs; and
- (5) Child placing agencies.

Note: The rules in WAC 388-148-0745 through 388-148-0795 apply exclusively to licensing requirements for agencies providing or arranging maternity service.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0745, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0750 What maternity services must I provide? If you operate a licensed program for expectant mothers and new mothers with infants, you must provide or arrange for the following services:

(1) Information and referral services to every expectant and new mother who applies for care.

(2) Individual or group counseling sessions, if necessary, about the following topics:

- (a) Pregnancy counseling;
- (b) Independent living education;
- (c) Infant and child care training;
- (d) Living arrangements;
- (e) Medical care planning;
- (f) Legal issues;
- (g) Vocational or educational guidance;
- (h) Plans for the child;
- (i) Financial, emotional or psychological problems;
- (j) Relations with parents and birth father; and
- (k) Home management and consumer education.

(3) An expectant mother's delivery in a licensed hospital or licensed birthing facility.

(4) Postpartum medical examinations, as prescribed by a physician, to a new mother.

(5) Child care, as needed.

(6) Case management services.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0750, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0750, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0755 How are maternity services delivered? (1) Maternity services must not be contingent upon a parent's decision to keep or relinquish her child.

(2) If you do not directly provide maternity services to an expectant or new mother in your facility, you must either:

(a) Arrange for these services through formal agreements with other community agencies; or

(b) Assist the clients in your program to get these services.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0755, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0760 Do you need to approve daily activities that I offer to expectant or new mothers? The department must approve the program of daily activities that you've developed for expectant or new mothers, whether your program is residential or nonresidential.

(1) The department requires that you provide us with a written program description about the daily activities you offer. The program description must outline educational, recreational, and therapeutic services that you intend to provide to expectant mothers and new mothers with infants.

(2) You must also provide us with a schedule of typical daily activities for the mothers under your care.

Exception: Foster homes are not required meet the standard in this section.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0760, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0765 What types of health education must I offer expectant and new mothers? You need to offer or arrange health education for expectant and new mothers that includes the following areas:

- (1) Hygiene;
- (2) Suitable preparation for childbirth;
- (3) The physiological changes during pregnancy;
- (4) Examinations and childbirth procedures;
- (5) Postnatal and pediatrics care;
- (6) Contraception and family planning;
- (7) Nutritional requirements for mother and child;
- (8) Child health and development; and
- (9) Psychological and emotional changes during and after pregnancy.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0765, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0765, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0770 Is a group care program required to provide child care? (1) If your program serves parents with children, you must provide or assist the parent in arranging for licensed child care when appropriate. An exam-

ple is when parents are working or are in school and need child care.

(2) The child care home or facility must be licensed.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0770, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0775 Do expectant and new mothers need to be under a physician's care? A program providing maternity services to expectant and new mothers must provide or assist them in obtaining a physician's care for pre- and post-natal care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0775, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0775, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0780 What are my responsibilities if a specialist is required? You must provide or arrange for consultation regarding prenatal care by specialists meeting their full professional qualifications when the physician requests prenatal consultants.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0780, filed 8/28/01, effective 9/28/01.]

MATERNITY SERVICES—STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services? Residential programs provide twenty-four-hour care to expectant mothers and to new mothers with infants.

(1) These programs must employ sufficient numbers of residential staff to meet the physical, safety, health and emotional needs of the residents. Residential staff are in charge of supervising the day-to-day living situation for youth.

Note: Child care staff may carry out any maintenance tasks that do not detract from their primary function.

(2) When youth are on the premises, the ratio of staff to residents must be as follows:

(a) At least one residential staff member must be on duty for every eight mothers.

(b) When more than eight mothers are on the premises, at least two adults, including at least one child care staff must be on duty.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0785, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0785, filed 8/28/01, effective 9/28/01.]

MATERNITY SERVICES—ROOM REQUIREMENTS

WAC 388-148-0790 Do you have room requirements for facilities offering maternity services? (1) If you have a residential program for expectant mothers or new mothers with infants, you must meet the room requirements for group facilities (WAC 388-148-0730).

(2) If your facility offers medical clinics, you must have a separate, adequately equipped examination room with adequate nursing equipment.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0790, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0795 How is capacity determined for a maternity services facility? We count the number of mothers and children in determining capacity. The space required for a mother and infant bedroom needs to be considered when determining the capacity of a group care facility providing maternity services is determined by the department of health representative.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0795, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0795, filed 8/28/01, effective 9/28/01.]

DAY TREATMENT PROGRAMS—PROGRAM AND SERVICES

WAC 388-148-0800 What is the purpose of day treatment programs? (1) A day treatment program must provide educational and therapeutic group experiences for emotionally disturbed children who are not in need of residential care. These services are provided during part of the twenty-four-hour day, usually during a five-day week.

(2) Day treatment is for children who are:

(a) Unable to adjust to school programs due to disruptive behavior, family stress, learning disabilities or other serious emotional disabilities; and/or

(b) Have intensive needs, which can not be adequately met through out-patient community mental health services.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0800, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0800, filed 8/28/01, effective 9/28/01.]

DAY TREATMENT PROGRAMS—STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0805 What staff must my day treatment program have? (1) Your day treatment program must have an executive director to manage the financial and administrative operations of the program and an on-site program manager to supervise the child care staff and the treatment program at the facility.

Note: The executive director and on-site program manager may be the same person if that person is qualified for both positions.

(2) Either the executive director or on-site program manager must be on the premises while the children are in care. Another competent person may be left in charge during the director's and/or program supervisor's temporary absence.

(3) The qualifications for executive director and on-site program manager are outlined in WAC 388-148-0700 and 388-148-0715, respectively.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0805, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0805, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0810 What consultants must my day treatment program have? If you operate a day treatment program, you must use psychiatrists, psychologists, teachers, and group counselors for children under care as follows. Your day treatment program must:

(1) Receive regular consultation from a child psychiatrist;

(2) Provide or arrange for a psychologist for psychological testing and related services if the child's school does not provide these services;

(3) Provide or arrange for teaching by certified teachers qualified by training or experience in remedial education; and

(4) Use group counselors who are qualified by training or by experience in the care of emotionally disturbed children.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0810, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0810, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0815 What is the ratio of counselor and teaching staff to children in a day treatment program? There must be one counselor or teacher for every six children who are in a day treatment program.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0815, filed 8/28/01, effective 9/28/01.]

GROUP CARE PROGRAMS FOR MEDICALLY FRAGILE CHILDREN AND CHILDREN WITH SEVERE DEVELOPMENTAL DISABILITIES—PROGRAM AND SERVICES

WAC 388-148-0820 What type of care is offered for medically fragile children and children with severe developmental disabilities? Specialized group care programs are designed to provide residential care to children who need intensive personal care due to medical fragility and/or severe developmental disabilities. The children may require skilled health care, physical therapy, or other forms of therapy.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0820, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0825 Who provides services for medically fragile children and children with severe developmental disabilities? Individuals and agencies are licensed to provide services to medically fragile children and children with severe developmental disabilities, including staffed residential homes, group homes and child-placing agencies.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0825, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0830 What services must be provided for medically fragile children and children with severe developmental disabilities? (1) If you care for medically fragile children and children with severe developmental disabilities you must ensure the following services are provided, if prescribed by a physician:

(a) An individualized treatment plan suited to the unique needs of each child in care; and

(b) Care by physicians, including surgeons, general and family practitioners, and specialists in the child's particular diagnosis on either a referral, consultative, or ongoing treatment basis.

(2) You must also provide the following nursing services, if prescribed by a physician, if you care for medically fragile children, or children with severe developmental disabilities unless these children are in a foster home:

(a) Sufficient licensed nursing staff to meet the nursing care needs of the children; or

(b) Regular nursing consultation that includes at least one weekly on-site visit by a registered nurse.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0830, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0830, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0835 Do I need to have a multidisciplinary care plan for medically fragile children and children with severe developmental disabilities? If you operate a program licensed for the care of medically fragile children and children with severe developmental disabilities, you must maintain a multidisciplinary plan of care for each child in care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0835, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0840 What must the multidisciplinary care plan for a medically fragile child or a child with severe developmental disabilities include? The multidisciplinary care plan must address the social service, medical, nutritional, rehabilitative, and educational needs of each medically fragile child or child with severe developmental disabilities.

- (1) The plan must describe:
 - (a) The care given for each child;
 - (b) The goals to be accomplished; and
 - (c) The professional services responsible for each element of care.
- (2) The care plan must be reviewed, evaluated, and updated annually by professional staff involved in the care of the child to reevaluate each child's condition, progress, prognosis and need for ongoing care and services.
- (3) You must record progress reports in the child's record on a quarterly basis.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0840, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0845 What are the requirements for nurses in programs who care for medically fragile children or children with severe developmental disabilities? If nursing services are prescribed by a physician, the department has several requirements for programs that care for medically fragile children or children with severe developmental disabilities.

- (1) The registered nurse's name, address, and telephone number must be readily available.
- (2) The agency or program must have the nurse assist in implementing a regular health care program that both:
 - (a) Oversees the health of all children; and
 - (b) Provides follow-up care of special health needs identified by the child's physician or facility or program staff.
- (3) The agency or program must have the nurse advise and assist nonmedical personnel in maintaining medical records, meeting daily health needs, and caring for children with minor illnesses and injuries.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0845, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0850 When do I use a nurse? You must use a nurse to consult with you at your home or facility if you have infants, medically fragile children or children

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with severe developmental disabilities under your care and meet these specific conditions:

- (1) If you have four or more infants, you must arrange for monthly on-site visits with a registered nurse that is trained or experienced in the care of young children.
- (2) You must have a written agreement with the registered nurse about your infant care program.
- (3) If you have children with severe developmental disabilities requiring nursing services, you must have a registered nurse on staff or under contract.
- (4) The nurse must advise you and your staff on your infant care program and your child health program.
- (5) You must document the nurse's on-site visits.
- (6) The nurse's name and telephone number must be posted or otherwise available in your home or facility.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0850, filed 8/28/01, effective 9/28/01.]

GROUP CARE PROGRAMS FOR MEDICALLY FRAGILE CHILDREN OR CHILDREN WITH SEVERE DEVELOPMENTAL DISABILITIES—ROOM REQUIREMENTS

WAC 388-148-0855 Do I need to provide a therapy room for children with severe developmental disabilities?

- (1) If you care for children with severe developmental disabilities, you must provide them with a room for physical and occupational therapy, if these services are prescribed by a physician. The room must be adequate for storing equipment used during therapy sessions.
- (2) If you do not have a room for physical and occupational therapy, you must arrange for these therapies outside of your facilities.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0855, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0860 Are there room requirements for group care facilities for medically fragile children less than age six? If you operate a group care program that serves medically fragile children less than age six, you must follow these additional room requirements.

- (1) If you are licensed to care for thirteen or more children, you must provide separate, safe play areas for children less than one year or children not walking. The department must approve the rooms or areas.
- (2) Children less than one year must be cared for in rooms or areas separate from older children.
- (3) No more than eight children less than one year of age may be in the room at a time.
- (4) Handwashing facilities must be available nearby.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0860, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0860, filed 8/28/01, effective 9/28/01.]

GROUP CARE PROGRAMS FOR MEDICALLY FRAGILE CHILDREN AND CHILDREN WITH SEVERE DEVELOPMENTAL DISABILITIES—FOOD AND MEALS

WAC 388-148-0865 What food requirements exist for medically fragile children and children with severe

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developmental disabilities? There may be specific food requirements if you operate a home or facility that cares for medically fragile children and children with severe developmental disabilities:

(1) All modified diets must be planned, reviewed, and approved by a dietitian. You must use the services of a dietitian who meets current registration requirements of the American dietetic association.

(2) You must follow the dietary plan for each child as prescribed by the child's physician. You must document in the child's file that staff are following the physician's order.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0865, filed 8/28/01, effective 9/28/01.]

GROUP CARE PROGRAMS FOR MEDICALLY FRAGILE CHILDREN AND CHILDREN WITH SEVERE DEVELOPMENTAL DISABILITIES—RECORD-KEEPING

WAC 388-148-0870 What additional record-keeping requirements exist for medically fragile children and children with severe developmental disabilities? (1) In addition to meeting standard requirements for keeping records (see WAC 388-148-0120 through 388-148-0140), you must also keep the following information for any medically fragile child and child with a severe developmental disability:

(a) Information you received upon admission including family background, current diagnosis and medical status, an inventory of personal belongings, medical history, and a report of a physical examination and diagnosis by a physician;

(b) Information about the child's daily care including treatment plans, medications, observations, medical examinations, physicians' orders, allergic responses, consent authorizations, releases, diagnostic reports, and revisions of assessments;

(c) Upon discharge, a summary including diagnoses, treatments, and prognosis by the person responsible for providing care, and any instructions and referrals for continuity of care; and

(d) Evidence of meeting criteria for eligibility for services from the division of developmental disabilities.

(2) If the child has died, you must also have the following information:

(a) The time and date of death;

(b) Apparent cause of death;

(c) Notification of the physician and relevant others (including the coroner if necessary); and

(d) Regarding the disposal of the child's body and how the child's personal effects will be dealt with.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0870, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0870, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—PROGRAM/LEVELS OF SECURITY/PLACEMENT AND SERVICES

WAC 388-148-0875 What types of crisis residential centers may be licensed? (1) A facility may be licensed as a

regular crisis residential center (CRC) or a secure crisis residential center.

(2) A foster home may be licensed as a family CRC. The foster home licensed, as a CRC, must meet the licensing standards for foster homes outlined in this chapter.

(3) Family CRCs and regular CRCs are not locked facilities, but are operated in a way that reasonably assures that youth placed there will not run away.

Note: Regular CRCs are also known as semi-secure CRCs, as referred to in RCW 13.32A.030(16).

(4) A secure facility is designed and operated to prevent a youth from leaving without permission of the staff.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0875, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0875, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0880 What levels of secure CRCs exist? The department licenses three types of secure crisis residential centers (CRCs): Level one, level two, and level three. Level one is the most secure facility and level three is the least secure facility.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0880, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0880, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0885 What are the requirements for a level-one secure CRC? A level-one crisis residential center (CRC) must meet each of these requirements:

(1) Be a free-standing facility, separate unit, or separate building within a campus with windows and exterior doors that prevent exit.

(2) Meet or exceed the current state building code when locking doors and windows prevent exit.

(3) Ensure that no youth is kept in a locked room that isolates the youth from the general population and/or staff.

(4) Maintain a recreation area, within the secured facility or secured on the property of the facility, that can support youth's vigorous physical activity. Any fences used to secure the recreation area must meet or exceed the specifications of the level-two CRC referenced in WAC 388-148-0890(3).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0885, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0885, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0890 What are the requirements for a level-two secure CRC? A level-two secure crisis residential center (CRC) must meet each of these requirements:

(1) Be a free-standing facility, separate unit, or separate building within a campus that prevents unauthorized entering and exiting with a nonscalable fence around the perimeter of the facility property;

(2) Not prevent exit by locking facility doors or windows;

(3) Design the nonscalable fence so that it does not cause injury, such as avoiding use of electrification, razor wire or concertina wire;

(4) Ensure that no youth is kept in a locked room that isolates him or her from the general population and/or staff; and

(5) Maintain a recreation area surrounded by a nonscalable fence that can support youth's vigorous physical activity.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0890, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0890, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0892 What are the requirements for a level three secure CRC? A level-three secure crisis residential center (CRC) must meet each of these requirements:

- (1) Be a free-standing facility, separate unit or separate building within a campus with exterior doors that have special egress-control devices;
- (2) Meet or exceed the current state building code for facilities with special egress-control devices; and
- (3) Maintain a recreation area, within the secured facility or secured on the property of the facility, that can support youth's vigorous physical activity. Any fences used to secure the recreation area must meet or exceed the specifications of the level-two secure CRC referenced in WAC 388-148-0890(3).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0892, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0895 May a juvenile detention center operate as a separate secure CRC program? (1) A juvenile detention center may operate a separate secure crisis residential center (CRC) program. The physical facility must be operated so that no direct communication or physical contact can be made between a resident of the secure crisis residential center and a person held in the detention facility.

(2) Staff assigned to the secure crisis residential center youth must not be simultaneously assigned to the juvenile detention center residents on the same shift.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0895, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0895, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0900 What youth may a CRC serve?

All CRCs

A crisis residential center (CRC) provides emergency, temporary residence to youth ages twelve through seventeen who meet one of the following criteria:

- (1) Are beyond the control of their parents or guardians and behave in a way that endangers any person's welfare;
- (2) Need assistance getting food, shelter, health care, clothing, educational services, and/or resolving family conflicts;
- (3) Need temporary protective custody; or
- (4) Have parents who are not able or willing to continue efforts to keep the family together.

Secure CRCs

(5) Youth ordered by the court to serve time for contempt on CHINS, ARP, or truancy orders may be ordered into a secure CRC that is colocated with a detention facility.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0900, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0900, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0905 Can law enforcement officers place youth in secure CRCs? Law enforcement officers may place youth in secure crisis residential centers (CRCs), when available, when youth:

- (1) Are runaways;

- (2) Are in dangerous situations; or
- (3) Are in violation of curfew.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0905, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0905, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0910 What hours do CRCs have to be open? Crisis residential centers (CRC) must be open twenty-four hours a day, seven days a week.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0910, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0915 What steps must be taken after a youth is admitted into a CRC?

All CRCs

(1) The director or designee of a crisis residential center (CRC) must immediately notify the parents of the youth who has been admitted.

(2) If the director or designee of any CRC is unable to contact the youth's parents within, forty-eight hours, he or she must:

(a) Contact the department and request that the case be reviewed for dependency filing under chapter 13.34 RCW or "child in need of services" filing under chapter 13.32A RCW; and

(b) Document the contact with the department in the youth's case record.

Secure CRCs

(3) Within the first twenty-four hours after admitting a youth to a secure crisis residential center, and each twenty-four hours after, the director or designee must assess the youth's risk of running.

(4) The secure CRC director or designee must determine what type of CRC, regular or secure, would be best for the youth.

(5) The secure CRC director or designee must use the following criteria in making the decision, considering the safety, health and welfare of the youth and others:

- (a) The youth's age and maturity;
- (b) The youth's physical, mental, and emotional condition upon arrival at the center;
- (c) The circumstances that led to the youth's placement at the facility;
- (d) The youth's behavior;
- (e) The youth's history of running away;
- (f) The youth's willingness to cooperate in conducting the assessment;

(g) The youth's need for continued assessment, protection, and intervention services in a CRC; and

(h) The likelihood the youth will remain at a CRC.

(6) The secure CRC director or designee must put the decision about the youth's status in writing in the youth's file.

(7) After a youth is admitted, the secure CRC director or designee must ensure that a youth is assessed for any health needs requiring immediate attention.

(8) By the first school day after admission, the crisis residential center staff must:

(a) Notify the youth's school district about the youth's placement; and

(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW, 04-08-073, § 388-148-0915, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0915, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0920 What if a youth seems unlikely to remain in a regular CRC? If a crisis residential center (CRC) director or designee decides that a youth is unlikely to stay in a regular facility, he or she must make reasonable efforts to transfer the youth to a secure facility.

[Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0920, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0925 What happens when no space exists at a secure CRC? If space is not available in a secure crisis residential center (CRC), the director or designee of the secure CRC may transfer a different youth from that facility to a regular CRC as long as the youth:

(1) Has been in the secure facility for at least twenty-four hours; and

(2) Is considered likely to remain at a regular CRC facility.

[Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0925, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0930 How is a youth transferred from one type of CRC to another? After deciding that a youth needs to be transferred from one type of crisis residential center (CRC) to another, the director or designee initiating the change must take these steps:

(1) Obtain the department's agreement with the transfer decision.

(2) Communicate with the CRC where the youth is being relocated:

(a) Assure mutual agreement with the transfer decision; and

(b) Make sure that space for the youth is available to support the transfer.

(3) Document all communication related to the transfer into the youth's file.

(4) The CRC director or designee initiating the transfer must establish and maintain the following written documents:

(a) Transfer procedures for the transfer of youth to another crisis residential center; and

(b) Protocols/agreements with the other crisis residential center's director for youth transfers.

[Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0930, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0940 What does a youth's orientation to a CRC need to include? (1) As part of admission to a crisis residential center (CRC), the CRC staff must give an orientation to youth that includes, but is not limited to:

(a) A description of the CRC's program and services;

(b) The physical facility;

(c) The department-approved policy that states that youth may not have guns and other weapons, alcohol, tobacco, and drugs within the facility; and

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(d) The department-approved policy on client visitation that includes access to the youth's attorney.

(2) Written documentation of this orientation must be in each youth's file.

[Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0940, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0945 What intervention services must be provided or arranged for by the CRC? (1) Crisis residential centers (CRCs) must provide or arrange, at a minimum, the following services:

(a) Assessment of the family in order to develop a treatment plan for the youth;

(b) Family counseling focused on communication skills development and problem solving;

(c) Individual and/or group counseling; and

(d) Referrals to transition the family to community-based services.

(2) Intervention services must be documented, in writing, in the youth's case record.

[Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0945, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0950 What behavior management practices are required for a CRC? (1) Crisis residential centers (CRC) must follow the department's behavioral management policy as specified in the general licensing requirement section of this chapter (see WAC 388-148-0465 through 388-148-0490).

(2) A CRC must develop policies and procedures when the behavior management practices include use of physical restraint, including:

(a) Who may authorize the use of physical restraint; and

(b) Under what circumstances physical restraint may be used, including time limitations, reevaluation procedures, and supervisory monitoring.

(3) Written policies and procedures about using physical restraint must be submitted to the department for approval before the policies and procedures are implemented.

(4) All staff must be trained in behavior management techniques prior to using physical restraint.

[Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0950, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—MULTIDISCIPLINARY TEAM

WAC 388-148-0955 What is the purpose of a multidisciplinary team in a CRC? (1) Crisis residential centers (CRC) must have multidisciplinary teams available as a service to youth and their families, if they request the service.

(2) The purpose of the multidisciplinary team is to evaluate the youth and the youth's family and when agreed to by the family, assist the with any of the following services:

(a) Developing a plan for accessing available social and health-related services;

(b) Obtaining referrals to a chemical dependency specialist and/or county-designated mental health professional;

(c) Recommending no further intervention because the youth and family have worked out the problems that were causing family conflicts; and

- (d) Reconciling the youth and family.
- (3) Members of multidisciplinary teams may include:
 - (a) Educators;
 - (b) Law enforcement personnel;
 - (c) Court personnel;
 - (d) Family therapists or mental health providers;
 - (e) Chemical dependency treatment providers;
 - (f) Licensed health care practitioners;
 - (g) Social service providers;
 - (h) Youth residential placement providers;
 - (i) Other family members;
 - (j) Church representatives; and
 - (k) Members of the family's community.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0955, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0960 When may a multidisciplinary team be requested? (1) After a youth is admitted into a crisis residential center (CRC), the CRC director or designee must advise the parent or guardian and the youth of their rights to request a multidisciplinary team.

(2) The director or designee also may set up a multidisciplinary team when he or she:

- (a) Believes that the:
 - (i) Youth is a "child in need of services" under RCW 13.32A.030; and
 - (ii) Parent is unavailable or unwilling to continue efforts to maintain the family structure.

(b) Needs help contacting the youth's parents. If the director or designee is unable to contact the parent or guardian within forty-eight hours, the director or designee must:

- (i) Contact the department and request the case be reviewed for a dependency filing under chapter 13.34 RCW or a "child in need of services" filing under chapter 13.32A WAC; and
- (ii) Document this information in the child's case file.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0960, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0965 How is a multidisciplinary team convened? (1) The crisis residential center (CRC) director or designee must notify the members of the multidisciplinary team of the need to convene.

(2) The director or designee must:

- (a) Tell the youth's parents or guardians about the multidisciplinary team if the parents did not make the initial request to form a team;
- (b) Advise the parents of their right to select additional members; and
- (c) Assist in getting prompt involvement of additional persons that the parent or youth have requested to be added to the multidisciplinary team.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0965, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0970 May a parent disband the multidisciplinary team? (1) The crisis residential center (CRC) director or designee must advise the parents of their right to disband the multidisciplinary team within twenty-four hours

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after they receive notice of the team forming, excluding weekends and holidays.

(2) Parents may disband the multidisciplinary team:

- (a) Unless a dependency petition has been filed (under RCW 13.32A.140); or
- (b) After a dispositional hearing has taken place ordering out-of-home placement for the youth.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0970, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0975 What qualifications must a crisis residential center executive director have? A crisis residential center executive director must meet the same qualifications that are specified for group care executive directors (see WAC 388-148-0700).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0975, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0980 Do I need a program manager on-site at each facility? Each crisis residential center facility must have an on-site program manager or person meeting those qualifications to coordinate the day-to-day operations of the facility on the premises during business hours, when youth are present.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0980, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0985 What qualifications must the on-site program manager for a crisis residential program have? Each on-site program manager must meet the qualifications outlined under WAC 388-148-0710.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0985, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0990 What additional qualifications must the crisis residential center youth care staff have? (1) At a crisis residential center (CRC), the primary duties of the youth care staff are the care, supervision, and behavioral management of youth. All youth care staff in a CRC must meet the qualifications for youth care staff in a group care program (see WAC 388-148-0715).

Additional CRC youth care staff qualifications

(2) Additional requirements for youth care staff that work in a CRC are as follows:

- (a) At least fifty percent of the youth care staff must have completed:
 - (i) A bachelor's degree; or
 - (ii) At least two years of college and one year of work in a residential care program for adolescents.

Note: Youth care staff may substitute experience for education on a year-for-year basis. A Bachelor of Arts degree in behavioral or social science may substitute for experience.

(3) The remaining youth care staff must have at least a high school diploma or GED and one of the following:

- (a) One year of successful experience working with youth in a group setting;
- (b) One year of successful experience as a foster parent for three or more children;

(c) Have skills and abilities to work successfully with the challenging behaviors of children in care; and

(d) Have effective communication and problem solving skills.

Note: Two years of college may be substituted for the required experience.

(4) Each youth care staff person must be at least twenty-one years of age, unless they are between eighteen and twenty-one, enrolled and participating in an internship program with an accredited college or university.

Note: Staff under twenty-one years of age must be supervised by a staff twenty-one years old or older.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0990, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?

(1) You must ensure the safety of the youth that are residing in crisis residential centers (CRCs) by maintaining staffing ratios. This may require a staffing ratio higher than the minimum listed if necessary for the health and safety of youth and/or staff.

Regular CRCs

(2) At all times, regular crisis residential centers must have at least one youth care staff on duty for every four youth in care when youth are present.

(3) Regular crisis residential centers must have at least two awake youth care staff on duty during waking hours of the youth when youth are present.

(4) Regular crisis residential centers must have at least one awake youth care staff on duty during sleeping hours of the youth. One or more additional (back-up) staff must be on the premises during sleeping hours to maintain staffing ratios.

Under extraordinary circumstances, the DLR director may approve an alternative back-up plan.

Secure CRCs

(5) At all times, secure crisis residential centers must have at least two staff on duty when youth are present.

(6) At all times, secure crisis residential centers not colocated with a detention center must have at least one youth care staff on duty for every three youth in care.

(7) At all times, secure crisis residential centers that are located in the same facility as a detention center must have at least one awake youth care staff on duty for every four youth in care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0995, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0995, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—STAFF TRAINING

WAC 388-148-1000 What training must staff at a crisis residential center have? (1) All staff working at a crisis residential center (CRC) must complete a minimum of sixteen hours of preservice job orientation prior to beginning unsupervised child care responsibilities. Training must include:

(a) Presentation of the CRC agency's policies and procedures manual;

(b) Behavior management techniques;

(c) Crisis intervention techniques;

(d) Family intervention techniques;

(e) Child abuse and neglect reporting requirements;

(f) Youth supervision requirements; and

(g) HIV/AIDS/Bloodborne pathogen training.

(2) Staff working at a CRC must complete a minimum of twenty-four hours of on-going education and in-service training annually. This training must include:

(a) Crisis intervention techniques, including verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;

(b) Behavior management techniques;

(c) Substance abuse;

(d) Suicide assessment and intervention;

(e) Family intervention techniques;

(f) Cultural diversity;

(g) Mental health issues and interventions;

(h) Mediation skills;

(i) Conflict management/problem-solving skills;

(j) Physical and sexual abuse; and

(k) Emergency procedures.

(3) All staff working at a CRC must have current first-aid and CPR training.

(4) The director or designee of the CRC must document completion of all training in each staff person's personnel file.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1000, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—RECORD-KEEPING

WAC 388-148-1005 What record keeping is required for crisis residential centers? (1) Crisis residential centers (CRC) must follow the general licensing requirements for record keeping (see WAC 388-148-0125).

(2) In addition, a CRC must record:

(a) The time and date a placement is made;

(b) The names of the person and organization making the placement; and

(c) Reasons for the placement.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1005, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1010 What additional record-keeping requirements exist for secure crisis residential centers?

(1) If you operate secure crisis residential centers (CRC), you must maintain, at a minimum, hourly logs of where the youth are physically located.

(2) You must have a policy on the use and retention of these logs, including but not limited to staff briefings between shifts to verify:

(a) Where youth are physically located at each shift change; and

(b) That weekly inspections take place of any security devices.

(3) You must retain these logs for seven years.

(4) You must also maintain a log and written report that identifies all incidents requiring physical restraints for a youth. (see WAC 388-148-0490)

(5) Within seven days of a youth's discharge, you must send the child's social worker a written summary that includes, but is not limited to:

- (a) Community-based referrals;
- (b) Assessment information on the family and child;
- (c) Family reconciliation attempts;
- (d) Contacts with families and professionals involved;
- (e) Recommendations for all family members;
- (f) Medical and health related issues; and
- (g) Any other concerns, such as legal issues and school problems.

(6) You must retain a copy of any discharge summaries in the youth's case record at the secure crisis residential center.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1010, filed 8/28/01, effective 9/28/01.]

STAFFED RESIDENTIAL HOMES—PROGRAM AND SERVICES

WAC 388-148-1015 What is the purpose of a staffed residential home? A staffed residential home may employ staff to provide twenty-four-hour care to children who:

- (1) Are unable to successfully live in a foster home;
- (2) Have emotional disturbances or physical or mental disabilities;
- (3) Are medically fragile; or
- (4) Are in transition from residential care to a foster home.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1015, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1025 What must be included in a written program description for a staffed residential home?

(1) A written program description to provide services to children at a staffed residential home must be submitted for department approval.

(2) The program description must include but is not limited to:

- (a) The number of children served at one time;
- (b) The expectations of services to be provided;
- (c) The steps to be taken to include the child's family;
- (d) The plan on how coordination will occur with community partners;
- (e) The plan on how permanency planning for the children will take place;
- (f) A safety and supervision plan for each child; and
- (g) A behavior management plan for each child, as appropriate.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1025, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1025, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1030 What services must a staffed residential home provide? (1) A staffed residential home must be able to provide the specialized services required by the group that is served in the staffed residential home. These services may be provided through your own program or through using other community resources.

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(2) You must provide a safety and supervision plan for each child you serve considering his or her age and physical condition.

(3) A list of services that you will provide to children and their families must include but is not limited to:

- (a) The steps to be taken to include the child's family in the services;
- (b) Who and how these services will be carried out; and
- (c) A schedule of typical daily activities for the children under your care.
- (4) Services for children must include:
 - (a) Transportation;
 - (b) Teaching social and living skills;
 - (c) Opportunities for play and recreation; and
 - (d) Opportunities to participate in community and cultural activities.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1030, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1030, filed 8/28/01, effective 9/28/01.]

STAFF RESIDENTIAL HOMES—STAFF QUALIFICATIONS, STAFFING RATIOS, AND CAPACITY

WAC 388-148-1035 Who must be on the premises when children are under care at a staffed residential home?

The on-site program manager or a person meeting the same qualifications must be on the premises of the staffed residential home during business hours when children are under care if:

- (1) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; and
- (2) A youth's behavior poses a risk to self or others.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1035, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1035, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1040 What are the qualifications for staff at a staffed residential home?

The executive director, on-site program manager, and child care staff at a staffed residential home must meet the qualifications outlined for group care program section (WAC 388-148-0700, 388-148-0715, and 388-148-0720).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1040, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1045 What is the ratio of child care staff to children in staffed residential homes?

(1) You must meet the minimum ratios of child care staff to children under care at a staffed residential home.

(2) To keep the proper ratio of staff to children, the director, support staff and maintenance staff may serve as child care staff if they have adequate training.

(3) The ratio for staffed residential homes is, at least, one child care staff for every six children during waking hours of children.

(4) During sleeping hours of youth, at least, one staff person must be awake when:

- (a) There is a written supervision agreement or a contract with the department of social and health services specifying

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an awake staff is needed for either the program or a specific child;

(b) A youth's behavior poses a safety risk to self and/or others; or

(c) A child's medical condition requires constant monitoring.

(5) The need for overnight supervision must be documented in each child's treatment plan, if awake supervision is necessary.

(6) You may only be licensed for maximum of three pregnant or parenting youth.

(7) When only one child care staff person is on duty, a second person must be on call and available to respond within one half-hour.

(8) You must have relief staff so that all staff can have the equivalent of two days off a week. This is not required for family members if the staffed residential home is a family residence.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1045, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1045, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1050 How many children may I serve in my staffed residential home? The department restricts the number of children that a licensed staffed residential home may serve.

(1) The department may license a staffed residential home for six or fewer children. The maximum number of children in your home or facility must not exceed six at any time.

(2) The department may restrict the number of children in a staffed residential home according to the age and needs of the children.

(3) If only one staff person is on duty at a staffed residential home providing maternity services, that home must not care for more than four persons under the age of eighteen. An additional staff person is required to care for more than four persons under the age of eighteen.

(4) Except for maternity program, you may have only two children under two years of age in your home at a time.

(5) The department may license a staffed residential home for up to three children with mental or physical disabilities that are severe enough to require nursing care if you meet the following conditions:

(a) You provide staff that are qualified by training and experience to provide proper care, including necessary medical procedures; and

(b) The children's treatment is under the supervision of physicians.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1050, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1050, filed 8/28/01, effective 9/28/01.]

STAFFED RESIDENTIAL HOMES—ROOM REQUIREMENTS

WAC 388-148-1055 Are there room requirements for staffed residential homes? The department has certain requirements for rooms that you must meet in order to operate a staffed residential home.

(1) You must provide rooms that are ample in size and properly furnished for the number of children you serve.

(2) You must provide each of the following rooms or areas:

(a) Bedrooms that meet general licensing requirements (WAC 388-148-0260 through 388-148-0270) and have additional space for any special medical equipment needed by children;

(b) At least one comfortably furnished living room;

(c) A dining room area that is ample in size and suitably furnished for your residents;

(d) At least one separate indoor recreation area with a size and location that is suitable for recreational and informal education activities;

(e) A room or area that may be used as an administrative office; and

(f) A visiting area where visitors can have privacy.

(3) The licensor and staffed residential home director may decide what rooms may have multiple uses (for example, dining room and recreation area or visiting area and living room).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1055, filed 8/28/01, effective 9/28/01.]

CHILD-PLACING AGENCIES—PROGRAM AND SERVICES

WAC 388-148-1060 What services may a child-placing agency provide? The department licenses child-placing agencies to provide:

(1) Certification of eligible foster homes meeting full licensing requirements, including respite care foster homes;

(2) Maternity services to expectant mothers;

(3) Specialized (treatment) foster care;

(4) Residential care programs, such as group homes, crisis residential centers, and independent living skills programs; and

(5) Adoption services.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1060, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1060, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1066 What written information is needed before a child is accepted for care by a child-placing agency? Before accepting a child for care from a parent or legal guardian, a child-placing agency must obtain the following written consent and information from the parent or legal guardian:

(1) Permission from the child's parent or legal guardian authorizing the placement of the child;

(2) Permission to seek emergency medical care or surgery on behalf of the child;

(3) Permission to transport the child;

(4) Basic family information, including address, telephone numbers, and emergency contacts; and

(5) Basic medical information, including current medication, immunization history (if available), known allergies, and at-risk behaviors of the child.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1066, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1070 What health histories need to be provided to foster or adoptive parents? A child-placing agency must provide adoptive parents with information that meets the federal and state statutes on full disclosure of health information.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1070, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1070, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1075 When may child-placing agencies from outside the state place children in this state? Child-placing agencies with offices in other states or another country may arrange to place children in Washington state under each of the following conditions:

(1) The out-of-state agency must be fully licensed, certified, or recognized for child-placing functions in its own home state or country.

(2) All public and private agencies must comply with the requirements of the "interstate compact on the placement of children (ICPC)" (see RCW 26.34.011).

Note: Contact the ICPC program manager with children's administration for more information.

(3) The in-state facility receiving children is responsible for:

(a) Conducting a study of the home where the child will be placed;

(b) Related case management; and

(c) Supervising the placement until the child is legally adopted, reaches eighteen years of age, or returns to the originating state.

(4) An out-of-state agency must give us copies of the following written documents:

(a) Written agreements with Washington state agencies;

(b) Evidence of the agency's legal authority to place the child; and

(c) Certification that the agency will assume financial responsibility for any child placed in Washington state until the child is adopted, financially independent, or reaches the age of eighteen.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1075, filed 8/28/01, effective 9/28/01.]

CHILD-PLACING AGENCY STAFF QUALIFICATIONS

WAC 388-148-1076 What are the qualifications for an executive director, a program manager/social service staff, and a consultant for a child-placing agency? The qualifications of child-placing agency staff are as follows:

(1) The executive director of a child-placing agency must meet the executive director qualifications outlined for programs and agencies in WAC 388-148-0700.

(2) A program manager/social service staff for a child-placing agency must meet the program manager qualifications outlined in WAC 388-148-0715.

(3) A consultant for a child-placing agency must meet the consultant qualifications outlined in WAC 388-148-0600.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1076, filed 4/5/04, effective 5/6/04.]

(2009 Ed.)

WAC 388-148-1077 What are the qualifications for a case aide for a child-placing agency program? The qualifications for a case aide at a child-placing agency program must meet the qualifications for the child care staff at a group care program, outlined in WAC 388-148-0720.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1077, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care? A child-placing agency health care staff, such as licensed practical nurses (LPN) and nursing assistants-certified must meet the health care staff qualifications outlined in WAC 388-148-0722.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1078, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1079 What are the qualifications or the foster home licenser for a child-placing agency? A child-placing agency licenser responsible for the certification of foster homes supervised by their child-placing agency must meet, at a minimum, the requirements that follow:

(1) Be at least twenty-one years old;

(2) Have a bachelor's degree in social services or related field; or

(3) Four years of relevant full-time experience serving children may be substituted for the bachelor's degree with DLR administrative approval.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1079, filed 4/5/04, effective 5/6/04.]

CHILD-PLACING AGENCIES—ROOM REQUIREMENTS

WAC 388-148-1080 Are child-placing agencies required to have office space? You must be housed in offices that are adequately equipped to carry out your child-placing agency's programs and that can offer privacy for interviews with parents and children and storage space.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1080, filed 8/28/01, effective 9/28/01.]

CHILD-PLACING AGENCIES—FOSTER CARE SERVICES

WAC 388-148-1085 How may my child-placing agency certify a foster home for licensing by the department? (1) To certify a foster home for licensing by the department, you must use applications, home study forms, and procedures that are approved by the department (see WAC 388-148-0050 through 388-148-0080).

(2) A foster home must be certified by your child-placing agency as meet the licensing requirements your child-placing in order to be licensed by the department.

(3) A social service staff person must review and sign approving the foster home licensing application packet before the application is submitted to DLR.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1085, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1085, filed 8/28/01, effective 9/28/01.]

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WAC 388-148-1090 What children may child-placing agency foster homes accept? As part of our requirements, foster homes that child-placing agencies certify as meeting our licensing requirements may accept children only from:

- (1) The licensed child-placing agency that certified the foster home; or
- (2) The department, as long as these conditions are met:
 - (a) The child is in the legal custody of, or is under the department's supervision; and
 - (b) The child placements are approved in advance in writing by the child-placing agency responsible for supervising the foster home or facility.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1090, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1095 May different child-placing agencies share eligible foster parents for placement? (1) Different child-placing agencies may share eligible foster parents for placement as long as safety and health requirements are met.

(2) The participating agencies must have written agreements between them specifying the criteria and conditions for sharing foster parents prior to the placement of the children. This includes child-placing agencies placing children in DCFS foster homes.

(3) The written agreements must specify roles and responsibilities of each agency.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1095, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1100 What do I need to consider in making foster care placements? (1) In planning a foster care placement for a child, you must consider:

- (a) The child's basic right to their own home and family;
- (b) The importance of providing skillful professional service to the child's birth parents to help them meet each child's needs in the home;
- (c) Each child's individual needs, cultural, and religious background and family situation;
- (d) The wishes and participation of each child's parent(s); and
- (e) The selection of a foster home that will enhance each child's capacities and meet each child's individual needs.

(2) You must use a written social summary for each child as the basis for acceptance for foster care and related social services.

(3) Every foster care placement that you facilitate must be based on well-planned, individual preparation of the child and the child's family. However, in an emergency situation, you may place a child in a foster home prior to preparing the child and the child's family.

(4) A child may be placed in foster care only with the written consent of the child's parents, a protective custody order, or under a court order. This consent or order must include approval for emergency medical care or surgery.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1100, filed 8/28/01, effective 9/28/01.]

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WAC 388-148-1105 May I share information about the child with the foster parents? (1) You must give foster parents any information that may be shared about the child and the child's family. Sharing information about behavioral and emotional problems is especially important. This helps foster parents make an informed decision about whether or not to accept a child in their home.

(2) You must inform the foster parents that this information is confidential and can not be shared with persons who are not involved with the care of the child.

(3) You must document in the child's file that you have shared this information at the time of placement.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1105, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1110 How often should the case manager contact the foster child and family? The case manager must contact a foster child and the foster child's foster family, according to a case plan that reflects the child's needs. Case managers must make in-home health and safety visits as required by children's administration policy. Each foster child and one or both foster parents must be seen at each visit.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1110, filed 8/28/01, effective 9/28/01.]

CHILD-PLACING AGENCIES—ADOPTION SERVICES

WAC 388-148-1115 What are the requirements for providing adoptive services? (1) As a child-placing agency providing adoption services, you must:

- (a) Comply with federal and state adoption and adoption support laws and policies;
- (b) Recruit potential adoptive families that reflect the diversity of children in your community; and
- (c) Provide adoptive applicants with the following services, at a minimum:
 - (i) Information about the adoption process;
 - (ii) Adoption support programs;
 - (iii) Your agency's policies, practices and legal procedures;
 - (iv) Types of children available for adoption and implications for parenting different types of children; and
 - (v) Information on adoption support programs.

(2) You must document that you provided this information to the adoptive applicant in the applicant's file.

(3) You must have contact with each adoptive home of all adoptive placements at least once every thirty days, until the adoption is finalized. Contact may include a home visit, telephone call, or office visit.

(4) Every ninety days you must complete a face-to-face visit in the adoptive home to observe the parent and child and complete a health and safety check.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1115, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1115, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1120 What is the process for adoptions? You must go through the following steps to place a child for adoption.

(1) The applicants must submit an application (including a completed background inquiry form) to the child-placing agency.

(2) Once you have received an application, but before you sign a contract for services, you must give the applicants a written statement about:

(a) The adoption agency's fixed fees and fixed charges to be paid by the applicant;

(b) An estimate of additional itemized expenses to be paid by applicant; and

(c) Specific services covered by fees that you offer for child placement or adoption.

(3) Your staff must complete an adoptive home study as required in RCW 26.33.190 with the participation of the applicant(s). For the study, your staff and the applicants must decide the following:

(a) The suitability of the applicant(s) to be adoptive parent(s) including completion of background checks of the applicant(s) independent of the department; and

(b) The type of child(ren) for which the applicant or applicants are best suited.

(4) Your staff must accept or deny the application and give an explanation for your decision.

(5) You must file preplacement (home study) reports with the court (as required by RCW 26.33.180 through 26.33.190).

(6) Your staff must prepare the potential adoptive parent(s) for placement of a specific child by:

(a) Locating and providing information about the child and the birth family to the prospective adoptive family provided under federal and state statute;

(b) Discussing the likely implications of the child's background for adjusting in the adoptive family.

(7) Your staff must reevaluate the applicant(s) suitability for adopting a child each time an adoptive placement is considered.

(8) You must advise the family of the existence of the adoption support program and procedures for applying.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1120, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1120, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1125 What requirements exist for specialized adoptive services? Specialized adoptive services are inter-country adoption, interstate adoption and adoptions for children with special needs (such as developmental disability or emotional disability).

(1) If your child-placing agency is providing specialized adoptive services, you must have:

(a) Supervisory staff who have specialized training in the particular area of adoption that you want to provide; and

(b) A written in-service training program for staff in these specialized adoptive services.

(2) If you are facilitating the adoptive placement of children who have special needs, you must:

(a) Have adoptive families who are able to meet the children's special needs, such as behavioral disturbance, medical problems or developmental disabilities; or

(b) Have a plan for active recruitment of suitable adoptive families.

(2009 Ed.)

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1125, filed 8/28/01, effective 9/28/01.]

CHILD-PLACING AGENCIES—ADOPTION RECORDS

WAC 388-148-1130 Must my child-placing agency retain the records of adopted children? Your child-placing agency must retain a record of each child you place in permanent custody. This record must contain all available identifying legal, medical, and social information and must be kept confidential, as required by chapter 26.33 RCW.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1130, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1135 What happens to the adopted children's records if my agency closes? If your agency closes, you must make arrangements for the permanent retention of the adopted children's records. You must inform DSHS, children's administration state adoption program manager about the closure of the agency and where the files will be kept (for example, by another adoption agency or Washington state archival files).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1135, filed 8/28/01, effective 9/28/01.]

GROUP CARE FACILITIES—GROUP RECEIVING CENTERS PROGRAM REQUIREMENTS AND SERVICES

WAC 388-148-1205 What is a group receiving center? A group receiving center is a facility licensed by the division of licensed resources for the care of more than six children placed by the department, generally for thirty days or less.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1205, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1210 What age children may a center serve? Group receiving centers may provide care for children from age two through seventeen. There may be situations when a group receiving center would be licensed for children less than two years of age to accommodate sibling groups.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1210, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1215 What hours must a center be open? A group receiving center must be open twenty-four hours a day, seven days a week.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1215, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1220 What services are provided or arranged for by a group receiving center? (1) A group receiving center must provide direct receiving care and assessment or an appraisal of a child in terms of his or her physical, mental, social, and emotional condition.

(2) A group receiving center may provide transportation and/or family support services, such as the supervision of family visits.

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(3) Arrange for or provide transportation for each school-age child in care to attend school.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1220, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1225 Is a center required to provide an orientation for a child placed? (1) As part of admission to a center, the staff must provide an orientation to children, as age-appropriate that includes, but is not limited to:

- (a) A description of the program and services;
- (b) The physical facility;
- (c) The department-approved policy that states that youth may not have guns or other weapons, alcohol, tobacco, or illegal drugs within the facility; and
- (d) The department-approved policy on client visitation that includes access to the youth's attorney and social worker.

(2) Written documentation of this orientation must be in each child's file.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1225, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1230 Does each child need space for personal items at the center? You must provide separate space for the storage of personal items such as clothing, radios, and toys for each child at your group receiving center.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1230, filed 4/5/04, effective 5/6/04.]

GROUP RECEIVING CENTERS—STAFF TRAINING

WAC 388-148-1235 What staff training is required?

(1) All group receiving center staff must complete a minimum of sixteen hours of pre-service job orientation prior to beginning unsupervised child care responsibilities. Training must include:

- (a) Presentation of the group receiving centers policies and procedures as well as the standards contained in this chapter;
- (b) Behavior management techniques;
- (c) Crisis intervention techniques;
- (d) Family dynamics and family intervention techniques;
- (e) Child abuse and neglect reporting requirements;
- (f) Youth supervision requirements; and
- (g) HIV/AIDS/blood borne pathogen training.

(2) Staff must complete a minimum of twenty-four hours of on-going education and in-service training annually. This training must include:

- (a) Crisis intervention techniques, including verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;
- (b) Behavior management techniques;
- (c) Substance abuse;
- (d) Suicide assessment and intervention;
- (e) Family intervention techniques;
- (f) Cultural diversity;
- (g) Mental health issues and interventions;
- (h) Mediation skills;
- (i) Conflict management/problem-solving skills;
- (j) Physical and sexual abuse identification;
- (k) Characteristics and management of sexually aggressive and physically assaultive behavior; and

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(1) Monthly fire drill proactive and disaster training for each staff.

(3) You must record the amount of time and type of training provided to staff.

(4) This information must be kept in each employee's file or in a separate training file.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1235, filed 4/5/04, effective 5/6/04.]

GROUP CARE FACILITIES—GROUP RECEIVING CENTERS—STAFFING RATIOS AND SUPERVISION

WAC 388-148-1240 What is the ratio of child care staff to children at a center? The department has specific requirements for the ratio of child care staff to children at group receiving centers.

(1) At least two staff, including at least one child care staff person, must be on site whenever children are on the premises.

(2) The ratio for a group receiving center is at least one child care staff person on site for every four children who are under age six, during waking and sleeping hours.

(3) The ratio for a group receiving center is at least one child care staff person on site for every six children age six years and older, during waking and sleeping hours.

(4) If a DLR-approved safety plan addressing the age groups is in effect, the center may provide care for more than one of the following age groups:

- (a) Age two through five;
- (b) Six through twelve; and
- (c) Thirteen through seventeen.

(5) If the center provides care for children under age six and children six and older, you may allow common activities for the children of different age groups provided you maintain the staffing ratio designated for the youngest child in the group and have an approved safety plan in place.

(6) To keep the proper ratio of staff to children, the executive director, on-site program manager, support staff, and maintenance staff may serve temporarily as child care staff if they have adequate training and are performing child care staff duties.

(7) You must have relief staff so that all staff can have the equivalent of two days off a week.

(8) If you have more than one program in one building, such as a group receiving center and a crisis residential center, you must follow the most stringent staffing ratio requirements, if the same staff are supervising both programs.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1240, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1245 What are the requirements for supervision of children at a center? (1) A group receiving center must operate under a DLR-approved, written supervision and safety plan for the children in care.

(2) At a group receiving center, children under age six must be within visual range at all times during waking hours.

(3) You must ensure that the staff providing direct care and supervision of the children is free of other duties at the time of care.

(4) When a child has exhibited behavior that posed a safety risk to other children in a previous placement or the

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placing agency believes the child poses a risk to other children the placing agency must inform the provider and jointly develop a plan to address the risk.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1245, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1250 Who must be on the premises while children are in care at a center? (1) The director or on-site program manager at a group receiving center must normally be on the premises during business hours when children are in care.

(2) If temporarily absent (for two hours or less) from the center, the director and on-site program manager must leave a competent, designated staff person in charge. This person must meet the qualifications of a child care staff person.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1250, filed 4/5/04, effective 5/6/04.]

GROUP CARE FACILITY-GROUP RECEIVING CENTERS—RECREATIONAL ACTIVITIES, EQUIPMENT, AND SPACE

WAC 388-148-1255 What are the requirements for an activity program? (1) You must provide an activity program at a group receiving center that is designed to meet the developmental, cultural, and individual needs of the children served at your group receiving center.

(2) You must ensure that group receiving center's activity program allows time for children to have daily opportunities for small and large muscle activities and outdoor play, as appropriate to the weather conditions.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1255, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1260 What activities must I provide to children? (1) Activities must be designed for the developmental stages of the children you serve at a group receiving center, allowing a balance between:

- (a) Child-initiated and staff-initiated activities;
- (b) Free play and organized events;
- (c) Individual and group activities; and
- (d) Quiet and active experiences.

(2) You must ensure that children at a group receiving center are grouped to ensure the safety of the children.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1260, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1265 What are the requirements for indoor recreation areas? (1) Depending on the number and age range of children served, the group receiving center's indoor premises must contain:

- (a) Adequate area for the child play; and
- (b) Sufficient space to house a developmentally appropriate program.

(2) You must provide a minimum of thirty-five square feet of usable floor space per child, not counting bathrooms, hallways, and closets.

(3) You may use and consider the napping area as child care space, if there are not beds or cots on the floor space.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1265, filed 4/5/04, effective 5/6/04.]

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WAC 388-148-1270 What are the requirements for an outdoor recreation area? (1) You must provide a safe and securely-fenced or department-approved, enclosed outdoor recreation area at a group receiving center.

(2) The fenced or approved enclosed outdoor recreation must prevent child access to roadways and other dangers.

(3) The fence or enclosure must protect the play area from unauthorized exit or entry. Any fence or enclosure must be designed to discourage climbing.

(4) The outdoor recreation area must adjoin directly the indoor premises or be reachable by a safe route and method.

(5) The outdoor recreation area must promote the child's active play, physical development, and coordination.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1270, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1275 What are the size requirements for an outdoor recreation area? (1) You must ensure the recreation area at a group receiving center contains a minimum of seventy-five usable square feet per child.

(2) If not all of the children are using the outdoor recreation area at the same time, you may reduce the size to the number of children normally using the area at one time.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1275, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1280 What are the requirements for playground equipment? (1) You must provide a variety of age-appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities at a group receiving center.

(2) You must design, construct, arrange, and maintain equipment and ground cover to prevent child injury.

(3) The quantity of outdoor play equipment must offer a child a range of outdoor recreation options.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1280, filed 4/5/04, effective 5/6/04.]

Chapter 388-160 WAC

MINIMUM LICENSING REQUIREMENTS FOR OVERNIGHT YOUTH SHELTERS

WAC

388-160-0005	Authority.
388-160-0015	What is the purpose of overnight youth shelters?
388-160-0025	What definitions apply to this chapter?
388-160-0035	What services must be offered at a shelter?
388-160-0045	What must I include in the assessment when a youth first enters a shelter?
388-160-0055	How does the department decide how many youth I may serve in my overnight youth shelter?
388-160-0065	How old do I have to be to apply for a shelter license?
388-160-0075	What qualifications does a person need to care for youth at an overnight youth shelter?
388-160-0085	Who must be on the premises when youth are present at an overnight youth shelter?
388-160-0095	What qualifications must a program supervisor have in order to work in a shelter?
388-160-0105	What qualifications must a lead counselor have in order to work in a shelter?
388-160-0115	What minimum qualifications must child care staff, lead counselors, interns, and volunteers have in order to work in a shelter?
388-160-0125	What training is required for overnight youth shelter staff, lead counselors, interns and volunteers?
388-160-0135	What is the required ratio of staff to youth in a shelter?
388-160-0145	How do I apply or reapply for a license?

		DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER
388-160-0155	May I receive more than one type of group care license at the same physical location?	
388-160-0165	Does the department put limitations or conditions on a person who is licensed?	
388-160-0175	Does the department allow exceptions to the licensing requirements?	388-160-010 Authority. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-010, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0185	Does the department issue probationary licenses?	
388-160-0195	When must the department deny, suspend or revoke a license?	388-160-020 Definitions. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-020, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0205	Are there other reasons the department must suspend my overnight youth shelter license?	
388-160-0215	When may the department suspend or revoke my overnight youth shelter license?	
388-160-0225	How does the department notify me if my license is modified, denied, suspended or revoked?	388-160-030 Exceptions to rules. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-030, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0235	What may I do if I disagree with the department's decision to modify, deny, suspend or revoke my license?	
388-160-0245	What incidents involving youth must I report?	388-160-040 Effect of local ordinances. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-040, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0255	Are there other reporting requirements?	
388-160-0265	Do I need to report runaway youth who stay at the shelter?	
388-160-0275	What changes to my overnight youth shelter must I report to my licensor?	388-160-050 Fire standards. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-050, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-050, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0285	What are the department's requirements for keeping client records?	
388-160-0295	Do I need a citizens' board for my overnight youth shelter?	
388-160-0305	What personnel policies must I have?	
388-160-0315	What personnel records must I keep?	
388-160-0325	Where must I post my license?	388-160-060 Certification of exempt agency. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-060, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0335	What other information must I keep readily available?	
388-160-0345	Are local ordinances part of our licensing requirements?	
388-160-0355	What fire safety requirements must I follow to qualify for a license?	388-160-070 Application or reapplication for license or certification—Investigation. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-070, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0365	Where may my shelter be located?	
388-160-0375	May I have firearms in my overnight youth shelter?	
388-160-0385	What substances are prohibited at overnight youth shelters?	
388-160-0395	What are your requirements for storing dangerous items?	
388-160-0405	Do I need to have first-aid supplies?	388-160-080 Limitations on licenses and dual licensure. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-080, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-080, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0415	What structural safety requirements must my facility meet?	
388-160-0425	What measures must I take for pest control?	
388-160-0435	What are your requirements for kitchens?	
388-160-0445	What are the requirements for bedrooms in shelters?	
388-160-0455	What are your requirements for bedding?	
388-160-0465	What telephone requirements must I follow?	388-160-090 General qualifications of licensee, applicant, and persons on the premises. [Statutory Authority: RCW 74.15.030. 96-10-043 (Order 3974), § 388-160-090, filed 4/26/96, effective 5/27/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-090, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0475	What are the lighting requirements for my overnight youth shelter?	
388-160-0485	What are the requirements about drinking water?	
388-160-0495	What are your requirements for laundry facilities?	
388-160-0505	What are the requirements for washing clothes?	
388-160-0515	What are the requirements for toilets, sinks, and bathing facilities in shelters?	
388-160-0525	Do overnight youth shelters require a housekeeping sink?	388-160-100 Age of licensee. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-100, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0535	What are the requirements for sewage and liquid wastes?	
388-160-0545	What health and emergency policies and procedures must I have?	388-160-110 Posting of license. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-110, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0555	How must I manage medications for youth at my shelter?	
388-160-0565	What must I do to prevent the spread of infections and communicable diseases?	
388-160-0575	What nutritional guidelines must I follow?	388-160-120 Licensure—Denial, suspension, or revocation. [Statutory Authority: RCW 74.15.030. 96-10-043 (Order 3974), § 388-160-120, filed 4/26/96, effective 5/27/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-120, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0585	What are your requirements for protecting a youth under my care from child abuse and neglect?	
388-160-0595	What are the requirements about nondiscrimination?	
388-160-0605	What religious activities are allowed in overnight youth shelters?	
388-160-0615	How much supervision is required for child care staff and volunteers?	388-160-130 Licensed capacity. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-130, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0625	What requirements must I follow when disciplining youth?	
388-160-0635	What types of disciplinary practices are forbidden?	
388-160-0645	What types of physical restraint are acceptable for youth in overnight youth shelters?	388-160-140 Discrimination prohibited. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-140, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-0655	What types of physical restraint are not acceptable in overnight youth shelters?	
388-160-0665	Do I need to document instances when physical restraint is used?	

388-160-150	Religious activities. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-150, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-320	Water supply. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-320, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-160	Discipline. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-160, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-340	Health and emergency policies and procedures. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-340, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-170	Corporal punishment. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-170, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-350	First aid. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-350, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-180	Abuse, neglect, or exploitation. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-180, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-360	Medication management. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-360, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-190	Site and telephone. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-190, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-370	Staff health. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-370, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-200	Equipment, safety, and maintenance. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-200, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-380	HIV/AIDS education and training. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-380, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-210	Firearms and other weapons. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-210, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-390	Nutrition. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-390, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-220	Prohibited substances. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-220, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-400	Bedding. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-400, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-230	Storage. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-230, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-410	Overnight youth shelters—Purpose and limitations. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-410, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-240	Bedrooms and sleeping areas. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-240, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-420	Governing body/citizens board for overnight youth shelters. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-420, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-250	Kitchen facilities. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-250, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-430	Intake. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-430, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-430, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-260	Housekeeping sink. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-260, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-440	Groupings. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-440, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-270	Laundry. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-270, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-460	Staffing. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-460, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-460, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-280	Toilets, handwashing sinks, and bathing facilities. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-280, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-470	Supervision of youth. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-470, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-290	Lighting. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-290, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.	388-160-480	Child care workers—Qualifications. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-480, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-480, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
388-160-300	Pest control. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-300, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.		
388-160-310	Sewage and liquid wastes. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-310, filed 7/21/93, effective 8/21/93.] Repealed by 01-		

- 001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-490 Program supervision. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-490, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-490, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-500 Training. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-500, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-500, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-510 Services. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-510, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-520 Client records and information—Overnight youth shelters. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-520, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-530 Personnel policies and records—Overnight youth shelters. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-530, filed 10/4/96, effective 11/4/96. Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-530, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-540 Reporting of death, injury, illness, epidemic, or child abuse. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-540, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-550 Reporting runaway youth. [Statutory Authority: RCW 74.15.030. 96-21-018, § 388-160-550, filed 10/4/96, effective 11/4/96.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.
- 388-160-560 Reporting circumstantial changes. [Statutory Authority: Chapter 74.15 RCW. 93-15-124 (Order 3541), § 388-160-560, filed 7/21/93, effective 8/21/93.] Repealed by 01-15-001, filed 7/5/01, effective 8/5/01. Statutory Authority: Chapter 75.15 [74.15] RCW.

WAC 388-160-0005 Authority. The following rules including minimum licensing requirements for overnight youth shelters are adopted under chapter 74.15 RCW.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0005, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0015 What is the purpose of overnight youth shelters? (1) The purpose of overnight youth shelters is to provide youth with an emergency sleeping arrangements.

(2) The overnight youth shelter may be licensed to provide care for one of the following categories of youth:

- (a) Youth from thirteen through seventeen years of age;
- or
- (b) Youth sixteen through twenty years of age.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0015, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0025 What definitions apply to this chapter? The following definitions apply to this chapter.

"Capacity" means the maximum number of children a facility is licensed to care for at a given time.

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"Children's administration" means a management section of the department of social and health services responsible for many services to children including but not limited to: Child protective services, child welfare services, policy development, budget and fiscal operations.

"Compliance agreement" means a written plan of short duration with a specific ending date for completion of the plan. The agreement addresses the improvement or correction of specific issues to maintain or increase the safety and well-being of children in care.

"Department" means the department of social and health services (DSHS).

"DLR" means the division of licensed resources. A division of children's administration of the department of social and health services.

"Full licensure" means the facility licensed or approved by the department of social and health services meets all applicable licensing standards.

"I" or **"you"** refers to anyone who operates an overnight youth shelter.

"Overnight youth shelter" or **"OYS"** means a licensed facility operated by a nonprofit agency that provides overnight shelter to homeless or runaway youth. Overnight youth shelters do not provide residential care during daytime hours.

"We" refers to the department, including DLR licensors.

"Youth" means an individual who is under twenty-one years old. The term "child" or "children" may also be used in some sections.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0025, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0035 What services must be offered at a shelter? (1) At a minimum, all overnight youth shelters must offer the following services to all clients:

(a) A client identification and intake assessment including:

- (i) Emergency contacts (phone numbers);
- (ii) Areas of possible problems, such as school status, medical problems, family situation and suicide evaluation;
- (iii) History of assaultive or predatory behavior; and
- (iv) Drug and/or alcohol involvement.

(b) Individual crisis intervention;

(c) Assistance in accessing emergency resources, including child protective services (CPS) and emergency medical services; and

(d) Resource information.

(2) An overnight youth shelter must provide (as needed by the youth) information about:

- (a) Educational or vocational services;
- (b) Housing;
- (c) Medical care or services;
- (d) Substance abuse services;
- (e) Mental health services;
- (f) Other treatment agencies;
- (g) Food programs;
- (h) Disability services; and
- (i) Other DSHS services.

(3) If the overnight youth shelter cannot directly provide these services, staff must have information for referrals to

programs or organizations that would provide these services to clients.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0035, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0045 What must I include in the assessment when a youth first enters a shelter? (1) When a youth first enters an overnight youth shelter, you must:

- (a) Determine whether the parents are aware of the whereabouts of the youth;
- (b) Determine whether an adult contact exists; and
- (c) Notify the police or children's administration intake (either the local CPS number or toll-free 1-886-ENDHARM) of any youth twelve years of age or younger who is unaccompanied by an adult and is requesting service.

(2) As part of the initial assessment, you must also assess the youth's:

- (a) Recent history;
- (b) Outstanding warrants;
- (c) Physical and medical needs, including medication;
- (d) School status;
- (e) Immediate needs for counseling; and
- (f) Options for the near future.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0045, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0055 How does the department decide how many youth I may serve in my overnight youth shelter? (1) The number of youth that an overnight youth shelter may serve is based on an evaluation of the following factors:

- (a) Physical accommodations in your overnight youth shelter;
- (b) The number of staff and volunteers available for providing care;
- (c) The skills of your staff and volunteers; and
- (d) The ages and characteristics of the people you are serving.

(2) Based on our evaluation, we may license you for the care of fewer persons than you would normally serve in your category.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0055, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0065 How old do I have to be to apply for a shelter license? You must be at least twenty-one years old to apply for a license for an overnight youth shelter.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0065, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0075 What qualifications does a person need to care for youth at an overnight youth shelter? If a person is requesting a license or a position as an employee, intern, or a volunteer at an overnight youth shelter, he/she must not:

- (1) Have a history of child abuse or neglect.
- (2) Be disqualified by our background check (see chapter 388-06 WAC).
- (3) Have had a license denied or revoked from an agency that provides care to children or vulnerable adults, unless the department determines that the denial or revocation was not

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based on a factor that may pose a risk to the health, safety or welfare of children.

(4) The department may require additional information from you, your staff, interns, or volunteers. We may request this information at any time and it may include, but is not limited to any of the following evaluations and/or documentation of completed treatment:

- (a) Substance and alcohol abuse evaluations;
- (b) Psychiatric evaluations;
- (c) Psycho-sexual evaluations; and
- (d) Medical evaluations or reports.

(5) Any evaluation or information requested by the department must be supplied at the expense of the applicant or licensee.

(6) The department must approve the evaluator providing the above services and you must give the licensor permission to speak with the evaluator before and after the evaluation.

[Statutory Authority: RCW 74.15.010, 74.15.030. 05-14-013, § 388-160-0075, filed 6/22/05, effective 7/23/05. Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0075, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0085 Who must be on the premises when youth are present at an overnight youth shelter? (1)

In an open or dormitory type setting, a same gender staff person must be within visual and auditory range of same gender youth at all times. The staff must be awake while on-duty.

(2) At least one fully trained lead counselor must be on the premises at all times when youth are present.

(3) A qualified program supervisor must be on call at all times when the shelter is open or youth are present (see WAC 388-160-0095 for qualifications). The program supervisor may be on-staff, on contract or available by written agreement.

(4) Staff must represent both genders to reflect the population of youth in care.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0085, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0095 What qualifications must a program supervisor have in order to work in a shelter? Every overnight youth shelter must have a program supervisor. The program supervisor must have either a:

- (1) Master's degree in social work or a related field and one year of experience working with adolescents; or
- (2) Bachelor's degree and three years of experience working with adolescents.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0095, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0105 What qualifications must a lead counselor have in order to work in a shelter? To work in an overnight youth shelter, lead counselors must meet the following qualifications:

- (1) Be at least twenty-one years of age;
- (2) Have at least one year of experience working with adolescents;
- (3) Have completed HIV/AIDS/Bloodborne pathogen training;
- (4) Have completed first aid and CPR; and

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(5) Have completed a tuberculin test (as required under WAC 388-160-0565).

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0105, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0115 What minimum qualifications must child care staff, lead counselors, interns, and volunteers have in order to work in a shelter? (1) All child care staff, lead counselors, interns, and volunteers who work at an overnight youth shelter must be at least twenty-one years old. Note: Eighteen through twenty-year-old persons may work or volunteer at an overnight youth shelter if they are enrolled and participating in an internship program through an accredited college or university. They must be on-duty and supervised by a fully trained staff person twenty-one years old or older.

(2) Child care staff, interns, and volunteers also must have successfully completed:

- (a) A background check (see chapter 388-06 WAC);
- (b) A tuberculin test (as required under WAC 388-160-0565);
- (c) Current first-aid and cardiopulmonary resuscitation (CPR) training; and
- (d) HIV/AIDS/Bloodborne pathogen training consistent with the department of health approved curriculum prior to beginning work with youth. If the training is not readily available, it must be completed within sixty days of beginning work.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0115, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0125 What training is required for overnight youth shelter staff, lead counselors, interns and volunteers? (1) All overnight youth shelter staff, lead counselors, interns, and volunteers must receive training before providing care for youth. The overnight youth shelter must ensure that this training includes, at a minimum, the following subjects:

- (a) Job responsibilities, including the mandatory reporting requirements for licensee and their staff;
 - (b) Facility administration;
 - (c) Supervision of youth;
 - (d) Behavior management training in accordance with department behavior management guidelines;
 - (e) Fire safety procedures;
 - (f) Handling of emergency situations; and
 - (g) Current first-aid and cardiopulmonary resuscitation (CPR) training.
- (2) HIV/AIDS/Bloodborne pathogen training consistent with the department of health approved curriculum must be completed prior to beginning work with youth. If the training is not readily available, it must be completed within sixty days of beginning work.

(3) An overnight youth shelter must provide on-going training to all staff, interns, and volunteers.

(a) The training must cover qualifications for each position, including supervisory skills, adolescent development and problems, and the needs of youth.

(b) The shelter's training must also include, at a minimum, classes addressing:

- (i) Sexual abuse;

- (ii) Predatory behavior;
- (iii) Substance abuse;
- (iv) Depression;
- (v) Mental health;
- (vi) Teen suicide;
- (vii) Injurious behavior towards one's self or others; and
- (viii) Cultural sensitivity.

(3) New overnight youth shelter staff, interns, and volunteers must work shifts with fully trained staff until the new person has completed all required training.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0125, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0135 What is the required ratio of staff to youth in a shelter? (1) A shelter licensed for youth who are thirteen through seventeen years old must have one staff person to every eight youth.

(2) A shelter licensed for youth who are sixteen through twenty years old must have one staff person to every six youth.

(3) A shelter must maintain the staffing ratio while youth are asleep.

(4) At least one staff person must remain awake while youth are asleep. Other staff persons may be asleep, but must be available in the shelter in case of emergency.

(5) Whenever only one staff person is required to be on duty, a second staff person must be on call.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0135, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0145 How do I apply or reapply for a license? (1) To apply or reapply for a license, the person or legal entity responsible for your overnight youth shelter must send the following information to the department licensor:

- (a) The application form;

Note: If you are applying for a license renewal, you must send the application form to the department licensor ninety days prior to the expiration of your current license.

(b) A completed and signed criminal history and background inquiry form from each applicant, staff person, intern, board member and volunteer who:

- (i) Is at least sixteen years old;
- (ii) Is not a foster child or shelter youth; and
- (iii) Has unsupervised access to youth.

(c) Written verification of:

- (i) A tuberculosis test unless you have religious beliefs which prohibit the test;
- (ii) First-aid and cardiopulmonary resuscitation (CPR) training; and
- (iii) HIV-AIDS/Bloodborne pathogens training.

(2) If a person required to have a background check has lived in Washington state less than three years immediately prior to their application, a completed FBI fingerprint form must be provided to us for that person.

(3) We may require additional information from you including, but not limited to:

- (a) Substance and alcohol abuse evaluations;
- (b) Psychiatric evaluations;
- (c) Psycho-sexual evaluations; and
- (d) Medical evaluations.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0145, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0155 May I receive more than one type of group care license at the same physical location?

(1) If you are licensed to operate an overnight youth shelter, you may not hold a license for any other type of residential care at the same physical location.

(2) If you make it clear to us that care for one kind of client does not interfere with the care for another kind of client an exception to WAC 388-160-0155(1) may be granted. (See WAC 388-160-0175 for exceptions.)

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0155, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0165 Does the department put limitations or conditions on a person who is licensed? Even if we approve you for an overnight youth shelter license, we may put limitations or conditions on the license to ensure youth's safety and health.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0165, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0175 Does the department allow exceptions to the licensing requirements? (1) At its discretion, the department may make a written exception, and license or continue to license an overnight youth shelter that does not meet the minimum licensing requirements.

(2) Exceptions are approved for nonsafety requirements only.

(3) The safety and well-being of the youth receiving care must not be compromised.

(4) You must request an exception to the licensing requirements in writing.

(5) You must keep a copy of the approved exception to the licensing requirements for your files.

(6) Along with an exception to the licensing requirements, the department may require you to enter into a compliance agreement to ensure the safety and well-being of the youth in your care.

(7) You do not have appeal rights if the department denies your request for an exception to our requirements.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0175, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0185 Does the department issue probationary licenses? (1) The department may issue a probationary license as part of a corrective action plan with a licensed provider.

(2) The department must base its decision as to whether a probationary license will be issued on the following:

(a) Intentional or negligent noncompliance with the licensing rules;

(b) A history of noncompliance with the rules;

(c) Current noncompliance with the rules;

(d) Evidence of a good faith effort to comply; and

(e) Any other factors relevant to the specific situation.

(3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months.

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[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0185, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0195 When must the department deny, suspend or revoke a license? (1) A license must be denied, suspended or revoked if the department decides that you cannot provide care for youth in a way that ensures their safety, health and well-being.

(2) The department must deny, suspend, or revoke your license for any of the reasons that follow.

(a) You have failed your background check (see chapter 388-06 WAC).

(b) You have been found to have committed child abuse or neglect or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation.

(c) You or anyone on the premises had a license denied or revoked from an agency that provided care to children or vulnerable adults.

(d) You attempt to get a license by deceitful means, such as making false statements or leaving out important information on the application.

(e) You commit, permit or assist in an illegal act on the premises of a home or facility providing care to children.

(f) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(g) You knowingly allowed employees or volunteers who made false statements on their applications to work at your agency.

(h) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

(i) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(j) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

[Statutory Authority: RCW 74.15.010, 74.15.030. 06-03-047, § 388-160-0195, filed 1/10/06, effective 2/10/06; 05-14-013, § 388-160-0195, filed 6/22/05, effective 7/23/05. Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0195, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0205 Are there other reasons the department must suspend my overnight youth shelter license? (1) The department must suspend your license to provide care to children, if we receive a notice from the division of child support that you are not in compliance with a support order.

Note: The governing authority is RCW 43.20A.205 and 74.20A.320.

(2) The suspension of your license for noncompliance of a support order would be effective the date you receive a notice that we received the certificate of noncompliance from the division of child support.

(3) Your license would remain suspended until you provide proof that you are in compliance with the child support order.

(4) You would not have a right to an administrative hearing based on a suspension of your license due to noncompliance of a child support order.

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[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0205, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0215 When may the department suspend or revoke my overnight youth shelter license? A license may be suspended or revoked if you exceed the conditions of your facility license by:

- (1) Having more youth than the license allows;
- (2) Having youth with ages different than the license allows;
- (3) Failing to provide a safe and healthy environment for youth in your care; or
- (4) Failing to comply with any other licensing requirements.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0215, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0225 How does the department notify me if my license is modified, denied, suspended or revoked? The department sends you a certified letter informing you of our decision to modify, deny, suspend or revoke your license. The letter will include any applicable laws or regulations and provide you with information on what to do if you disagree with the department's decision.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0225, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0235 What may I do if I disagree with the department's decision to modify, deny, suspend or revoke my license? You have the right to appeal any decision the department makes to modify, deny, suspend or revoke your license, except for circumstances identified in WAC 388-160-0205.

(1) You may request an administrative hearing if you disagree with our decision to modify, suspend, revoke or deny your license.

(2) You must request an administrative hearing within twenty-eight days of receiving a certified letter with our decision (chapter 34.05 RCW).

(3) You must send a letter to the Office of Administrative Hearings, P.O. Box 42489, Olympia, WA 98504-2489, 1-800-583-8271 requesting an administrative hearing. The letter must have the following attachments:

- (a) A specific statement of your reasons for disagreeing with the decision and any laws that relate to your reasons; and
- (b) A copy of the certified letter from the department containing the decision that you are disputing.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0235, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0245 What incidents involving youth must I report? (1) You or your staff must report any of the following incidents within forty-eight hours to your local children's administration child protective services intake staff:

- (a) Any alleged incidents of child abuse or neglect;
- (b) Any violations of the licensing requirements;
- (c) Death of a child;
- (d) Any youth's suicide attempt that results in injury requiring medical attention or hospitalization;
- (e) Any emergent medical care to any youth in care;

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(f) Any use of physical restraint that is alleged improper or excessive;

(g) Sexual contact between two or more youth;

(h) Physical assaults between two or more youth that result in injury requiring off-site medical attention or hospitalization;

(i) Unexpected health problems that require off-site medical attention;

(j) Any medication given incorrectly that required off-site medical attention;

(k) Serious property damage that is a safety hazard and is not immediately corrected.

(2) In addition to WAC 388-160-0245 (1)(a) through (k), you or your staff must report any of the following incidents to the youth's DSHS social worker, if the youth is a client of DSHS;

(a) Suicidal/homicidal ideas, gestures or attempts that do not require professional medical attention;

(b) Unexpected health problems that do not require professional medical attention;

(c) Any incident of medication incorrectly administered;

(d) Physical assaults between two or more children resulting in injury that does not require professional medical attention;

(e) Runaways; and

(f) Use of physical restraints for routine discipline.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0245, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0255 Are there other reporting requirements? Any occurrence of food poisoning or communicable disease must be reported to the local public health department, as required by the department of health.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0255, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0265 Do I need to report runaway youth who stay at the shelter? (1) Within eight hours of learning that a youth staying at a shelter does not have parental permission to be there, shelter staff must report the location of the youth to:

(a) The parent;

(b) The law enforcement agency having jurisdiction in the shelter's area; or

(c) The department.

(2) The shelter staff must:

(a) Make the report by telephone or other reasonable means; and

(b) Document the report in writing in the youth's file.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0265, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0275 What changes to my overnight youth shelter must I report to my licensor? (1) You must report to your licensor any changes in the information contained in your original licensing application that might cause the department to reclassify your overnight youth shelter. Changes include any of the following:

(a) Changes in your location;

(b) Change in the designated space, or phone number;

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(c) Changes in the maximum number, age ranges, and gender of persons you wish to serve;

(d) Changes in the structure of your facility or premises due to events causing damage such as a fire, or caused by remodeling; or

(e) Additions of any new staff person, intern, employee or volunteer, who might have contact with the youth in care.

(2) A license is valid only for the person or organization named on the license.

(3) You must also report the following changes to your licensur:

(a) A change of your facility's chief executive;

(b) The death, retirement, or incapacity of the person who holds the license;

(c) A change in name of a licensed corporation, or name by which your facility is commonly known; or

(d) Changes in the agency's articles of incorporation and bylaws.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0275, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0285 What are the department's requirements for keeping client records? (1) Your records must be kept at your overnight youth shelter and contain, at a minimum, the following information:

(a) The child's name and birthdate;

(b) Daily attendance logs and referrals;

(c) Names, address and home and business telephone numbers of parents or persons to be contacted in case of emergency;

(d) Dates and kinds of illnesses, accidents, medications and treatments given at the shelter;

(e) An incident log documenting the use of physical restraint; and

(f) Other information determined relevant by the department.

(2) Identifying and personal information about the youth must be kept confidential.

(3) You must keep information about the youth and their families in a secure place.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0285, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0295 Do I need a citizens' board for my overnight youth shelter? (1) Every overnight youth shelter must have a citizens' board that complies with laws and rules for nonprofit boards of directors. If the overnight youth shelter is part of a larger agency that has a citizens' board, that board will suffice.

(2) The shelter director must keep the following on file:

(a) A list of all members of the current citizens' board; and

(b) A copy of the articles of incorporation filed with the secretary of state verifying nonprofit status.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0295, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0305 What personnel policies must I have? The following requirements apply to licensed overnight youth shelters.

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(1) Employees, interns, or volunteers with unsupervised access to youth are not allowed to have unsupervised access to youth until the department approves their background checks.

(2) If you have five or more staff, you must have written policies describing duties and qualifications of staff, and staff benefits.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0305, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0315 What personnel records must I keep? You must keep personnel records on file for each staff person and volunteer for your overnight youth shelter. These must include:

(1) An employment application, including work and education history;

(2) Documentation of completed criminal history and background check form;

(3) A record of a negative Mantoux, tuberculin skin tests results, X ray, or an exemption to the skin test or X ray;

(4) A record of participation in HIV/AIDS education and training, including bloodborne pathogens training;

(5) A record of participation in staff development training;

(6) A record of participation in the program's orientation;

(7) Documentation of a valid food handler permit, when applicable; and

(8) A record of participation in the current first-aid/CPR/Bloodborne pathogens training.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0315, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0325 Where must I post my license? You must post your license where it can be easily viewed by the public.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0325, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0335 What other information must I keep readily available? If you operate an overnight youth shelter, you must have the telephone number of "on-call" master's or bachelor's degree-level persons with other emergency numbers readily available for staff.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0335, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0345 Are local ordinances part of our licensing requirements? (1) Local ordinances (laws), such as zoning regulations and local building codes, fall outside the scope of our licensing requirements.

(2) The department may require you to provide proof that you have met local ordinances.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0345, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0355 What fire safety requirements must I follow to qualify for a license? If you operate an overnight youth shelter, you must follow the regulations developed by the Washington state fire marshall's office. The regulations are minimum requirements for protecting life and

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property against fire. You can find these contained in the Uniform Fire Code as adopted with Washington state amendments.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0355, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0365 Where may my shelter be located? (1) Your overnight youth shelter must be located on a well-drained site free from hazardous conditions. The safety of the youth in care is paramount.

(2) You must discuss with the licenser any potential hazardous conditions, considering the youth's ages and behaviors. Some examples of hazards are natural or man-made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0365, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0375 May I have firearms in my overnight youth shelter? (1) You may not have firearms or other weapons on the premises.

(2) Firearms and weapons that are confiscated from youth must be locked up and given to law enforcement officers as soon as possible.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0375, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0385 What substances are prohibited at overnight youth shelters? (1) During operating hours when youth are in care, no staff, intern, or volunteer on the premises or caring for youth off-site may be under the influence of, consume, or possess alcoholic beverages or illegal drugs.

(2) You must prohibit smoking in:

- (a) Your facility while caring for youth; and
- (b) Any motor vehicles transporting youth.

(3) You may permit adults to smoke outdoors away from youth.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0385, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0395 What are your requirements for storing dangerous items? (1) You must lock the following items:

- (a) Cleaning supplies,
- (b) Toxic substances,
- (c) Poisons,
- (d) Aerosols,
- (e) Items with warning labels.

(2) You must label containers filled from a stock supply. The labels must identify all contents.

(3) Toxic substances must be stored separately from food items.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0395, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0405 Do I need to have first-aid supplies? (1) You must keep first-aid supplies on hand for immediate use, including unexpired syrup of ipecac that is to be

used only when following the instructions of the poison control center.

(2) The following first-aid supplies must be kept on hand:

- (a) Barrier gloves and one-way resuscitation mask;
- (b) Ace bandage and band-aids;
- (c) Scissors and tweezers;
- (d) Gauze; and
- (e) Thermometer.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0405, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0415 What structural safety requirements must my facility meet? You must keep your equipment and the physical structures in your facility safe and clean for the youth you serve. At a minimum you must:

(1) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards and in good repair;

(2) Provide handrails for steps if the department decides handrails are necessary for safety;

(3) Have emergency lighting devices available and in operating condition;

(4) Refinish all flaking or deteriorating lead-based paint with lead-free paint or other nontoxic material for exterior and interior wall surfaces and equipment;

(5) Have washable, water-resistant floors in the facility's toilet rooms, kitchen, and other rooms exposed to moisture;

Exception: We may approve washable, short-pile carpeting that is kept clean and sanitary for your facility's kitchen.

(6) Have easy access to rooms occupied by youth in case an emergency arises.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0415, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0425 What measures must I take for pest control? You must keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0425, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0435 What are your requirements for kitchens? If your overnight youth shelter provides food service, you must ensure:

(1) The proper storage, preparation, and service of food to meet the needs of the youth; and

(2) Provide the facilities and implement practices as required by the rules and regulations of the department of health that govern food service sanitation (see chapter 246-215 WAC).

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0435, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0445 What are the requirements for bedrooms in shelters? You must comply with the following requirements for bedrooms:

(1) Provide sleeping areas at least fifty square feet per occupant of unobstructed floor area with a ceiling height of at least seven feet, six inches;

(2) Not use hallways and kitchens as sleeping rooms;

(3) Maintain a space that is at least thirty inches between sleeping youths;

(4) Provide sleeping areas separated by a visual barrier five feet high or more for gender; and

(5) Separate youth under eighteen years old from youth who are eighteen through twenty years old by having a staff or volunteer supervise open space or have a physical barrier to prevent contact.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0445, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0455 What are your requirements for bedding? (1) An overnight youth shelter providing youth with sleeping equipment and bedding must keep the equipment and bedding in good repair, clean, and sanitary.

(2) The shelter must accept the use of sleeping and bedding equipment that is personally provided by the youth if it is not a health or safety risk.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0455, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0465 What telephone requirements must I follow? The department has two requirements for the telephone that you must meet at your overnight youth shelter.

(1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) You must post emergency phone numbers next to the phone.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0465, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0475 What are the lighting requirements for my overnight youth shelter? You must locate light fixtures and provide lighting that promotes good visibility and comfort for the youth.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0475, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0485 What are the requirements about drinking water? You must provide:

(1) A public water supply or a private water supply approved by the local health authority prior to the time of licensing or relicensing; and

(2) Disposable paper cups, individual drinking cups or glasses, or inclined-jet type drinking fountains.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0485, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0495 What are your requirements for laundry facilities? The department has specific requirements for laundry facilities at your overnight youth shelter. You must:

(1) Have separate and adequate facilities for storing soiled and clean linen;

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(2) Provide adequate laundry and drying equipment or make other arrangements for getting laundry done on a regular basis; and

(3) Locate laundry equipment in an area separate from the kitchen.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0495, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0505 What are the requirements for washing clothes? You must sanitize laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials through temperature or chemical measures.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0505, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0515 What are the requirements for toilets, sinks, and bathing facilities in shelters? You must provide:

(1) Two or more indoor flush-type toilets close to handwashing sinks with hot and cold running water;

(2) One toilet and sink for the first eight youth, with a second toilet and sink when four more youth are on the premises;

(3) Privacy for persons of the opposite sex at toilets and any bathing facilities;

(4) Hot and cold running water not exceeding one hundred degrees Fahrenheit at handwashing sinks, and bathing facilities;

(5) A conveniently located grab bar or nonslip floor surfaces in any bathing facilities;

(6) Urinals instead of toilets as long as only urinals do not replace more than one-third of the total required number of toilets; and

(7) Dispenser soap and individual towels, disposable towels, or other approved single-use hand drying devices, at handwashing sinks, and any bathing facilities.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0515, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0525 Do overnight youth shelters require a housekeeping sink? An overnight youth shelter must have and use a method of drawing clean mop water and disposing of wastewater.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0525, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0535 What are the requirements for sewage and liquid wastes? An overnight youth shelter must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0535, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0545 What health and emergency policies and procedures must I have? (1) An overnight youth shelter must have current written health policies and procedures including, but not limited to:

(a) First aid;

(b) Infection control;

(c) Care of minor illnesses; and

(d) General health practices and actions to be taken in event of medical and other emergencies.

(2) Health policies and procedures must be readily available for staff orientation and implementation.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0545, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0555 How must I manage medications for youth at my shelter? An overnight youth shelter must requirements for manage nonprescription and prescription medications by:

(1) Place any medication brought into the shelter by a youth in locked storage so it is unavailable to other youth in care;

(2) Supervise youth who take their own medication according to the prescription or manufacturer's instructions; and

(3) Properly dispose of medications that are no longer being taken.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0555, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0565 What must I do to prevent the spread of infections and communicable diseases? (1) You must take precautions to guard against infections and communicable diseases infecting the youth in care in your overnight youth shelter.

(2) Staff with a reportable communicable disease, as defined by the department of health, in an infectious stage must not be on duty until the staff has a physician's approval for returning to work.

(3) Those persons who have been approved for unsupervised access to children in an overnight youth shelter facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test prior to being employed, volunteering, or being licensed unless:

(a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest X ray since a previously positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis; or

(d) A physician indicates that the test is medically unadvisable.

(4) Persons whose tuberculosis skin test is positive must have a chest X ray within thirty days following the skin test.

(5) The department does not require retesting unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0565, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0575 What nutritional guidelines must I follow? An overnight youth shelter providing meals must consider the age, cultural background, and nutritional requirements of youth served when preparing meals.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0575, filed 7/5/01, effective 8/5/01.]

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WAC 388-160-0585 What are your requirements for protecting a youth under my care from child abuse and neglect? As part of ensuring health, welfare and safety, you must protect youth in your care from all forms of child abuse and neglect (see RCW 26.44.020(12)).

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0585, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0595 What are the requirements about nondiscrimination? Overnight youth shelters must follow all state and federal laws regarding nondiscrimination while providing services to youth in care.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0595, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0605 What religious activities are allowed in overnight youth shelters? (1) You must respect the religious rights of the youth in care.

(2) Youth have the right to practice their own faith.

(3) Youth have the right not to practice another person's or any faith.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0605, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0615 How much supervision is required for child care staff and volunteers? The program supervisor must provide two hours of supervision for each forty hours that child care staff and volunteers work at overnight youth shelters.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0615, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0625 What requirements must I follow when disciplining youth? (1) You are responsible for disciplining youth in your care. This responsibility must not be delegated to any nonstaff, including youth in care.

(2) You must write down your disciplinary practices and include these with your application for a license.

(3) Discipline must be:

(a) Based on an understanding of the individual's needs and stage of development;

(b) Designed to help the youth under your care to develop inner control, acceptable behavior and respect for the rights of others; and

(c) Fair, reasonable, consistent, and related to the individual's behavior.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0625, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0635 What types of disciplinary practices are forbidden? (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

(a) Spanking the youth with a hand or object;

(b) Biting, jerking, kicking, or shaking the youth;

(c) Pulling the youth's hair;

(d) Throwing the youth;

(e) Purposely inflicting pain as a punishment;

(f) Name calling, using derogatory comments, or abusing the youth verbally; and

(g) Threatening the youth with physical harm.

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(2) You must not use methods that interfere with a youth's basic needs, including but not limited to:

- (a) Depriving the youth of sleep;
- (b) Depriving the youth of adequate food, clothing or shelter; or
- (c) Interfering with a youth's ability to take care of their own hygiene and toilet needs.

(3) You must not use methods that deprive a youth of necessary services, including:

- (a) Access to the youth's legal representative;
 - (b) DSHS social worker, if one is assigned; or
 - (c) Emergency medical or dental care.
- (4) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.

(5) You must not use medications for a youth that have been prescribed for someone else.

(6) You must not physically lock doors or windows in a way that prohibits a youth from exiting.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0635, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0645 What types of physical restraint are acceptable for youth in overnight youth shelters? (1) If your overnight youth shelter is approved for the use of physical restraint, the licensee and staff must be trained in the appropriate use of restraining techniques in accordance with the department's behavior management policy before restraining a youth. Restraint training must be nationally recognized and DLR approved.

(2) You must use other efforts to redirect or de-escalate the situation before using a physical restraint.

(3) If a youth's behavior poses an immediate risk to physical safety you may use physical restraint that is reasonable and necessary to:

- (a) Protect youth on the premises from harming themselves or others; or
- (b) Protect property from serious damage.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0645, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0655 What types of physical restraint are not acceptable in overnight youth shelters? (1) You must not use physical restraint as a form of punishment.

(2) You must not use mechanical restraints, such as handcuffs and belt restraints.

(3) You must not use locked time-out rooms.

(4) You must not use physical restraint techniques that restrict breathing, inflict pain as a strategy for behavior control or might injure a youth. These include, but are not limited to:

- (a) An adult sitting on or straddling a youth;
- (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
- (c) Arm twisting;
- (d) Hair holds;
- (e) Youth being thrown against walls, furniture, or other large immobile objects;
- (f) Choking or putting arms around a throat;
- (g) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs; or

(2009 Ed.)

(h) Chemical restraints, except prescribed medication, including but not limited to pepper spray.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0655, filed 7/5/01, effective 8/5/01.]

WAC 388-160-0665 Do I need to document instances when physical restraint is used? (1) You must document all instances of the use of physical restraints and follow the behavior management policy of children's administration regarding the information to be reported. You must keep a copy of this document at your overnight youth shelter. At a minimum, you must record:

- (a) The youth's name and age;
 - (b) The date of the use of the restraint;
 - (c) The time in and out of the restraint;
 - (d) The events preceding the behavior that lead to using the restraint;
 - (e) The de-escalation methods that were used;
 - (f) Names of those involved in the restraint and any observers;
 - (g) A description of the type of restraint used;
 - (h) A description of injuries to the youth, or others, including caregivers;
 - (i) An analysis of how the restraint might have been avoided; and
 - (j) The signature of the person making the report.
- (2) Additional information on behavior management and the use of physical restraints can be obtained from the department.

[Statutory Authority: Chapter 75.15 [74.15] RCW. 01-15-001, § 388-160-0665, filed 7/5/01, effective 8/5/01.]

**Chapter 388-165 WAC
CHILDREN'S ADMINISTRATION CHILD CARE
SUBSIDY PROGRAMS**

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388-165-235	In-home/relative child care.

388-165-240	What are the parent/guardian payment responsibilities when they choose in-home/relative child care?	5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-165-245	What is the responsibility of DSHS regarding child care subsidies for in-home/relative child care?	388-165-100
388-165-250	When can DSHS pay toward the cost of in-home/relative child care provided outside the child's home?	Payment limitations. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-100, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.-090 and 1997 c 409 § 209.

Reviser's note: Chapter 388-165 (Consolidated emergency assistance program—Social services (CEAP-SS)) was repealed by 98-01-125, filed 12/18/98. WSR 99-15-076, filed 7/20/99 reactivated and renamed this chapter.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-165-005	Purpose. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-005, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-165-010	General provisions. [Statutory Authority: RCW 74.08.-090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-010, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-165-020	Application procedure. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-020, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.-090 and 1997 c 409 § 209.
388-165-030	Application form. [Statutory Authority: RCW 74.08.-090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-030, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-165-040	Assistance unit. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-040, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-165-050	Eligibility conditions—Emergent need. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-050, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-165-060	Eligibility conditions—Income and resource eligibility. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-060, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-165-070	Eligibility conditions—Living with a relative of a specified degree. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-070, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.
388-165-080	Eligibility conditions—Job refusal. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-080, filed 5/10/95, effective 6/10/95.] Repealed by 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.-090 and 1997 c 409 § 209.
388-165-090	Eligibility conditions—Residency and alien status. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 CFR 233.120 Title IV-A Section 406(e). 95-11-048 (Order 3850), § 388-165-090, filed

388-165-130 Subsidized child care for seasonal workers. [99-19-087, recodified as § 388-165-130, filed 9/17/99, effective 9/17/99. Statutory Authority: RCW 74.12.340, 74.04.-050, 74.04.055, 74.08.090 and 74.13.0903. 98-22-008, § 388-15-174, filed 10/22/98, effective 11/22/98.] Repealed by 03-14-109, filed 6/30/03, effective 8/1/03. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW.

WAC 388-165-108 What are the types of child care subsidies? This chapter relates to the following programs:

- (1) Seasonal child care;
- (2) Teen parent child care;
- (3) Child protective services child care;
- (4) Child welfare services child care; and
- (5) Employed foster parent child care.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-108, filed 10/22/99, effective 11/22/99.]

WAC 388-165-110 Definitions. The following definitions apply to WAC 388-15-171, 388-15-174, 388-15-175 and 388-15-176.

"Child" means a person twelve years of age or younger or a person under nineteen years of age who is physically, mentally, or emotionally incapable of self care as verified by a licensed medical practitioner or masters level or above mental health professional.

"Copayment" means the amount of money the family is responsible to pay the child care provider toward the cost of child care each month.

"Income" means the gross earned income minus the average payroll and income tax paid at that income level, plus any unearned income.

"In-home/relative child care provider" see definition for **"in-home/relative provider"** under WAC 388-290-020.

"Parent" see definition for **"parent"** under WAC 388-290-020.

"Teen parent" means a parent twenty-one years of age or younger.

[99-15-076, recodified as § 388-165-110, filed 7/20/99, effective 7/20/99. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. 98-22-008, § 388-15-170, filed 10/22/98, effective 11/22/98. Statutory Authority: RCW 74.12.340 and 45 CFR Part 98.41 Child Care and Development Block Grant. 93-10-021 (Order 3535), § 388-15-170, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.12.340 and 45 CFR 98.20, 98.30, 98.43 and 98.45; and 45 CFR 257.21, 257.30, 257.31 and 257.41. 92-11-062 (Order 3393), § 388-15-170, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 88-24-023 (Order 2732), § 388-15-170, filed 12/2/88; 86-12-051 (Order 2387), § 388-15-170, filed 6/3/86; 86-03-078 (Order 2333), § 388-15-170, filed 1/22/86; 83-02-028 (Order 1931), § 388-15-170, filed 12/29/82. Statutory Authority: RCW 43.20A.550. 82-14-048 (Order 1839), § 388-15-170, filed 6/30/82. Statutory Authority: RCW 74.08.090. 82-01-051 (Order 1735), § 388-15-170, filed 12/16/81; 81-10-034 (Order 1650), § 388-15-170, filed 4/29/81; 80-15-010 (Order 1552), § 388-15-170, filed 10/6/80. Statutory Authority: RCW 43.20A.550. 78-04-004 (Order 1276), § 388-15-170, filed 3/2/78; Order 1238, § 388-15-170, filed 8/31/77; Order 1204, § 388-15-170, filed 4/1/77; Order 1147, § 388-15-170, filed 8/26/76; Order 1124, § 388-15-170, filed

6/9/76; Order 1120, § 388-15-170, filed 5/13/76; Order 1088, § 388-15-170, filed 1/19/76.]

WAC 388-165-120 Subsidized child care for teen parents. (1) The department may authorize teen parent child care within available funds for parents who:

- (a) Are twenty-one years of age or younger;
- (b) Are enrolled in an approved secondary education or general equivalency diploma (GED) program;
- (c) Are not receiving a temporary assistance for needy families (TANF) grant; and
- (d) Have an income at or below one hundred seventy-five percent of the federal poverty level (FPL).

(2) All teen parents contribute to the cost of child care by making a monthly copayment to the child care provider which is:

- (a) Determined by the teen parent's income; and
- (b) Calculated by using the rules under WAC 388-290-090 (2)(a), (b), and (c)(i) and (ii).

(3) The department funds child care only during the portion of the day when the child's parent(s) is unable to provide necessary care and supervision due to the parents participation in DSHS approved activities.

[99-15-076, recodified as § 388-165-120, filed 7/20/99, effective 7/20/99. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903, 98-22-008, § 388-15-171, filed 10/22/98, effective 11/22/98.]

WAC 388-165-140 Child care for child protective services (CPS) and child welfare services (CWS). The department may purchase CPS/CWS child care within available funds for children of families in need of support as part of a CPS/CWS case plan. This service is short-term and time-limited. Social workers must determine if other resources are available to meet this need before authorizing payment by the department.

[99-15-076, recodified as § 388-165-140, filed 7/20/99, effective 7/20/99. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903, 98-22-008, § 388-15-175, filed 10/22/98, effective 11/22/98.]

WAC 388-165-179 When are DSHS child care subsidy rates in this chapter effective? (1) DSHS child care subsidy rates in this chapter are effective on or after November 1, 1999 when a family:

- (a) Has a change that requires their authorization to be updated;
- (b) Is newly authorized to receive child care subsidies; or
- (c) Is reauthorized to continue receiving child care subsidies.

(2) DSHS child care subsidy rates are authorized at the provider's usual rate or the DSHS maximum child care subsidy rate, whichever is less.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090, 99-22-011, § 388-165-179, filed 10/22/99, effective 11/22/99.]

WAC 388-165-180 What are the maximum child care subsidy rates DSHS pays for child care in a licensed or certified child care center? DSHS pays directly to a licensed or certified child care center, whichever is less:

- (1) The provider's usual rate for that child; or
- (2) The DSHS maximum child care subsidy rate for that child as listed in the following table.

(2009 Ed.)

DSHS Maximum Child Care Subsidy Rate for Licensed Child Care Centers

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 years)	School-age (5 - 12 years)
Region 1	Full-Day	\$22.73	\$19.85	\$18.00	\$16.70
	Half-Day	\$11.36	\$9.93	\$9.00	\$8.35
Region 2	Full-Day	\$23.18	\$20.45	\$17.75	\$16.82
	Half-Day	\$11.59	\$10.23	\$8.88	\$8.41
Region 3	Full-Day	\$30.18	\$26.00	\$22.00	\$19.77
	Half-Day	\$15.09	\$13.00	\$11.00	\$9.89
Region 4	Full-Day	\$37.80	\$29.55	\$26.14	\$23.40
	Half-Day	\$18.90	\$14.77	\$13.07	\$11.70
Region 5	Full-Day	\$25.82	\$22.18	\$19.45	\$17.50
	Half-Day	\$12.91	\$11.09	\$9.73	\$8.75
Region 6	Full-Day	\$25.59	\$22.73	\$20.00	\$20.00
	Half-Day	\$12.80	\$11.36	\$10.00	\$10.00

- (3) The maximum rate paid for a five year old child is:
 - (a) The preschool rate for a child who has not entered kindergarten; or
 - (b) The school-age rate for a child who has entered kindergarten.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090, 99-22-011, § 388-165-180, filed 10/22/99, effective 11/22/99.]

WAC 388-165-185 What are the maximum child care subsidy rates DSHS pays for child care in a licensed or certified family child care home? DSHS pays directly to a licensed or certified family child care provider, whichever is less:

- (1) The provider's usual rate for that child; or
- (2) The DSHS maximum child care subsidy rate for that child as listed in the following table.

DSHS Maximum Child Care Subsidy Rate for Licensed Family Child Care Homes

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 years)	School-age (5 - 12 years)
Region 1	Full-Day	\$19.00	\$17.60	\$17.00	\$15.00
	Half-Day	\$9.50	\$8.80	\$8.50	\$7.50
Region 2	Full-Day	\$18.00	\$18.00	\$16.00	\$15.00
	Half-Day	\$9.00	\$9.00	\$8.00	\$7.50
Region 3	Full-Day	\$28.00	\$24.00	\$22.00	\$20.00
	Half-Day	\$14.00	\$12.00	\$11.00	\$10.00
Region 4	Full-Day	\$30.00	\$27.27	\$25.00	\$22.50
	Half-Day	\$15.00	\$13.64	\$12.50	\$11.25
Region 5	Full-Day	\$21.00	\$20.00	\$19.00	\$17.00
	Half-Day	\$10.50	\$10.00	\$9.50	\$8.50
Region 6	Full-Day	\$20.50	\$20.00	\$18.00	\$17.00
	Half-Day	\$10.25	\$10.00	\$9.00	\$8.50

- (3) The maximum rate paid for a five year old child is:
 - (a) The preschool rate for a child who has not entered kindergarten; or
 - (b) The school-age rate for a child who has entered kindergarten.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090, 99-22-011, § 388-165-185, filed 10/22/99, effective 11/22/99.]

WAC 388-165-190 When can DSHS pay in addition to the maximum DSHS child care subsidy rate? DSHS pays additional subsidies to a licensed or certified family child care home or center when:

- (1) Care is for nonstandard hours (see WAC 388-165-195 and 388-165-200);

(2) The infant bonus is authorized (see WAC 388-165-205);

(3) A child has a documented special need(s) (see WAC 388-165-210, 388-165-215, or 388-165-220); or

(4) Care is not available at the DSHS rate and the provider's usual rate is authorized.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-190, filed 10/22/99, effective 11/22/99.]

WAC 388-165-195 What is nonstandard hour child care? DSHS authorizes nonstandard hour child care when fifteen or more hours of care are needed per month, that are:

(1) Before 6:00 a.m. or after 6:00 p.m. Monday through Friday; and/or

(2) Anytime on Saturday or Sunday.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-195, filed 10/22/99, effective 11/22/99.]

WAC 388-165-200 How does DSHS pay for non-standard hour child care? DSHS authorizes the nonstandard hour bonus to licensed or certified child care providers, DSHS pays:

(1) The DSHS maximum child care subsidy rate as listed in WAC 388-165-180 or 388-165-185 or the provider's usual rate for that child, whichever is less; and

(2) The monthly nonstandard hour bonus as listed in the table below.

Monthly Nonstandard Hour Bonus	
Region 1	\$74.00
Region 2	\$73.00
Region 3	\$91.00
Region 4	\$108.00
Region 5	\$80.00
Region 6	\$83.00

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-200, filed 10/22/99, effective 11/22/99.]

WAC 388-165-205 Does DSHS pay a bonus for infants who receive child care subsidies? DSHS child care subsidy programs pay a two hundred and fifty dollar infant bonus directly to the licensed or certified family child care home or center if:

(1) The child care facility has not already received a bonus for that infant;

(2) The infant was first enrolled in the child care facility after August 30, 1998;

(3) The infant is less than one year old; and

(4) The provider cares for the infant a total of five or more days before the child's first birthday.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-205, filed 10/22/99, effective 11/22/99.]

WAC 388-165-210 How does DSHS determine that a child qualifies for a special needs rate? To qualify for the DSHS child care programs special needs subsidy rate the child must:

(1) Be under nineteen years old;

(2) Have a verified physical, mental, emotional, or behavioral condition that requires a higher level of care; and

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(3) Have their condition and need for higher level of care verified by a health, mental health, or education professional with at least a master's degree.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-210, filed 10/22/99, effective 11/22/99.]

WAC 388-165-215 What is the DSHS child care subsidy rate for children with special needs in a licensed or certified child care center? DSHS pays child care subsidies for a child with special needs to licensed or certified child care centers as described in WAC 388-165-180 and whichever of the following is greater:

(1) The provider's documented additional cost associated with the care of that child with special needs; or

(2) The rate listed in the table below.

Licensed Child Care Centers Special Needs Rate

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 years)	School-age (5 - 12 years)
Region 1	Full-Day	\$6.82	\$5.96	\$5.40	\$5.01
	Half-Day	\$3.41	\$2.98	\$2.70	\$2.51
Region 2	Full-Day	\$6.95	\$6.14	\$5.33	\$5.05
	Half-Day	\$3.48	\$3.07	\$2.66	\$2.52
Region 3	Full-Day	\$9.05	\$7.80	\$6.60	\$5.93
	Half-Day	\$4.53	\$3.90	\$3.30	\$2.97
Region 4	Full-Day	\$11.34	\$8.86	\$7.84	\$7.02
	Half-Day	\$5.67	\$4.43	\$3.92	\$3.51
Region 5	Full-Day	\$7.75	\$6.65	\$5.84	\$5.25
	Half-Day	\$3.87	\$3.33	\$2.92	\$2.63
Region 6	Full-Day	\$7.68	\$6.82	\$6.00	\$6.00
	Half-Day	\$3.84	\$3.41	\$3.00	\$3.00

(3) The maximum rate paid for a five year old child is:

(a) The preschool rate for a child who has not entered kindergarten; or

(b) The school-age rate for a child who has entered kindergarten.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-215, filed 10/22/99, effective 11/22/99.]

WAC 388-165-220 What is the DSHS child care subsidy rate for children with special needs in a licensed or certified family child care home? DSHS pays child care subsidies for a child with special needs to licensed or certified family child care homes as described in WAC 388-165-195 and whichever of the following is greater:

(1) The provider's documented additional cost associated with the care of that child with special needs; or

(2) The rate listed in the table below.

Licensed Family Child Care Homes Special Needs Bonus

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 years)	School-age (5 - 12 years)
Region 1	Full-Day	\$5.70	\$5.28	\$5.10	\$4.50
	Half-Day	\$2.85	\$2.64	\$2.55	\$2.25
Region 2	Full-Day	\$5.40	\$5.40	\$4.80	\$4.50
	Half-Day	\$2.70	\$2.70	\$2.40	\$2.25
Region 3	Full-Day	\$8.40	\$7.20	\$6.60	\$6.00
	Half-Day	\$4.20	\$3.60	\$3.30	\$3.00
Region 4	Full-Day	\$9.00	\$8.18	\$7.50	\$6.75
	Half-Day	\$4.50	\$4.09	\$3.75	\$3.38
Region 5	Full-Day	\$6.30	\$6.00	\$5.70	\$5.10
	Half-Day	\$3.15	\$3.00	\$2.85	\$2.55
Region 6	Full-Day	\$6.15	\$6.00	\$5.40	\$5.10
	Half-Day	\$3.08	\$3.00	\$2.70	\$2.55

(2009 Ed.)

(3) The maximum rate paid for a five year old child is:

(a) The preschool rate for a child who has not entered kindergarten; or

(b) The school-age rate for a child who has entered kindergarten.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-220, filed 10/22/99, effective 11/22/99.]

WAC 388-165-225 What is the DSHS in-home/relative child care rate for children with special need? DSHS subsidy programs pay in-home/relative child care providers for care of a child with special needs (as described in WAC 388-15-185) two dollars per hour plus whichever is greater of the following:

(1) Sixty-two cents per hour; or

(2) The provider's documented additional cost associated with the care for that child with special needs.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-225, filed 10/22/99, effective 11/22/99.]

WAC 388-165-230 What is the maximum child care subsidy rate DSHS pays for in-home/relative child care?

(1) The DSHS child care subsidy programs pay toward the cost of child care directly to the parent, who is the employer. DSHS pays whichever of the following that is less:

(a) Two dollars and six cents per hours for the child who needs the greatest amount of care and one dollar and three cents per hour for the care of each additional child in the family; or

(b) The provider's usual rate for that care.

(2) DSHS may pay above the maximum rate for children who have special needs as stated in WAC 388-165-225.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-230, filed 10/22/99, effective 11/22/99.]

WAC 388-165-235 In-home/relative child care. (1)

When the parent(s) chooses in-home/relative child care, the parent(s) will give the in-home/relative child care provider's name and address to the department and make the following assurances at the time child care is authorized:

(a) The in-home/relative provider is:

(i) Eighteen years of age or older;

(ii) Of sufficient physical, emotional, and mental health to meet the needs of the child in care. If requested by the department, the parent(s) must provide written evidence that the in-home child care provider of the parent's choice is of sufficient physical, emotional, and mental health to be a safe child care provider;

(iii) Able to work with the child without using corporal punishment or psychological abuse;

(iv) Able to accept and follow instructions;

(v) Able to maintain personal cleanliness; and

(vi) Prompt and regular in job attendance.

(b) The child is current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;

(c) The home where care is provided is safe for the care of the child; and

(2009 Ed.)

(d) The in-home/relative child care provider is informed about basic health practices, prevention and control of infectious disease, immunizations, and home and physical premises safety relevant to the care of the child.

(2) The in-home/relative child care provider's primary function while on duty is to provide child care. The in-home/relative child care provider will have the following responsibilities:

(a) Provide constant care and supervision of the child for whom the provider is responsible throughout the arranged time of care in accordance with the needs of the child; and

(b) Provide developmentally appropriate activities for the child who is under the in-home/relative child care provider's care.

(3) The department provides the parent(s) with information about basic health practices, prevention and control of infectious diseases, immunizations, and building and physical premises safety relevant to the care of the child.

[99-15-076, recodified as § 388-165-235, filed 7/20/99, effective 7/20/99. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. 98-22-008, § 388-15-176, filed 10/22/98, effective 11/22/98.]

WAC 388-165-240 What are the parent/guardian payment responsibilities when they choose in-home/relative child care? The parent is the employer of the in-home/relative provider. The parent:

(1) Pays the provider the entire amount that DSHS gives them toward the cost of care;

(2) Pays the provider the amount that was authorized for a copayment;

(3) Requires the in-home/relative provider to sign a receipt when they receive payment;

(4) Keeps the receipts for DSHS to review at the next eligibility determination; and

(5) Keeps accurate attendance records.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-240, filed 10/22/99, effective 11/22/99.]

WAC 388-165-245 What is the responsibility of DSHS regarding child care subsidies for in-home/relative child care? (1) On all payments DSHS makes toward the cost of in-home/relative child care, DSHS pays the employer's share of:

(a) Social Security taxes;

(b) Medicare taxes;

(c) Federal Unemployment Taxes (FUTA); and

(d) State unemployment taxes (SUTA) when applicable.

(2) On all payments DSHS makes toward the cost of in-home/relative child care DSHS withholds the following taxes:

(a) Social security taxes up to the wage base limit; and

(b) Medicare taxes.

(3) If an in-home/relative child care provider receives less than one thousand one hundred dollars per family in a calendar year, DSHS refunds all withheld taxes to the provider.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-245, filed 10/22/99, effective 11/22/99.]

WAC 388-165-250 When can DSHS pay toward the cost of in-home/relative child care provided outside the child's home? DSHS will pay toward the cost of child care provided in the relative's home by the following adult relative of the child:

- (1) Siblings and stepsiblings living outside the child's home;
- (2) Grandparents;
- (3) Aunts;
- (4) Uncles;
- (5) First cousins;
- (6) Great grandparents;
- (7) Great aunts;
- (8) Great uncles; and
- (9) Extended family members as determined by law or custom of the Indian child's tribe.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. 99-22-011, § 388-165-250, filed 10/22/99, effective 11/22/99.]

Chapter 388-180 WAC

STANDARDS FOR HEALTH AND SAFETY REVIEWS OF THE WASHINGTON STATE SCHOOL FOR THE DEAF

WAC

PURPOSE

388-180-0100 What is the purpose of this chapter?

DEFINITIONS

388-180-0110 What are the definitions for this chapter?

CHILD PROTECTIVE SERVICES (CPS) INVESTIGATIONS

388-180-0120 Is CPS required to investigate allegations of CA/N of students at the school?

388-180-0130 What is included in the CPS investigation?

HEALTH AND SAFETY REVIEWS

388-180-0140 What health and safety reviews are required?

388-180-0150 Who receives a copy of the completed health and safety reports?

388-180-0160 What health and safety standards and written policies will the monitors be looking for when conducting their health and safety reviews of the school?

388-180-0170 What specific areas must be included in the comprehensive health and safety review?

388-180-0180 What health and safety areas must be included in the monitoring review?

388-180-0190 Must WSD allow the department access to the records of the school?

388-180-0200 Must WSD allow the department access to all students and staff for the reviews?

388-180-0210 What must be included in the incident documentation?

388-180-0220 What are the staffing requirements for the residential portion of the school?

388-180-0230 What are the physical environment safety requirements for the residential facilities?

PURPOSE

WAC 388-180-0100 What is the purpose of this chapter? The purpose of this chapter is to outline the process of investigating child abuse or neglect at Washington state school for the deaf and establish rules for completing health and safety monitoring reviews of the school.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0100, filed 1/24/03, effective 3/1/03.]

[Title 388 WAC—p. 816]

DEFINITIONS

WAC 388-180-0110 What are the definitions for this chapter? The following definitions apply to this chapter:

"CA/N" means child abuse or neglect as defined in chapter 26.44 WAC.

"Department" means the department of social and health services (DSHS).

"DLR" means the division of licensed resources, a division of children's administration, department of social and health services.

"Residential staff" means individuals in charge of supervising the day-to-day living situation of the children in the residential portion of the school.

"School" means the Washington State School for the Deaf.

"Superintendent" means the superintendent of the Washington state school for the deaf.

"WSD" means the Washington state school for the deaf.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0110, filed 1/24/03, effective 3/1/03.]

CHILD PROTECTIVE SERVICES (CPS) INVESTIGATIONS

WAC 388-180-0120 Is CPS required to investigate allegations of CA/N of students at the school? The department's child protective services (CPS) must investigate referrals of alleged child abuse or neglect occurring at the Washington state school for the deaf. This includes alleged incidents of students abusing other students.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0120, filed 1/24/03, effective 3/1/03.]

WAC 388-180-0130 What is included in the CPS investigation? (1) A CPS investigation at the school must determine if:

- (a) Abuse or neglect is substantiated or "founded"; and
- (b) A referral to law enforcement is appropriate.

(2) CPS must send a copy of the investigative report for incidents of alleged abuse or neglect to the school's superintendent.

(3) CPS may include recommendations for increasing student safety to the superintendent and the board of trustees or its successor board.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0130, filed 1/24/03, effective 3/1/03.]

HEALTH AND SAFETY REVIEWS

WAC 388-180-0140 What health and safety reviews are required? The department must complete health and safety reviews of the school as follows.

(1) A comprehensive health and safety review of WSD must be completed every three years; and

(2) Monitoring health and safety reviews must be completed at least quarterly until December 1, 2006.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0140, filed 1/24/03, effective 3/1/03.]

(2009 Ed.)

WAC 388-180-0150 Who receives a copy of the completed health and safety reports? (1) The department must provide a copy of the comprehensive health and safety review report of the school to:

- (a) The governor;
- (b) The legislature;
- (c) The superintendent; and
- (d) The school's board of trustees or its successor board.

(2) The department provides a copy of the periodic monitoring health and safety review reports of the school to the superintendent and to the governor.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0150, filed 1/24/03, effective 3/1/03.]

WAC 388-180-0160 What health and safety standards and written policies will the monitors be looking for when conducting their health and safety reviews of the school? Reporting requirements

The health and safety standards that apply to WSD are as follows:

(1) All residential program personnel and volunteer staff at the school must comply with the mandatory reporting requirements of child abuse or neglect, RCW 26.44.020.

(2) The school must comply with all applicable fire marshal and department of health requirements.

Written policies and procedures

(3) The department will be reviewing the written policies and procedures of the school that:

(a) Promote a program aimed at providing personal safety and protection of all students residing at the school;

(b) Provide sufficient staffing levels on all shifts to meet the physical, emotional, and safety needs of all students, as required under RCW 72.40.240;

(c) Implement and maintain effective admission and retention policies that protect all students from sexual victimization, as required under RCW 72.40.270;

(d) Implement and maintain an effective communication system between educational staff and residential staff and parents and/or legal guardians;

(e) Ensure that the residential facility meets all applicable fire and health requirements and promote environmental safety against physical risk or harm to students;

(f) Minimize student-to-student conflict or harm when transporting students;

(g) Conduct and document background and CA/N checks on all staff to determine each employee's suitability for employment at the school (see chapter 388-06 WAC);

(h) Provide all students with training on self-protection from abuse or neglect, as required under RCW 72.40.230 and 72.40.260;

(i) Implement and maintain effective child protection policies that include proper reporting of incidents, notification, documentation, and cooperation with the department and law enforcement;

(j) Describe what procedures staff must follow when they have reason to believe a student may have been abused or neglected, as defined under RCW 26.44.020; and

(k) Maintain adequate documentation of all abuse or neglect incidents.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0160, filed 1/24/03, effective 3/1/03.]

(2009 Ed.)

WAC 388-180-0170 What specific areas must be included in the comprehensive health and safety review?

(1) In conducting a comprehensive health and safety review of the school, the department must review the children's administration's case and management information system (CAMIS) records for any child abuse or neglect referrals and the disposition of the investigations.

(2) The reviewers must:

(a) Examine the residential facilities for health and safety (a specific list of elements for review are outlined in WAC 388-180-0230);

(b) Develop appropriate questionnaires or survey tools for interviews;

(c) Conduct interviews of staff, students, parent, teacher, and community stakeholders for concerns of student health and safety at the school.

(d) Review facility logs, including incident reports and daily shift logs;

(e) Review medication policies, including documentation of medicine disbursement when and by whom;

(f) Review admissions and expulsion policies for compliance with RCW 72.40.040;

(g) Review staff coverage policies for compliance with RCW 72.40.240 and 72.40.270;

(h) Review behavior management policy for compliance with RCW 72.40.220, including a description of the de-escalation techniques used with different ages or developmental levels of students;

(i) Review employee/volunteer supervision policies for compliance with RCW 72.40.250;

(j) Review policies for protecting students from abuse or neglect policies for compliance with RCW 72.40.250;

(k) Review any corrective action plans including implementing the written plan of action to assure health and safety and prevention of abuse or neglect incidents as directed in RCW 72.40.250;

(l) Review the documentation of awareness and prevention training of staff for compliance with RCW 72.40.230 and 72.40.260; and

(m) Sample criminal history and CA/N checks of school employees for compliance with the school's criminal history inquiry and FBI fingerprinting process.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0170, filed 1/24/03, effective 3/1/03.]

WAC 388-180-0180 What health and safety areas must be included in the monitoring review?

(1) The health and safety areas covered in the monitoring review must include, but are not limited to, the following:

(a) Inspection and evaluation of the school's incident log;

(b) Child protective services investigation documentation;

(c) Residential program policies and procedures;

(d) Residential facilities, cafeteria, nurse's station, and all other venues where residential students frequent;

(e) Staff, student, and parent interviews; and

(f) Review any corrective action plans including implementing the written plan of action to assure health and safety and prevention of abuse or neglect incidents.

(2) The monitoring review may include, but is not limited to, the following:

- (a) Written personnel policies and procedures;
- (b) Personnel records including background check results; and
- (c) Job descriptions and history of personnel training.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0180, filed 1/24/03, effective 3/1/03.]

WAC 388-180-0190 Must WSD allow the department access to the records of the school? Consistent with federal law, the school must give the department complete access to all records and documents requested by the reviewers in monitoring and conducting the reviews of the school.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0190, filed 1/24/03, effective 3/1/03.]

WAC 388-180-0200 Must WSD allow the department access to all students and staff for the reviews? Consistent with federal law, the school must give the department complete access to students and staff requested by the reviewers in monitoring and conducting the reviews of the school.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0200, filed 1/24/03, effective 3/1/03.]

WAC 388-180-0210 What must be included in the incident documentation? The incident log documentation must include:

- (1) The students involved (not identified to the reviewers);
- (2) The date and time of the incident;
- (3) A description of what occurred, any injury and severity of injury;
- (4) Any other persons present at the time of the incident; and
- (5) Any action taken by WSD staff, including notification of the child's parents.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0210, filed 1/24/03, effective 3/1/03.]

WAC 388-180-0220 What are the staffing requirements for the residential portion of the school? (1) A staffing ratio of 1:7 must be maintained for residential students while students are in dorms or cottages and when they are participating in elective activities.

- (2) A staffing ratio of 1:9 must be maintained for visiting and day students while they are in the residential settings.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0220, filed 1/24/03, effective 3/1/03.]

WAC 388-180-0230 What are the physical environment safety requirements for the residential facilities? The school must ensure that the residential facilities comply with the applicable state fire marshal and department of health regulations, including the following:

- (1) The grounds, office, living areas, kitchen, bedrooms, bathrooms, shops, recreational areas, and laundry areas are clean and free of hazardous conditions.
- (2) Furnishings are clean, comfortable, durable, and safe.
- (3) Cleaning products and toxic chemicals are securely stored.

[Title 388 WAC—p. 818]

- (4) Medications are securely stored.
- (5) First-aid supplies are readily available.
- (6) Emergency lighting devices are available.
- (7) Kitchen and bathrooms are ventilated.
- (8) The facilities regularly conduct and document fire drills.
- (9) Smoke detectors are regularly inspected and the results of the inspections are documented.
- (10) Procedures for evacuation and other emergencies are posted, reviewed, and tested at regular intervals.

[Statutory Authority: RCW 74.15.030 and 74.20.280. 03-04-013, § 388-180-0230, filed 1/24/03, effective 3/1/03.]

Chapter 388-200 WAC

FINANCIAL AND MEDICAL ASSISTANCE— GENERAL PROVISIONS

WAC

388-200-1250 Gifts, bequests by will, and contributions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 388-200-1050 Department and client responsibilities. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-200-1050, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.04.050 and 1993 National Voter Registration Act, SSA Sect. 402 (a)(9) and 403 (a)(3). 94-23-128 (Order 3807), § 388-200-1050, filed 11/23/94, effective 1/1/95. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-200-1050, filed 5/3/94, effective 6/3/94. Formerly parts of WAC 388-38-030, 388-38-250, 388-38-255 and 388-38-260.] Repealed by 01-10-104, filed 5/1/01, effective 6/1/01. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510, and 74.08.090.
- 388-200-1100 Grievance procedure. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-200-1100, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-200-1100, filed 5/3/94, effective 6/3/94. Formerly WAC 388-33-389.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-200-1150 Exception to rule. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-200-1150, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-200-1150, filed 5/3/94, effective 6/3/94. Formerly WAC 388-20-010.] Repealed by 98-16-044, filed 7/31/98, effective 9/1/98. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090.
- 388-200-1160 Notification of exception to rule request and decision. [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-200-1160, filed 12/30/96, effective 1/30/97. Statutory Authority: RCW 74.08.-090. 94-10-065 (Order 3732), § 388-200-1160, filed 5/3/94, effective 6/3/94. Formerly WAC 388-23-387.] Repealed by 00-03-035, filed 1/12/00, effective 2/12/00. Statutory Authority: RCW 74.08.090, 74.04.050, 74.09.035.
- 388-200-1200 Translation of written communications with a limited English proficient client. [Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-200-1200, filed 5/3/94, effective 6/3/94. Formerly WAC 388-38-045.] Repealed by 03-01-115, filed 12/18/02, effective 1/18/03. Statutory Authority: RCW 74.04.025 and 74.08.090. Later promulgation, see chapter 388-271 WAC.
- 388-200-1300 Necessary supplemental accommodation services (NSA). [Statutory Authority: RCW 74.04.050, 43.20A.550 and 74.08.090. 97-02-047, § 388-200-1300, filed 12/30/96, effective 1/30/97.] Repealed by 01-10-104, filed 5/1/01, effective 6/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

(2009 Ed.)

- 388-200-1350 Dispute resolution for clients needing supplemental accommodations. [Statutory Authority: RCW 74.04.-050, 43.20A.550 and 74.08.090. 97-02-047, § 388-200-1350, filed 12/30/96, effective 1/30/97.] Repealed by 01-10-104, filed 5/1/01, effective 6/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.
- 388-200-1400 Application of rules—Temporary assistance to needy families. [Statutory Authority: RCW 74.08.090, 74.04.-050, 70.04.055 and Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193, § 103). 97-07-008, § 388-200-1400, filed 3/10/97, effective 4/10/97.] Repealed by 00-22-063, filed 10/27/00, effective 11/27/00. Statutory Authority: RCW 74.04.-050, 74.04.057, 74.08.090, and 74.04.055.

WAC 388-200-1250 Gifts, bequests by will, and contributions. (1) The department may accept a gift, bequest, or contributions in cash, or otherwise, from an association or corporation.

(2) The department shall not accept a gift or contribution from a person applying for, or receiving, public assistance.

(3) The department shall not advise any person desiring information or assistance regarding the preparation of a will. The department shall advise the person to contact an attorney, or the local legal aid society.

[Statutory Authority: RCW 74.08.090. 94-10-065 (Order 3732), § 388-200-1250, filed 5/3/94, effective 6/3/94.]

Chapter 388-271 WAC

LIMITED ENGLISH PROFICIENT SERVICES

WAC

- 388-271-0010 What are limited English proficient (LEP) services?
- 388-271-0020 What are the department's responsibilities in providing me with an interpreter?
- 388-271-0030 What are the department's responsibilities in providing me with written communication in my primary language?

WAC 388-271-0010 What are limited English proficient (LEP) services? (1) The department provides limited English proficient (LEP) services to you if you are limited in your ability to read, write and/or speak English. These services provide a way for us to communicate with you even though you are limited in your ability to communicate in English. LEP services are provided in your primary language by authorized bilingual workers or by contracted interpreters and translators. Your primary language is the language you have indicated on your application or your eligibility review as the language you wish to communicate in with the department.

(2) LEP services include:

(a) Interpreter (verbal) services in person and/or over the telephone; and

(b) Translation of department forms, letters and other printed materials.

[Statutory Authority: RCW 74.04.025 and 74.08.090. 03-01-115, § 388-271-0010, filed 12/18/02, effective 1/18/03.]

WAC 388-271-0020 What are the department's responsibilities in providing me with an interpreter? (1) If you have trouble speaking and/or understanding English, and a bilingual worker is not available to assist you, we get a qualified interpreter in your primary language to help you communicate verbally with us. A qualified interpreter is

someone who is fluent in English and your primary language and is trained on the Interpreter Code of Professional Conduct.

(2) Interpreter services are provided in-person or over the telephone.

(3) We pay for the interpreter. You do not have to pay anything.

(4) If a worker from our department feels that they are not able to communicate with you well enough to provide adequate services, they may request the services of an interpreter even if you did not ask for help.

(5) We will provide interpreter services to you in a timely manner so that we can process your case within the processing time frames defined in chapters 388-406, 388-418, and 388-434 WAC.

[Statutory Authority: RCW 74.04.025 and 74.08.090. 03-01-115, § 388-271-0020, filed 12/18/02, effective 1/18/03.]

WAC 388-271-0030 What are the department's responsibilities in providing me with written communication in my primary language? (1) We provide fully translated written communication in your primary language. This includes, but is not limited to:

(a) Department pamphlets, brochures and other informational material that describe department services and client rights and responsibilities;

(b) Department forms, including applications and individual responsibility plans, that we ask you to complete and/or sign; and

(c) Department letters as described in chapter 388-458 WAC.

(2) We pay for the written translation. You do not have to pay anything.

(3) We will provide translated documents to you in a timely manner so that we can process your case within the processing time frames defined in chapters 388-406, 388-418, and 388-434 WAC.

[Statutory Authority: RCW 74.04.025 and 74.08.090. 03-01-115, § 388-271-0030, filed 12/18/02, effective 1/18/03.]

Chapter 388-273 WAC

WASHINGTON TELEPHONE ASSISTANCE PROGRAM

(Formerly chapter 388-31 WAC)

WAC

- 388-273-0010 Purpose of the Washington telephone assistance program.
- 388-273-0020 Who may receive WTAP?
- 388-273-0025 Benefits you receive as a WTAP participant.
- 388-273-0030 How you can apply for WTAP.
- 388-273-0035 What we reimburse the local telephone company.

WAC 388-273-0010 Purpose of the Washington telephone assistance program. The Washington telephone assistance program (WTAP) is designed to help low-income households afford access to local telephone service. For the purposes of this chapter, "we" and "us" mean the department of social and health services (DSHS). "You" means the person who is applying and eligible for WTAP.

[Statutory Authority: RCW 74.08.090, 80.36.440. 01-09-023, § 388-273-0010, filed 4/9/01, effective 6/1/01.]

WAC 388-273-0020 Who may receive WTAP? (1) To receive WTAP benefits, you must:

- (a) Be age eighteen or older or, if under eighteen, be the responsible head of household, and either;
- (b) Be receiving one of the following programs from us:
 - (i) Temporary assistance for needy families (TANF);
 - (ii) State family assistance (SFA);
 - (iii) General assistance;
 - (iv) Refugee assistance;
 - (v) Food assistance;
 - (vi) State Supplemental Security Income (SSI);
 - (vii) Medical assistance, including medicare cost sharing programs;
 - (viii) Community options program entry system (COPES);
 - (ix) Chore services; or
- (c) Have completed using community service voice mail services, and been identified to the department as eligible for WTAP by the community agency that provided your community service voice mail program; and

(2) Apply to a local exchange company for WTAP and request the lowest available flat rate telephone service at the WTAP rate. In exchange areas where wireline service is not available without service extension, you may apply to a wireless carrier:

(a) **"Local exchange company"** means a telephone company that is required by the Washington utilities and transportation commission to offer WTAP benefits and offers local calling, i.e., calling without long distance charges.

(b) **"Flat rate service"** is telephone service with a single monthly payment that allows unlimited local calling for a specified length of time. The local exchange flat rate includes any federal end user access charges and other charges necessary to obtain the service; and

(3) You must have the local telephone service billed in your name.

[Statutory Authority: RCW 74.08.090, 80.36.440, 2002 c 104, 02-18-106, § 388-273-0020, filed 9/3/02, effective 10/4/02. Statutory Authority: RCW 74.08.090, 80.36.440, 01-09-023, § 388-273-0020, filed 4/9/01, effective 6/1/01.]

WAC 388-273-0025 Benefits you receive as a WTAP participant. (1) WTAP participants receive a:

(a) Discount on local telephone flat rate services, when the flat rate is more than the WTAP assistance rate;

(b) Waiver of deposit requirements on local telephone service;

(c) Fifty percent discount on service connection fees through June 30, 2003. Effective July 1, 2003, fifty percent discount for the first connection; and for a second or subsequent connection when you ask for service at a new address. Any connection fee discounts available from other programs are added to the WTAP discount, to pay part or all of the remaining fifty percent; or

(d) Effective July 1, 2003, a community service voice mail box offered by a community agency that has been contracted with the department of community, trade and economic development to provide the service.

(2) WTAP benefits are limited to one residential line per household.

[Title 388 WAC—p. 820]

(3) Your benefits begin the date you are approved for WTAP assistance and continue through the next June 30, except if you qualified for telephone assistance through using the community services voice mail programs, you will receive one additional service year of benefits. "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.

(4) WTAP benefits do not include charges for line extension, optional extended area service, optional mileage, customer premises equipment, applicable taxes or delinquent balances owed to the telephone company.

[Statutory Authority: RCW 74.08.090, 80.36.440, 2003 c 134, 04-13-136, § 388-273-0025, filed 6/22/04, effective 7/23/04. Statutory Authority: RCW 74.08.090, 80.36.440, 2002 c 104, 02-18-106, § 388-273-0025, filed 9/3/02, effective 10/4/02. Statutory Authority: RCW 74.08.090, 80.36.440, 01-09-023, § 388-273-0025, filed 4/9/01, effective 6/1/01.]

WAC 388-273-0030 How you can apply for WTAP.

(1) You can apply for telephone benefits by contacting the local telephone company.

(2) The telephone company contacts us to verify that you are eligible for benefits under WAC 388-273-0020 before they add WTAP to your telephone account.

(3) You will know you are receiving WTAP benefits when you have a WTAP credit on your telephone bill.

(4) Effective July 1, 2003, you can apply for community service voice mail by contacting your local community service voice mail provider.

[Statutory Authority: RCW 74.08.090, 80.36.440, 2003 c 134, 04-13-136, § 388-273-0030, filed 6/22/04, effective 7/23/04. Statutory Authority: RCW 74.08.090, 80.36.440, 01-09-023, § 388-273-0030, filed 4/9/01, effective 6/1/01.]

WAC 388-273-0035 What we reimburse the local telephone company. (1) Within available funding limits, we reimburse local telephone companies for fully documented administrative and program expenses associated with WTAP. The reimbursable expenses are limited to:

(a) Program services provided to eligible households June 1, 2003 and beyond, and after eligibility for WTAP is verified;

(i) Monthly flat rate service.

We reimburse the local telephone company an amount equal to the monthly flat rate of the incumbent local exchange carrier providing service in the customer's exchange area, minus the WTAP assistance rate set by the commission, and minus the amount of federal lifeline program reimbursement available to an eligible telecommunications carrier. An "incumbent local exchange carrier" is a telephone company in the U.S. that was providing local service when the Telecommunications Act of 1996 was enacted, and is required to file tariffs with the commission. For all exchange areas, the WTAP reimbursement shall be limited to not more than nineteen dollars for each eligible household.

(ii) Connection fee.

We reimburse the local telephone company an amount equal to one-half the connection fee rate or twenty-two dollars, whichever is less, for your first connection at a given address. If you move, we will reimburse the local telephone company for your first connection at the new address.

(iii) Waiver of local deposit.

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We reimburse the local telephone company an amount up to two times the WTAP assistance rate.

(b) Correct, verifiable billing items;

(c) One monthly invoice and supporting documentation submitted and received by WTAP by the fifteenth day following the month the expense occurred;

(d) Items charged in error that have been corrected within thirty days from the date we return the report of invoicing error to the local phone company;

(e) Salaries and benefits for time required to implement and maintain WTAP, with the exception that time required for the correction of billing, case number and client identification errors is not an allowable expense;

(f) Travel expenses for attending hearings, meetings, or training pertaining to WTAP;

(g) Expenses for supplies and materials for implementing and maintaining WTAP;

(h) Postage and handling for delivery of WTAP material;

(i) Administrative charge for change of service orders specified by tariffs; and

(j) Preapproved documented indirect costs associated with implementing and maintaining WTAP.

[Statutory Authority: RCW 74.08.090, 80.36.440, 80.36.410 through 80.36.470. 05-15-152, § 388-273-0035, filed 7/19/05, effective 8/19/05. Statutory Authority: RCW 74.08.090, 80.36.440, 2003 c 134, 04-13-136, § 388-273-0035, filed 6/22/04, effective 7/23/04. Statutory Authority: RCW 74.08.090, 80.36.440. 01-09-023, § 388-273-0035, filed 4/9/01, effective 6/1/01.]

Chapter 388-280 WAC

UNITED STATES REPATRIATION PROGRAM

WAC

- 388-280-0010 What is the United States Repatriation Program?
- 388-280-0020 How do I apply for repatriation assistance?
- 388-280-0030 Do I have to repay the repatriation assistance?
- 388-280-0040 Are there limits to my income and resources?
- 388-280-0050 How long can I receive repatriation assistance?
- 388-280-0060 What services are available to me under the repatriation program?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 388-280-1010 Purpose. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1010, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.-090.
- 388-280-1020 Definition. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1020, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1030 Application. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1030, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1040 Repaying repatriation assistance. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1040, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1050 Safeguarding information. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1050, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1060 Referral to other agencies. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1060, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-

- 077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1070 Income and resources. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1070, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1080 Eligibility. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1080, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1090 Client responsibilities. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1090, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1100 Department responsibilities as the port of entry state. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1100, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1110 Department responsibilities as the final destination state. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1110, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1120 Unattended minors. [Statutory Authority: RCW 74.08.-090. 93-12-054 (Order 3560), § 388-280-1120, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1130 Scope of services. [Statutory Authority: RCW 74.08.-090. 93-12-054 (Order 3560), § 388-280-1130, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1140 Time limits on benefits. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1140, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1150 Payment limits. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1150, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.
- 388-280-1160 Assistance payment—Types of payments. [Statutory Authority: RCW 74.08.090. 93-12-054 (Order 3560), § 388-280-1160, filed 5/26/93, effective 6/26/93.] Repealed by 00-19-077, filed 9/19/00, effective 11/1/00. Statutory Authority: RCW 74.08.090.

WAC 388-280-0010 What is the United States Repatriation Program?

The United States Repatriation Program assists a U.S. citizen or dependent who is:

- (1) Without financial resources; and
- (2) Returned or brought back to the U.S. from a foreign country because of:
 - (a) Mental illness; or
 - (b) Destitution, physical illness, or a crisis such as war.

For the purposes of this chapter, "we" and "us" means the department of social and health services.

[Statutory Authority: RCW 74.08.090. 00-19-077, § 388-280-0010, filed 9/19/00, effective 11/1/00.]

WAC 388-280-0020 How do I apply for repatriation assistance?

You apply for repatriation assistance by contacting the U.S. State Department or us.

- (1) If you contact the U.S. State Department, we consider a referral from them as an approved application.
- (2) If you contact us directly, we apply for you to the U.S. Department of Health and Human Services (HHS).

[Statutory Authority: RCW 74.08.090. 00-19-077, § 388-280-0020, filed 9/19/00, effective 11/1/00.]

WAC 388-280-0030 Do I have to repay the repatriation assistance? Repatriation assistance is a loan. You, or your representative if you are mentally ill, must:

- (1) Sign a statement recognizing repatriation assistance as a loan; and
- (2) Agree to repay the funds.

[Statutory Authority: RCW 74.08.090. 00-19-077, § 388-280-0030, filed 9/19/00, effective 11/1/00.]

WAC 388-280-0040 Are there limits to my income and resources? (1) You are ineligible to receive repatriation assistance if you have nonexempt:

- (a) Income, as defined by temporary assistance for needy families (TANF) equal to or greater than the TANF need standards as described in WAC 388-450-0005; or
 - (b) Resources, as defined by TANF under WAC 388-470-0005 that are available to meet your resettlement needs.
- (2) We consider a resource available to you when:
- (a) The value can be determined;
 - (b) It is controlled by you; and
 - (c) You can use the resource to meet your needs.

[Statutory Authority: RCW 74.08.090. 00-19-077, § 388-280-0040, filed 9/19/00, effective 11/1/00.]

WAC 388-280-0050 How long can I receive repatriation assistance? (1) If you are mentally ill, you receive temporary care until you:

- (a) Can be released to the care of a relative or state agency; or
- (b) Are discharged or granted release from hospitalization.

(2) If you are not mentally ill, you may receive repatriation assistance up to twelve months as follows:

(a) "Temporary assistance" meaning repatriation assistance provided during the first ninety days after you return to the United States.

(b) "Extended assistance" meaning repatriation assistance provided for up to nine months after the end of your temporary assistance. We must have approval in advance from HHS, so you must ask us to apply for extended assistance while receiving temporary assistance and be:

- (i) Ineligible for any other assistance program; and
- (ii) Unable to support or care for yourself due to age, illness, or lack of job skills.

[Statutory Authority: RCW 74.08.090. 00-19-077, § 388-280-0050, filed 9/19/00, effective 11/1/00.]

WAC 388-280-0060 What services are available to me under the repatriation program? (1) The HHS sets limits on how much we pay for repatriation assistance. The limits are:

(a) The temporary assistance for needy families (TANF) payment standards under WAC 388-478-0015 for goods and services to meet basic needs;

(b) Up to five hundred sixty dollars per person to meet resettlement costs, if necessary, and for only one month while you receive temporary assistance.

(2) Within payment limits, repatriation assistance includes:

- (a) Travel to your place of residence, limited to:

(i) One domestic trip at the lowest fare and using the most direct means;

(ii) Meals and lodging while you are traveling;

(iii) Money for incidentals; and

(iv) If you are ill or disabled, travel expenses for an escort.

(b) Goods and services necessary for your health and welfare, including:

(i) Transportation for medical treatment, hospitalization or social services;

(ii) Temporary shelter;

(iii) Meals;

(iv) Clothing;

(v) Hospitalization to treat mental or acute illness or other medical care; and

(vi) Guidance, counseling and other social services.

(c) Resettlement costs, including:

(i) Utility or housing deposits; and

(ii) Basic household goods, such as cookware or blankets.

[Statutory Authority: RCW 74.08.090. 00-19-077, § 388-280-0060, filed 9/19/00, effective 11/1/00.]

Chapter 388-310 WAC

WORKFIRST

WAC

388-310-0100	WorkFirst—Purpose.
388-310-0200	WorkFirst—Activities.
388-310-0300	WorkFirst—Infant care exemptions for mandatory participants.
388-310-0350	WorkFirst—Other exemptions from mandatory participation.
388-310-0400	WorkFirst—Entering the WorkFirst program as a mandatory participant.
388-310-0500	WorkFirst—Individual responsibility plan.
388-310-0600	WorkFirst—Job search.
388-310-0700	WorkFirst—Comprehensive evaluation.
388-310-0800	WorkFirst—Support services.
388-310-0900	WorkFirst—Basic education.
388-310-1000	WorkFirst—Vocational education.
388-310-1050	WorkFirst—Skills enhancement training.
388-310-1100	WorkFirst—Work experience.
388-310-1200	WorkFirst—On-the-job training.
388-310-1300	Community jobs.
388-310-1400	WorkFirst—Community service.
388-310-1450	Pregnancy to employment.
388-310-1500	WorkFirst—Employment conditions.
388-310-1600	WorkFirst—Sanctions.
388-310-1700	WorkFirst—Self-employment.
388-310-1800	WorkFirst—Post employment services.
388-310-1900	WorkFirst—Services for American Indian tribal members and other American Indians.
388-310-2000	Individual development accounts (IDA).
388-310-2100	Career services program.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-310-1650	WorkFirst—Child SafetyNet Payments. [Statutory Authority: RCW 74.08.090, 74.04.050, and 74.08A.-340.04-07-025, § 388-310-1650, filed 3/8/04, effective 5/1/04. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-14-084, § 388-310-1650, filed 6/28/02, effective 7/29/02.] Repealed by 06-10-035, filed 4/27/06, effective 6/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.260, chapter 74.08A RCW.
388-310-1850	Re-employ Washington Workers (RWW). [Statutory Authority: RCW 74.08.090 and 74.04.050. 00-08-021, § 388-310-1850, filed 3/24/00, effective 4/24/00; 99-14-044, § 388-310-1850, filed 6/30/99, effective 7/31/99.] Repealed by 00-24-040, filed 11/29/00, effective

12/30/00. Statutory Authority: RCW 74.08.090 and 74.04.050.

WAC 388-310-0100 WorkFirst—Purpose. (1) What is the WorkFirst program?

The WorkFirst program offers services and activities to help people in low-income families find jobs, keep their jobs, find better jobs and become self-sufficient. The program links families to a variety of state, federal and community resources to meet this goal. When you enter the WorkFirst program, you will be asked to work, look for work and/or prepare for work.

(2) Who does the WorkFirst program serve?

The WorkFirst program serves three groups:

- (a) Parents and children age sixteen or older who receive cash assistance under the temporary assistance for needy families (TANF), general assistance for pregnant women (GA-S) or state family assistance (SFA) programs; and
- (b) Parents who no longer receive cash assistance and need some continuing support to remain self-sufficient; and
- (c) Low income parents who support their family without applying for or relying on cash assistance.

[Statutory Authority: RCW 74.08.090 and 74.04.050, 99-08-051, § 388-310-0100, filed 4/1/99, effective 5/2/99; 97-20-129, § 388-310-0100, filed 10/1/97, effective 11/1/97.]

WAC 388-310-0200 WorkFirst—Activities. (1) Who is required to participate in WorkFirst activities?

(a) You are required to participate in WorkFirst activities, and become what is called a "mandatory participant," if you:

- (i) Receive TANF or SFA cash assistance; and
 - (ii) Are a custodial parent or age sixteen or older; and
 - (iii) Are not exempt. For exemptions see WAC 388-310-0300 and 388-310-0350.
- (b) Participation is voluntary for all other WorkFirst participants (those who no longer receive or have never received TANF or SFA cash assistance).

(2) What activities do I participate in when I enter the WorkFirst program?

When you enter the WorkFirst program, you will participate in one or more of the following activities (which are described in more detail in other sections of this chapter):

- (a) Paid employment (see WAC 388-310-0400 (2)(a) and 388-310-1500);
- (b) Self employment (see WAC 388-310-1700);
- (c) Job search (see WAC 388-310-0600);
- (d) Community jobs (see WAC 388-310-1300);
- (e) Work experience (see WAC 388-310-1100);
- (f) On-the-job training (see WAC 388-310-1200);
- (g) Vocational educational training (see WAC 388-310-1000);
- (h) Basic education activities (see WAC 388-310-0900);
- (i) Job skills training (see WAC 388-310-1050);
- (j) Community service (see WAC 388-310-1400);
- (k) Activities provided by tribal governments for tribal members and other American Indians (see WAC 388-310-1400(1) and 388-310-1900);
- (l) Other activities identified by your case manager on your individual responsibility plan that will help you with sit-

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uations such as drug and/or alcohol abuse, homelessness, or mental health issues; and/or

(m) Activities identified by your case manager on your individual responsibility plan to help you cope with family violence as defined in WAC 388-61-001; and/or

(n) Up to ten hours of financial literacy activities to help you become self-sufficient and financially stable.

(3) If I am a mandatory participant, how much time must I spend doing WorkFirst activities?

If you are a mandatory participant, you will be required to participate full time, working, looking for work or preparing for work. You might be required to participate in more than one part-time activity at the same time that add up to full time participation. You will have an individual responsibility plan (described in WAC 388-310-0500) that includes the specific activities and requirements of your participation.

(4) What activities do I participate in after I get a job?

You will participate in other activities, such as job search or training once you are working twenty hours or more a week in a paid unsubsidized job, to bring your participation up to full time.

You may also engage in activities if you are working full time and want to get a better job.

Post employment services (described in WAC 388-310-1800) include:

- (a) Activities that help you keep a job (called an "employment retention" service); and/or
- (b) Activities that help you get a better job or better wages (called a "wage and skill progression" service).

[Statutory Authority: RCW 74.04.050, 74.08.090, 74.08A.340, and 2006 c 107, 06-24-023, § 388-310-0200, filed 11/29/06, effective 12/30/06. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050, 02-15-067, § 388-310-0200, filed 7/11/02, effective 8/1/02. Statutory Authority: RCW 74.08A.340(2), 45 C.F.R. 260.31, RCW 74.08.090, and chapter 74.04 RCW, 00-16-055, § 388-310-0200, filed 7/26/00, effective 8/1/00. Statutory Authority: RCW 74.08.090, 74.04.050, 00-06-062, § 388-310-0200, filed 3/1/00, effective 3/1/00; 99-08-051, § 388-310-0200, filed 4/1/99, effective 5/2/99; 97-20-129, § 388-310-0200, filed 10/1/97, effective 11/1/97.]

WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants. (1) When can I be exempted from participating in WorkFirst activities if I am a mandatory participant?

Either you or the other parent (living in the household) can claim an infant exemption from participating in WorkFirst activities provided you:

- (a) Have a child under one year of age;
- (b) Choose to not fully participate in the WorkFirst program (see WAC 388-310-0400); and
- (c) Have not used up your lifetime twelve-month infant exemption.

(2) If I choose my infant exemption, can I still be required to participate in the WorkFirst program?

You are required to participate up to twenty hours per week in mental health and/or chemical dependency treatment if:

- (a) The comprehensive evaluation or assessment indicates a need; and
- (b) Services are available in your community.

(3) Can I volunteer to participate in WorkFirst while I have a child under one?

You may choose to fully participate in WorkFirst (see WAC 388-310-0400) while you have a child under one year of age. If you decide later to stop participating and you still qualify for an exemption, you will be put back into exempt status with no financial penalty provided you meet conditions (1) and (2) above.

(4) Does an infant exemption from participation affect my sixty-month time limit for receiving TANF or SFA benefits?

Even if you are exempt from participation, each month you receive a TANF/SFA grant counts toward your sixty-month limit (see WAC 388-484-0005).

[Statutory Authority: RCW 74.04.050, 74.08.090, 74.04.055 and 2007 c 289. 08-02-055, § 388-310-0300, filed 12/28/07, effective 2/1/08. Statutory Authority: RCW 74.08.090, 74.04.050. 02-14-087, § 388-310-0300, filed 6/28/02, effective 7/29/02; 00-06-062, § 388-310-0300, filed 3/1/00, effective 3/1/00; 99-10-027, § 388-310-0300, filed 4/28/99, effective 5/29/99; 97-20-129, § 388-310-0300, filed 10/1/97, effective 11/1/97.]

WAC 388-310-0350 WorkFirst—Other exemptions from mandatory participation. (1) When am I exempt from mandatory participation?

You are exempt from mandatory participation if you are:

(a) An older needy caretaker relative:

(i) You are fifty-five years of age or older and caring for a child and you are not the child's parent; and

(ii) Your age is verified by any reliable documentation (such as a birth certificate or a driver's license).

(b) An adult with a severe and chronic disability:

(i) The disability must be a severe and chronic mental, physical, emotional, or cognitive impairment that prevents you from participating in work activities and is expected to last at least twelve months; or

(ii) You have been assessed by a DSHS SSI facilitator as likely to be approved for SSI or other benefits and are applying for SSI or another type of federal disability benefit (such as railroad retirement or Social Security disability); and

(iii) Your disability is verified by documentation from the division of developmental disabilities (DDD), division of vocational rehabilitation (DVR), home and community services division (HCS), division of mental health (MHD), and/or regional support network (RSN), or evidence from another medical or mental health professional; and

(iv) Your SSI application status may be verified through the SSI facilitator and/or state data exchange.

(c) Required in the home to care for a child with special needs when:

(i) The child has a special medical, developmental, mental, or behavioral condition; and

(ii) The child is determined by a public health nurse, physician, mental health provider, school professional, other medical professional, HCS, MHD, and/or a RSN to require specialized care or treatment that significantly interferes with your ability to look for work or work.

(d) Required to be in the home to care for another adult with disabilities when:

(i) The adult with disabilities cannot be left alone for significant periods of time; and

(ii) No adult other than yourself is available and able to provide the care; and

(iii) The adult with the disability is related to you; and

(iv) The disability is verified by documentation from DDD, DVR, HCS, MHD, and/or a RSN, or evidence from another medical or mental health professional.

(2) Who reviews and approves an exemption?

(a) If it appears that you may qualify for an exemption or you ask for an exemption, your case manager or social worker will review the information and we will use the case staffing process to determine whether the exemption will be approved. Case staffing is a process to bring together a team of multidisciplinary experts including relevant professionals and the client to identify participant issues, review case history and information, and recommend solutions.

(b) If additional medical or other documentation is needed to determine if you are exempt, your IRP will allow between thirty days and up to ninety if approved to gather the necessary documentation.

(c) Information needed to verify your exemption should meet the standards for verification described in WAC 388-490-0005. If you need help gathering information to verify your exemption, you can ask us for help. If you have been identified as needing NSA services, under chapter 388-472 WAC, your accommodation plan should include information on how we will assist you with getting the verification needed.

(d) After the case staffing, we will send you a notice that tells you whether your exemption was approved, how to request a fair hearing if you disagree with the decision, and any changes to your IRP that were made as a result of the case staffing.

(3) Can I participate in WorkFirst while I am exempt?

(a) You may choose to participate in WorkFirst while you are exempt.

(b) Your WorkFirst case manager may refer you to other service providers who may help you improve your skills and move into employment.

(c) If you decide later to stop participating, and you still qualify for an exemption, you will be put back into exempt status with no financial penalty.

(4) Does an exemption from participation affect my sixty-month time limit for receiving TANF/SFA benefits?

An exemption from participation does not affect your sixty-month time limit (described in WAC 388-484-0005) for receiving TANF/SFA benefits. Even if exempt from participation, each month you receive a TANF/SFA grant counts toward your sixty-month limit.

(5) How long will my exemption last?

Unless you are an older caretaker relative, your exemption will be reviewed at least every twelve months to make sure that you still meet the criteria for an exemption. Your exemption will continue as long as you continue to meet the criteria for an exemption.

(6) What happens when I am no longer exempt?

If you are no longer exempt, then:

(a) You will become a mandatory participant under WAC 388-310-0400; and

(b) If you have received sixty or more months of TANF/SFA, your case will be reviewed for an extension. (See WAC

388-484-0006 for a description of TANF/SFA time limit extensions.)

(7) For time-limited extensions, see WAC 388-484-0006.

[Statutory Authority: RCW 74.08.090, 74.04.050, and 74.08A.340. 03-24-057, § 388-310-0350, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-12-068, § 388-310-0350, filed 5/31/02, effective 6/1/02.]

WAC 388-310-0400 WorkFirst—Entering the WorkFirst program as a mandatory participant. (1) What happens when I enter the WorkFirst program as a mandatory participant?

If you are a mandatory participant, you must follow instructions as written in your individual responsibility plan (see WAC 388-310-0500), which is written after you have participated in a comprehensive evaluation of elements related to your employability. If you have been identified as someone who needs necessary supplemental accommodation (NSA) services (defined in chapter 388-472 WAC) your case manager will first develop an accommodation plan to help you access WorkFirst services. The case manager will use the accommodation plan to help develop your IRP with you. If you have been identified as a victim of family violence (defined in WAC 388-61-001), you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate services.

If you are a mandatory participant, your case manager will refer you to WorkFirst activities unless any of the following applies to you:

(a) You work thirty-two or more hours a week. "**Work**" means to engage in any legal, income generating activity which is taxable under the United States tax code or which would be taxable with or without a treaty between an Indian Nation and the United States;

(b) You work sixteen or more hours a week in the federal or state work study program and you attend a Washington state community or technical college at least half time;

(c) You work twenty or more hours a week in unsubsidized employment and attend a Washington state community or technical college at least half time;

(d) You are under the age of eighteen, have not completed high school, GED or its equivalent and are in school full time;

(e) You are eighteen or nineteen years of age and are attending high school or an equivalent full time;

(f) You are pregnant or have a child under the age of twelve months, and are participating in other pregnancy to employment activities. See WAC 388-310-1450;

(g) Your situation prevents you from looking for a job and you are conducting activities identified on your IRP to help you with your situation. (For example, you may be unable to look for a job while you have health problems or you are homeless); or

(h) Your situation prevents you from looking for work because you are a victim of family violence and you are conducting activities on your IRP to help you with your situation.

(2) How will I know what my participation requirements are?

(a) Your individual responsibility plan will describe what you need to do to be able to enter job search or other

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WorkFirst activities and then find a job (see WAC 388-310-0500 and 388-310-0700).

(b) If you enter the pregnancy to employment pathway (described in WAC 388-310-1450(3)), you must take part in an assessment.

(3) What happens if I do not follow my WorkFirst requirements?

If you do not participate in creating an individual responsibility plan, job search, or in the activities listed in your individual responsibility plan, and you do not have a good reason, the department will follow the sanction rules in WAC 388-310-1600.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.090. 08-07-046, § 388-310-0400, filed 3/14/08, effective 5/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 06-08-044, § 388-310-0400, filed 3/30/06, effective 6/1/06. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-15-067, § 388-310-0400, filed 7/11/02, effective 8/1/02. Statutory Authority: RCW 74.08.090, 74.04.050. 00-06-062, § 388-310-0400, filed 3/1/00, effective 3/1/00; 99-10-027, § 388-310-0400, filed 4/28/99, effective 5/29/99; 98-23-037, § 388-310-0400, filed 11/10/98, effective 12/11/98; 97-20-129, § 388-310-0400, filed 10/1/97, effective 11/1/97.]

WAC 388-310-0500 WorkFirst—Individual responsibility plan. (1) What is the purpose of my individual responsibility plan?

The purpose of your individual responsibility plan is to give you a written statement that describes:

(a) What your responsibilities are; and

(b) Which WorkFirst activities you are required to participate in; and

(c) What services you will receive so you are able to participate.

(2) What is included in my individual responsibility plan?

Your individual responsibility plan includes the following:

(a) What WorkFirst activities you must do and the participation requirements for those activities including the amount of time you will spend doing the activities, a start and end date for each activity and the requirement to participate fully.

(b) Any other specific requirements that are tied to the WorkFirst work activity. For example, you might be required to learn English as part of your work experience activity or to provide proof of your employment hours.

(c) What services we will provide to help you participate in the activity. For example, you may require support services (such as help with paying for transportation) or help with paying childcare.

(d) Your statement that you recognize the need to become and remain employed as quickly as possible.

(3) How is my individual responsibility plan developed?

You and your case manager will work together and use information gathered from your comprehensive evaluation (see WAC 388-310-0700) to develop your individual responsibility plan and decide what activities will be included in it. Then, your case manager will assign you to specific WorkFirst activities that will help you find employment.

(4) What happens after my individual responsibility plan is completed?

Once your individual responsibility plan is completed:

(a) You will sign and get a copy of your individual responsibility plan.

(b) You and your case manager will review your plan as necessary over the coming months to make sure your plan continues to meet your employment needs. You will sign and get a copy of your individual responsibility plan every time it is reviewed and changed.

(5) What should I do if I cannot go to a required WorkFirst appointment or activity because of a temporary situation outside of my control?

If you cannot participate because of a temporary situation outside of your control, you must call the telephone number shown on your individual responsibility plan on the same day you were to report to explain your situation. You will be given an excused absence. Some examples of excused absences include:

(a) You, your children or other family members are ill;

(b) Your transportation or child care arrangements break down and you cannot make new arrangements in time to comply;

(c) A significant person in your life died; or

(d) A family violence situation arose or worsened.

(6) What happens if I don't call in on the same day I am unable to attend to get an excused absence?

If you do not call in on the same day you are unable to attend to get an excused absence, it will be considered an unexcused absence.

If you exceed the number of unexcused absences allowed on your individual responsibility plan, without good cause, your case manager will begin the sanction process. (See WAC 388-310-1600 for more details.)

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.090. 08-07-046, § 388-310-0500, filed 3/14/08, effective 5/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 06-08-044, § 388-310-0500, filed 3/30/06, effective 6/1/06. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050, 02-15-067, § 388-310-0500, filed 7/11/02, effective 8/1/02. Statutory Authority: RCW 74.08.090 and 74.04.050, 99-10-027, § 388-310-0500, filed 4/28/99, effective 5/29/99; 98-23-037, § 388-310-0500, filed 11/10/98, effective 12/11/98; 97-20-129, § 388-310-0500, filed 10/1/97, effective 11/1/97.]

WAC 388-310-0600 WorkFirst—Job search. (1) What is job search?

Job search is an opportunity to learn and use skills you need to find and keep a job. Job search may include:

(a) Classroom instruction; and/or

(b) Structured job search that helps you find job openings, complete applications, practice interviews and apply other skills and abilities with a job search specialist or a group of fellow job-seekers.

(2) Who provides me with job search?

You get job search from the employment security department or another organization under contract with WorkFirst to provide these services.

(3) How long do I stay in job search?

Periods of job search will start with a review of the work skills assessment portion of your comprehensive evaluation and may last up to twelve continuous weeks. Job search specialists will monitor your progress. By the end of the first four weeks, a job search specialist will determine whether you should continue in job search. Job search will end when:

(a) You find a full-time job; or

(b) You become exempt from WorkFirst requirements (see WAC 388-310-0300); or

(c) Your situation changes and the case manager changes the activities on your IRP to fit your new circumstances (see WAC 388-310-0400); or

(d) After fully participating in job search, and based on your experience in looking for work in the local labor market, it is determined that you need additional skills and/or experience to find a job; or

(e) You have not found a job at the end of the job search period.

(4) What happens at the end of job search if I have not found a job?

At the end of each job search period, you will be referred back to your case manager who will, at a minimum, review and update the DSHS portion of your comprehensive evaluation if you have not found a job. You and your case manager will also modify your individual responsibility plan.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.090. 08-07-046, § 388-310-0600, filed 3/14/08, effective 5/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 06-08-044, § 388-310-0600, filed 3/30/06, effective 6/1/06; 05-16-107, § 388-310-0600, filed 8/2/05, effective 9/2/05. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050, 02-15-067, § 388-310-0600, filed 7/11/02, effective 8/1/02. Statutory Authority: RCW 74.08.090, 74.04.050, 02-04-058, § 388-310-0600, filed 1/30/02, effective 3/2/02. Statutory Authority: RCW 74.08A.340(2), 45 C.F.R. 260.31, RCW 74.08.090, and chapter 74.04 RCW. 00-16-055, § 388-310-0600, filed 7/26/00, effective 8/1/00. Statutory Authority: RCW 74.08.090 and 74.04.050, 99-10-027, § 388-310-0600, filed 4/28/99, effective 5/29/99; 97-20-129, § 388-310-0600, filed 10/1/97, effective 11/1/97.]

WAC 388-310-0700 WorkFirst—Comprehensive evaluation. (1) Why do I receive a comprehensive evaluation?

You participate in a comprehensive evaluation with your case manager and other WorkFirst staff to determine:

(a) Your employment strengths, your educational background, family situation and other factors; and

(b) Which WorkFirst activities you need to become employed.

(2) What is the comprehensive evaluation and when will it be used?

(a) The comprehensive evaluation is a series of questions, answers and evaluations focused on your strengths, job skills, education and other relevant elements. The results of the comprehensive evaluation are used to determine your ability to find and keep a job in your local labor market and what WorkFirst activities will help you prepare for and find work. It includes:

(i) An employability evaluation with your case manager, discussing important issues that can affect your ability to find a job, like child care, family violence or substance abuse. Your case manager will also ask you a few questions to find out if you might benefit from engaging in financial literacy activities such as money management training or any other type of credit counseling service. If so, we will tell you how to get this information;

(ii) A work skills assessment to review your education, employment history, employment strengths and job skills; and

(iii) Educational and other evaluations.

(b) You and your case manager and/or social worker use the information and recommendations from these evaluations to create or modify your individual responsibility plan, adding activities that help you become employable.

(c) After your comprehensive evaluation, you may receive more assessments to find out if you need additional services.

[Statutory Authority: RCW 74.04.050, 74.08.090, 74.08A.340, and 2006 c 107, 06-24-023, § 388-310-0700, filed 11/29/06, effective 12/30/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 06-08-044, § 388-310-0700, filed 3/30/06, effective 6/1/06. Statutory Authority: RCW 74.08.090, 74.04.050, 00-06-062, § 388-310-0700, filed 3/1/00, effective 3/1/00; 99-10-027, § 388-310-0700, filed 4/28/99, effective 5/29/99; 97-20-129, § 388-310-0700, filed 10/1/97, effective 11/1/97.]

WAC 388-310-0800 WorkFirst—Support services.

(1) Who can get support services?

People who can get support services include:

(a) WorkFirst participants who receive a TANF cash grant;

(b) Sanctioned WorkFirst participants during the required participation before the sanction is lifted or applicants who were terminated by a sanction review panel who are doing activities required to reopen cash assistance (WAC 388-310-1600);

(c) Unmarried or pregnant minors who are income eligible to receive TANF and are:

(i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or

(ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangement and/or meeting the school requirements.

(d) Former WorkFirst recipients who are working at least twenty hours or more per week for up to six months after leaving TANF if they need support services to meet a temporary emergency. This can include up to four weeks of support services if they lose a job and are looking for another one (see also WAC 388-310-1800);

(e) Diversion cash assistance (DCA) recipients who are working at least thirty hours or more per week and enrolled in WorkFirst career services if they need support services to meet a temporary emergency;

(f) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

(2) Why do I receive support services?

Although not an entitlement, you may receive support services for the following reasons:

(a) To help you participate in work and WorkFirst activities that lead to independence.

(b) To help you to participate in job search, accept a job, keep working, advance in your job, and/or increase your wages.

(c) You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 170-290 WAC describes the rules for this child care assistance program.)

(3) What type of support services may I receive and what limits apply?

There is a limit of three thousand dollars per person per program year (July 1st to June 30th) for WorkFirst support services you may receive. Most types of support services have dollar limits.

The chart below shows the types of support services that are available for the different activities (as indicated by an "x") and the limits that apply.

Definitions:

- Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.

- Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family violence. When approved, safety-related support services can exceed the dollar or category limits listed below.

- Some support services are available if you need them for other required activities in your IRP.

Type of support service	Limit	• Work	•• Safety	••• Other
Reasonable accommodation for employment	\$1,000 for each request	x		
Clothing/uniforms	\$75 per adult per program year	x		
Diapers	\$50 per child per month	x		
Haircut	\$40 per each request	x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene	\$50 per adult per program year	x		
Professional, trade, association, union and bonds	\$300 for each fee	x		
Relocation related to employment (can include rent, housing, and deposits)	\$1,000 per program year	x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment	\$500 per program year	x		
Car repair needed to restore car to operable condition	\$250 per program year	x	x	
License/fees	\$130 per program year	x	x	
Mileage, transportation, and/or public transportation	Same rate as established by OFM for state employees	x	x	

Type of support service	Limit	• Work	•• Safety	••• Other
Transportation allotment	Up to: \$25 for immediate need, or \$40 twice a month if you live within 40 miles of your local WorkFirst office, or \$60 twice a month if you live more than 40 miles from your local WorkFirst office.	x	x	
Counseling	No limit	x	x	x
Educational expenses	\$300 for each request if it is an approved activity in your IRP and you do not qualify for sufficient student financial aid to meet the cost	x		x
Medical exams (not covered by medicaid)	\$150 per exam	x	x	x
Public transportation	\$150 per month	x	x	x
Testing-diagnostic	\$200 each	x	x	x

(4) What are the other requirements to receive support services?

Other restrictions on receiving support services are determined by the department or its agents. They will decide what support services you receive, as follows:

- (a) It is within available funds; and
- (b) It does not assist, promote, or deter religious activity; and
- (c) There is no other way to meet the cost.

(5) What happens to my support services if I do not participate as required?

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

[Statutory Authority: RCW 74.04.050 and 74.04.055. 08-18-045, § 388-310-0800, filed 8/29/08, effective 10/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.260, chapter 74.08A RCW. 06-10-035, § 388-310-0800, filed 4/27/06, effective 6/1/06. Statutory Authority: RCW 74.08.090, 74.04.050, 74.08A.340. 05-02-014, § 388-310-0800, filed 12/27/04, effective 1/27/05. Statutory Authority: RCW 74.08.090, 74.04.050, 74.08A.340, and 2003 c 10 § 207. 03-21-154, § 388-310-0800, filed 10/22/03, effective 10/27/03. Statutory Authority: RCW 74.08.090, 74.04.050, 78.08A.340, and [WSR] 99-14-043. 02-11-130, § 388-310-0800, filed 5/21/02, effective 7/1/02; 01-17-053, § 388-310-0800, filed 8/13/01, effective 9/1/01. Statutory Authority: RCW 74.08.090, 74.04.050, and 78.08A.340. 00-13-106, § 388-310-0800, filed 6/21/00, effective 7/1/00. Statutory Authority: RCW 74.08.090 and 74.04.050. 99-14-043, § 388-310-0800, filed 6/30/99, effective 7/31/99; 97-20-129, § 388-310-0800, filed 10/1/97, effective 11/1/97.]

WAC 388-310-0900 WorkFirst—Basic education. (1) What is basic education?

Basic education is high school completion, classes to prepare for general equivalency diploma (GED), testing to acquire GED certification, adult basic education (ABE) or English as a second language (ESL) training. Basic education also includes supervised homework and study activities associated with the educational activity.

(2) When do I participate in basic education as part of WorkFirst?

You may participate in basic education as part of WorkFirst under any of the following circumstances:

- (a) You are twenty years of age or older and your comprehensive evaluation shows you need this education to become employed or get a better job and:
 - (i) You are participating the equivalent of twenty hours or more per week in job search, vocational education, issue

resolution, paid work or unpaid work that meets the federal definition of core activities; or

(ii) You have limited-English proficiency and you lack language skills that are needed to qualify for entry level jobs.

(b) You may be required to participate if you are a mandatory participant, a parent eighteen or nineteen years of age, you do not have a high school diploma or GED certificate and you need this education in order to find employment.

(c) You will be required to be in high school or a GED certification program if you are a mandatory participant, sixteen or seventeen years old and you do not have a high school diploma or GED certificate.

(d) You are enrolled in the pregnancy to employment pathway and your comprehensive evaluation shows basic education would help you find and keep employment. (See WAC 388-310-1450.)

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.090. 08-07-046, § 388-310-0900, filed 3/14/08, effective 5/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 06-08-048, § 388-310-0900, filed 3/30/06, effective 5/1/06. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-15-067, § 388-310-0900, filed 7/11/02, effective 8/1/02. Statutory Authority: RCW 74.08.090, 74.04.050. 01-15-009, § 388-310-0900, filed 7/6/01, effective 8/6/01; 99-10-027, § 388-310-0900, filed 4/28/99, effective 5/29/99; 97-20-129, § 388-310-0900, filed 10/1/97, effective 11/1/97.]

WAC 388-310-1000 WorkFirst—Vocational education. (1) What is vocational education?

Vocational education is training that leads to a degree or certificate in a specific occupation, not to result in a baccalaureate or advanced degree unless otherwise indicated below, and is offered by an accredited:

- (a) Public and private technical college or school;
- (b) Community college;
- (c) Tribal college; or
- (d) For customized job skills training (formerly known as preemployment training), community based organizations.

(2) Vocational education may include:

- (a) Customized job skills training;
- (b) High-wage/high-demand training;
- (c) Supervised homework and study activities associated with the educational activity; and/or
- (d) Remedial/developmental education, prerequisites, basic education and/or English as a second language training deemed a necessary part of the vocational education program.

(3) What is customized job skills training?

Customized job skills training helps you learn skills you need for an identified entry level job that pays more than average entry level wages.

(a) Customized job skills training is an acceptable activity when an employer or industry commits to hiring or giving hiring preference to WorkFirst participants who successfully complete customized job skills training.

(b) You can find out about current customized job skills training opportunities by asking your employment services counselor, your case manager or staff at your local community and technical college.

(4) What is high-wage/high-demand training?

(a) There are two types of high-wage/high-demand (HWHD) full-time training options for TANF recipients to complete a certificate or degree that will lead to employment in a high-wage/high-demand occupation:

(i) Information technology, health care or other professional-technical programs: This option allows you to start and finish a one-year or shorter state community or technical college training program in the information technology, health care fields or other professional-technical programs that meet high-wage/high-demand criteria; and/or

(ii) Certificate/degree completion: This option allows you to finish up the last year of any certificate or degree program, not to exceed a baccalaureate degree, in a high-wage/high-demand field on an exception basis. The high-wage/high-demand criteria for this option is based on median income and high-demand occupations within the local labor market as determined by employment security department.

(b) For both types of HWHD training, the training can be approved one-time only (barring an approved exception to policy).

(c) To qualify for HWHD training, you must also:

(i) Meet all of the prerequisites for the course;

(ii) Obtain the certificate or degree within twelve calendar months;

(iii) Participate full time in the training program and make satisfactory progress;

(iv) Work with WorkFirst staff during the last quarter of training for job placement; and

(v) Return to job search once you complete the educational program if still unemployed.

(5) When can vocational education be included in my individual responsibility plan?

We may add vocational education to your individual responsibility plan for up to twelve months if:

(a) Your comprehensive evaluation shows you need this education to become employed or get a better job and you participate full time in vocational education or combine vocational education with any approved WorkFirst work activity; or

(b) You are in an internship or practicum for up to twelve months that is paid or unpaid and required to complete a course of vocational training or to obtain a license or certificate in a high demand program; or

(c) You have limited English proficiency and you lack job skills that are in demand for entry level jobs in your area; and the vocational education program is the only way that you can acquire these skills (because there is no available

work experience, community service or on-the-job training that can teach you these skills); or

(d) You are in the pregnancy to employment pathway and your comprehensive evaluation shows vocational education would help you find and keep employment. (See WAC 388-310-1450.)

(6) Can I get help with paying the costs of vocational education?

WorkFirst may pay for the costs of your vocational education, such as tuition or books, for up to twelve months, if vocational education is in your individual responsibility plan and there is no other way to pay them. You may also get help with paying your child care costs through the working connections child care program. (See chapter 388-290 WAC for the working connections child care program rules.)

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.090, 08-07-046, § 388-310-1000, filed 3/14/08, effective 5/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 06-08-048, § 388-310-1000, filed 3/30/06, effective 5/1/06. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050, 02-15-067, § 388-310-1000, filed 7/11/02, effective 8/1/02. Statutory Authority: RCW 74.08.090, 74.04.050, 01-15-009, § 388-310-1000, filed 7/6/01, effective 8/6/01; 99-10-027, § 388-310-1000, filed 4/28/99, effective 5/29/99; 98-23-037, § 388-310-1000, filed 11/10/98, effective 12/11/98; 97-20-129, § 388-310-1000, filed 10/1/97, effective 11/1/97.]

WAC 388-310-1050 WorkFirst—Skills enhancement training. (1) What is skills enhancement training?

Skills enhancement training (formerly known as job skills training) is training or education for job skills required by an employer to provide a person with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. Skills enhancement training may include:

(a) Customized training programs to meet the needs of a specific employer;

(b) General education and training that prepares a person for employment to include vocational education and courses explicitly required for program entry;

(c) Basic education and English as a second language training when such instruction is focused on skills needed for employment, combined in a unified whole with job training or needed to enable the person to perform a specific job or engage in a specific job training program;

(d) Four-year bachelor degree programs at any state-certified college or university; and

(e) Supervised homework and study activities.

(2) Who may provide skills enhancement training?

The training may be offered by the following types of organizations that meet the WorkFirst program's standards for service providers:

(a) Community based organizations;

(b) Businesses;

(c) Tribal governments; or

(d) Public and private community and technical colleges.

(3) When can skills enhancement training be included in my individual responsibility plan?

We may add skills enhancement training in your individual responsibility plan if you are participating the equivalent of twenty or more hours a week in job search, vocational education, issue resolution, paid work or unpaid work that meets the federal definition of core activities.

(4) Can I get help with paying the costs of skills enhancement training?

WorkFirst may pay your costs, such as tuition or books, if skills enhancement training is in your individual responsibility plan and there is no other way to pay them. You may also get help with paying your child care costs through the working connections child care program. (See chapter 388-290 WAC for the working connections child care program rules.)

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.090. 08-07-046, § 388-310-1050, filed 3/14/08, effective 5/1/08. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-15-067, § 388-310-1050, filed 7/11/02, effective 8/1/02. Statutory Authority: RCW 74.08.090, 74.04.050. 01-15-009, § 388-310-1050, filed 7/6/01, effective 8/6/01; 99-10-027, § 388-310-1050, filed 4/28/99, effective 5/29/99; 98-23-037, § 388-310-1050, filed 11/10/98, effective 12/11/98.]

WAC 388-310-1100 WorkFirst—Work experience.**(1) What is work experience?**

Work experience (sometimes called WEX) is an activity for mandatory participants that will teach you the basics of holding down a job and give you a chance to practice or expand your work skills. Work experience teaches you these skills by assigning you to unpaid work with:

- (a) A private, nonprofit organization;
- (b) A community or technical college;
- (c) A federal, state, local or tribal government or district;

or

(d) Any entity providing an internship or practicum as described in WAC 388-310-1000 (2)(b).

(2) What happens when I am enrolled in a work experience activity?

When you are enrolled in a work experience activity:

(a) The organization, government or district that is supervising your work experience position must comply with all applicable state and federal health and safety standards while you are working there.

(b) You may be required to look for work on your own and must accept any paid employment you find that meets the criteria in WAC 388-310-1500.

(3) How long does a work experience assignment last?

Your case manager must review your work experience assignment if it lasts longer than six months. This review will determine whether you need more time to learn the skills and abilities that the work experience assignment was set up to teach you.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.090. 08-07-046, § 388-310-1100, filed 3/14/08, effective 5/1/08. Statutory Authority: RCW 74.08.090 and 74.04.050. 99-10-027, § 388-310-1100, filed 4/28/99, effective 5/29/99; 97-20-129, § 388-310-1100, filed 10/1/97, effective 11/1/97.]

WAC 388-310-1200 WorkFirst—On-the-job training. (1) What is on-the-job training?

On-the-job training (sometimes called OJT) is skills training provided by an employer at the their place of business. You are paid to both work and spend some time learning new skills to help you do your job better. You may receive the training at your job site or be sent to a classroom (using "release time" from your job) to get some of this training.

(2) When do I qualify for on-the-job training?

You may qualify for on-the-job employment if:

(a) You lack skills which are in demand in the local labor market; and

(b) There are employers in your area who can and will provide the training.

(3) Is my employer reimbursed for giving me on-the-job training?

Your employer may be reimbursed for giving you on-the-job training for up to fifty percent of your total gross wages for regular hours of work and preapproved release time for training.

[Statutory Authority: RCW 74.08.090 and 74.04.050. 99-10-027, § 388-310-1200, filed 4/28/99, effective 5/29/99; 97-20-129, § 388-310-1200, filed 10/1/97, effective 11/1/97.]

WAC 388-310-1300 Community jobs. (1) What is the community jobs program?

Community jobs is a paid work experience that assists you to gain work skills and experience. You are placed in a community job (up to twenty hours per week) where your wages are paid by the community jobs program. If you participate in the program, you are eligible for support services that assist you in moving into a job where your employer pays all your wages.

(2) What is career jump?

Career jump offers job-ready community jobs participants an opportunity to gain paid work experience that leads to a permanent job. This program is a subset of community jobs and will be referred to as such. Career jump places you in a part time (up to twenty hours per week), community job where your earnings are paid by the community jobs program, for up to five months, at which time you will transition to the employer's payroll. You will be provided with support services to assist you in retaining your job through the ninth month of the program. At or before the fifth month, the employment opportunity will be above minimum wage, thirty-two or more hours per week and include wage progression and benefits comparable to other employees.

(3) Who administers the community jobs program?

The state department of community, trade, and economic development (DCTED) administers the community jobs program. DCTED contract with local agencies throughout the state, known as community jobs contractors who develop and manage the community jobs positions, pay the wages, provide support services and act as the "employer of record" while you are enrolled in a community job.

(4) What types of work sites are used to provide community jobs?

The following work sites may be used to provide community jobs:

- (a) Federal, state or local governmental agencies and tribal governments;
- (b) Private and tribal nonprofit businesses, organizations and educational institutions;
- (c) Private for profit businesses for career jump placements.

(5) What are the requirements for the work sites?

Work sites for community jobs and career jump:

(a) Must assist in strengthening work ethics, improve workplace skills and help you gain skills to move into a job where the employer pays all your wages. If they do not meet

this requirement, they will not be considered for additional community jobs/career jump placements.

(b) We will follow the employment rules described in WAC 388-310-1500. In any situation where training is inconsistent with the terms of a collective bargaining agreement, your community jobs contractor will obtain written approval from the labor organization concerned. Career jump employers will remain neutral with regard to neutralization in the worksite.

(c) You will not be required to do work related to religious, electoral or partisan political activities.

(6) What are the benefits of community jobs?

You benefit from community jobs by:

(a) Learning work skills;

(b) Getting work experience;

(c) Working twenty hours per week, while being paid federal or state minimum wage, whichever is higher; and

(d) Earning paid personal leave as determined by DCTED.

(7) How do I get into community jobs?

You will be placed into community jobs after you and your DSHS case manager decide:

(a) You would benefit from community jobs after you have participated in job search without finding a job; and/or

(b) You need a supportive work environment to help you become more employable.

(8) What happens after I am placed in the community jobs program?

When you are placed in the community jobs program by DSHS:

(a) You will be assigned to a community job by the community jobs contractor for no more than nine months. You will work twenty hours a week and participate in other unpaid activities for twelve to twenty additional hours per week;

(b) Your placement in community jobs will be reviewed by your DSHS case manager every three months during your nine-month placement for the following:

(i) To ensure you are TANF/SFA eligible; and

(ii) To verify any earned or unearned income received by you or another member of your assistance unit (that is, you and other people in your household who are included on your cash grant).

(c) Your community jobs contractor will review your case each month to ensure you are following your IRP and IDP, participating full time, and becoming more employable because of your community job;

(d) If you request a different community jobs placement, we do not consider your request a refusal to participate without good cause under WAC 388-310-1600. You may be asked to explain why you want a different placement;

(e) Grievance policies are in place for your protection. You will be required to sign an acknowledgment that you received a copy of this policy at the time of placement with the employer.

(9) How does community jobs affect my TANF benefits?

The amount of your TANF/SFA monthly grant will be determined by following the rules in WAC 388-450-0050 and 388-450-0215 (1), (3), (4), (5) and (6). WAC 388-450-0215(2), does not apply to your community jobs wages.

(10) What can I expect from my career jump placement?

(a) You cannot represent more than ten percent of the total labor force for an employer that has ten or more employees.

(b) No more than one community jobs participant shall be allowed per private for profit worksite supervisor.

(c) You will participate in developing a career progression plan that will include health care benefits comparable to other employees.

(d) You may be eligible for unemployment benefits if you have participated in community jobs' career jump and have worked at least six hundred eighty hours in a base year. You will gain unemployment insurance credits for all hours worked under your career jump placement.

(e) Your employer and your community jobs contractor will be required to follow DCTED's contractual agreements for career jump.

[Statutory Authority: RCW 74.08.090, 74.04.050, 74.08A.330, and 74.08A.320. 02-20-073, § 388-310-1300, filed 9/30/02, effective 10/1/02. Statutory Authority: RCW 74.08.090 and 74.04.050. 99-08-051, § 388-310-1300, filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 74.08.090, 74.04.050 and 74.08A.320. 98-10-054, § 388-310-1300, filed 4/30/98, effective 5/31/98.]

WAC 388-310-1400 WorkFirst—Community service. (1) What is community service?

Community service is unpaid work (such as the work performed by volunteer workers) that you perform for a charitable nonprofit organization, federal, state, local or tribal government or district, including traditional activities that perpetuate tribal culture and customs.

(2) What other activities may be approved, even though they are not considered community service, because they benefit me, my family, my community or my tribe and might be included in my individual responsibility plan?

The following types [of] activities may be approved, even though they are not considered community service, because they benefit you, your family, your community or your tribe and might be included in your individual responsibility plan:

(a) Caring for a disabled family member;

(b) Caring for a child, if you are fifty-five years old or older and receiving TANF or SFA assistance for the child as a relative (instead of as the child's parent);

(c) Providing childcare for another WorkFirst participant who is doing community service;

(d) Actively participating in a drug or alcohol assessment or treatment program which is certified or contracted by the state under chapter 70.96A RCW;

(e) Participating in family violence counseling or drug or alcohol treatment that will help you become employable or keep your job (this is called "specialized services" in state law);

(f) Participating in the pregnancy to employment pathway; and/or

(g) Job preparation.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.090. 08-07-046, § 388-310-1400, filed 3/14/08, effective 5/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 05-13-030, § 388-310-1400, filed 6/3/05, effective 7/4/05. Statutory Authority: RCW 74.08.090, 74.04.-050. 00-06-062, § 388-310-1400, filed 3/1/00, effective 3/1/00; 99-10-027, §

388-310-1400, filed 4/28/99, effective 5/29/99; 97-20-129, § 388-310-1400, filed 10/1/97, effective 11/1/97.]

WAC 388-310-1450 Pregnancy to employment. (1) How do I know if I am eligible to participate in pregnancy to employment?

If you are on TANF/SFA and are pregnant or have a child under the age of one year, you are a participant in the pregnancy to employment pathway.

(2) What services are provided to the pregnancy to employment pathway?

(a) The pregnancy to employment pathway provides you with services, when available in your community, to help you learn how to work, look for work, or prepare for work while still meeting your child's needs. You and your case manager or social worker will decide which variety of services you need such as:

- (i) Parenting education or parenting skills training;
- (ii) Safe and appropriate child care;
- (iii) Mental health treatment;
- (iv) Chemical dependency treatment;
- (v) Domestic violence services; or
- (vi) Employment services.

(b) The case manager or social worker will contact you every three months to offer you services if you are not required to participate and choose to claim the infant exemption.

(3) What am I required to do while I am in the pregnancy to employment pathway?

You must participate in an assessment with a DSHS social worker and based on the results you will:

(a) Work with your case manager/social worker to decide which required activities best meet your needs. These activities will depend on where you are in the pregnancy or the age of your child and will be added to your individual responsibility plan (IRP).

(b) Be required to participate in the activities identified in your IRP.

(4) What am I required to do while I am pregnant?

Based upon the results of your assessment, your participation:

(a) During your first and second trimester of pregnancy will be full-time work, looking for work, or preparing for work unless you have a good reason to participate fewer hours (see WAC 388-310-1600).

(b) During your third trimester of pregnancy will be up to twenty hours per week in mental health and/or chemical dependency treatment if:

- (i) The comprehensive evaluation or assessment indicates a need; and
- (ii) Services are available in your community.

(5) What am I required to do after my child is born?

After the birth of your child, you may choose to take the infant exemption (See WAC 388-310-0300) or volunteer to participate in WorkFirst activities to the fullest of your abilities (see WAC 388-310-0400).

(6) What if I have used my twelve-month lifetime infant exemption?

If you have another child after using all twelve months of the infant exemption, you will be:

(a) Eligible for a twelve-week postpartum deferral period to personally take care of an infant less than twelve weeks of age. During the twelve-week postpartum deferral period, you will be required to participate up to twenty hours per week in mental health and/or chemical dependency treatment if the comprehensive evaluation or assessment indicates a need and services are available in your community.

(b) Required (unless otherwise exempt or you have good reason to participate fewer hours) to participate full-time, once your child turns twelve-weeks old. Activities in which you are required to participate include one or more of the following:

- (i) Work;
- (ii) Looking for work; or
- (iii) Preparing for work by participating in a combination of activities based upon the results of your assessment.

(7) Will I be sanctioned if I refuse to participate?

(a) You are required to participate in the WorkFirst program (see WAC 388-310-0200) subject to sanction (see WAC 388-310-1600) unless you have good reason and you:

- (i) Are in your third trimester of pregnancy; or
- (ii) Have not used up your twelve-month lifetime infant exemption and have a child under the age of one year; or
- (iii) Have used up your twelve-month lifetime infant exemption and have a child under twelve weeks.

(b) You may be sanctioned if you stop participating in required mental health and/or chemical dependency treatment even if you are in your third trimester, claiming the infant exemption, or using a twelve-week postpartum deferral period.

[Statutory Authority: RCW 74.04.050, 74.08.090, 74.04.055 and 2007 c 289, 08-02-055, § 388-310-1450, filed 12/28/07, effective 2/1/08. Statutory Authority: RCW 74.08.090, 74.04.050, 02-14-087, § 388-310-1450, filed 6/28/02, effective 7/29/02; 00-06-062, § 388-310-1450, filed 3/1/00, effective 3/1/00.]

WAC 388-310-1500 WorkFirst—Employment conditions. (1) If I am a mandatory participant, are there any limitations on the type of paid or unpaid employment I must accept?

If you are a mandatory participant, you must accept paid or unpaid employment (including any activity in which an employer-employee relationship exists) unless the employment:

- (a) Is not covered by industrial insurance (described in state law under Title 51 RCW) unless you are employed by a tribal government or a tribal private for-profit business;
- (b) Is available because of a labor dispute;
- (c) Has working hours or conditions that interfere with your religious beliefs or practices (and a reasonable accommodation cannot be made);
- (d) Does not meet federal, state or tribal health and safety standards; or
- (e) Has unreasonable work demands or conditions, such as working for an employer who does not pay you on schedule.

(2) Are there any additional limitations on when I can be required to accept paid employment?

You must accept paid employment unless the job or the employer:

(a) Pays less than the federal, state, or tribe minimum wage, whichever is higher;

(b) Does not provide unemployment compensation coverage (described in state law under Title 50 RCW) unless you:

(i) Work for a tribal government or tribal for-profit business; or

(ii) Are a treaty fishing rights related worker (and exempt under section 7873 of the Internal Revenue code);

(c) Requires you to resign or refrain from joining a legitimate labor organization; or

(d) Does not provide you benefits that are equal to those provided to other workers employed in similar jobs.

(3) How many hours of unpaid employment can I be required to perform?

You can be required to work a set number of hours of unpaid employment each month. The number of hours required will not be more than your TANF, SFA or GA-S cash grant plus Basic Food benefits, divided by the state minimum wage.

(4) What safeguards are in place to make sure I am not used to displace currently employed workers?

The following safeguards are in place to make sure you are not used to displace currently employed workers:

(a) You cannot be required to accept paid or unpaid employment which:

(i) Results in another employee's job loss, reduced wages, reduced hours of employment or overtime or lost employment benefits;

(ii) Impairs existing contracts for services or collective bargaining agreements;

(iii) Puts you in a job or assignment, or uses you to fill a vacancy, when:

(A) Any other person is on lay off from the same (or very similar) job within the same organizational unit; or

(B) An employer ends the job of a regular employee (or otherwise reduces its workforce) so you can be hired.

(iv) Reduces current employees' opportunities for promotions.

(b) If a regular employee believes your subsidized or unpaid work activity (such as a community jobs or work experience position) violates any of the rules described above, this employee (or his or her representative) has the right to:

(i) A grievance procedure (described in WAC 388-426-0005); and

(ii) A fair hearing (described in chapter 388-02 WAC).

(5) What other rules apply specifically to subsidized or on-the-job training positions?

If you are in a subsidized or on-the-job training position:

(a) WorkFirst state agencies must stop paying your wage or on-the-job training subsidy to your employer if your employer's worksite or operation becomes involved in a strike, lockout or bona fide labor dispute.

(b) If your wage subsidy or on-the-job training agreement is ended (and we stop paying any subsidies to your employer) because you were used to displace another employee, it will be up to you and the employer to decide whether you can (or want to) keep working there.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.090. 08-07-046, § 388-310-1500, filed 3/14/08, effective 5/1/08. Statutory Authority: RCW

(2009 Ed.)

74.04.050, 74.04.055, 74.04.057. 04-05-010, § 388-310-1500, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.08.090 and 74.04.050. 99-10-027, § 388-310-1500, filed 4/28/99, effective 5/29/99; 97-20-129, § 388-310-1500, filed 10/1/97, effective 11/1/97.]

WAC 388-310-1600 WorkFirst—Sanctions. (1) What WorkFirst requirements do I have to meet?

You must do the following when you are a mandatory WorkFirst participant:

(a) Give the department the information we need to develop your individual responsibility plan (IRP) (see WAC 388-310-0500);

(b) Show that you are participating fully to meet all of the requirements listed on your individual responsibility plan;

(c) Go to scheduled appointments listed in your individual responsibility plan;

(d) Follow the participation and attendance rules of the people who provide your assigned WorkFirst services or activities; and

(e) Accept available paid employment when it meets the criteria in WAC 388-310-1500.

(2) What happens if I don't meet WorkFirst requirements?

(a) If you do not meet WorkFirst requirements, we will send you a letter telling you what you did not do.

(b) You will have ten days to contact us so we can talk with you about the situation. You can contact us in writing, by phone, by going to the appointment described in the letter, or by asking for an individual appointment.

(c) If you do not contact us within ten days, we will make sure you have been screened for family violence and other barriers to participation. We will use existing information to decide whether:

(i) You were unable to do what was required; or

(ii) You were able, but refused, to do what was required.

(d) If you had a good reason not to do a required activity we will work with you and may change the requirements in your individual responsibility plan if a different WorkFirst activity would help you move towards independence and employment sooner. If you have been unable to meet your WorkFirst requirements because of family violence, you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate services.

(e) Before you are placed in sanction:

(i) We will have a case staffing which is a meeting with you, your case manager and other people involved in your case to review your situation and make plans. At your case staffing, we will ensure you were offered the opportunity to participate, discuss what happens if you stay in sanction, discuss how participation helps you and your family and discuss how to end your sanction. You will be notified when your case staffing is going to happen so you can attend. You can invite anyone you want to come with you to your case staffing.

(ii) Effective September 1, 2006, supervisory staff will review your case and must approve the sanction.

(f) If you are sanctioned, we will actively attempt to contact you another way so we can talk to you about the benefits of participation and how to end your sanction.

[Title 388 WAC—p. 833]

(3) What is considered a good reason for not being able to do what WorkFirst requires?

You have a good reason if it was not possible to do what WorkFirst requires (or get an excused absence, described in WAC 388-310-0500(5)) due to a significant problem or event outside your control. Some examples of good reasons include, but are not limited to:

(a) You had an emergent or severe physical, mental or emotional condition, confirmed by a licensed health care professional that interfered with your ability to participate;

(b) You were threatened with or subjected to family violence;

(c) You could not locate child care for your children under thirteen years that was:

(i) Affordable (did not cost you more than your copayment would under the working connections child care program in chapter 170-290 WAC);

(ii) Appropriate (licensed, certified or approved under federal, state or tribal law and regulations for the type of care you use and you were able to choose, within locally available options, who would provide it); and

(iii) Within a reasonable distance (within reach without traveling farther than is normally expected in your community).

(iv) You could not locate other care services for an incapacitated person who lives with you and your children.

(d) You had an immediate legal problem, such as an eviction notice; or

(e) You are a person who gets necessary supplemental accommodation (NSA) services under chapter 388-472 WAC and your limitation kept you from participating. If you have a good reason because you need NSA services, we will review your accommodation plan.

(4) What if we decide that you did not have a good reason for failing to meet WorkFirst requirements?

If we decide that you did not have a good reason for failing to meet WorkFirst requirements, we will send you a letter that tells you:

(a) What you failed to do;

(b) That you are in sanction status;

(c) Penalties that will be applied to your grant;

(d) When the penalties will be applied;

(e) How to request a fair hearing if you disagree with this decision; and

(f) How to end the penalties and get out of sanction status.

(5) What is sanction status?

When you are a mandatory WorkFirst participant, you must follow WorkFirst requirements to qualify for your full grant. If you or someone else on your grant doesn't comply and you can't prove that you had a good reason, you do not qualify for your full grant. This is called being in WorkFirst sanction status.

(6) Are there penalties when you or someone in my household goes into sanction status?

(a) When someone in your household is in sanction status, we impose penalties. The penalties last until you or the household member meet WorkFirst requirements.

(b) Your grant is reduced by the person(s) share or forty percent, whichever is more.

(7) How do I end the penalties and get out of sanction status?

To stop the penalties and get out of sanction status:

(a) You must provide the information we requested to develop your individual responsibility plan; and/or

(b) Start and continue to do your required WorkFirst activities for four weeks in a row (that is, twenty-eight calendar days).

(c) When you leave sanction status, your grant will be restored to the level for which you are eligible beginning the first of the month following your four weeks of participation. For example, if you finished your four weeks of participation on June 15, your grant would be restored on July 1.

(8) What if I reapply for TANF or SFA and I was in sanction status when my case closed?

(a) If your case closes while you are in sanction status and is reopened in six months or less, you will start out in sanction.

(b) Effective September 1, 2006, if you come back in sanction, you will start out where you left off in sanction. (That is, if you left off in month three of sanction, you will come back on in month four of sanction.)

(c) If your case has been closed for more than six months, you will not be in sanction status if your case is reopened.

(9) What happens effective September 1, 2006 if I stay in sanction status? Effective September 1, 2006, if you stay in sanction status:

(a) Unless you are a dependent child age sixteen or older, your case manager will review your record after you have been in sanction for at least three months in a row to make sure:

(i) You knew what was required;

(ii) You were told how to end your sanction;

(iii) We tried to talk to you and to encourage you to participate; and

(iv) You were given a chance to tell us if you were unable to do what we required.

(b) Your case manager will invite you to a noncompliance sanction case staffing.

(i) You will be notified when your noncompliance sanction case staffing is going to happen so you can attend.

(ii) Your case manager will also invite other people who are working with your family to your noncompliance sanction case staffing, like representatives from tribes, community or technical colleges, employment security, the children's administration or limited-English proficient (LEP) pathway providers.

(iii) You can invite anyone you want to come with you to your case staffing.

(c) At your noncompliance sanction case staffing, we will discuss with you:

(i) How you and your family benefit when you participate in WorkFirst activities;

(ii) How you can participate, and get out of sanction;

(iii) That if you continue to refuse to participate, without good cause, a sanction review panel may review your case, and decide to close your case after you have been in sanction status for six months in a row.

(iv) How you plan to care for and support your children if a sanction review panel closes your case. We will also dis-

cuss the safety of your family, as needed, using the guidelines under RCW 26.44.030; and

(v) How to reapply if a sanction review panel closes your case.

(d) If you do not come to your noncompliance sanction case staffing, we will make a decision based on the information we have. We will also attempt to visit you at your home so you have another chance to talk to us about the benefits of participation and how to end your sanction.

(e) If we decide you are refusing to participate without a good reason:

(i) We will send you information about resources you may need if a sanction review panel closes your case;

(ii) We will send information to a sanction review panel with a recommendation to close your case. We will only do this after a community services office administrator reviews your case to make sure the sanction is appropriate and we tried to reengage you in the program; and

(iii) The sanction review panel will review your case and make the final decision.

(10) What is a sanction review panel?

(a) The sanction review panel is a small group of people who are independent of your local community services office and do a thorough, objective review of your sanction.

(b) The sanction review panel makes the final decision about whether to close your case after receiving a recommendation from your case manager and reviewing your case to make sure the original sanction was appropriate and we made attempts to reengage you in the program.

(11) What happens when a sanction review panel decides to close my case?

When a sanction review panel decides to close your case, we will send you a letter to tell you:

(a) What you failed to do;

(b) When your case will be closed;

(c) How to request a fair hearing if you disagree with this decision;

(d) How to end your penalties and keep your case open (if you are able to participate for four weeks in a row before we close your case); and

(e) How your participation before your case is closed can be used to meet the participation requirement in subsection (12).

(12) What if I reapply for TANF or SFA after a sanction review panel closed my case?

(a) If a sanction review panel closes your case and you apply within six months, you must participate for four weeks in a row before you can receive cash. Once you have met your four week participation requirement, your cash benefits will start, going back to the date we had all the other information we needed to make an eligibility decision.

(b) You will not be required to participate for four weeks in a row before you receive cash if you apply after your case has been closed for six months or longer.

(13) What if my TANF or SFA is closed by a sanction review panel, reopened and I go into sanction again?

(a) When a sanction review panel closes your case, and we reopen your case, we will follow all steps in subsection (9) of this section (like the case review and the noncompliance case staffing) during your second month of sanction.

(b) The sanction review panel may close your case after you are in sanction status for three months in a row.

(c) If your case is closed, and you reapply, we will follow the rules in subsection (12) of this section to reopen your case.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 34.05.310 (4)(c). 08-15-136, § 388-310-1600, filed 7/22/08, effective 8/22/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.500, 74.04.510, 74.08.090. 07-09-081, § 388-310-1600, filed 4/17/07, effective 6/1/07. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.260, chapter 74.08A RCW. 06-10-035, § 388-310-1600, filed 4/27/06, effective 6/1/06. Statutory Authority: RCW 74.08.090, 74.04.050, and 74.08A.340. 04-07-025, § 388-310-1600, filed 3/8/04, effective 5/1/04. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-15-067, § 388-310-1600, filed 7/11/02, effective 8/1/02. Statutory Authority: RCW 74.08.090 and 74.04.050. 99-10-027, § 388-310-1600, filed 4/28/99, effective 5/29/99; 98-23-037, § 388-310-1600, filed 11/10/98, effective 12/11/98; 97-20-129, § 388-310-1600, filed 10/1/97, effective 11/1/97.]

WAC 388-310-1700 WorkFirst—Self-employment.

(1) What is self-employment?

When you work for yourself and do not have an employer, you are self-employed.

(2) When can I be deferred from job search to pursue self-employment?

(a) To be deferred from job search for self-employment, you must meet all the conditions below:

(i) You must be working at least thirty-two hours a week at your business;

(ii) Your business must generate income for you that is equal to the federal minimum wage times thirty-two hours per week after your business expenses are subtracted.

(iii) Your case manager will refer you to a local business resource center, and they must approve your self-employment plan;

(b) If you do not meet all these conditions, you can still be self-employed, but you will also need to participate in job search or other WorkFirst activities.

(3) What self-employment services can I get?

If you are a mandatory participant and have an approved self-employment plan in your individual responsibility plan, you may get the following self-employment services:

(a) A referral to community resources for technical assistance with your business plan.

(b) Small business training courses through local community organizations or technical and community colleges.

(c) Information on affordable credit, business training and ongoing technical support.

(4) What support services may I receive?

If you have an approved self-employment plan in your individual responsibility plan all support services are available.

(5) Can I get childcare?

Childcare is available if you have an approved self-employment plan in your individual responsibility plan. (See chapter 388-290 WAC for working connections child care rules.)

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.08.090. 08-07-046, § 388-310-1700, filed 3/14/08, effective 5/1/08. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-15-067, § 388-310-1700, filed 7/11/02, effective 8/1/02. Statutory Authority: RCW 74.08.090 and 74.04.050. 99-10-027, § 388-310-1700, filed 4/28/99, effective 5/29/99; 97-20-129, § 388-310-1700, filed 10/1/97, effective 11/1/97.]

WAC 388-310-1800 WorkFirst—Post employment services. (1) **What is the purpose of post employment services?**

Post employment services help low-income parents who are working twenty hours or more a week keep and cope with their current jobs, look for better jobs, gain work skills for a career and become self sufficient.

(2) **How do I obtain post employment services?**

(a) You can obtain post employment services by:

- (i) Asking for a referral from the local community service office;
- (ii) Contacting community or technical colleges; or
- (iii) Contacting the employment security department. Employment security department staff may also telephone you if you got a job while you were on TANF or SFA to see if you are interested in receiving these services.

(b) You may qualify for different services (from various state or federal programs) depending on whether you:

- (i) Are a mandatory participant (that is, you currently receive TANF or SFA benefits);
- (ii) Used to receive TANF or SFA benefits; or
- (iii) Have never been on TANF or SFA.

(3) **Who provides post employment services and what kind of services do they provide?**

(a) The employment security department can help you increase your wages, increase your job skills or find a better job by providing you with:

- (i) Employment and career counseling;
- (ii) Labor market information;
- (iii) Job leads for a better job (sometimes called job development);
- (iv) On the job training;
- (v) Help with finding a job that matches your interests, abilities and skills (sometimes called job matching); and
- (vi) Help with finding a new job after job loss (sometimes called reemployment).

(b) Any Washington state technical and community college can approve a skill-training program for you that will help you advance up the career ladder. Their staff will talk to you, help you decide what training would work best for you and then help you get enrolled in these programs. The college may approve the following types of training for you at any certified institution:

- (i) High school/GED,
- (ii) Vocational education training,
- (iii) Job skills training,
- (iv) Adult basic education,
- (v) English as a second language training, or
- (vi) Preemployment training.

(4) **What other services are available while you receive post employment services?**

While you receive post employment services, you may qualify for:

- (a) Working connections childcare if you meet the criteria for this program (described in chapter 170-290 WAC).
- (b) Other support services, such as help in paying for transportation or work expenses.
- (c) Other types of assistance for low-income families such as food stamps, medical assistance or help with getting child support that is due to you and your children.

(5) **Who is eligible for post employment service, support services and childcare?**

You may qualify for post employment services, support services and child care if you are working twenty hours or more a week, and:

- (a) You are current TANF or SFA recipient. You qualify for:
 - (i) All types of post employment services, unless you are in sanction status;
 - (ii) Tuition assistance from the community and technical college system;
 - (iii) WorkFirst support services; and
 - (iv) Working connections childcare.
- (b) You are a former TANF or SFA recipient. You qualify for:
 - (i) Employment retention services (help with keeping a job) for up to twelve months after exiting TANF or SFA.
 - (ii) Wage and skill progression services (help with finding a better job and/or obtaining better wages) for up to twelve months after exiting TANF or SFA.
 - (iii) Tuition assistance or preemployment training from the community and technical college system;
 - (iv) Working connections childcare assistance; and/or
 - (v) WorkFirst support services for up to six months after exiting TANF or SFA.

(c) You are a low wage earner (that is, your family income does not exceed one hundred seventy-five percent of the federal poverty level) who has never received TANF or SFA benefits, and are in a community or technical college-approved skill training program. You may qualify for:

- (i) Tuition assistance or preemployment training from the community and technical college system; or
- (ii) Working connections child care while you are in training or school for up to a total of thirty six months.

(6) **What if I lose my job while I am receiving post employment services?**

If you now receive or used to receive TANF or SFA, help is available to you for up to four weeks so that you can find another job and continue in your approved post employment.

- (a) The employment security department will provide you with reemployment services.
- (b) At the same time, your case manager can approve up to four weeks of support services and childcare for you.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 34.05.310 (4)(c). 08-15-136, § 388-310-1800, filed 7/22/08, effective 8/22/08. Statutory Authority: RCW 74.08.090, 74.04.050, 74.08A.340, and 2003 c 10 § 207. 03-21-154, § 388-310-1800, filed 10/22/03, effective 10/27/03. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-15-067, § 388-310-1800, filed 7/11/02, effective 8/1/02. Statutory Authority: RCW 74.08A.340(2), 45 C.F.R. 260.31, RCW 74.08.090, and chapter 74.04 RCW. 00-16-055, § 388-310-1800, filed 7/26/00, effective 8/1/00. Statutory Authority: RCW 74.08.-090 and 74.04.050. 99-10-027, § 388-310-1800, filed 4/28/99, effective 5/29/99; 97-20-129, § 388-310-1800, filed 10/1/97, effective 11/1/97.]

WAC 388-310-1900 WorkFirst—Services for American Indian tribal members and other American Indians.

(1) **When might I be referred to a tribal government?**

Your case manager may refer you to a tribal government when you are an American Indian who applies for or receives TANF assistance, and:

(a) You are in the population and service area identified in a tribal government's federally-approved tribal TANF program; or

(b) The tribal government does not operate its own TANF program, but it works with the local community service office to provide WorkFirst services and activities to meet your needs.

(2) What if I am an American Indian and am not referred to a tribal TANF program or tribal government to receive services?

WorkFirst state agencies and their community partners must give you equitable access to all WorkFirst activities and services.

[Statutory Authority: RCW 74.08.090 and 74.04.050, 99-10-027, § 388-310-1900, filed 4/28/99, effective 5/29/99; 97-20-129, § 388-310-1900, filed 10/1/97, effective 11/1/97.]

WAC 388-310-2000 Individual development accounts (IDA). (1) **What are individual development accounts?**

Individual development accounts (IDAs) are special savings accounts for people eligible for or receiving TANF or SFA. The IDA's will help families save money for qualified purchases that will help them become financially self-sufficient. Your IDA account may only be used for the following qualified purchase: Acquisition cost for a first home, post-secondary education expenses, or business expenses for self-employment. You may only deposit income that you have earned through work into an IDA, the state matches those funds, helping you reach your goal more quickly.

(2) Who helps you set up an IDA?

The state office of trade and economic development (OTED) administers the IDA program. OTED contracts with local nonprofit agencies to enroll participants in the IDA program, monitor account activity and provide training and other support services while you are enrolled.

(3) Who can enroll in the IDA program?

To enroll in the IDA program, you must receive (or be eligible to receive) TANF or SFA assistance, or post TANF families with income below one hundred seventy-five percent of the federal poverty level. You may remain enrolled in the program for three years from the date of opening your IDA account.

(4) What happens once you enroll in the IDA program?

Once you've enrolled, your IDA contractor will help you develop an individual savings plan that identifies the steps you must take to earn the match. To earn the match you must:

(a) Attend financial skills classes to learn how to manage your personal finances.

(b) Open your savings account at a financial institution that is participating in the IDA program through an agreement with the IDA contractor.

(c) Deposit savings from earned income into your account on at least a quarterly basis.

(5) How are your IDA matching funds handled?

Your matching funds are held in a separate account until you are ready to make a qualified purchase. The IDA contractor provides you with monthly statements showing the amount of matching funds you have earned.

(6) How much money can you save with an IDA?

The state will give you up to two dollars for every dollar you save, up to a maximum match of four thousand dollars. So, if you save two thousand dollars (the maximum amount allowed), you could earn four thousand dollars in match, for a total of six thousand dollars.

(7) When can you withdraw money from your account?

When you have an IDA, you really have two types of accounts: your own savings account and a trust account holding your match funds.

(a) You can withdraw your own savings at any time - it's your money; but you will forfeit any match that was earned on those funds and could jeopardize your ability to stay in the program. You also need to report any withdrawals to your DSHS case manager if you are receiving any type of public assistance benefits.

(b) You cannot withdraw your match until you are ready to purchase your asset and have met all of the requirements in your individual savings plan. At that time, the IDA contractor will withdraw the matching funds and pay them directly to the person or organization that you are purchasing your asset from (such as the mortgage company, college, or bank).

(8) Will having an IDA affect your eligibility for other public assistance programs?

The funds held in your IDA cannot be taken into consideration when determining if you qualify for TANF, social security, food stamps, or medicaid. However, if you withdraw savings from your IDA other than to purchase your asset, or if you leave the IDA program early, your eligibility could be affected. See WAC 388-470-0045 for more details about how IDAs affect your eligibility for other types of public assistance benefits.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 04-05-010, § 388-310-2000, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.04.050, 74.08.090, 74.08A.220, 01-03-042, § 388-310-2000, filed 1/9/01, effective 2/9/01.]

WAC 388-310-2100 Career services program. (1) **What is the career services program?**

Career services, administered by employment security department, within available funds, provides up to six months of:

- Basic needs payments;
- Wage progression services; and
- Job retention services.

(2) How can I get career services?

(a) To get career services, you must meet the following eligibility requirements:

(i) Be working thirty hours or more per week in a paid unsubsidized job; and

(ii) Not have left temporary assistance for needy families (TANF)/state family assistance (SFA) in sanction status within the previous six months; and

(iii) Be a custodial parent or caretaker relative who:

(A) Received TANF/SFA or diversion cash assistance (DCA) within at least one of the past two calendar months; or

(B) Receives basic food assistance for your family and does not qualify under subsection (A) of this section or does not currently receive cash benefits under the TANF, SFA, refugee, or general assistance programs.

(b) You must also enroll with the employment security department during the following timeframes:

(i) Within the first two calendar months after your TANF/SFA ends; or

(ii) Within the first two calendar months after you received your first diversion cash assistance (DCA) payment; or

(iii) Anytime starting the month after you meet eligibility criteria for career services while receiving basic food. You aren't eligible for career services based on receiving basic food assistance if you have already received career services during the current state fiscal year (July 1 through June 30).

(c) Each adult in your family who meets these conditions and enrolls in the program can receive the payments and services.

(3) What services and payments are available while I am enrolled in the career services program?

The career services program provides wage progression services, job retention services and basic needs payments.

(a) Services include employment planning that will help you keep your job and increase your wages.

(b) As shown in the chart below, cash payments and bonuses are made monthly, for up to six consecutive months after leaving TANF/SFA, receiving DCA, or while receiving Basic Food assistance.

(c) You may receive up to six hundred fifty dollars in cash payments and bonuses over the six-month period following your TANF/SFA case closing, getting your first DCA payment, or while receiving Basic Food assistance.

Program	Enrollment Period	Frequency	Payment Period	Payment & Bonus Amount	Payment Description
TANF/SFA or DCA	<ul style="list-style-type: none"> • First two months after TANF/SFA ends, or • Two months after first DCA payment 	People can enroll the first two months after they: <ul style="list-style-type: none"> • Exit TANF/SFA or • Receive first DCA payment 	Month 1 or 2	\$150.00	One-time enrollment bonus when you sign up for the program.
			Month 1-6 after TANF/SFA ends	\$50.00	Monthly payments begin once you enroll. If you enroll during Month 2, then you are not eligible for the Month 1 payment.
			Month 4 and 6	\$100.00 month 4 \$100.00 month 6	Bonus for completing the career services assessment and employment planning interview.
Basic Food	Any time starting the month after becoming eligible for career services	One time in a fiscal year (July through June)	1st Month	\$150.00	One-time enrollment bonus when you sign up for the program.
			Month 1-6	\$50.00	Monthly payments begin once you enroll.
			Month 4 and 6	\$100.00 month 4 \$100.00 month 6	Bonus for completing the career services assessment and employment planning interview.

(4) How long can I receive career services?

(a) Career services are available for a maximum of six consecutive months. Month one begins the calendar month after your TANF/SFA assistance ends or the calendar month after you receive your first DCA payment.

(b) If you are eligible for career services because you receive basic food assistance, career services are available for a maximum of six consecutive months beginning the month you enroll.

(c) Your career services will stop for any of the following reasons:

(i) The employment security department (ESD) learns you are no longer working thirty hours a week in unsubsidized employment;

(ii) You begin receiving TANF/SFA assistance;

(iii) ESD does not have your current mailing address;

(iv) You are not living in Washington; or

(v) It has been more than six months since your initial DCA payment or since you stopped receiving TANF/SFA or since you enrolled in the career services program because you receive basic food assistance.

(5) What happens if the employment security department learns I am no longer working thirty hours or more per week?

(a) The employment security department will provide you with a letter with at least ten days advance notice that your career services will close. Your career services will stop at the end of the month in which your ten days notice expires. The letter will tell you how to request an administrative hearing if you disagree with the decision.

(b) If you find a new job or increase your hours back up to thirty hours before the end of the month, you will remain eligible for career services payments.

(c) Employment security staff can help you find new employment or work with you to increase your hours of employment.

(6) What happens if I am approved for TANF/SFA assistance while I am receiving career services?

If you start receiving TANF/SFA assistance, the employment security department will provide you with a letter and close your career services case at the end of the month. The

letter will tell you how to request an administrative hearing if you disagree with the decision.

(7) What can I do if I disagree with decisions about career services?

(a) You have the right to request an administrative hearing if you disagree with a decision or action regarding the career services program. For more information, see chapter 388-02 WAC and RCW 74.08.080.

(b) If you receive continued benefits, they will still end when you reach your benefit maximum as outlined under (3)(c) and (4) regardless of any other pending administrative hearing.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.-090, 09-02-029, § 388-310-2100, filed 12/30/08, effective 2/1/09. Statutory Authority: RCW 74.04.050, 74.04.055, 08-16-102, § 388-310-2100, filed 8/5/08, effective 10/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, and 2007 c 522, 07-20-042, § 388-310-2100, filed 9/26/07, effective 10/27/07.]

**Chapter 388-400 WAC
PROGRAM SUMMARY**

WAC

388-400-0005	Who is eligible for temporary assistance for needy families?
388-400-0010	Who is eligible for state family assistance?
388-400-0025	Who is eligible for general assistance-unemployable benefits?
388-400-0030	Who is eligible for refugee cash assistance?
388-400-0035	Refugee medical assistance—Summary of eligibility requirements.
388-400-0040	Am I eligible for benefits through the Washington Basic Food program?
388-400-0045	If I am not eligible for federally-funded benefits through Washington Basic Food program because of my alien status, can I receive state-funded Basic Food?

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

388-400-0015	General assistance for children—Summary of eligibility requirements. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-400-0015, filed 7/31/98, effective 9/1/98.] Repealed by 01-03-121, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1.
388-400-0020	General assistance for pregnant women—General eligibility requirements. [Statutory Authority: RCW 74.04.-005, 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 99-08-050, § 388-400-0020, filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057 and 74.08.090, 98-16-044, § 388-400-0020, filed 7/31/98, effective 9/1/98.] Repealed by 01-07-001, filed 3/7/01, effective 5/1/01. Statutory Authority: RCW 74.04.050, 74.04.057.

WAC 388-400-0005 Who is eligible for temporary assistance for needy families? (1) You can get temporary assistance for needy families (TANF), if you:

(a) Can be in a TANF/SFA assistance unit as allowed under WAC 388-408-0015 through 388-408-0030;

(b) Meet the citizenship/alien status requirements of WAC 388-424-0010;

(c) Live in the state of Washington. A child must live with a caretaker relative, guardian, or custodian who meets the state residency requirements of WAC 388-468-0005;

(d) Do not live in a public institution unless specifically allowed under RCW 74.08.025;

(e) Meet TANF/SFA:

(i) Income requirements under chapter 388-450 WAC;
(ii) Resource requirements under chapter 388-470 WAC;
and

(iii) Transfer of property requirements under chapter 388-488 WAC.

(f) Assign your rights to child support as required under WAC 388-422-0005;

(g) Cooperate with the division of child support (DCS) as required under WAC 388-422-0010 by helping them:

(i) Prove who is the father of children applying for or getting TANF or SFA; and

(ii) Collect child support.

(h) Tell us your Social Security number as required under WAC 388-476-0005;

(i) Cooperate in a review of your eligibility as required under WAC 388-434-0005;

(j) Cooperate in a quality assurance review as required under WAC 388-464-0001;

(k) Participate in the WorkFirst program as required under chapter 388-310 WAC;

(l) Report changes of circumstances as required under WAC 388-418-0005; and

(m) Complete a mid-certification review and provide proof of any changes as required under WAC 388-418-0011.

(2) If you are an adult, you must have an eligible child living with you or you must be pregnant and meet the requirements of WAC 388-462-0010.

(3) If you are an unmarried pregnant teen or teen parent:

(a) Your living arrangements must meet the requirements of WAC 388-486-0005; and

(b) You must attend school as required under WAC 388-486-0010.

(4) In addition to rules listed in subsection (1) of this section, a child must meet the following rules to get TANF:

(a) Meet the age requirements under WAC 388-404-0005; and

(b) Live in the home of a relative, court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis* as required under WAC 388-454-0005; or

(c) If the child lives with a parent or other adult relative that provides care for the child, that adult cannot have used up their sixty-month lifetime limit of TANF or SFA cash benefits as defined in WAC 388-484-0005.

(5) You cannot get TANF if you have been:

(a) Convicted of certain felonies and other crimes under WAC 388-442-0010; or

(b) Convicted of unlawful practices to get public assistance under WAC 388-446-0005 or 388-446-0010.

(6) If you are a client in a household which is eligible for a tribal TANF program, you cannot receive state and tribal TANF in the same month.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 06-13-043, § 388-400-0005, filed 6/15/06, effective 7/17/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 05-14-100, § 388-400-0005, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510 and 2004 c 54, 04-23-027, § 388-400-0005, filed 11/8/04, effective 12/9/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 04-15-057, § 388-400-0005, filed 7/13/04, effective 8/13/04. Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1, 01-03-121, § 388-400-0005, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.-057, 74.08.090, and 74.04.510, 00-05-007, § 388-400-0005, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.-

057 and 74.08.090. 98-16-044, § 388-400-0005, filed 7/31/98, effective 9/1/98.]

WAC 388-400-0010 Who is eligible for state family assistance? (1) To be eligible for state family assistance (SFA), aliens must meet Washington state residency requirements as listed in WAC 388-468-0005 and immigrant eligibility requirements as listed in WAC 388-424-0015.

(2) You are eligible for SFA if you are not eligible for temporary assistance for needy families for the following reasons:

(a) You are a qualified alien and have been in the United States for less than five years as described in WAC 388-424-0006;

(b) You are a alien who is permanently residing in the United States under color of law (PRUCOL) as defined in WAC 388-424-0001;

(c) You are a nineteen or twenty-year-old student that meets the education requirements of WAC 388-404-0005;

(d) You are a caretaker relative of a nineteen or twenty-year-old student that meets the education requirements of WAC 388-404-0005; or

(e) You are a pregnant woman who has been convicted of misrepresenting their residence in order to receive benefits from two or more states at the same time.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.025, 74.08.090 and 21 U.S.C. 862a (d)(1)(A). 05-21-100, § 388-400-0010, filed 10/18/05, effective 11/18/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 04-15-057, § 388-400-0010, filed 7/13/04, effective 8/13/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510. 00-05-007, § 388-400-0010, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-400-0010, filed 7/31/98, effective 9/1/98.]

WAC 388-400-0025 Who is eligible for general assistance-unemployable benefits? (1) You can get general assistance-unemployable (GAU) benefits if you:

(a) Are incapacitated as required under WAC 388-448-0010 through 388-448-0120;

(b) Are at least eighteen years old or, if under eighteen, a member of a married couple;

(c) Are in financial need according to GAU income and resource rules in chapters 388-450, 388-470 and 388-488 WAC;

(d) Meet the general assistance citizenship/alien status requirements under WAC 388-424-0015(2);

(e) Provide a Social Security number as required under WAC 388-476-0005;

(f) Reside in the state of Washington as required under WAC 388-468-0005;

(g) Undergo a treatment and referral assessment as provided under WAC 388-448-0130 through 388-448-0150;

(h) Assign interim assistance as provided under WAC 388-448-0210;

(i) Report changes of circumstances as required under WAC 388-418-0005; and

(j) Complete a mid-certification review and provide proof of any changes as required under WAC 388-418-0011.

(2) You cannot get GAU benefits if:

(a) You are eligible for temporary assistance for needy families (TANF) benefits;

(b) You are eligible for state family assistance (SFA) benefits unless you are not eligible under WAC 388-400-0010;

(c) You have the ability to, but refuse to meet a TANF or SFA eligibility rule;

(d) You are eligible for supplemental security income (SSI) benefits;

(e) You are an ineligible spouse of an SSI recipient; or

(f) Social Security Administration (SSA) denied your application for benefits or terminated your benefits for failing to follow a SSI program rule or application requirement.

(3) We determine who is in your assistance unit according to WAC 388-408-0010.

(4) A "public institution" is an institution that is supported by public funds, and a governmental unit either is responsible for it or exercises administrative control over it. If you live in a public institution, you may be eligible for GAU depending on the type of institution you are in.

(a) If you reside in a public institution and are otherwise eligible for GAU, you may be eligible for general assistance if you are:

(i) A patient in a public medical institution; or

(ii) A patient in a public mental institution and are:

(A) Sixty-five years of age or older; or

(B) Twenty years of age or younger.

(b) You are not eligible for GAU when you are in the custody of or confined in a public institution such as a state penitentiary or county jail including placement:

(i) In a work release program; or

(ii) Outside of the institution including home detention.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 06-13-043, § 388-400-0025, filed 6/15/06, effective 7/17/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510 and 2004 c 54. 04-23-027, § 388-400-0025, filed 11/8/04, effective 12/9/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 04-15-057, § 388-400-0025, filed 7/13/04, effective 8/13/04. Statutory Authority: RCW 74.04.057, 74.08.090. 00-15-017, § 388-400-0025, filed 7/10/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-400-0025, filed 7/31/98, effective 9/1/98.]

WAC 388-400-0030 Who is eligible for refugee cash assistance? (1) To be eligible for refugee cash assistance (RCA), you must:

(a) Provide the name of the voluntary agency (VOLAG) which resettled you;

(b) Meet the immigration status requirements of WAC 388-466-0005;

(c) Meet employment and training requirements of WAC 388-466-0150;

(d) Meet income and resource requirements of WAC 388-466-0140; and

(e) Report changes of circumstances as required under WAC 388-418-0005.

(2) You are not eligible to receive RCA if you:

(a) Are eligible for temporary assistance for needy families (TANF) or Supplemental Security Income;

(b) Have been denied TANF or have been terminated from TANF due to intentional noncompliance with TANF eligibility requirements; or

(c) Are a full-time student in an institution of higher education.

(3) We determine your eligibility and benefit level for RCA using the TANF payment standards under WAC 388-478-0020.

(4) If you are eligible for RCA you may also be eligible for additional requirements for emergent needs under WAC 388-436-0002.

(5) If you meet the requirements of this section you are eligible for refugee cash assistance only during the eight-month period beginning in the first month you entered the United States (WAC 388-466-0120).

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 04-19-135, § 388-400-0030, filed 9/21/04, effective 10/22/04. Statutory Authority: RCW 74.08.090, 74.04.050, 74.08A.320, and 7 C.F.R. § 400.65, § 400.66, § 400.67, § 400.68, and § 400.69, 02-09-051, § 388-400-0030, filed 4/12/02, effective 5/13/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090, 01-06-031, § 388-400-0030, filed 3/2/01, effective 4/1/01; 98-16-044, § 388-400-0030, filed 7/31/98, effective 9/1/98.]

WAC 388-400-0035 Refugee medical assistance—Summary of eligibility requirements. (1) To be eligible for refugee medical assistance (RMA), you must:

(a) Provide the name of the voluntary agency (VOLAG) which resettled you;

(b) Meet the immigration status requirements of WAC 388-466-0005;

(c) Meet monthly income standards up to two hundred percent of federal poverty level (FPL). Spenddown is available for applicants whose income exceeds two hundred percent of FPL (see WAC 388-519-0110);

(d) Receive refugee cash assistance (RCA); or

(e) Be eligible for, but choose not to apply for or receive RCA.

(2) You are not eligible to receive RMA if you are:

(a) Eligible for medicaid; or

(b) A full-time student in institution of higher education unless the educational activity is part of a department-approved employability plan.

(3) Refugee families, including families with children who are United States citizens, are treated as single assistance units according to chapter 388-408 WAC.

(4) If you are meeting the requirements of this section, you are eligible for RMA only during the eight-month period beginning in the first month you entered the United States (see WAC 388-466-0130).

(5) A recipient of RMA whose earned income goes above the income standard remains eligible for RMA benefits until the end of the RMA eligibility period.

(6) A refugee recipient of medicaid, whose eligibility ended due to excess earned income, is transferred to RMA without eligibility determination for the remainder of the RMA eligibility period.

[Statutory Authority: RCW 74.08.090, 74.04.050, 74.08A.320, and 74.20A.310, 01-13-046, § 388-400-0035, filed 6/14/01, effective 7/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-400-0035, filed 7/31/98, effective 9/1/98.]

WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program? The Washington Basic Food program (Basic Food) is a nutrition program to help low-income individuals and families buy food. This rule is a summary of the rules for Basic Food.

(2009 Ed.)

(1) When you apply for Basic Food, we decide who is in your assistance unit (AU) based on the requirements under WAC 388-408-0034 and 388-408-0035.

(2) To be eligible for Basic Food benefits, your AU must meet the eligibility requirements of the most current version of the Food Stamp Act of 1977.

(3) To be eligible for **federal** Basic Food benefits, each AU member must meet the citizenship or alien status requirements for federal benefits as described under WAC 388-424-0020.

(4) An AU member who is not eligible for federal benefits may be eligible for **state-funded** Basic Food benefits if they meet the requirements described under WAC 388-400-0045.

(5) To be eligible for **federal** or **state** Basic Food benefits, each AU member must:

(a) Be a resident of the state of Washington as required under WAC 388-468-0005;

(b) Meet the citizenship or alien status requirements of either WAC 388-424-0020 or 388-424-0025;

(c) Give us their Social Security number as required under WAC 388-476-0005;

(d) Give us proof of identity as required under WAC 388-490-0005;

(e) Participate in the food stamp employment and training program (FSE&T) as required under chapter 388-444 WAC; and

(f) Meet the eligibility criteria for strikers as described under WAC 388-480-0001.

(6) To be eligible for Basic Food, your AU must:

(a) Have countable income at or below gross and net income standards as described under WAC 388-478-0060;

(b) Have countable resources at or below your AU's resource limit under WAC 388-470-0005 unless your AU is categorically eligible under WAC 388-414-0001;

(c) Report changes of circumstances as required under WAC 388-418-0005; and

(d) Complete a mid-certification review and provide proof of any changes if required under WAC 388-418-0011.

(7) If your AU has income under the gross income standard, we deduct certain expenses from your income under WAC 388-450-0185 before we calculate your Basic Food benefits.

(8) If an eligible person in your AU is elderly or disabled, some rules may help your AU to be eligible for Basic Food or to receive more Basic Food benefits. These include:

(a) Resources limits and excluding certain resources under chapter 388-470 WAC;

(b) An excess shelter deduction over the limit set for AUs without an elderly or disabled individual under WAC 388-450-0190;

(c) A deduction for out-of-pocket medical expenses for the elderly or disabled individual if they are over thirty-five dollars a month under WAC 388-450-0200; and

(d) Being exempt from the **gross monthly income** standard under WAC 388-478-0060.

(9) For Basic Food, **elderly** means a person who is age sixty or older;

(10) For Basic Food, **disabled** means a person who:

(a) Receives SSI;

(b) Receives disability payments or blindness payments under Title I, II, XIV, or XVI of the Social Security Act;

(c) Receives disability retirement benefits from a state, local or federal government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(d) Receives disability benefits from the Railroad Retirement Act under sections 2 (a)(1)(iv) and (v) and:

(i) Meets Title XIX disability requirements; or

(ii) Is eligible for medicare.

(e) Receives disability-related medical assistance under Title XIX of the Social Security Act;

(f) Is a veteran and receives disability payments based on one hundred percent disability;

(g) Is a spouse of a veteran and:

(i) Either needs an attendant or is permanently housebound; or

(ii) Has a disability under section 221(i) of the Social Security Act and is eligible for death or pension payments under Title 38 of the USC.

(11) If a person in your AU attends an institution of higher education and does not meet the requirements to be an eligible student under WAC 388-482-0005, we do not count this person as a member of your AU.

(12) If your AU currently receives food benefits under WASHCAP or lives on or near an Indian reservation and receives benefits from a tribal food distribution program approved by Food and Nutrition Service (FNS), your AU is not eligible for food assistance benefits through the Washington Basic Food program.

(13) If an AU member is ineligible for any of the following reasons, we count the ineligible person's income as described under WAC 388-450-0140:

(a) Able-bodied adults without dependents who are no longer eligible under WAC 388-444-0030;

(b) Persons fleeing a felony prosecution, conviction, or confinement under WAC 388-442-0010;

(c) Persons who do not attest to citizenship or alien status as defined in WAC 388-424-0001;

(d) Persons who are ineligible aliens under WAC 388-424-0020;

(e) Persons disqualified for an intentional program violation under WAC 388-446-0015;

(f) Persons who do not provide a Social Security number when required under WAC 388-476-0005; or

(g) Persons who failed to meet work requirements under chapter 388-444 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 06-13-043, § 388-400-0040, filed 6/15/06, effective 7/17/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54. 04-21-025, § 388-400-0040, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 04-15-057, § 388-400-0040, filed 7/13/04, effective 8/13/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54. 04-14-040, § 388-400-0040, filed 6/29/04, effective 7/30/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510. 03-05-028, § 388-400-0040, filed 2/10/03, effective 4/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-400-0040, filed 7/31/98, effective 9/1/98.]

WAC 388-400-0045 If I am not eligible for federally-funded benefits through Washington Basic Food program because of my alien status, can I receive state-

[Title 388 WAC—p. 842]

funded Basic Food? (1) If you are not eligible for federally-funded Basic Food benefits because you do not meet the alien status requirements under WAC 388-424-0020, you may be eligible for state-funded Basic Food if you meet both of the following requirements:

(a) You are a Washington state resident; and

(b) You meet the immigrant eligibility requirements under WAC 388-424-0025.

(2) State-funded Basic Food follows the same eligibility rules as federally-funded Basic Food except for rules related to alien status. A summary of the rules for Basic Food is found in WAC 388-400-0040.

(3) Some assistance units (AUs) may receive a combined benefit of both state and federal Basic Food benefits. Your AU's maximum allotment of Basic Food benefits is found under WAC 388-478-0060.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.-510. 03-05-028, § 388-400-0045, filed 2/10/03, effective 4/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-400-0045, filed 7/31/98, effective 9/1/98.]

Chapter 388-404 WAC

AGE REQUIREMENTS

WAC

388-404-0005	How does a child's age and attendance in school affect their eligibility for TANF and SFA?
388-404-0010	Age requirement for GA-U and ADATSA.
388-404-0015	Definition of elderly person for food and cash assistance programs.

WAC 388-404-0005 How does a child's age and attendance in school affect their eligibility for TANF and SFA? (1) To be eligible for temporary assistance for needy families (TANF) or state family assistance (SFA), a child must be:

(a) Under age eighteen; or

(b) Under age nineteen, and participating full-time in a secondary school program or the same level of vocational or technical training.

(i) "Participating" means the educational or training institution finds that the child:

(A) Meets the school's attendance requirements; and

(B) Is making acceptable progress in finishing the program.

(ii) The educational or training institution sets the definition of "full-time" attendance and the number of classes a child must take.

(iii) A secondary education includes high school, a GED program, and state-approved home schools.

(2) If a child age eighteen or older has already met the requirements to finish the educational program, the child is no longer eligible for TANF or SFA.

(3) If the child does not qualify for assistance under subsection (1) of this section, they may qualify for SFA if the child is under age twenty-one and:

(a) Gets an education due to their disability as stated in RCW 28A.155.020; or

(b) Participates full-time in a secondary education program or an equal level of vocational training as defined in (1)(b) above.

(4) If a child that gets SFA is age nineteen or over, they are not eligible for family medical or SFA-related medical.

[Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-404-0005, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510. 00-05-007, § 388-404-0005, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-404-0005, filed 7/31/98, effective 9/1/98.]

WAC 388-404-0010 Age requirement for GA-U and ADATSA. To be eligible for general assistance - unemployable (GA-U) or the ADATSA program a person must be:

- (1) At least eighteen years of age or older; or
- (2) For GA-U only, if under eighteen years of age, a member of a married couple:
 - (a) Residing together, or
 - (b) Residing apart solely because a spouse is:
 - (i) On a visit of ninety days or less;
 - (ii) In a public or private institution;
 - (iii) Receiving care in a hospital, long-term care facility, or chemical dependency treatment facility; or
 - (iv) On active duty in the uniformed military services of the United States.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-404-0010, filed 7/31/98, effective 9/1/98.]

WAC 388-404-0015 Definition of elderly person for food and cash assistance programs. For food and cash assistance, "elderly person" means a person sixty years of age or older.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-404-0015, filed 7/31/98, effective 9/1/98.]

Chapter 388-406 WAC APPLICATIONS

WAC

388-406-0005	Can I apply for cash, medical, or Basic Food?
388-406-0010	How do I apply for benefits?
388-406-0012	What is the date of my application and how does it affect my benefits?
388-406-0015	Can I get Basic Food right away?
388-406-0021	How does being a migrant or seasonal farmworker affect my application for Basic Food?
388-406-0030	Do I need to submit other information after I apply for benefits?
388-406-0035	How long does the department have to process my application?
388-406-0040	What happens if the processing of my application is delayed?
388-406-0045	Is there a good reason my application for cash or medical assistance has not been processed?
388-406-0050	How do I know when my application is processed?
388-406-0055	When do my benefits start?
388-406-0060	What happens when my application is denied?
388-406-0065	Can I still get benefits even after my application is denied?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-406-0020	Destitute household definition. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-406-0020, filed 7/31/98, effective 9/1/98.] Repealed by 99-24-008, filed 11/19/99, effective 1/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-406-0025	Applicant to provide information needed to determine eligibility. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-

406-0025, filed 7/31/98, effective 9/1/98.] Repealed by 02-11-137, filed 5/21/02, effective 7/1/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

WAC 388-406-0005 Can I apply for cash, medical, or Basic Food? (1) You can apply for any benefit the department offers, including cash assistance, medical assistance, or Basic Food.

(2) You must meet certain eligibility requirements in order to receive a program benefit.

(3) You can apply for someone else if you are:

(a) A legal guardian, caretaker, or authorized representative applying for:

- (i) A dependent child;
- (ii) An incapacitated person; or
- (iii) Someone who is deceased.

(b) Applying for someone who cannot apply for some other reason. We may ask why the applicant is unable to apply on their own behalf.

(4) If you get Supplemental Security Income (SSI), you do not need to apply for medical benefits. We automatically open medical benefits for you.

(5) A person or agency may apply for GAU or medical assistance for you if:

- (a) You temporarily live out-of-state; and
- (b) You are a Washington state resident.

(6) When you are confined or incarcerated in a Washington state public institution, you may apply for cash or medical assistance within forty-five days prior to your expected release date if you meet the following criteria:

(a) You are confined by or in the following public institutions:

- (i) Department of corrections;
- (ii) City or county jail; or
- (iii) Institution for mental diseases (IMD).

(b) Staff at the public institution provide medical records including diagnosis by a mental health professional that you have a mental disorder (as defined in the Diagnostic and Statistical Manual of Psychiatric Disorders, most recent edition) that affects your thoughts, mood or behavior so severely that it prevents you from performing any kind of work.

(7) We will make an eligibility determination for medical assistance prior to your release from confinement and will authorize medical benefits upon your release from confinement when you:

- (a) Meet the criteria of subsection (6) in this section; and
- (b) Were receiving medicaid or general assistance benefits immediately before confinement or within the five years prior to confinement.

(8) If you meet the criteria in subsection (6) but did not receive medicaid or general assistance benefits within the five years prior to confinement, the department will process your request for medical assistance within the time frames in WAC 388-406-0035.

(9) If you are applying for assistance for a youth leaving incarceration in a juvenile rehabilitation administration or county juvenile detention facility, you may apply for assistance within forty-five days prior to release. We will process your application for medical assistance when we receive it, and if eligible, we will authorize medical benefits upon the youth's release from confinement.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.060, 74.08.090, 74.09.555, and 2007 c 359. 08-09-042, § 388-406-0005, filed 4/10/08, effective 5/11/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.09.555. 06-08-047, § 388-406-0005, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.-057, 74.04.510. 03-22-039, § 388-406-0005, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 02-11-137, § 388-406-0005, filed 5/21/02, effective 7/1/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-406-0005, filed 7/31/98, effective 9/1/98. Formerly WAC 388-504-0405 and 388-504-0410.]

WAC 388-406-0010 How do I apply for benefits? (1)

You can apply for cash assistance, medical assistance, or Basic Food by giving us an application form in person, by mail, by fax, or by completing an online application.

(2) If your entire assistance unit (AU) gets or is applying for Supplemental Security Income (SSI), your AU can file an application for Basic Food at the local Social Security administration district office (SSADO).

(3) If you are incapacitated, a dependent child, or cannot apply for benefits on your own for some other reason, a legal guardian, caretaker, or authorized representative can apply for you.

(4) You can apply for cash assistance, medical assistance, or Basic Food with just one application form.

(5) If you apply for benefits at a local office, we accept your application on the same day you come in. If you apply at an office that does not serve the area where you live, we send your application to the appropriate office by the next business day so that office receives your application on the same day we send it.

(6) We accept your application for benefits if it has at least:

(a) For cash and medical assistance combined, the name, address, and signatures of the responsible adult AU members or person applying for you. A minor child may sign if there is no adult in the AU. Signatures must be handwritten, electronic or digital as defined by the department, or a mark if witnessed by another person.

(b) For medical assistance only, the name, address, and signature of the applicant and applicant's spouse or other responsible adult person in the household, if any. In the case of an application for children's medical with caretaker adults in the household, the signature of a caretaker adult member of the household.

(c) For Basic Food, the name, address, and signature of a responsible member of your AU or person applying for you as an authorized representative under WAC 388-460-0005.

(7) As a part of the application process, we may require you to:

(a) Complete an interview if one is required under WAC 388-452-0005;

(b) Meet WorkFirst participation requirements for four weeks in a row if required under WAC 388-310-1600(12);

(c) Give us the information we need to decide if you are eligible as required under WAC 388-406-0030; and

(d) Give us proof of information as required under WAC 388-490-0005 so we can determine if you are eligible.

(8) If you are eligible for necessary supplemental accommodation (NSA) services under chapter 388-472 WAC, we help you meet the requirements of this section.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090. 08-15-059, § 388-406-0010, filed 7/14/08, effective 8/14/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapter 74.08A RCW. 06-10-034, § 388-406-0010, filed 4/27/06, effective 6/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-22-039, § 388-406-0010, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.-050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 02-11-137, § 388-406-0010, filed 5/21/02, effective 7/1/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-406-0010, filed 7/31/98, effective 9/1/98. Formerly WAC 388-504-0405.]

WAC 388-406-0012 What is the date of my application and how does it affect my benefits? The date of your application affects when your benefits start. The date of your application is the date any field office receives your application unless:

(1) Your entire assistance unit gets or applies for Supplemental Security Income (SSI) and applies for Basic Food at the local Social Security office. The date of application is the date Social Security gets your application; or

(2) You apply outside of normal business hours, including applications you submitted online, dropped off, or sent to us by fax. The date of your application is the next business day.

(3) You request Basic Food benefits when you have applied for benefits through another department program, but we have not made a decision on the application. We call this a "pending application." If you ask for Basic Food benefits when you have a pending application for another program:

(a) We use your application for the other program, but we use the date you requested food benefits as your date of application for Basic Food; and

(b) You must provide us the necessary information to determine if you are eligible for Basic Food, even if we did not need this information for the other program.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-22-039, § 388-406-0012, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 02-11-137, § 388-406-0012, filed 5/21/02, effective 7/1/02.]

WAC 388-406-0015 Can I get Basic Food right away? (1) When the department gets your Basic Food application, we look at your circumstances at the time you applied to see if you can get benefits within five calendar days. This is called "expedited service."

(2) To get expedited service, you must provide proof of who you are and meet one of the following conditions:

(a) Have gross monthly income (before taxes), minus exclusions as defined in WAC 388-450-0015, of under one hundred fifty dollars **and** have available cash of one hundred dollars or less; or

(b) Have gross monthly income (before taxes), minus exclusions as defined in WAC 388-450-0015, **plus** available cash of less than your total shelter costs (rent or mortgage and the utility allowance you are eligible for under WAC 388-450-0195); or

(c) Be a destitute migrant or seasonal farm worker household, under WAC 388-406-0021, **and** your household's available cash is one hundred dollars or less.

(3) If you are eligible for expedited service and are not required to have an office interview under WAC 388-452-0005, you can have a telephone interview and still get benefits within five days.

(4) If you are applying for Basic Food, "day one" of your five-day expedited service period starts on the:

- (a) Day after the date you filed your application;
- (b) Date you are released from a public institution; or
- (c) Date of your interview if you:

(i) Waived your expedited interview and we decide you are eligible for expedited service during your rescheduled interview; or

(ii) Were screened as ineligible for expedited service and we later determine you are eligible for the service during your interview.

(5) If you get expedited service, we only require verification of your identity to provide your first benefit issuance within five days. Other required verifications may be postponed.

(6) All postponed verification must be provided for your ongoing eligibility to be determined and any additional benefits to issue. If you applied:

(a) On or before the 15th of the month, we issue one month's benefits and you have up to thirty days from the date of application to give us any postponed verification; or

(b) On or after the 16th of the month, we issue two months' benefits and you have until the end of the second month to give us any postponed verification.

(7) If we can determine ongoing eligibility at your interview and do not need to postpone any required verifications, we will assign you a regular certification period as described in WAC 388-416-0005.

(8) If you have received expedited service in the past, you can get this service again if you meet the requirements listed in subsection (2) above and you:

(a) Gave us all the information we needed to determine ongoing eligibility for your last expedited service benefit period; or

(b) Were certified under normal processing standards after your last expedited certification.

(9) If you reapply for benefits:

(a) Before your certification period ends, you are not eligible for expedited service;

(b) After your certification period ends, your five-day expedited service period is the same as a new application;

(c) While you receive transitional food assistance as described in chapter 388-489 WAC, you are not eligible for expedited service.

(10) If you are denied expedited service, you can ask for a department review of our decision. We review the decision within two working days.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 74.08A.010. 05-22-075, § 388-406-0015, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 03-22-061, § 388-406-0015, filed 11/3/03, effective 12/4/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 20 C.F.R. 416.2130. 02-20-068, § 388-406-0015, filed 9/30/02, effective 10/31/02. Statutory Authority: RCW 74.04.510 and 74.08.090. 01-18-036, § 388-406-0015, filed 8/28/01, effective 10/1/01. Statutory Authority: RCW 74.04.510 and Section 11 (e)(9) of the Food Stamp Act. 00-06-015, § 388-406-0015, filed 2/22/00, effective 4/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-406-0015, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-406-0015, filed 7/31/98, effective 9/1/98.]

(2009 Ed.)

WAC 388-406-0021 How does being a migrant or seasonal farmworker affect my application for Basic Food? The rules in this section apply to Basic Food assistance.

(1) A migrant farmworker is a person who travels away from home on a regular basis, usually with a group of other workers, to seek employment in an agriculturally related activity. A migrant assistance unit is an assistance unit that travels for this purpose.

(2) A migrant assistance unit (AU) is an AU that travels for this purpose.

(3) A seasonal farmworker is a person who:

(a) Does agricultural work on a farm for edible crops; and

(b) Is not required to be away from their permanent place of residence overnight in order to perform this work.

(4) Agricultural work is field work in either planting, cultivating, or harvesting a crop.

(5) We consider your AU a seasonal farmworker AU if it receives its only countable income from:

(a) Seasonal farmwork;

(b) Unemployment compensation between seasons; or

(c) Interest your AU earns on a checking or savings account.

(6) Your migrant or seasonal farmworker is destitute if:

(a) Your AU received your income for the month of application before the date you applied for benefits and the source of this income no longer provides income; or

(b) Your AU's income for the month of application is from a new source and your AU will not receive more than twenty-five dollars during the ten calendar days from the date you applied for benefits.

(7) If someone in your AU changes jobs but still works for the same employer, we consider them to be receiving income from the same source.

(8) If your AU is a migrant or seasonal farmworker AU, and your certification period ends, we do not prorate your benefits for the first month of your new certification period unless your certification period ended more than a month before you turned in your application to recertify your benefits.

(9) If your migrant or seasonal farmworker AU is destitute:

(a) We may exclude some of your income for the month you applied for benefits under WAC 488-450-0230; and

(b) We budget your AU's income for the month you applied for benefits using the anticipating monthly method under WAC 388-450-0215.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-22-039, § 388-406-0021, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-24-008, § 388-406-0021, filed 11/19/99, effective 1/1/00.]

WAC 388-406-0030 Do I need to submit other information after I apply for benefits? (1) When we get your application for benefits, we decide if other information is needed to determine your eligibility for benefits. If so, we give you:

(a) A written request for what is needed and for proof if required under WAC 388-490-0005; and

(b) At least ten calendar days to give us the information.

[Title 388 WAC—p. 845]

(2) If you ask orally or in writing for additional time to give us requested information, then we give you at least ten additional calendar days.

(3) If you give us some of the information we requested, we give you:

(a) A written request for what is needed to determine eligibility; and

(b) At least ten additional calendar days to give us the information.

(4) If you are eligible for necessary supplemental accommodation (NSA) services under chapter 388-472 WAC, we help you comply with the requirements of this section.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 02-11-137, § 388-406-0030, filed 5/21/02, effective 7/1/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-406-0030, filed 7/31/98, effective 9/1/98.]

WAC 388-406-0035 How long does the department have to process my application? (1) We must process your application as quickly as possible. We must respond promptly to your application and to any information you give us. We cannot delay processing your request by using the time limits stated in this section as a waiting period for determining eligibility.

(2) Unless your application is delayed under WAC 388-406-0040, we process your application for benefits within thirty calendar days, except:

(a) If you are pregnant, we must process your application for medical within fifteen working days;

(b) If you are applying for general assistance (GA-U), alcohol or drug addiction treatment (ADATSA), or medical assistance, we must process your application within forty-five calendar days; and

(c) If you are applying for medical assistance that requires a disability decision, we must process your application within sixty calendar days.

(3) For calculating time limits, "day one" is the date following the date:

(a) The department received your application for benefits under WAC 388-406-0010;

(b) Social Security gets a request for food benefits from a Basic Food assistance unit in which all members either get or are applying for Supplemental Security Income (SSI);

(c) You are released from an institution if you get or are authorized to get SSI and request Basic Food through Social Security prior to your release.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-22-039, § 388-406-0035, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 02-11-137, § 388-406-0035, filed 5/21/02, effective 7/1/02. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-406-0035, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-406-0035, filed 7/31/98, effective 9/1/98. Formerly WAC 388-504-0470.]

WAC 388-406-0040 What happens if the processing of my application is delayed? (1) We process your application for benefits as soon as possible. We do not intentionally delay processing your application for benefits for any reason. If we have enough information to decide eligibility for:

(a) Basic Food, we promptly process your request for benefits even if we need more information to determine eligibility for cash or medical;

(b) Medical assistance, we promptly process your request for medical even if we need more information to determine eligibility for cash or Basic Food.

(2) If you have completed your required interview under WAC 388-452-0005 and we have enough information to determine eligibility, then we promptly process your application even if it is after thirty days from the date of your application.

(3) If additional information is needed to determine eligibility, we give you:

(a) A written request for the additional information; and

(b) An additional thirty days to provide the information.

(4) If you fail to keep or reschedule your interview in the first thirty calendar days after filing your application, your application will be denied on the thirtieth day, or the first business day after the thirtieth day. If you are still interested in Basic Food benefits, you will need to reapply. Benefits will be based on your second application date.

(5) If we have not processed your application for Basic Food by the sixtieth day and:

(a) You are responsible for the delay, we deny your request for benefits.

(b) If we are responsible for the delay, we:

(i) Promptly process your request if we have the information needed to determine eligibility; or

(ii) Deny your request if we don't have enough information to determine eligibility. If we deny your request we notify you of your right to file a new application and that you may be entitled to benefits lost.

(6) If you reapply by the sixtieth day of your first application, met your interview requirements under WAC 388-452-0005, and are eligible, we give you benefits lost from:

(a) The date of your first application if we caused the delay in the first thirty days; or

(b) The month following the month of your first application if you caused the delay in the first thirty days.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 07-13-019, § 388-406-0040, filed 6/11/07, effective 7/12/07. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-22-039, § 388-406-0040, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 02-14-023, § 388-406-0040, filed 6/21/02, effective 7/1/02. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-406-0040, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-406-0040, filed 7/31/98, effective 9/1/98. Formerly WAC 388-504-0480.]

WAC 388-406-0045 Is there a good reason my application for cash or medical assistance has not been processed? If your application for cash or medical assistance is not processed within the time limits under WAC 388-406-0035, the department must decide if there is a good reason for the delay. This good reason is also called "good cause."

(1) We do not have a good reason for not processing your application for TANF or SFA within thirty days if:

(a) We did not give or send you a notice of what information we needed to determine your eligibility within twenty days from the date of your application;

(b) We did not give or send you a notice that we needed additional information or action within five calendar days of the date we learned that more information was needed to determine eligibility;

(c) We did not process your application within five calendar days from getting the information needed to decide eligibility; and

(d) We decide good cause exists but do not document our decision in the case record on or before the time limit for processing the application ends.

(2) We do have a good reason for not processing your application timely if:

(a) You do not give us the information or take an action needed for us to determine eligibility;

(b) We have an emergency beyond our control; or

(c) There is no other available verification for us to determine eligibility and the eligibility decision depends on information that has been delayed such as:

(i) Medical documentation;

(ii) For cash assistance, extensive property appraisals; or

(iii) Out-of-state documents or correspondence.

(3) For medical assistance, good cause exists only when the department otherwise acted promptly at all stages of the application process.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 02-14-023, § 388-406-0045, filed 6/21/02, effective 7/1/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-406-0045, filed 7/31/98, effective 9/1/98. Formerly WAC 388-504-0480.]

WAC 388-406-0050 How do I know when my application is processed? (1) You're application is processed when:

(a) We approve or deny benefits; and

(b) We give or send you a letter telling you if you are eligible to get benefits.

(2) Any letters we send you must meet the requirements under chapter 388-458 WAC.

(3) We send you a letter of withdrawal under WAC 388-458-0006 if you voluntarily withdraw an application verbally, in sign language, or in writing.

(4) We send you a letter of denial according to the requirements of WAC 388-406-0060.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 02-14-023, § 388-406-0050, filed 6/21/02, effective 7/1/02. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-406-0050, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-406-0050, filed 7/31/98, effective 9/1/98. Formerly WAC 388-525-2505.]

WAC 388-406-0055 When do my benefits start? The date we approve your application affects the amount of benefits you get. If you are eligible for:

(1) Cash assistance, your benefits start:

(a) The date we have enough information to make an eligibility decision; or

(b) No later than the thirtieth day for TANF, SFA, or RCA; or

(c) No later than the forty-fifth day for general assistance (GAU).

(2) Basic Food, your benefits start from the date you applied unless:

(2009 Ed.)

(a) You are recertified for Basic Food. If you are recertified for Basic Food, we determine the date your benefits start under WAC 388-434-0010;

(b) You applied for Basic Food while living in an institution. If you apply for Basic Food while living in an institution, the date you are released from the institution determines your start date as follows. If you are expected to leave the institution:

(i) Within thirty days of the date we receive your application, your benefits start on the date you leave the institution; or

(ii) More than thirty days from the date we receive your application, we deny your application for Basic Food. You may apply for Basic Food again when your date of release from the institution is closer.

(c) We were unable to process your application within thirty days because of a delay on your part. If you caused the delay, but submit required verification by the end of the second thirty-day period, we approve your benefits starting the first day of the month following the month you applied for benefits. We start your benefits from this date even if we denied your application for Basic Food.

(d) We initially denied your application for Basic Food and your assistance unit (AU) becomes categorically eligible (CE) within sixty days from the date your applied. If your AU becoming CE under WAC 388-414-0001 makes you eligible for Basic Food, the date we approve Basic Food is the date your AU became CE.

(e) You are approved for transitional food assistance under chapter 388-489 WAC. We determine the date transitional benefits start as described under WAC 388-489-0015.

(f) You receive transitional food assistance with people you used to live with, and are now approved to receive Basic Food in a different assistance unit:

(i) We must give the other assistance unit ten days notice as described under WAC 388-458-0025 before we remove you from the transitional food assistance benefits.

(ii) Your Basic Food benefits start the first of the month after we remove you from the transitional benefits. For example, if we remove you from transitional benefits on November 30th, you are eligible for Basic Food on December 1st.

(3) Medical assistance, the date your benefits start is stated in chapter 388-416 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 74.08A.010. 05-19-060, § 388-406-0055, filed 9/16/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-22-039, § 388-406-0055, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 02-14-023, § 388-406-0055, filed 6/21/02, effective 7/1/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-406-0055, filed 7/31/98, effective 9/1/98.]

WAC 388-406-0060 What happens when my application is denied? (1) We (the department) deny your application for cash, medical, or Basic Food benefits if:

(a) You do not show for your interview appointment for cash or Basic Food if required under WAC 388-452-0005, you have not rescheduled, and your application is over thirty days old; or

(b) We do not have the information we need to determine your eligibility within ten days of requesting the information from your assistance unit (AU) under WAC 388-414-0001,

and you did not ask for additional time to give us the information; or

(c) Your entire AU does not meet certain eligibility criteria to get benefits; or

(d) For Basic Food, your application has not been processed by the sixtieth day because of a delay on your part.

(2) If we deny your application, you do not get benefits unless:

(a) You mistakenly apply for benefits you already get; or

(b) We reconsider your eligibility under WAC 388-406-0065 and you are eligible to get benefits.

(3) We can reconsider if you are eligible for benefits under the requirements of WAC 388-406-0065 even after your application is denied.

(4) We give or send a letter to you explaining why your application was denied as required under WAC 388-458-0011.

(5) If you disagree with our decision about your application, you can ask for a fair hearing. If we deny your application because we do not have enough information to decide that you are eligible, the hearing issue is whether you are eligible using:

(a) Information we already have; and

(b) Any more information you can give us.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 03-22-039, § 388-406-0060, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090, 02-14-023, § 388-406-0060, filed 6/21/02, effective 7/1/02. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057 and C.F.R. 273.2(h1d), waiver October 10, 1984. 00-13-076, § 388-406-0060, filed 6/19/00, effective 7/20/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-406-0060, filed 7/31/98, effective 9/1/98. Formerly WAC 388-504-0485.]

WAC 388-406-0065 Can I still get benefits even after my application is denied? (1) If we (the department) deny your application for benefits, we can redetermine your eligibility for benefits without a new application if:

(a) For cash or medical assistance, you give us the information we need within thirty days from the date we denied your application;

(b) You stop participating as required to reopen cash assistance under WAC 388-310-1600(12) due to one of the good reasons described in WAC 388-310-1600(3) or because you get an excused absence, as described in WAC 388-310-0500(5);

(c) For Basic Food, you give us the information we need within sixty days of the date you applied for benefits.

(2) For medical assistance, if the thirty days to reconsider your application under subsection (1) of this section has ended you can still get benefits without a new application if:

(a) You request a fair hearing timely; and

(b) You give us the information needed to determine eligibility and you are eligible.

(3) If you are eligible for cash or Basic Food, we decide the date your benefits start according to WAC 388-406-0055. If you are eligible for medical assistance, we decide the date your benefits start according to chapter 388-416 WAC. For all programs the eligibility date is based on the date of your original application that was denied.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 08-15-011, § 388-406-0065, filed 7/3/08, effective 8/3/08. Statutory Authority:

[Title 388 WAC—p. 848]

RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapter 74.08A RCW. 06-10-034, § 388-406-0065, filed 4/27/06, effective 6/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 03-22-039, § 388-406-0065, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090, 02-14-023, § 388-406-0065, filed 6/21/02, effective 7/1/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-406-0065, filed 7/31/98, effective 9/1/98. Formerly WAC 388-504-0485.]

Chapter 388-408 WAC ASSISTANCE UNITS

WAC

388-408-0005	What is a cash assistance unit?
388-408-0010	Who is in my assistance unit for general assistance?
388-408-0015	Who must be in my assistance unit for temporary assistance for needy families (TANF) or state family assistance (eSFA)?
388-408-0020	When am I not allowed to be in a TANF or SFA assistance unit?
388-408-0025	When can I choose who is in my TANF or SFA assistance unit?
388-408-0030	What children must be in the same TANF or SFA assistance unit?
388-408-0034	What is an assistance unit for Basic Food?
388-408-0035	Who is in my assistance unit for Basic Food?
388-408-0040	How does living in an institution affect my eligibility for Basic Food?
388-408-0045	Am I eligible for Basic Food if I live in a shelter for battered women and children?
388-408-0050	Does the department consider me homeless for Basic Food benefits?
388-408-0055	Medical assistance units.

WAC 388-408-0005 What is a cash assistance unit?

(1) For all sections of this chapter:

(a) **"We"** means the department of social and health services.

(b) **"You"** means a person that is applying for or getting benefits from the department.

(c) **"Assistance unit"** or **"AU"** is the group of people who live together and whose income or resources we count to decide your eligibility for benefits and the amount of benefits you get.

(2) For GA-U, we decide who is in the AU under WAC 388-408-0010.

(3) For TANF or SFA, we decide who is in the AU by taking the following steps:

(a) We start with who must be in the AU under WAC 388-408-0015;

(b) We add those you choose to have in the AU under WAC 388-408-0025; and

(c) We remove those who are not allowed in the AU under WAC 388-408-0020.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 03-17-066, § 388-408-0005, filed 8/18/03, effective 9/18/03. Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-408-0005, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-408-0005, filed 7/31/98, effective 9/1/98.]

WAC 388-408-0010 Who is in my assistance unit for general assistance? (1) If you are an adult that is incapacitated as defined in WAC 388-448-0001, you can be in a GA-U AU;

(2) If you are married and live with your spouse, we decide who to include in the AU based on who is incapacitated:

(a) If you are both incapacitated as defined in WAC 388-448-0001, we include both of you in the same AU.

(b) If only one spouse is incapacitated, we include only the incapacitated spouse in the AU. We count some of the income of the spouse that is not in the AU as income to the AU under WAC 388-450-0135.

[Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-408-0010, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 99-14-045, § 388-408-0010, filed 6/30/99, effective 8/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0010, filed 7/31/98, effective 9/1/98.]

WAC 388-408-0015 Who must be in my assistance unit for temporary assistance for needy families (TANF) or state family assistance (SFA)? If you live with any of the following people, we must include them in your TANF, SFA, or combination TANF/SFA AU:

(1) The child you are applying for and:

(a) The child's full, half or adoptive sibling(s);

(b) The child's natural or adoptive parent(s) or stepparent(s); and

(c) If you are a pregnant minor or minor who is a parent and you live with your parent(s), we include your parent(s) if they:

(i) Need assistance; and

(ii) Provide the primary care for you, your child, or your siblings. We count full, half, or adoptive siblings as your sibling.

(2) If you are pregnant and you do not have a dependent child living with you, we include only you in the AU.

[Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-408-0015, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 99-14-045, § 388-408-0015, filed 6/30/99, effective 8/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0015, filed 7/31/98, effective 9/1/98.]

WAC 388-408-0020 When am I not allowed to be in a TANF or SFA assistance unit? Some people cannot be in an AU for TANF or SFA. This section describes who cannot be in your TANF or SFA AU and how this will affect your benefits.

(1) We do not include the following people in your TANF or SFA AU:

(a) An adopted child if:

(i) The child gets federal, state, or local adoption assistance; and

(ii) Including the child in the AU and counting the adoption assistance income would reduce your AU's benefits.

(b) A minor parent or child who has been placed in Title IV-E, state, or locally-funded foster care unless the placement is a temporary absence under WAC 388-454-0015;

(c) An adult parent in a two-parent household when:

(i) The other parent is unmarried and under the age of eighteen; and

(ii) We decide that your living arrangement is not appropriate under WAC 388-486-0005.

(d) A court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis* (in the place of a parent) if they are not a relative of one of the children in the AU as defined under WAC 388-454-0010; or

(2009 Ed.)

(e) Someone who gets SSI benefits.

(2) If someone that lives with you cannot be in the AU:

(a) We do not count them as a member of the AU when we determine the AU's payment standard; and

(b) We do not count their income unless they are financially responsible for a member of the AU under WAC 388-450-0095 through 388-450-0130.

[Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-408-0020, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510. 00-05-007, § 388-408-0020, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0020, filed 7/31/98, effective 9/1/98.]

WAC 388-408-0025 When can I choose who is in my TANF or SFA assistance unit? If you are a child's parent or other caretaker relative (a relative who cares for the child's basic needs as defined in WAC 388-454-0010), use the table below to find who you may choose to include or exclude in your TANF or SFA AU. If you include a child in your AU, it could cause you to get more or less benefits. If someone is not allowed in the AU under WAC 388-408-0020, you cannot choose to include them in your TANF or SFA AU.

(1) If you are the parent of the child, you may choose whether or not to include:	(a) Yourself in the AU if the child gets SSI; and (b) The child in the AU if: (i) You already receive TANF or SFA; (ii) You are not married to the child's other parent; and (iii) The child lives with both parents.
(2) If you are not the child's parent, and do not live with the parents of the child, you may choose to:	(a) Include yourself if you are a relative defined in WAC 388-454-0010; (b) Include someone else that cares for the child and is a relative defined in WAC 388-454-0010; or (c) Receive a grant for the child only.
(3) If you are the child's parent or caretaker relative, you may choose whether or not to include any of the following children:	(a) Brothers or sisters of a child who gets SSI; (b) Stepsisters and stepbrothers of a child; and (c) Other children that are not the child's brother or sister.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 05-02-017, § 388-408-0025, filed 12/27/04, effective 1/27/05. Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-408-0025, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0025, filed 7/31/98, effective 9/1/98.]

WAC 388-408-0030 What children must be in the same TANF or SFA assistance unit? A child who applies for or gets TANF or SFA must be in the same AU as other children who get TANF or SFA and live with the same:

(1) Caretaker relative;

(2) Court-ordered guardian or court-ordered custodian; or

(3) Adult acting *in loco parentis*.

[Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-408-0030, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0030, filed 7/31/98, effective 9/1/98.]

WAC 388-408-0034 What is an assistance unit for Basic Food? For all sections of this chapter:

"We" means the department of social and health services;

"**You**" means any person applying for or receiving benefits from the department including minor children;

"**Assistance unit**" or "**AU**" is the group of people who live together and whose income and resources we count to decide if you are eligible for benefits and the amount of benefits you get.

"**Boarder**" means a person who:

- (1) We decide pays a reasonable amount for lodging and meals; or
- (2) Is in foster care.

"**Live-in attendant**" means a person who lives in the home and provides medical, housekeeping, childcare, or similar personal services an AU member needs because:

- (1) A member is aged, incapacitated, or disabled;
- (2) A member of the AU is ill; or
- (3) A minor child in the AU needs childcare.

"**Parent**" means a natural, step, or adoptive parent. A stepparent is not a parent to a child if the marriage to the child's natural parent ends due to divorce or death.

A person who lives with you pays a "**reasonable amount**" for meals if:

- (1) You provide two or more meals a day and they pay at least the maximum allotment under WAC 388-478-0060 for their AU size; or
- (2) You provide one meal a day and they pay at least two-thirds the maximum allotment under WAC 388-478-0060 for their AU size.

"**Roomer**" means a person who pays for lodging, but not meals;

A person has a "**separate residence**" from an AU if they have separate living, cooking, and sanitation facilities.

"**Spouse**" means your husband or wife through a legally recognized marriage.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 04-06-025, § 388-408-0034, filed 2/23/04, effective 4/1/04; 03-19-118, § 388-408-0034, filed 9/16/03, effective 11/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510, 01-21-060, § 388-408-0034, filed 10/16/01, effective 12/1/01.]

WAC 388-408-0035 Who is in my assistance unit for Basic Food? (1) For Basic Food, a person must be in your assistance unit (AU) if they live in the same home as you and:

- (a) Regularly buy food or prepare meals with you; or
- (b) You provide meals for them and they pay less than a reasonable amount for meals.

(2) If the following people live with you, they must be in your AU even if you do not usually buy or prepare food together:

- (a) Your spouse;
- (b) Your parents if you are under age twenty-two (even if you are married);
- (c) Your children under age twenty-two;
- (d) The parent of a child who must be in your AU;
- (e) A child under age eighteen who doesn't live with their parent unless the child:
 - (i) Is emancipated;
 - (ii) Gets a TANF grant in their own name; or
 - (iii) Is not financially dependent on an adult in the AU because they get and have control of income of at least the TANF payment standard under WAC 388-478-0020(2) before taxes or other withholdings.

(3) If any of the people in subsections (1) or (2) already receive transitional food assistance under chapter 388-489 WAC, you can only receive benefits if they choose to reapply for Basic Food as described in WAC 388-489-0020.

(4) If you live in an institution where you may be eligible for Basic Food under WAC 388-408-0040, we decide who is in your AU as follows:

(a) If the facility is acting as your authorized representative under WAC 388-460-0015, we include you and anyone who must be in your AU under subsection (2) of this rule; or

(b) If you apply for benefits on your own, we include you, anyone who must be in your AU under subsection (2) of this rule, and other residents you choose to apply with.

(5) Anyone who must be in your AU under subsection (1) or (2) is an ineligible AU member if they:

(a) Are disqualified for an intentional program violation (IPV) under WAC 388-446-0015;

(b) Do not meet ABAWD work requirements under WAC 388-444-0030.

(c) Do not meet work requirements under WAC 388-444-0055;

(d) Do not provide a Social Security number under WAC 388-476-0005;

(e) Do not meet the citizenship or alien status requirements under chapter 388-424 WAC;

(f) Are fleeing a felony charge or violating a condition of parole or probation under WAC 388-442-0010.

(6) If your AU has an ineligible member:

(a) We count the ineligible member's income as part of your AU's income under WAC 388-450-0140;

(b) We count all the ineligible members resources to your AU; and

(c) We do not use the ineligible member to determine your AU's size for the maximum income amount or allotment under WAC 388-478-0060.

(7) If the following people live in the same home as you, you can choose if we include them in your AU:

(a) A permanently disabled person who is age sixty or over and cannot make their own meals if the total income of everyone else in the home (not counting the elderly and disabled person's spouse) is not more than the one hundred sixty-five percent standard under WAC 388-478-0060;

(b) A boarder. If you do not include a boarder in your AU, the boarder cannot get Basic Food benefits in a separate AU;

(c) A person placed in your home for foster care. If you do not include this person in your AU, they cannot get Basic Food benefits in a separate AU;

(d) Roomers; or

(e) Live-in attendants even if they buy or prepare food with you.

(8) If someone in your AU moves out of your home for at least a full issuance month, they are not eligible for benefits as a part of your AU, unless you receive transitional food assistance.

(9) For transitional food assistance, your TFA AU includes the people who were in your Basic Food AU for the last month you received:

(a) Temporary assistance for needy families;

(b) State family assistance; or

(c) Tribal TANF benefits.

(10) If someone received Basic Food or food stamps in another AU or another state, they cannot receive benefits in your AU for the same period of time with one exception. If you already received Basic Food, food stamp, or transitional food assistance benefits:

(a) In another state, you are not eligible for Basic Food for the period of time covered by the benefits you received from the other state; or

(b) In another AU, you are not eligible for Basic Food in a different AU for the same period of time;

(c) In another AU, but you left the AU to live in a shelter for battered women and children under WAC 388-408-0045, you may be eligible to receive benefits in a separate AU.

(11) The following people who live in your home are not members of your AU. If they are eligible for Basic Food, they may be a separate AU:

(a) Someone who usually buys and prepares food separately from your AU if they are not required to be in your AU; or

(b) Someone who lives in a separate residence.

(12) A student who is ineligible for Basic Food under WAC 388-482-0005 is not a member of your AU.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 05-19-061, § 388-408-0035, filed 9/16/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54, 04-14-040, § 388-408-0035, filed 6/29/04, effective 7/30/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 04-06-025, § 388-408-0035, filed 2/23/04, effective 4/1/04; 03-19-118, § 388-408-0035, filed 9/16/03, effective 11/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510, 01-21-060, § 388-408-0035, filed 10/16/01, effective 12/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-408-0035, filed 7/31/98, effective 9/1/98.]

WAC 388-408-0040 How does living in an institution affect my eligibility for Basic Food? (1) For Basic Food, an "institution" means a place where people live that provides residents more than half of three meals daily as a part of their normal services.

(2) Most residents of institutions are not eligible for Basic Food.

(3) If you live in one of the following institutions, you may be eligible for Basic Food even if the institution provides the majority of your meals:

(a) Federally subsidized housing for the elderly;

(b) Qualified drug and alcohol treatment centers when an employee of the treatment center is the authorized representative as described under WAC 388-460-0010;

(c) Qualified DDD group homes for persons with disabilities;

(d) A shelter for battered women and children when the resident left the home that included the abuser; or

(e) Nonprofit shelters for the homeless.

(4) A qualified DDD group home is a nonprofit residential facility that:

(a) Houses sixteen or fewer persons with disabilities as defined under WAC 388-400-0040(6); and

(b) Is certified by the division of developmental disabilities (DDD).

(5) A qualified drug and alcohol treatment center is a residential facility that is:

(a) Authorized as a retailer by the U.S. Department of Agriculture, Food and Nutrition Service; or

(2009 Ed.)

(b) Operated by a private nonprofit organization; and
(c) Certified by the division of alcohol and substance abuse (DASA) as:

(i) Receiving funds under part B of title XIX of the Public Health Service Act;

(ii) Eligible to receive funds under part B of title XIX of the Public Health Service Act, but does not receive these funds; or

(iii) Operating to further the purposes of part B of the Public Health Service Act to provide treatment and rehabilitation of drug addicts or alcoholics.

(6) Elderly or disabled individuals and their spouses may use Basic Food benefits to buy meals from the following meal providers if FNS has approved them to accept Basic Food benefits:

(a) Communal dining facility; or

(b) Nonprofit meal delivery service.

(7) If you are homeless, you may use your Basic Food benefits to buy prepared meals from nonprofit organizations the department has certified as meal providers for the homeless.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 7 U.S.C. 2012 and 7 C.F.R. 273.1. 06-24-024, § 388-408-0040, filed 11/29/06, effective 1/1/07. Statutory Authority: RCW 74.04.050, 74.04.055 [74.04.055], 74.04.057, 74.04.510, 03-19-118, § 388-408-0040, filed 9/16/03, effective 11/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510, 01-21-060, § 388-408-0040, filed 10/16/01, effective 12/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-408-0040, filed 7/31/98, effective 9/1/98.]

WAC 388-408-0045 Am I eligible for Basic Food if I live in a shelter for battered women and children? (1) You may be eligible for Basic Food benefits if you live in a shelter for battered women and children.

(2) If you live in a shelter for battered women and children and you left an assistance unit (AU) that included the abuser, as a separate AU for Basic Food:

(a) You may get additional amount of Basic Food benefits even if you received benefits with the abuser.

(b) The department will decide your eligibility and benefits based on:

(i) The income and resources you have access to; and

(ii) The expenses you are responsible for.

[Statutory Authority: RCW 74.04.050, 74.04.055 [74.04.055], 74.04.057, 74.04.510, 03-19-118, § 388-408-0045, filed 9/16/03, effective 11/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510, 01-21-060, § 388-408-0045, filed 10/16/01, effective 12/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-408-0045, filed 7/31/98, effective 9/1/98.]

WAC 388-408-0050 Does the department consider me homeless for Basic Food benefits? The department considers you as homeless if you do not have a regular nighttime residence or when you stay primarily in a:

(1) Supervised shelter that provides temporary living or sleeping quarters;

(2) Halfway house that provides a temporary residence for persons going into or coming out of an institution;

(3) Residence of another person that is temporary and the client has lived there for ninety days or less; or

(4) A place not usually used as sleeping quarters for humans.

[Title 388 WAC—p. 851]

[Statutory Authority: RCW 74.04.050, 74.04.055 [74.04.055], 74.04.057, 74.04.510, 03-19-118, § 388-408-0050, filed 9/16/03, effective 11/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510, 01-21-060, § 388-408-0050, filed 10/16/01, effective 12/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-408-0050, filed 7/31/98, effective 9/1/98.]

WAC 388-408-0055 Medical assistance units. (1) One or more medical assistance units (MAU) is established for individuals living in the same household based on the type of medical program, each individual's relationship to other family members, and the individual's financial responsibility for the other family members.

(2) Financial responsibility applies only to spouses and to parents, as follows:

(a) Married persons, living together are financially responsible for each other; and

(b) Persons who meet the definition of a natural, adoptive, or step-parent described in WAC 388-454-0010 are financially responsible for their unmarried, minor children living in the same household.

(3) Minor children are not financially responsible for their parents or for their siblings.

(4) When determining eligibility for family, pregnancy, or children's medical programs, follow the income rules as described in WAC 388-450-0106 (1) through (7). Only one MAU is required when all family members are eligible for categorically needy (CN) medical coverage.

(5) If a family is not eligible as one MAU for a CN program, separate MAUs are required for family members living in the same household in the following situations:

(a) A pregnant minor, regardless of whether she lives with her parent(s);

(b) A child with earned or unearned income;

(c) A child with resources which make another family member ineligible for medical assistance;

(d) A child of unmarried parents when both parents reside with the child;

(e) Each unmarried parent of a child in common, plus any of their children who are not in separate MAUs;

(f) A caretaker relative that is not financially responsible for the support of the child;

(6) For a family with multiple MAUs established based on the criteria described in subsection (5) of this section, a parent's:

(a) Income up to one hundred percent of the Federal Poverty Level (FPL) is allocated to the parent and other members of the parent's MAU. The excess is allocated to their children in separate MAUs.

(b) Resources are allocated equally to the parent and all persons in the parent's household for whom the parent is financially responsible. This includes family members in separate MAUs.

(7) The exceptions to the income allocations described in subsection (6) of this section are as follows:

(a) Only the parent's income actually contributed to a pregnant minor is considered income to the minor.

(b) A parent's financial responsibility is limited when the minor child is receiving inpatient chemical dependency or mental health treatment. Only the income a parent chooses to contribute to the child is considered available when:

(i) The treatment is expected to last ninety days or more;

(ii) The child is in court-ordered, out-of-home care in accordance with chapter 13.34 RCW; or

(iii) The department determines the parents are not exercising responsibility for the care and control of the child.

(8) When determining eligibility for an SSI-related medical program, a separate MAU is required for:

(a) SSI recipients;

(b) An SSI-related person who has not been found eligible for family medical under this chapter; or

(c) The purpose of applying medical income standards for an:

(i) SSI-related applicant whose spouse is not related to SSI or is not applying for SSI-related medical; and

(ii) Ineligible spouse of an SSI recipient.

(9) For a person in a separate MAU, based on the criteria described in subsection (8) of this section, the income and resource allocations described in subsection (6) of this section are not used. The SSI-related individual's eligibility is determined using the allocations or deeming rules in chapter 388-475 WAC.

(10) Countable income for medical programs:

(a) For SSI individuals is described in chapter 388-475 WAC; or

(b) For family medical, pregnancy medical, and children's medical is described in WAC 388-450-0210.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, and 74.09.055 as amended by 2006 c 24, 07-11-044, § 388-408-0055, filed 5/9/07, effective 6/9/07. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530, 06-04-021, § 388-408-0055, filed 1/23/06, effective 2/23/06. Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415, 02-17-030, § 388-408-0055, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-408-0055, filed 7/31/98, effective 9/1/98. Formerly WAC 388-506-0610, 388-506-0630 and 388-507-0730.]

Chapter 388-410 WAC

BENEFIT ERROR

WAC

388-410-0001	What is a cash/medical assistance overpayment?
388-410-0005	Cash and medical assistance overpayment amount and liability.
388-410-0010	Repayment of grant overpayment occurring prior to April 3, 1982, and resulting department error.
388-410-0015	Recovery of cash assistance overpayments by mandatory grant deduction.
388-410-0020	What happens if I receive more Basic Food or WASHCAP benefits than I am supposed to receive?
388-410-0025	Am I responsible for an overpayment in my assistance unit?
388-410-0030	How does the department calculate and set up my Basic Food or WASHCAP overpayment?
388-410-0033	How and when does the department collect a Basic Food or WASHCAP overpayment?
388-410-0035	Alien and alien sponsor cash, and food assistance overpayments.
388-410-0040	Cash and food assistance underpayments.

WAC 388-410-0001 What is a cash/medical assistance overpayment? (1) An overpayment is any cash or medical assistance paid that is more than the assistance unit was eligible to receive.

(2) There are two types of cash/medical overpayments:

(a) Intentional overpayments, presumed to exist if you willfully or knowingly:

(i) Fail to report a change you must tell us about under WAC 388-418-0005 within the time frames under WAC 388-418-0007; or

(ii) Misstate or fail to reveal a fact affecting eligibility as specified in WAC 388-446-0001.

(b) Unintentional overpayments, which includes all other client-caused and all department-caused overpayments.

(3) If you request a fair hearing and the fair hearing decision is in favor of the department, then:

(a) Some or all of the continued assistance you get before the fair hearing decision must be paid back to the department (see WAC 388-418-0020); and

(b) The amount of assistance you must pay back will be limited to sixty days of assistance, starting with the day after the department receives your hearing request.

(4) If you receive child support payments directly from the noncustodial parent, you must turn these payments over to the division of child support (DCS). These payments are not cash assistance overpayments.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 05-08-124, § 388-410-0001, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. 04-05-010, § 388-410-0001, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.04.510 and 7 C.F.R. 273.9 (d)(6). 99-24-131, § 388-410-0001, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-410-0001, filed 7/31/98, effective 9/1/98.]

WAC 388-410-0005 Cash and medical assistance overpayment amount and liability. (1) The amount of overpayment for cash and medical assistance households is determined by the amount of assistance received to which the assistance unit was not entitled.

(2) Cash and medical assistance overpayments are recovered from:

(a) Any individual member of an overpaid assistance unit, whether or not the member is currently a recipient; or

(b) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member.

(3) A cash or medical assistance overpayment is not recovered from:

(a) A nonneedy caretaker relative or guardian who received no financial benefit from the payment of assistance; or

(b) A person not receiving assistance when an unintentional overpayment of less than thirty-five dollars is discovered and/or computed.

(4) Overpayments resulting from incorrectly received cash assistance are reduced by:

(a) Cash assistance a household would have been eligible to receive from any other category of cash assistance during the period of ineligibility; and

(b) Child support the department collected for the month of overpayment in excess of the amount specified in (a) of this subsection; or

(c) Any existing grant underpayments.

(5) A cash assistance overpayment cannot be reduced by a medical or food assistance underpayment.

(6) A medical assistance overpayment cannot be reduced by a cash or food assistance underpayment.

(7) An underpayment from one assistance unit cannot be credited to another assistance unit to offset an overpayment.

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(8) All overpayments occurring after January 1, 1982 are required to be repaid by mandatory grant deduction except where recovery is inequitable as specified in WAC 388-410-0010.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-410-0005, filed 7/31/98, effective 9/1/98.]

WAC 388-410-0010 Repayment of grant overpayment occurring prior to April 3, 1982, and resulting department error. (1) An assistance unit will not be held liable for an overpayment occurring prior to April 3, 1982, which was caused by departmental error, until the department determines recovery would not be inequitable. Recovery is considered inequitable if:

(a) The department informed the recipient or the recipient's authorized representative that the recipient was entitled to part or all of the financial assistance or services overpaid; or

(b) The department acted in a manner which would reasonably lead the recipient to believe he/she was eligible to receive the assistance or services overpaid; and

(c) The recipient retained or accepted the assistance with the understanding that he/she had the right to rely upon the information received from the department; and

(d) The recipient would suffer an injury if the department were allowed to refuse to recognize the department's admission, statement, act or omission; and

(e) Injury as used in this section includes liability for repayment of a debt due the state.

(2) If the department determines recovery would be inequitable:

(a) The recipient is not liable for repayment;

(b) The overpayment is not a debt due the state; and

(c) The recipient is so informed.

(3) If recovery would not be inequitable, the recipient will be notified:

(a) Of the specific reason why recovery is not inequitable;

(b) That the recipient is liable for repayment of the debt;

(c) Whether the overpayment is subject to a mandatory deduction from the current grant; and

(d) Of the right to contest the decision.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-410-0010, filed 7/31/98, effective 9/1/98.]

WAC 388-410-0015 Recovery of cash assistance overpayments by mandatory grant deduction. (1) All overpayments of cash assistance are recovered by means of a mandatory deduction from future continuing assistance grants except as specified by WAC 388-410-0010.

(2) All members of an overpaid assistance unit are responsible for repayment of an overpayment. Repayment may be from:

(a) Resources and/or income; or

(b) Deductions from subsequent grants; and

(c) An assistance unit member's estate.

(3) The mandatory grant deduction of an intentional overpayment is ten percent of the monthly grant payment standard.

(4) A monthly grant deduction of up to one hundred percent of the grant can be established when:

- (a) The overpayment is intentional;
 - (b) The client has liquid resources available but refuses to use these resources in full or partial satisfaction of the overpayment; and
 - (c) The amount of income and resources remaining available to the assistance unit is not less than ninety percent of the grant payment standard.
- (5) An unintentional overpayment is recovered by grant deduction of five percent of the monthly grant payment standard unless the client voluntarily requests a larger deduction in writing.
- (6) A monthly deduction for overpayment recovery can be established against the clothing and incidental grant of a recipient in a nursing facility, intermediate care facility, or hospital. A monthly deduction cannot be established against the vendor payment to the nursing facility, intermediate care facility or hospital.
- (7) When the monthly grant deduction is equal to or more than the current grant for which the client is eligible had no overpayment occurred, the grant is suspended.
- (8) No more than the total amount of an overpayment may be collected by mandatory deduction from a client's public assistance grant. The client will receive compensation for an underpayment resulting from any erroneous monthly deduction.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-410-0015, filed 7/31/98, effective 9/1/98.]

WAC 388-410-0020 What happens if I receive more Basic Food or WASHCAP benefits than I am supposed to receive? (1) If you receive more Basic Food or WASHCAP benefits than you were supposed to receive, your assistance unit (AU) has an overpayment. There are three types of overpayments:

- (a) **Administrative error overpayment:** When you received too many benefits because the department made a mistake.
 - (b) **Inadvertent household error overpayment:** When you received too many benefits because you made a mistake or didn't understand what you were supposed to do.
 - (c) **Intentional program violation (IPV) overpayment:** When you received too many benefits because you broke a food stamp rule on purpose. If you have an IPV, you could be disqualified from receiving Basic Food or WASHCAP benefits under chapter 388-446 WAC.
- (2) We must discover an overpayment within certain time frames for us to establish and collect an overpayment. If we do not discover that you received too many benefits within the time frame described below based on the type of overpayment, we will not set up an overpayment:

(a) Administrative error overpayment:	(b) Inadvertent household error overpayment:	(c) Intentional program violation overpayment:
We must discover the overpayment within twelve months of the date you were overpaid.	We must discover the overpayment within twenty-four months of the date you were overpaid.	We must discover the overpayment within seventy-two months of the date you were overpaid.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 06-20-062, § 388-410-0020, filed 9/29/06, effective 11/1/06. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510, 7 C.F.R. 273.18. 02-06-090, § 388-410-0020, filed 3/1/02, effective 4/1/02. Statutory Authority: RCW 74.04.510. 01-14-032, § 388-410-0020, filed 6/28/01, effective 8/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-410-0020, filed 7/31/98, effective 9/1/98.]

WAC 388-410-0025 Am I responsible for an overpayment in my assistance unit? If your assistance unit (AU) received more Basic Food or WASHCAP benefits than it was supposed to receive, your AU has an overpayment. If you have an overpayment, we determine the amount you were overpaid and set up a claim to recover this overpayment.

- (1) We set up an overpayment for the full amount your AU was overpaid for every adult AU member at the time your AU was overpaid.
- (2) Each adult member is responsible for the whole overpayment until we recover the entire amount of the overpayment. We do not collect more than the amount your AU was overpaid.
- (3) If we determine you are responsible for an overpayment, you are responsible for the overpayment even if you are now in a different AU than you were when you had the overpayment.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 06-20-062, § 388-410-0025, filed 9/29/06, effective 11/1/06. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510, 7 C.F.R. 273.18. 02-06-090, § 388-410-0025, filed 3/1/02, effective 4/1/02. Statutory Authority: RCW 74.04.510. 01-14-032, § 388-410-0025, filed 6/28/01, effective 8/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-410-0025, filed 7/31/98, effective 9/1/98.]

WAC 388-410-0030 How does the department calculate and set up my Basic Food or WASHCAP overpayment? (1) We calculate the amount of your Basic Food or WASHCAP overpayment by counting the difference between:

- (a) The benefits your assistance unit (AU) received; and
 - (b) The benefits your AU should have received.
- (2) To calculate the benefits your AU should have received, we determine what we would have authorized if we:
- (a) Had correct and complete information; and
 - (b) Followed all the necessary procedures to determine your AU's eligibility and benefits.
- (3) If you did not report your earned income as required under WAC 388-418-0005 and 388-418-0007, you do not receive the earned income deduction under WAC 388-450-0185 when we calculate your overpayment amount.
- (4) If we paid you too few Basic Food or WASHCAP benefits for a period of time, we will use the amount we underpaid your AU to reduce your overpayment if:
- (a) We have **not** already issued you benefits to replace what you were underpaid; and
 - (b) We have **not** used this amount to reduce another overpayment.

(5) We **must** set up an inadvertent household error or administrative error overpayment if:

(a) We discovered the overpayment through the federal quality control process;

(b) You currently receive Basic Food or WASHCAP benefits; or

(c) The overpayment is over one hundred twenty-five dollars and you do not currently receive Basic Food or WASHCAP benefits.

(6) If you have an inadvertent household error that we referred for prosecution or an administrative disqualification hearing, we will not set up and start collecting the overpayment if doing so could negatively impact this process.

(7) We set up an intentional program violation overpayment based on the results of an administrative disqualification hearing (chapter 388-02 WAC) unless:

(a) Your AU has repaid the overpayment; or

(b) We have referred your inadvertent household error for prosecution and collecting the overpayment could negatively impact this process.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 06-20-062, § 388-410-0030, filed 9/29/06, effective 11/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 03-21-027, § 388-410-0030, filed 10/7/03, effective 12/1/03; 03-01-005, § 388-410-0030, filed 12/4/02, effective 2/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510, 7 C.F.R. 273.18. 02-06-090, § 388-410-0030, filed 3/1/02, effective 4/1/02. Statutory Authority: RCW 74.04.510. 01-14-032, § 388-410-0030, filed 6/28/01, effective 8/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-410-0030, filed 7/31/98, effective 9/1/98.]

WAC 388-410-0033 How and when does the department collect a Basic Food or WASHCAP overpayment?

(1) When we set up an overpayment because you received more Basic Food or WASHCAP benefits than you were supposed to receive, we start to collect the benefits you were overpaid. This includes when we:

(a) Modify an established overpayment to an amount we would not have to set up under WAC 388-410-0030(5); or

(b) Set up an overpayment that we do not have to set up under WAC 388-410-0030(5).

(2) You can repay your overpayment by:

(a) Paying the entire amount at once;

(b) Having us take the amount of your overpayment out of your EBT account;

(c) Making regular payments under a scheduled repayment agreement as described in subsection (4) of this section; or

(d) Having your current Basic Food or WASHCAP benefits reduced.

(3) If you have an inactive EBT account and we cancelled Basic Food or WASHCAP benefits in the account under WAC 388-412-0025, we use the cancelled benefits to reduce the amount of your overpayment.

(4) If your AU currently receives Basic Food or WASHCAP benefits, you can repay your overpayment by making monthly payments. The payments must be more than we would recover through us reducing your benefits. Your AU or the department can request a change to the agreement if necessary.

(2009 Ed.)

(5) If you are responsible for repaying an administrative or inadvertent household error overpayment, we automatically reduce your monthly benefits unless you:

(a) Pay the overpayment all at once;

(b) Set up a repayment agreement with us; or

(c) Request a hearing and continued benefits within ninety days of the date you received your collection action notice.

(6) If you are responsible for an intentional program violation (IPV) overpayment, you must tell us how you want to repay this overpayment within ten days of the date you receive your collection action notice. If you do not do this, we will reduce your current monthly benefits.

(7) If you receive ongoing Basic Food or WASHCAP benefits, we can reduce your monthly benefits to repay the overpayment. We do not reduce your first Basic Food or WASHCAP allotment when we first approve your application for benefits.

(a) If you have an administrative or inadvertent household error overpayment, we reduce your benefits by the greater of:

(i) Ten percent of your monthly benefits; or

(ii) Ten dollars per month.

(b) If you have an IPV overpayment, we reduce your benefits by the greater of:

(i) Twenty percent of your monthly benefits; or

(ii) Twenty dollars per month.

(8) If you do not meet the terms of a repayment agreement with the department, we automatically reduce your current benefits unless you:

(a) Pay all overdue payments to bring your repayment agreement current; or

(b) Ask us to consider a change to the repayment schedule.

(9) If your overpayment claim is past due for one hundred eighty or more days, we refer your overpayment for federal collection. A federal collection includes reducing your income tax refund, social security benefits, or federal wages. We do not count your overpayment as past due if you:

(a) Repay the entire overpayment by the due date;

(b) Have your monthly benefits reduced to repay the overpayment; or

(c) Meet the requirements of your scheduled repayment agreement.

(10) If you no longer receive Basic Food or WASHCAP benefits, we can garnish your wages, file a lien against your personal or real property, attach other benefits, or otherwise access your property to collect the overpayment amount.

(11) We suspend collection on an overpayment if:

(a) We cannot find the responsible AU members; or

(b) The cost of collecting the overpayment would likely be more than the amount we would recover.

(12) We can negotiate the amount of an overpayment if the amount you offer is close to what we could expect to receive from you before we can no longer legally collect the overpayment from you.

(13) We write off unpaid overpayments and release any related liens when:

(a) We can not possibly collect any more funds;

(b) We agreed to accept a partial payment that left an unpaid balance after this payment; or

[Title 388 WAC—p. 855]

(c) There is an unpaid balance left after an overpayment case has been suspended for three consecutive years unless a collection may be possible through the Treasury Offset Program.

(14) If your AU has an overpayment from another state, we can collect this overpayment if the state where you were overpaid does not plan to collect it and they give us the following:

(a) A copy of the overpayment calculation and overpayment notice made for the client; and

(b) Proof that you received the overpayment notice.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 06-20-062, § 388-410-0033, filed 9/29/06, effective 11/1/06. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510, 7 C.F.R. 273.18, 02-06-090, § 388-410-0033, filed 3/1/02, effective 4/1/02.]

WAC 388-410-0035 Alien and alien sponsor cash, and food assistance overpayments. (1) An alien and their sponsor are jointly and individually liable for any overpayment of cash or food assistance made to the alien during the three years after the alien's entry into the United States.

(2) When an overpayment to a sponsored alien results from incorrect information provided by the alien's sponsor, both the alien and the sponsor are liable for repayment.

(3) When the alien's sponsor had good cause for reporting the incorrect information, the sponsored alien is solely liable for an inadvertent household error overpayment.

(4) When good cause does not exist, collection action is initiated against:

(a) The alien's sponsor; or

(b) The sponsored alien's assistance unit; or

(c) Of the two, the one considered most likely to repay first.

(5) Collection action is initiated against an alien's sponsor for an inadvertent household error when:

(a) A department representative contacts the sponsor in person or by phone; and

(b) The sponsor is informed in writing there will be no responsibility for repayment if good cause for reporting incorrect information causing the overpayment can be demonstrated.

(6) Collection action is initiated against the sponsored alien's assistance unit for an inadvertent household error when:

(a) Collection action is taken first against the alien's sponsor; and

(b) The alien's sponsor does not respond within thirty days; or

(c) The sponsored alien provides incorrect information concerning the sponsor or sponsor's spouse through misunderstanding or unintended error.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-410-0035, filed 7/31/98, effective 9/1/98.]

WAC 388-410-0040 Cash and food assistance underpayments. (1) All cash assistance underpayments not credited against an overpayment are repaid upon discovery to any current or former recipient.

(2) All food assistance benefits underpaid are restored when:

(a) An underpayment was caused by department error;

(b) An administrative disqualification for intentional program violation was reversed;

(c) A rule or instruction specifies restoration of unpaid benefits; or

(d) A court action finds benefits were wrongfully withheld.

(3) A client is eligible for restoration of underpaid benefits for any of the twelve months prior to:

(a) The month the client requests restoration;

(b) The month the department discovers an underpayment;

(c) The date the household makes a fair hearing request when a request for restoration of benefits was not received; or

(d) The date court action was started when the client has taken no other action to obtain restoration of benefits.

(4) The client may request a fair hearing if they disagree with the amount of benefits the department determines were underpaid.

(5) If household composition changes prior to the department's restoration of an underpayment, the underpayment is paid to:

(a) First, the household containing a majority of the persons who were household members at the time of the underpayment; or

(b) Second, the household containing the head of the household at the time of the underpayment.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-410-0040, filed 7/31/98, effective 9/1/98.]

Chapter 388-412 WAC BENEFIT ISSUANCES

WAC

388-412-0005	General information about your cash benefits.
388-412-0010	Endorsing the warrant.
388-412-0015	General information about your Basic Food allotments.
388-412-0020	When do I get my benefits?
388-412-0025	How do I get my benefits?
388-412-0030	Returning a warrant.
388-412-0035	Loss, theft, destruction or nonreceipt of a warrant issued to clients and vendors.
388-412-0040	Can I get my benefits replaced?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-412-0045	General information about cash and food assistance issued by electronic benefits transfer. [Statutory Authority: RCW 74.04.510, 74.08.090, 74.04.055, 74.04.057 and S. 825, Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 99-02-039, § 388-412-0045, filed 12/31/98, effective 1/31/99.] Repealed by 01-18-054, filed 8/30/01, effective 9/30/01. Statutory Authority: RCW 74.04.510 and 74.08.090.
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WAC 388-412-0005 General information about your cash benefits. (1) Each separate cash assistance unit (AU) gets a separate benefit amount. If several AUs live in the same house, each AU gets a separate benefit amount.

(2) You cannot receive the same type of benefits in:

(a) Two states in the same month;

(b) Two AUs in the same month; unless

(c) You left the AU to live in a shelter for battered women and children. See WAC 388-408-0045.

(3) If you are married and both you and your spouse get general assistance, you and your spouse are one AU.

(4) Your grant is rounded down to the next whole dollar amount unless:

(a) You get a clothing and personal incidental (CPI) allowance; or

(b) Your benefits are reduced to pay an overpayment.

(5) We do not issue any cash benefits if you are eligible for less than ten dollars unless:

(a) You get a CPI allowance;

(b) Your benefits are reduced to pay an overpayment; or

(c) You get Supplemental Social Security (SSI) interim assistance payments.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 05-02-015, § 388-412-0005, filed 12/27/04, effective 1/27/05. Statutory Authority: RCW 74.04.510 and 74.08.090, 01-18-054, § 388-412-0005, filed 8/30/01, effective 9/30/01; 99-16-024, § 388-412-0005, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.510, 74.08.090, 74.04.055, 74.04.057 and S. 825, Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 99-02-039, § 388-412-0005, filed 12/31/98, effective 1/31/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-412-0005, filed 7/31/98, effective 9/1/98.]

WAC 388-412-0010 Endorsing the warrant. (1) Clients must endorse their warrants unless they have executed a power of attorney. If a client has given someone else a power of attorney, the client must give the department a copy.

(2) If a client is unable to sign the warrant, it must be endorsed by the client's mark or thumb print witnessed by two people. The witnesses must give their names and addresses to the person that cashes the warrant.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-412-0010, filed 7/31/98, effective 9/1/98.]

WAC 388-412-0015 General information about your Basic Food allotments. (1) Your monthly Basic Food benefits are called an allotment. An allotment is the total dollar value of benefits your eligible assistance unit (AU) gets for a calendar month.

(2) You cannot receive the same type of benefit in:

(a) Two states in the same month;

(b) Two AUs in the same month, unless;

(c) You left the AU to live in a shelter for battered women and children. See WAC 388-408-0045.

(3) If your AU does not have any countable net income, you get the maximum allotment for the number of eligible people in your AU. See WAC 388-478-0060 for the maximum allotments.

(4) If your AU has countable net income under WAC 388-450-0162, we calculate, your allotment by:

(a) Multiplying your AU's countable net monthly income by thirty percent;

(b) Rounding this amount up to the next whole dollar; and

(c) Subtracting the result from the maximum allotment.

(5) If we determine you are eligible for Basic Food, your first month's benefits are from the date you applied for benefits through the end of the month of your application. If there was a delay in processing your application, we determine when your benefits start under WAC 388-406-0055. This is called proration and is based on a thirty-day month.

(2009 Ed.)

(6) If you apply for benefits on or after the sixteenth of the month, and we determine you are eligible for Basic Food, we issue both your first and second months benefits in one allotment if you are eligible for both months.

(7) If your prorated benefits for the first month are under ten dollars, you will not receive an allotment for the first month.

(8) If your AU has one or two members, your monthly allotment will be at least fourteen dollars unless:

(a) It is the first month of your certification period;

(b) Your AU is eligible for only a partial month; and

(c) We reduced your first month's allotment below fourteen dollars based on the date you became eligible for Basic Food under WAC 388-406-0055.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 08-24-051, § 388-412-0015, filed 11/25/08, effective 12/26/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 05-02-016, § 388-412-0015, filed 12/27/04, effective 1/27/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 03-22-038, § 388-412-0015, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.510 and 74.08.090, 01-18-054, § 388-412-0015, filed 8/30/01, effective 9/30/01; 99-16-024, § 388-412-0015, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-412-0015, filed 7/31/98, effective 9/1/98.]

WAC 388-412-0020 When do I get my benefits? (1) If you get your cash benefits on an electronic benefits card (EBT), you get your cash benefits deposited on the first of each month.

(2) If you get your cash benefits deposited directly to your bank account, electronic funds transfer (EFT); your money is deposited on the first working day of the month. When the first of the month is a federal holiday or a Sunday, the benefits are deposited the following day.

(3) If you get Basic Food, your benefits are issued by the tenth day of each month. The day you get your benefits is the same as the last number of your assistance unit (AU) number for Basic Food. If the last number of your AU number is zero, you get your benefits on the tenth.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 03-22-038, § 388-412-0020, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.510 and 74.08.090, 02-18-105, § 388-412-0020, filed 9/3/02, effective 10/4/02; 01-18-054, § 388-412-0020, filed 8/30/01, effective 9/30/01. Statutory Authority: RCW 74.04.510, 74.08.090, 74.04.055, 74.04.057 and S. 825, Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 99-02-039, § 388-412-0020, filed 12/31/98, effective 1/31/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-412-0020, filed 7/31/98, effective 9/1/98.]

WAC 388-412-0025 How do I get my benefits? (1) We send your cash benefits to you by either:

(a) Electronic benefit transfer (EBT), which is a direct deposit into a DSHS account that you access with a debit card called the Washington EBT Quest card;

(b) Electronic funds transfer (EFT), which is a direct deposit into your own bank account;

(c) A warrant (check) to a payee who is not approved for direct deposit; or

(d) A warrant (check) to you if you get:

(i) Diversion cash assistance (DCA) that cannot be paid directly to a vendor;

(ii) Additional requirements for emergent needs (AREN) that cannot be paid directly to a vendor;

[Title 388 WAC—p. 857]

(iii) Ongoing additional requirements (OAR) that cannot be paid directly to a vendor;

(iv) Clothing and personal incidentals (CPI) payments; or

(v) State supplemental payment (SSP) and you do not receive your benefit through EFT.

(2) We send your **Basic Food** benefits to you by EBT.

(3) We set up an EBT account for the head of household of each AU that receives benefits by EBT.

(4) You use a Quest debit card to access your benefits in your EBT account. You select a personal identification number (PIN) that you must enter when using this card.

(5) You must use your cash and Basic Food benefits from your EBT account. We do not convert cash or Basic Food benefits to checks.

(6) We deposit your Basic Food benefits into your EBT account by the tenth day of the month based on your Basic Food assistance unit number as described in WAC 388-412-0020.

(7) **Unused EBT benefits:** If you do not use your EBT account for three hundred sixty-five days, we cancel the cash and Basic Food benefits on your account.

(a) **Replacing Basic Food benefits:**

(i) We **can replace** cancelled benefits we deposited **less than three hundred sixty-five days** from the date you ask for us to replace your benefits.

(ii) We **cannot replace** cancelled benefits deposited **three hundred sixty-five or more days** from the date you ask us to replace your benefits.

(b) **Replacing cash benefits:** We **can replace** cancelled cash benefits for you or another member of your assistance unit. Cash benefits are not transferable to someone outside of your assistance unit.

(8) **Replacing cash warrants:** If we issued you cash benefits as a warrant we can replace these benefits for you or a member of your assistance unit. Cash benefits are not transferable to someone outside of your assistance unit.

(a) If we issued the benefits as a warrant one hundred sixty or fewer days ago, your local office can replace the warrant.

(b) If we issued the benefits as a warrant more than one hundred sixty days ago, the Office of Accounting Services can replace the warrant.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.515, 74.08.090, and 7 C.F.R. 274.12. 07-04-029, § 388-412-0025, filed 1/29/07, effective 3/1/07. Statutory Authority: RCW 74.04.-050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 05-17-089, § 388-412-0025, filed 8/12/05, effective 9/12/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-22-038, § 388-412-0025, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.510 and 74.08.090. 02-18-105, § 388-412-0025, filed 9/3/02, effective 10/4/02; 01-18-054, § 388-412-0025, filed 8/30/01, effective 9/30/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-412-0025, filed 7/31/98, effective 9/1/98.]

WAC 388-412-0030 Returning a warrant. (1) A person who has possession of a warrant payable to a deceased payee must return the warrant to the department for cancellation.

(2) A person who has possession of a warrant payable to an assistance unit payee who has left the home and is not likely to return during the month to endorse the warrant, must

return the warrant to the CSO. The warrant may be reissued to another eligible payee for the assistance unit.

[Statutory Authority: RCW 74.04.510, 74.08.090, 74.04.055, 74.04.057 and S. 825, Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996. 99-02-039, § 388-412-0030, filed 12/31/98, effective 1/31/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.-057 and 74.08.090. 98-16-044, § 388-412-0030, filed 7/31/98, effective 9/1/98.]

WAC 388-412-0035 Loss, theft, destruction or non-receipt of a warrant issued to clients and vendors. The following applies to replacements of warrants issued to clients and to vendors.

(1) The department does not replace a warrant or the cash proceeds from a warrant which was endorsed by a client or vendor.

(2) Clients or vendors asking for a replacement of a warrant which was not endorsed by them must:

(a) Complete a notarized affidavit;

(b) Provide all facts surrounding the loss, theft, destruction or nonreceipt of the warrant; and

(c) File a report with the police or the post office, as appropriate.

(3) If a client is eligible to receive a replacement, the warrant is issued:

(a) On or before the tenth of the month in which the warrant was due; or

(b) Within five working days of the date the decision is made to replace the warrant, whichever is later.

(4) A client or vendor is issued the full amount of the original warrant if the warrant is replaced.

[Statutory Authority: RCW 74.04.510, 74.08.090, 74.04.055, 74.04.057 and S. 825, Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996. 99-02-039, § 388-412-0035, filed 12/31/98, effective 1/31/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.-057 and 74.08.090. 98-16-044, § 388-412-0035, filed 7/31/98, effective 9/1/98.]

WAC 388-412-0040 Can I get my benefits replaced? Under certain conditions, we may replace your benefits.

(1) You may get your EBT benefits replaced if:

(a) We make a mistake that causes you to lose benefits;

(b) Both your EBT card and personal identification number (PIN) are stolen from the mail; you never had the ability to use the benefits; and you lost benefits;

(c) You left a drug or alcohol treatment on or before the fifteenth of the month and the facility does not have enough Basic Food benefits in their EBT account for one-half of the allotment that they owe you;

(d) Your EBT benefits that were recently deposited into an inactive EBT account were canceled by mistake along with your state benefits; or

(e) Your food that was purchased with Basic Food benefits was destroyed in a disaster.

(2) If you want a replacement, you must:

(a) Report the loss to your local office within ten days from the date of the loss; and

(b) Sign a department affidavit form stating you had a loss of benefits.

(3) For Basic Food, we replace the loss up to a one-month benefit amount.

(4) We will not replace your benefits if your loss is for a reason other than those listed in subsection (1) above or:

- (a) We decided that your request is fraudulent;
 - (b) Your Basic Food benefits were lost, stolen or misplaced after you received them;
 - (c) You already got two countable replacements of Basic Food benefits within the last five months; or
 - (d) You got disaster food stamp benefits for the same month you requested a replacement for Basic Food.
- (5) Your replacement does not count if:
- (a) Your benefits are returned to us; or
 - (b) We replaced your benefits because we made an error.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510. 08-14-047, § 388-412-0040, filed 6/24/08, effective 7/25/08; 03-22-038, § 388-412-0040, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.510 and 74.08.090. 01-18-054, § 388-412-0040, filed 8/30/01, effective 9/30/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-412-0040, filed 7/31/98, effective 9/1/98.]

Chapter 388-414 WAC
CATEGORICAL ELIGIBILITY FOR FOOD ASSISTANCE

WAC
388-414-0001 Do I have to meet all eligibility requirements for Basic Food?

WAC 388-414-0001 Do I have to meet all eligibility requirements for Basic Food? (1) What is "categorically eligible" (CE)?

(a) Being categorically eligible (CE) means that you have already met requirements for the program. If you are CE, you do not have to meet every program requirement to be eligible for Basic Food.

(b) If your assistance unit (AU) is CE, you automatically meet the following requirements for Basic Food:

- (i) Residency under WAC 388-468-0005;
- (ii) Countable resource limit under WAC 388-470-0005;
- (iii) Maximum gross monthly income under WAC 388-478-0060; and
- (iv) Maximum net monthly income under WAC 388-478-0060.

(c) If your AU is CE and the information is available from another program, you do not need to provide the following for Basic Food:

- (i) Social Security number information under WAC 388-476-0005; and
- (ii) Sponsored alien information under WAC 388-450-0155.

(d) Being CE does not mean that your AU is guaranteed to get Basic Food benefits. If your AU is CE:

- (i) You must still meet the other Basic Food program requirements under WAC 388-400-0040; and
- (ii) If you meet the other program requirements, we must budget your AU's income to determine the amount of benefits your AU will receive.

(2) Who is categorically eligible for Basic Food?

Your Basic Food AU is CE when your AU's income that we do not exclude under WAC 388-450-0015 is at or under two hundred percent of the federal poverty guidelines we use for department programs.

(a) The federal government publishes the federal poverty guidelines on the health and human services website. These are currently posted at <http://aspe.hhs.gov/pov-erty/index.shtml>.

(b) The department uses the monthly value of the income guidelines for the current year beginning the first of April every year.

(c) If your income is not over two hundred percent of the federal poverty guidelines, we provide your AU information about the department programs and resources in the community.

(3) Who is not CE even if my AU meets the above criteria?

(a) Even if your AU is CE, members of your AU are not eligible for Basic Food if they:

- (i) Are not eligible because of their alien or student status;
- (ii) Were disqualified from Basic Food under WAC 388-444-0055 for failing work requirements;
- (iii) Are not eligible for failing to provide or apply for a Social Security number;
- (iv) Receive SSI in a cash-out state (state where SSI payments are increased to include the value of the client's food stamp allotment); or
- (v) Live in an institution not eligible for Basic Food under WAC 388-408-0040.

(b) If a person in your AU is not eligible for Basic Food, we do not include them as an **eligible member** of your CE AU.

(c) Your AU is not CE if:

- (i) Your AU is not eligible because of striker requirements under WAC 388-480-0001;
- (ii) Your AU is ineligible for knowingly transferring countable resources in order to qualify for benefits under WAC 388-488-0010;
- (iii) Your AU refused to cooperate in providing information that is needed to determine your eligibility;
- (iv) The head of household for your AU failed to meet work requirements; or
- (v) Anyone in your AU is disqualified because of an intentional program violation under WAC 388-446-0015.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 7 C.F.R. 273.2(j), 273.8(a), 273.9(a), 273.10. 08-15-137, § 388-414-0001, filed 7/22/08, effective 10/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 05-23-081, § 388-414-0001, filed 11/15/05, effective 1/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 24. 04-14-038, § 388-414-0001, filed 6/29/04, effective 8/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 04-07-139, § 388-414-0001, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.08.090, 74.04.510. 01-07-054, § 388-414-0001, filed 3/16/01, effective 3/29/01; 00-11-035, § 388-414-0001, filed 5/10/00, effective 8/1/00. Statutory Authority: RCW 74.04.-050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-414-0001, filed 7/31/98, effective 9/1/98.]

Chapter 388-416 WAC
CERTIFICATION PERIODS

WAC	
388-416-0005	How long can I get Basic Food?
388-416-0010	Medical certification periods for recipients of cash assistance programs.
388-416-0015	Certification periods for categorically needy (CN) scope of care medical assistance programs.

- 388-416-0020 Certification periods for the noninstitutional medically needy (MN) program.
 388-416-0035 Medicare savings program certification periods.

**DISPOSITION OF SECTIONS FORMERLY
 CODIFIED IN THIS CHAPTER**

- 388-416-0025 Certification period for children's health program. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-416-0025, filed 7/31/98, effective 9/1/98. Formerly WAC 388-509-0970, 388-519-1905, 388-521-2106 and 388-522-2210.] Repealed by 02-17-030, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415.
 388-416-0030 Certification periods for the medically indigent (MI) program. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-416-0030, filed 7/31/98, effective 9/1/98. Formerly WAC 388-521-2140.] Repealed by 04-07-141, filed 3/22/04, effective 4/22/04. Statutory Authority: RCW 74.08.090, 74.09.530, and 2003 1st sp.s. c 25.

WAC 388-416-0005 How long can I get Basic Food?

(1) The length of time the department determines your assistance unit (AU) is eligible to get Basic Food is called a certification period. The department may certify your AU for up to:

- (a) **Six months** if your AU:
- (i) Includes an able-bodied adult without dependents (ABAWD) who receives Basic Food in your AU and your AU does not live in an exempt area as described in WAC 388-444-0030;
 - (ii) Includes a person who receives ADATSA benefits as described in chapter 388-800 WAC;
 - (iii) Is considered homeless under WAC 388-408-0050;
- or
- (iv) Includes a migrant or seasonal farmworker as described under WAC 388-406-0021.
- (b) **Twenty-four months** if all adults in your AU are elderly persons or individuals with disabilities and no one in your AU has earned income.

(c) **Twelve months** if your AU does not meet any of the conditions for six or twenty-four months.

(2) If you receive transitional food assistance, we set your certification period as described under WAC 388-489-0015.

(3) If your AU is homeless **or** includes an ABAWD when you live in a nonexempt area, we may shorten your certification period.

(4) We terminate your Basic Food benefits when:

- (a) We get proof of a change that makes your AU ineligible; or
- (b) We get information that your AU is ineligible; and
- (c) You do not provide needed information to verify your AU's circumstances.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 74.08A.010. 05-19-060, § 388-416-0005, filed 9/16/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 05-08-124, § 388-416-0005, filed 4/5/05, effective 6/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54. 04-19-134, § 388-416-0005, filed 9/21/04, effective 10/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-22-039, § 388-416-0005, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.08.090 and 74.04.510. 01-11-107, § 388-416-0005, filed 5/21/01, effective 7/1/01; 99-16-024, § 388-416-0005, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-416-0005, filed 7/31/98, effective 9/1/98.]

WAC 388-416-0010 Medical certification periods for recipients of cash assistance programs. (1) The certification period for medical services begins on the first day of the month of application when the client is determined eligible for cash assistance for one of the following programs:

- (a) Temporary assistance for needy families (TANF);
- (b) Supplemental Security Income (SSI); or
- (c) Refugee assistance.

(2) The certification period for the medical programs associated with the cash programs in subsection (1) of this section continues as long as eligibility for these programs lasts. When a client's cash assistance is terminated, eligibility for medical assistance is continued until eligibility is redetermined as described in WAC 388-418-0025.

(3) The certification period for medical can begin up to three months prior to the month of application for clients described in subsection (1) of this section if the conditions in WAC 388-416-0015(6) apply.

(4) The certification period for medical care services begins on the date eligibility begins for the following cash assistance programs:

- (a) General assistance for unemployable persons (GA-U); or
- (b) Alcohol and drug abuse treatment and support act (ADATSA) programs, when the client is either receiving a grant or waiting for treatment to begin.

(5) The certification period for medical care services for clients in subsection (4) of this section runs concurrently with the period of eligibility for the client's cash assistance program.

[Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415. 02-17-030, § 388-416-0010, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-416-0010, filed 7/31/98, effective 9/1/98. Formerly WAC 388-521-2110, 388-521-2120, 388-522-2210 and 388-524-2420.]

WAC 388-416-0015 Certification periods for categorically needy (CN) scope of care medical assistance programs. (1) A certification period is the period of time a person is determined eligible for a categorically needy (CN) scope of care medical program. Unless otherwise stated in this section, the certification period begins on the first day of the month of application and continues to the last day of the last month of the certification period.

(2) For a child eligible for the newborn medical program, the certification period begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) For a woman eligible for a medical program based on pregnancy, the certification period ends the last day of the month that includes the sixtieth day from the day the pregnancy ends.

(4) For families the certification period is twelve months with a six-month report required as a condition of eligibility as described in WAC 388-418-0011.

(5) For children, the certification period is twelve months. Eligibility is continuous without regard to changes in circumstances other than aging out of the program, moving out-of-state, failing to pay a required premium(s), incarceration or death.

(6) When the child turns nineteen the certification period ends even if the twelve-month period is not over. The certification period may be extended past the end of the month the child turns nineteen when:

(a) The child is receiving inpatient services (see WAC 388-505-0230) on the last day of the month the child turns nineteen;

(b) The inpatient stay continues into the following month or months; and

(c) The child remains eligible except for exceeding age nineteen.

(7) For an SSI-related person the certification period is twelve months.

(8) When the medical assistance unit is also receiving benefits under a cash or food assistance program, the medical certification period is updated to begin anew at each:

(a) Approved application for cash or food assistance; or

(b) Completed eligibility review.

(9) A retroactive certification period can begin up to three months immediately before the month of application when:

(a) The client would have been eligible for medical assistance if the client had applied; and

(b) The client received covered medical services as described in WAC 388-501-0060 and 388-501-0065.

(10) If the client is eligible only during the three-month retroactive period, that period is the only period of certification.

(11) Any months of a retroactive certification period are added to the designated certification periods described in this section.

(12) There is no retroactive eligibility for premium-based children's healthcare as described in WAC 388-505-0210 and chapter 388-542 WAC. If creditable coverage exists at the time of application, the certification period begins the month after creditable coverage ends.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, 74.09.700, and 2007 c 5. 08-05-018, § 388-416-0015, filed 2/12/08, effective 3/14/08. Statutory Authority: RCW 74.04.050, 74.08.090, 74.09.530, and 74.09.700. 06-24-036, § 388-416-0015, filed 11/30/06, effective 1/1/07. Statutory Authority: RCW 74.08.090, 74.09.530, and 74.09.415. 05-19-031, § 388-416-0015, filed 9/12/05, effective 10/13/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54. 04-21-064, § 388-416-0015, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 74.08.090, 74.09.530, and 2003 c 10. 04-03-019, § 388-416-0015, filed 1/12/04, effective 2/12/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090 and 74.09.450. 00-08-002, § 388-416-0015, filed 3/22/00, effective 5/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-416-0015, filed 7/31/98, effective 9/1/98. Formerly 388-509-0970, 388-521-2105, 388-522-2210 and 388-522-2230.]

WAC 388-416-0020 Certification periods for the noninstitutional medically needy (MN) program. (1) The certification period for the noninstitutional medically needy (MN) program for clients with countable income equal to or below the medically needy income level (MNIL):

(a) Begins on the first day of the month in which eligibility is established; and

(b) Is approved for twelve calendar months.

(2) The certification period for the noninstitutional MN program for clients with countable income above the MNIL:

(a) Begins on the day that spenddown is met; and

(b) Continues through the last day of the final month of the base period as described in WAC 388-519-0110.

(3) A retroactive MN certification period may be established for any or all of the three months immediately prior to the month of application.

(4) Expenses used to meet the spenddown liability for the current or the retroactive certification periods are the responsibility of the client. The department is not responsible to pay for any expense or portion of an expense which has been used to meet the spenddown liability. See WAC 388-519-0110.

(5) A new application must be submitted for each subsequent certification period for which medically needy coverage is requested.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.-500. 08-21-108, § 388-416-0020, filed 10/16/08, effective 11/16/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-416-0020, filed 7/31/98, effective 9/1/98. Formerly WAC 388-521-2105 and 388-521-2130.]

WAC 388-416-0035 Medicare savings program certification periods. Certification periods for the different kinds of medicare savings programs are not all the same. The chart below explains the differences.

Medicare Savings Program	Certification Period	Start Date
QMB (qualified medicare beneficiary) S03	12 months	On the first day of the month following QMB eligibility determination
SLMB (Special low income medicare beneficiary) S05	12 months	Up to three months prior to the certification period if on the first day of the first month of certification, the person: • Is or has been enrolled in medicare Part B; and • Meets SLMB eligibility requirements.
QDWI (Qualified disabled working individual) S04	12 months	Up to three months prior to the certification period if on the first day of the first month of certification, the person: • Is or has been enrolled in medicare Part A; and • Meets QDWI eligibility requirements.
QI-1 (Qualified individual) S06	Thru the end of the calendar year following QI-1 eligibility determination	Up to three months prior to the certification period if on the first day of the first month of certification, the person: • Is or has been enrolled in medicare Part B; and • Meets QI-1 eligibility requirements.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530 and 42 U.S.C. 1396a(a) (Section 1902 (n)(2) of the Social Security Act of 1924). 05-01-126, § 388-416-0035, filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-416-0035, filed 7/31/98, effective 9/1/98. Formerly WAC 388-521-2150, 388-521-2155 and 388-521-2160.]

Chapter 388-418 WAC
CHANGE OF CIRCUMSTANCE

WAC

388-418-0005	How will I know what changes I must report?
388-418-0007	When do I have to report changes in my circumstances?
388-418-0011	What is a mid-certification review, and do I have to complete one in order to keep receiving benefits?
388-418-0020	How does the department determine the date a change affects my benefits?
388-418-0025	Effect of changes on medical program eligibility.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

388-418-0010	Requesting information or action needed. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-418-0010, filed 7/31/98, effective 9/1/98.] Repealed by 99-23-034, filed 11/10/99, effective 1/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-418-0012	Prospective eligibility for food assistance. [Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-418-0012, filed 7/26/99, effective 9/1/99.] Repealed by 00-07-077, filed 3/14/00, effective 5/1/00. Statutory Authority: RCW 74.08.090.
388-418-0015	Recipient fails to provide requested information or take requested action. [Statutory Authority: RCW 74.04.-050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-418-0015, filed 7/31/98, effective 9/1/98.] Repealed by 99-23-034, filed 11/10/99, effective 1/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-418-0030	Notifying a recipient of intent to reduce, suspend or terminate assistance. [Statutory Authority: RCW 74.08.-090 and 74.04.510. 99-16-024, § 388-418-0030, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-418-0030, filed 7/31/98, effective 9/1/98. Formerly WAC 388-522-2205 and 388-525-2570.] Repealed by 99-23-034, filed 11/10/99, effective 1/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510.

WAC 388-418-0005 How will I know what changes I must report? You must report changes to the department based on the kinds of assistance you receive. The set of changes you must report for people in your assistance unit under chapter 388-408 WAC is based on the benefits you receive that require you to report the most changes. It is the first program that you receive benefits from in the list below.

For example:

If you receive long term care and Basic Food benefits, you tell us about changes based on the long term care requirements because it is the first program in the list below you receive benefits from.

(1) If you receive long term care benefits such as Basic, Basic Plus, chore, community protection, COPEs, nursing home, Hospice, or medically needy waiver, you must tell us if you have a change of:

- (a) Address;
- (b) Marital status;
- (c) Living arrangement;
- (d) Income;
- (e) Resources;
- (f) Medical expenses; and
- (g) If we allow you expenses for your spouse or dependents, you must report changes in their income or shelter cost.

(2) If you receive medical benefits based on age, blindness, or disability (SSI-related medical), or ADATSA benefits, you need to tell us if:

- (a) You move;
- (b) A family member moves into or out of your home;

(c) Your resources change; or
(d) Your income changes. This includes the income of you, your spouse or your child living with you.

(3) If you receive Basic Food and all adults in your assistance unit are elderly persons or individuals with disabilities and have no earned income, you need to tell us if:

- (a) You move;
- (b) You start getting money from a new source;
- (c) Your income changes by more than fifty dollars;
- (d) Your liquid resources, such as your cash on hand or bank accounts, are more than two thousand dollars; or
- (e) Someone moves into or out of your home.

(4) If you receive cash benefits other than WorkFirst career services benefits, you need to tell us if:

- (a) You move;
- (b) Someone moves out of your home;
- (c) Your total gross monthly income goes over the:
 - (i) Payment standard under WAC 388-478-0030 if you receive general assistance; or
 - (ii) Earned income limit under WAC 388-478-0035 and 388-450-0165 for all other programs;

(d) You have liquid resources more than four thousand dollars; or

(e) You have a change in employment. Tell us if you:

- (i) Get a job or change employers;
- (ii) Change from part-time to full-time or full-time to part-time;
- (iii) Have a change in your hourly wage rate or salary; or
- (iv) Stop working.

(5) If you receive family medical benefits, you need to tell us if:

- (a) You move;
- (b) A family member moves out of your home; or
- (c) If your income goes up or down by one hundred dollars or more a month and you expect this income change will continue for at least two months.

(6) If you receive Basic Food benefits, you need to tell us if:

- (a) You move;
- (b) Your total gross monthly income is more than the gross monthly income limit under WAC 388-478-0060; or

(c) Anyone who receives food benefits in your assistance unit must meet work requirements under WAC 388-444-0030 and their hours at work go below twenty hours per week.

(7) If you receive children's medical benefits, you need to tell us if:

- (a) You move; or
- (b) A family member moves out of the house.

(8) If you receive pregnancy medical benefits, you need to tell us if:

- (a) You move; or
- (b) You are no longer pregnant.

(9) If you receive other medical benefits, you need to tell us if:

- (a) You move; or
 - (b) A family member moves out of the home.
- (10) If you receive transitional food assistance or Work-First career services benefits, you do not have to report any changes in your circumstances.

[Statutory Authority: RCW 74.04.050, 74.04.055, and 2007 c 522. 07-20-042, § 388-418-0005, filed 9/26/07, effective 10/27/07. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 74.08A.010. 05-19-060, § 388-418-0005, filed 9/16/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 44.04.280. 05-09-021, § 388-418-0005, filed 4/12/05, effective 6/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54. 04-21-026, § 388-418-0005, filed 10/13/04, effective 11/13/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 04-06-026, § 388-418-0005, filed 2/23/04, effective 3/25/04; 03-21-028, § 388-418-0005, filed 10/7/03, effective 11/1/03. Statutory Authority: RCW 74.08.090 and 74.04.510. 01-11-109, § 388-418-0005, filed 5/21/01, effective 7/1/01; 99-23-034, § 388-418-0005, filed 11/10/99, effective 1/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-418-0005, filed 7/31/98, effective 9/1/98.]

WAC 388-418-0007 When do I have to report changes in my circumstances? (1) If your household has a change of circumstances you are **not required to report** under WAC 388-418-0005, then you do not need to contact us about this change. If you tell us about this change, we take action based on the new information. This includes:

- (a) Asking for more information we need to determine your eligibility and benefits under WAC 388-490-0005;
- (b) Increasing your benefits when we have proof of a change that makes you eligible for more benefits; or
- (c) Reducing or stopping your benefits based on the change.

(2) If you **are applying for** benefits and have had a change:

- (a) After the date you applied but before your interview, you must report the change during your interview; or
- (b) After you have been interviewed, you must report changes that we require someone who receives benefits to report as described under WAC 388-418-0005. You must report this change by the tenth day of the month following the month the change happened.

(3) If you **receive** cash assistance, medical, or Basic Food, you must report changes required under WAC 388-418-0005 by the tenth day of the month following the month the change happened.

(4) For a change in income, the date a change happened is the date you receive income based on this change. For example, the date of your first paycheck for a new job, or the date of a paycheck showing a change in your wage or salary.

(5) If we require you to complete a mid-certification review, you must complete the review to inform us of your circumstances as described under WAC 388-418-0011 in order to keep receiving benefits.

(6) If you receive TANF/SFA, and you learn that a child in your assistance unit (AU) will be gone from your home longer than one hundred eighty days, you must tell us about this within five calendar days from the date you learn this information.

(a) If you do not report this within five days, the child's caretaker is not eligible for cash benefits for one month; and

(b) We continue to budget the ineligible person's countable income as described in WAC 388-450-0162 to determine the benefits for the people still in the AU.

(7) If you report changes late, you may receive the wrong amount or wrong type of benefits. If you receive more benefits than you are eligible for, you may have to pay them back as described in chapter 388-410 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 08-14-105, § 388-418-0007, filed 6/30/08, effective 8/1/08; 06-13-043, § 388-418-0007, filed 6/15/06, effective 7/17/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. 05-11-074, § 388-418-0007, filed 5/17/05, effective 7/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54. 04-19-134, § 388-418-0007, filed 9/21/04, effective 10/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-21-028, § 388-418-0007, filed 10/7/03, effective 11/1/03. Statutory Authority: RCW 74.08.090 and 74.04.510. 01-11-109, § 388-418-0007, filed 5/21/01, effective 7/1/01.]

WAC 388-418-0011 What is a mid-certification review, and do I have to complete one in order to keep receiving benefits? (1) A **mid-certification review (MCR)** is a form we send you to ask about your current circumstances. We use the answers you give us to decide if you are still eligible for benefits and to calculate your monthly benefits.

(2) If you receive cash assistance, family-related medical, or Basic Food benefits, you must complete a mid-certification review unless you meet one of the exceptions below:

(a) You **do not** have to complete a mid-certification review for cash assistance if you:

- (i) Only receive Refugee Cash Assistance as described under WAC 388-400-0030; or
- (ii) Have a review period of six months or less.

(b) You **do not** have to complete a mid-certification review for Basic food if:

- (i) Your assistance unit has a certification period of six months or less; or
- (ii) All adults in your assistance unit are elderly or disabled and have no earned income.

(3) When we send the review form:

If you must complete a MCR...	We send your review form...
(a) For one program such as Basic Food or Family Medical.	In the fifth month of your certification or review period. You must complete your review by the 10th day of month six.
(b) For two or more programs, and all programs have a 12-month certification or review period.	In the fifth month of your certification or review period. You must complete your review by the 10th day of month six.
(c) For Basic Food and another program when either program has a certification or review period between six and twelve months.	In the fifth month of your Basic Food certification period when you receive Basic Food and another program. You must complete your review by the 10th day of month six of your Basic Food certification.

(4) If you must complete a mid-certification review, we send you the review form with questions about your current circumstances. You can choose to complete the review in one of the following ways:

(a) **Complete the form and return it to us.** For us to count your mid-certification review as complete, you must take all of the steps below:

- (i) Complete the review form, telling us about changes in your circumstances we ask about;
- (ii) Sign and date the form;

(iii) Give us proof of any changes you report. If you report a change that will increase your benefits without giving proof of this change, we will not increase your benefits;

(iv) If you receive family medical benefits, give us proof of your income even if it has not changed;

(v) If you receive temporary assistance for needy families and you are working or self employed, you must give us proof of your income even if it has not changed; and

(vi) Mail or turn in the completed form and any required proof to us by the due date on the review.

(b) Complete the mid-certification review over the phone. For us to count your mid-certification review as complete, you must take all of the steps below:

(i) Contact us at the phone number on the review form, telling us about changes in your circumstances we ask about;

(ii) Give us proof of any changes you report. We may be able to verify some information over the phone. If you report a change that will increase your benefits without giving proof of this change, we will not increase your benefits;

(iii) If you receive family medical benefits, give us proof of your income even if it has not changed;

(iv) If you receive temporary assistance for needy families and you are working or self employed, you must give us proof of your income even if it has not changed; and

(v) Mail or turn in any required proof to us by the due date on the review.

(c) Complete the application process for another program. If we approve an application for another program in the month you must complete your mid-certification review, we use the application to complete your review when the same person is head of household for the application and the mid-certification review.

(5) If your benefits change because of what we learned in your mid-certification review, the change takes effect the next month even if this does not give you ten days notice before we change your benefits.

(6) If you do not complete your required mid-certification review, we stop your benefits at the end of the month the review was due.

(7) **Late reviews.** If you complete the mid-certification review after the last day of the month the review was due, we process the review as described below based on when we receive the review:

(a) Mid-certification reviews you complete by the last day of the month after the month the review was due: We determine your eligibility for ongoing benefits. If you are eligible, we reinstate your benefits based on the information in the review.

(b) Mid-certification reviews you complete after the last day of the month after the month the review was due: We treat this review as a request to send you an application. For us to determine if you are eligible for benefits, you must complete the application process as described in chapter 388-406 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090 and Public Law 109-171, TANF Interim Final Rule published in the Federal Register - Volume 71, No. 125 on June 29, 2006. 08-02-053, § 388-418-0011, filed 12/28/07, effective 2/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 06-24-025 and 07-01-023, § 388-418-0011, filed 11/29/06 and 12/8/06, effective 10/1/07; 06-13-043, § 388-418-0011, filed 6/15/06, effective 7/17/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 05-09-020, § 388-

418-0011, filed 4/12/05, effective 6/1/05. Statutory Authority: RCW 74.04.-050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54. 04-19-134, § 388-418-0011, filed 9/21/04, effective 10/1/04.]

WAC 388-418-0020 How does the department determine the date a change affects my benefits? (1) Unless otherwise specified, the rules in this chapter refer to cash, medical assistance, and Basic Food benefits.

(2) If you report a change that happened between the date you applied for benefits and the date we interview you under WAC 388-452-0005, we take this change into consideration when we process your application for benefits.

(3) If we learn about a change in your circumstances from another person, agency, or by matching with any number of systems, we determine the impact this change has on your benefits. We may request additional information under WAC 388-490-0005 or update your benefits based on this information.

(4) For programs other than pregnancy medical and children's medical, if you report a change in your income that we expect to continue at least a month beyond the month when you reported the change, we recalculate the income we estimated under WAC 388-450-0215 based on this change. Changes in income during a certification period do not affect pregnancy medical or children's medical assistance.

(5) When a change causes an increase in benefits, you must provide proof of the change before we adjust your benefits.

(a) If you give us the proof within ten days from the date we requested it, we increase your benefits starting the month after the month you reported the change.

(b) If you give us the proof more than ten days after the date we requested it, we increase your benefits starting the month after the month we got the proof.

(c) If you are eligible for more benefits and we have already sent you benefits for that month, we provide you the additional benefits within ten days of the day we got the proof.

(6) When a change causes a decrease in benefits, we reduce your benefit amount without asking for proof.

(a) If you report a change within the time limits in WAC 388-418-0007, and you are not reporting this as part of a mid-certification review, we decrease your benefits starting the first month following the advance notice period. The advance notice period:

(i) Begins on the day we send you a letter about the change, and

(ii) Is determined according to the rules in WAC 388-458-0025.

(b) If you do not report a change you must tell us about under WAC 388-418-0005, or you report a change later than we require under WAC 388-418-0007, we determine your eligibility as if you had reported this on time. If you received more benefits than you should, we set up an overpayment as described under chapter 388-410 WAC.

(7) If we are not sure how the change will affect your benefits, we send you a letter as described in WAC 388-458-0020 requesting information from you.

(a) We give you ten days to provide the information. If you need more time, you can ask for it.

(b) If you do not give us the information in time, we will stop your benefits after giving you advance notice, if required, as described in WAC 388-458-0030.

(8) Within ten days of the day we learn about a change, we send advance notice according to the rules in chapter 388-458 WAC and take necessary action to provide you the correct benefits. If you request a hearing about a proposed decrease in benefits before the effective date or within the notice period as described in WAC 388-458-0040, we wait to take action on the change.

(9) If you disagree with a decision we made to change your benefits, you may request a fair hearing under chapter 388-02 WAC. The fair hearing rules in chapter 388-02 WAC do not apply for a "mass change." A mass change is when we change the rules that impact all recipients and applicants.

(10) When you request a hearing and receive continued benefits:

(a) We keep giving you the same benefits you got before the advance notice of reduction until the earliest of the following events occur:

(i) For Basic Food only, your certification period expires;

(ii) The end of the month the fair hearing decision is mailed;

(iii) You state in writing that you do not want continued benefits;

(iv) You withdraw your fair hearing request in writing; or

(v) You abandon your fair hearing request; or

(vi) An administrative law judge issues a written order that ends continued benefits prior to the fair hearing.

(b) We establish an overpayment claim according to the rules in chapter 388-410 WAC when the hearing decision agrees with the action we took.

(11) Some changes have a specific effective date as follows:

(a) When cash assistance benefits increase because a person is added to your assistance unit, we use the effective date rules for applications in WAC 388-406-0055.

(b) When cash assistance benefits increase because you start paying shelter costs, we use the date the change occurred.

(c) When a change in law or regulation changes the benefit amount, we use the date specified by the law or regulation.

(d) When institutional medical assistance participation changes, we calculate the new participation amount beginning with the month your income or allowable expense changes.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 06-13-043, § 388-418-0020, filed 6/15/06, effective 7/17/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 05-09-020, § 388-418-0020, filed 4/12/05, effective 6/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54, 04-19-134, § 388-418-0020, filed 9/21/04, effective 10/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 03-21-028, § 388-418-0020, filed 10/7/03, effective 11/1/03. Statutory Authority: RCW 74.08.090, 74.04.057, and 74.04.510, 02-14-086, § 388-418-0020, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08.090 and 74.04.510, 99-23-034, § 388-418-0020, filed 11/10/99, effective 1/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-418-0020, filed 7/31/98, effective 9/1/98.]

(2009 Ed.)

WAC 388-418-0025 Effect of changes on medical program eligibility. (1) You continue to be eligible for medical assistance until the department determines your ineligibility or eligibility for another medical program. This applies to you if, during a certification period, you become ineligible for, or are terminated from, or request termination from:

(a) A CN medicaid program;

(b) A children's healthcare program; or

(c) Any of the following cash grants:

(i) TANF;

(ii) SSI; or

(iii) GA-X. See WAC 388-434-0005 for changes reported during eligibility review.

(2) If you become ineligible for refugee cash assistance, refugee medical assistance can be continued through the eight-month limit, as described in WAC 388-400-0035(4).

(3) If you receive a TANF cash grant or family medical, you are eligible for a medical extension, as described under WAC 388-523-0100, when your cash grant or family medical program is terminated as a result of:

(a) Earned income; or

(b) Collection of child or spousal support.

(4) A change in income during a certification period does affect eligibility for all medical programs except:

(a) Pregnant women's medical programs;

(b) Children's healthcare programs, except as specified in subsection (5); or

(c) The first six months of the medical extension benefits.

(5) For a child receiving benefits under the premium-based children's healthcare programs as described in WAC 388-505-0210 and chapter 388-542 WAC, the department must redetermine eligibility for a nonpremium-based medical program when the family reports:

(a) Family income has decreased to less than two hundred percent federal poverty level (FPL);

(b) The child becomes pregnant;

(c) A change in family size; or

(d) The child receives SSI.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, 74.09.700, and 2007 c 5, 08-05-018, § 388-418-0025, filed 2/12/08, effective 3/14/08. Statutory Authority: RCW 74.08.090, 74.09.530, and 74.09.415, 05-23-013, § 388-418-0025, filed 11/4/05, effective 1/1/06. Statutory Authority: RCW 74.08.090, 74.09.530, and 2003 c 10, 04-03-019, § 388-418-0025, filed 1/12/04, effective 2/12/04. Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415, 02-17-030, § 388-418-0025, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090 and 74.09.450, 00-08-002, § 388-418-0025, filed 3/22/00, effective 5/1/00. Statutory Authority: RCW 74.04.050, 74.04.057 and Section 4731 of the BBA (Public Law 105-33), 99-10-064, § 388-418-0025, filed 5/3/99, effective 6/3/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-418-0025, filed 7/31/98, effective 9/1/98. Formerly WAC 388-508-0840, 388-509-0920, 388-509-0960, 388-522-2205 and 388-522-2210.]

Chapter 388-420 WAC

CHEMICAL DEPENDENCY FOOD ASSISTANCE

WAC

388-420-010 Alcohol and drug treatment centers.

WAC 388-420-010 Alcohol and drug treatment centers. (1) Food assistance is only available to a resident of a drug or alcohol treatment center when the treatment center is:

- (a) Administered by a public or private nonprofit agency; and
- (b) Certified by the division of alcohol and substance abuse (DASA).

(2) A resident is considered a one person assistance unit. However if the resident's spouse or child is also living in the treatment center, the spouse or child is included in the resident's assistance unit.

(3) The resident must have a designated employee of the treatment center act as an authorized representative as specified in chapter 388-460 WAC.

(4) The authorized representative receives and uses the food assistance benefits for meals the resident is served in the treatment center.

(5) The authorized representative also has responsibilities as specified in chapter 388-460 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-420-010, filed 7/31/98, effective 9/1/98.]

Chapter 388-422 WAC CHILD SUPPORT

WAC

388-422-0005	What happens to my child, spousal and medical support when I get public assistance?
388-422-0010	Do I have to cooperate with the division of child support (DCS)?
388-422-0020	What if you are afraid that cooperating with the division of child support (DCS) may be dangerous for you or the child in your care?
388-422-0030	What happens if my support is more than my TANF or SFA cash benefit?

WAC 388-422-0005 What happens to my child, spousal and medical support when I get public assistance? (1) The following definitions apply to this chapter:

(a) **"We"** means the department of social and health services.

(b) **"You"** means a person applying for or getting benefits from us.

(c) **"Benefits"** mean family medical and related alien emergency medical (AEM), TANF or SFA cash assistance.

(d) **"Support"** means the money paid to meet a support order whether it is called child support, spousal support, alimony, maintenance, or medical support.

(e) **"Medical support"** means either or both:

(i) The set dollar amount for health care costs in a support order; or

(ii) Health insurance coverage for a dependent child.

(f) **"Assistance unit"** or **"AU"** means the group of people who live together and whose income and resources we count to decide your eligibility for benefits and the amount of those benefits.

(2) When you apply for TANF or SFA cash benefits, you assign your rights to current support and back support (also called **"arrear"**) under WAC 388-14A-2036. You permanently assign to the state your current support for the months you get assistance. Support for months before you begin receiving assistance is temporarily assigned to the state. For

more information about permanently and temporarily assigned support see:

(a) Permanently assigned arrears, WAC 388-14A-2037.

(b) Temporarily assigned arrears, WAC 388-14A-2038.

(3) You assign your rights to medical support under WAC 388-505-0540 when you apply for or get benefits from the following:

(a) Family medical; or

(b) Children's medical.

(4) You assign your rights to support when you sign the application for benefits, or when you get cash or medical benefits.

(5) If you have a good reason (WAC 388-422-0020) DCS may not be able to establish or collect child support (WAC 388-14A-2060).

(6) If you receive any support payments before you assign your rights to support, we count this as unearned income to your AU (WAC 388-450-0025).

(7) If you receive any direct support payments after you assign your rights to support, you must send the support payments to the division of child support (DCS) under WAC 388-14A-2040(3).

(8) If you keep any support payments you receive after you assign your rights to support, DCS may collect this money from you (WAC 388-14A-5505).

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 02-19-041, § 388-422-0005, filed 9/11/02, effective 10/12/02; 98-16-044, § 388-422-0005, filed 7/31/98, effective 9/1/98. Formerly WAC 388-505-0560.]

WAC 388-422-0010 Do I have to cooperate with the division of child support (DCS)? (1) When you get benefits, you must cooperate with DCS as required to establish or collect child support, unless you have a good reason for not cooperating.

(2) DCS defines what cooperating with them to establish or collect child support means in WAC 388-14A-2040.

(3) If you are a two-parent household, you and the other parent must help DCS establish paternity for each child in your AU, if necessary.

(4) DCS determines whether you are cooperating with them. See WAC 388-14A-2041(1) for reasons why DCS might determine that you are not cooperating.

(5) If you get TANF or SFA and do not have a good reason for not cooperating with DCS, we:

(a) Reduce your cash benefits by twenty-five percent; and

(b) Stop your medical benefits unless you are pregnant. The children in your AU will continue to get medical.

(6) If you get family medical and do not have a good reason for not cooperating with DCS, your medical will stop unless you are pregnant. The children in your AU will continue to get medical.

(7) If you are afraid that cooperating with DCS may be dangerous for you or a child in your care, see WAC 388-14A-2045 for a definition of what a good reason to not cooperate with DCS is. We also call this **"good cause."**

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 02-19-041, § 388-422-0010, filed 9/11/02, effective 10/12/02; 98-16-044, § 388-422-0010, filed 7/31/98, effective 9/1/98. Formerly WAC 388-505-0560.]

WAC 388-422-0020 What if you are afraid that cooperating with the division of child support (DCS) may be dangerous for you or the child in your care? (1) You can be excused from cooperating with DCS when you have a good reason. A good reason not to cooperate is also called good cause. You have a good reason when you can prove that:

- (a) Cooperating with DCS would result in serious physical or emotional harm to you or the child in your care.
- (b) Establishing paternity or getting support would be harmful to the child who:
 - (i) Was conceived as a result of incest or rape; or
 - (ii) Is the subject of legal adoption proceedings pending before a superior court; or
 - (iii) Is the subject of ongoing discussions between you and a public or licensed child placement agency to decide whether you will keep the child or put the child up for adoption. The discussions cannot have gone on for more than three months.
- (2) Once you claim good cause, you have twenty days to give us the information that proves you have good cause not to cooperate with DCS. This information can include official records, sworn statements, or other information that supports your good cause claim. If you need to, you may ask for:
 - (a) More time to give proof; or
 - (b) Help in getting proof.
- (3) While we review your good cause claim, DCS does not take any action to establish or enforce support on your case.
- (4) You have the right to:
 - (a) Be told of your right to claim good cause for not cooperating with DCS;
 - (b) Get benefits while we are deciding your good cause claim, as long as you have given the proof needed to make a decision;
 - (c) Get a decision within thirty days from the date you made your good cause claim, as long as you have given the proof needed to make a decision within twenty days; and
 - (d) Get information about how to request a fair hearing if we deny your good cause claim.

- (5) If we approve your good cause claim, we periodically review the claim depending on your circumstances.
- (6) To see what DCS does when good cause is approved see WAC 388-14A-2060.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 02-19-041, § 388-422-0020, filed 9/11/02, effective 10/12/02; 98-16-044, § 388-422-0020, filed 7/31/98, effective 9/1/98. Formerly WAC 388-505-0570 and 388-505-0560.]

WAC 388-422-0030 What happens if my support is more than my TANF or SFA cash benefit? (1) If DCS collects current support that is more than your TANF or SFA cash benefit for two months in a row, your cash benefit stops at the end of the third month.

- (2) You can read WAC 388-418-0025 for information on continued medical benefits.
- (3) You may be able to get continued food assistance benefits.
- (4) You can read WAC 388-310-0800 to see what kinds of support services you may be able to get.

(2009 Ed.)

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 02-19-041, § 388-422-0030, filed 9/11/02, effective 10/12/02; 98-16-044, § 388-422-0030, filed 7/31/98, effective 9/1/98.]

**Chapter 388-424 WAC
CITIZENSHIP/ALIEN STATUS**

WAC

388-424-0001	Citizenship and alien status—Definitions.
388-424-0006	Citizenship and alien status—Date of entry.
388-424-0007	Citizenship and alien status—Armed services or veteran status.
388-424-0008	Citizenship and alien status—Work quarters.
388-424-0009	Citizenship and alien status—Social Security number (SSN) requirements.
388-424-0010	Citizenship and alien status—Eligibility restrictions for the temporary assistance for needy families program and medical benefits, including nonemergency medicaid and the children's healthcare programs.
388-424-0015	Immigrant eligibility restrictions for the state family assistance, general assistance, and ADATSA programs.
388-424-0016	Citizenship and alien status—Immigrant eligibility restrictions for state medical benefits.
388-424-0020	How does my alien status impact my eligibility for the federally funded Washington Basic Food program benefits?
388-424-0025	How does my alien status impact my eligibility for state-funded benefits under the Washington Basic Food program?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-424-0005	The effect of citizenship and alien status on eligibility for benefits. [Statutory Authority: RCW 74.08.090 and 74.08A.100, 99-17-023, § 388-424-0005, filed 8/10/99, effective 9/10/99. Statutory Authority: RCW 74.04.-050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-424-0005, filed 7/31/98, effective 9/1/98. Formerly WAC 388-505-0520, 388-518-1805 and 388-510-1020.] Repealed by 04-15-004, filed 7/7/04, effective 8/7/04. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08.090.
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WAC 388-424-0001 Citizenship and alien status—Definitions. "American Indians" born outside the United States. American Indians born outside the U.S. are eligible for benefits without regard to immigration status or date of entry if:

- (1) They were born in Canada and are of fifty percent American Indian blood (but need not belong to a federally recognized tribe); or
- (2) They are members of a federally recognized Indian tribe or Alaskan Native village or corporation.

"Hmong or Highland Lao." These are members of the Hmong or Highland Laotian tribe, which rendered military assistance to the U.S. during the Vietnam era (August 5, 1964 to May 7, 1975), and are "lawfully present" in the United States. This category also includes the spouse (including unremarried widow or widower) or unmarried dependent child of such tribe members.

"Nonimmigrants." These individuals are allowed to enter the U.S. for a specific purpose, usually for a limited time. Examples include:

- (1) Tourists,
- (2) Students,
- (3) Business visitors.

"PRUCOL" (Permanently residing under color of law) aliens. These are individuals who:

- (1) Are not "qualified aliens" as described below; and
- (2) Intend to reside indefinitely in the U.S.; and
- (3) United States Citizenship and Immigration Services or USCIS (formerly the Immigration and Naturalization Service or INS) knows are residing in the U.S. and is not taking steps to enforce their departure.

"Special immigrants from Iraq and Afghanistan."

According to federal law, special immigrants are Iraqi and Afghan aliens granted special immigrant status under section 101 (a)(27) of the Immigration and Nationality Act (INA).

"Qualified aliens." Federal law defines the following groups as "qualified aliens." All those not listed below are considered "nonqualified":

(1) **Abused spouses or children**, parents of abused children, or children of abused spouses, who have either:

(a) A pending or approved I-130 petition or application to immigrate as an immediate relative of a U.S. citizen or as the spouse or unmarried son or daughter of a Lawful Permanent Resident (LPR) - see definition of LPR below; or

(b) A notice of "prima facie" approval of a pending self-petition under the Violence Against Women Act (VAWA); or

(c) Proof of a pending application for suspension of deportation or cancellation of removal under VAWA; and

(d) The alien no longer resides with the person who committed the abuse.

(e) Children of an abused spouse do not need their own separate pending or approved petition but are included in their parent's petition if it was filed before they turned age twenty-one. Children of abused persons who meet the conditions above retain their "qualified alien" status even after they turn age twenty-one.

(f) An abused person who has initiated a self-petition under VAWA but has not received notice of prima facie approval is not a "qualified alien" but is considered PRUCOL. An abused person who continues to reside with the person who committed the domestic violence is also PRUCOL. For a definition of PRUCOL, see above.

(2) **Amerasians** who were born to U.S. citizen armed services members in Southeast Asia during the Vietnam war.

(3) Individuals who have been granted **asylum** under Section 208 of the Immigration and Nationality Act (INA).

(4) Individuals who were admitted to the U.S. as **conditional entrants** under Section 203 (a)(7) of the INA prior to April 1, 1980.

(5) **Cuban/Haitian entrants**. These are nationals of Cuba or Haiti who were paroled into the U.S. or given other special status.

(6) Individuals who are **lawful permanent residents** (LPRs) under the INA.

(7) Persons who have been granted **parole** into the U.S. for at least a period of one year (or indefinitely) under Section 212 (d)(5) of the INA, including "public interest" parolees.

(8) Individuals who are admitted to the U.S. as **refugees** under Section 207 of the INA.

(9) Persons granted **withholding of deportation or removal** under Sections 243(h) (dated 1995) or 241 (b)(3) (dated 2003) of the INA.

"Undocumented aliens." These are persons who either:

- (1) Entered the U.S. without inspection at the border, or
- (2) Were lawfully admitted but have lost their status.

"U.S. citizens."

(1) The following individuals are considered to be citizens of the U.S.:

(a) Persons born in the U.S. or its territories (Guam, Puerto Rico, and the U.S. Virgin Islands; also residents of the Northern Mariana Islands who elected to become U.S. citizens); or

(b) Legal immigrants who have naturalized after immigrating to the U.S.

(2) Persons born abroad to at least one U.S. citizen parent may be U.S. citizens under certain conditions.

(3) Individuals under the age of eighteen automatically become citizens when they meet the following three conditions on or after February 27, 2001:

(a) The child is a lawful permanent resident (LPR);

(b) At least one of the parents is a U.S. citizen by birth or naturalization; and

(c) The child resides in the U.S. in the legal and physical custody of the citizen parent.

(4) For those individuals who turned eighteen before February 27, 2001, the child would automatically be a citizen if still under eighteen when he or she began lawful permanent residence in the U.S. and both parents had naturalized. Such a child could have derived citizenship when only one parent had naturalized if the other parent were dead, a U.S. citizen by birth, or the parents were legally separated and the naturalizing parent had custody.

"U.S. nationals." A U.S. national is a person who owes permanent allegiance to the U.S. and may enter and work in the U.S. without restriction. The following are the only persons classified as U.S. nationals:

(1) Persons born in American Samoa or Swain's Island after December 24, 1952; and

(2) Residents of the Northern Mariana Islands who did not elect to become U.S. citizens.

"Victims of trafficking." According to federal law, victims of trafficking have been subject to one of the following:

(1) Sex trafficking, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained eighteen years of age; or

(2) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(3) Under federal law, persons who have been certified or approved as victims of trafficking by the federal Office of Refugee Resettlement (ORR) are to be treated the same as refugees in their eligibility for public assistance.

(4) Immediate family members of victims are also eligible for public assistance benefits as refugees. Immediate family members are the spouse or child of a victim of any age and the parent or minor sibling if the victim is under twenty-one years old.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08A.320, 74.08.090, and Public Law 110-161 Section 525; Public Law 110-181 Section 1244; FNS Admin Notice 08-17; State Letter 04-12 from the Office of Refugee Resettlement. 08-14-116, § 388-424-0001, filed 6/30/08, effective 8/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 04-15-004, § 388-424-0001, filed 7/7/04, effective 8/7/04.]

WAC 388-424-0006 Citizenship and alien status—Date of entry. (1) A person who physically entered the U.S. prior to August 22, 1996 and who continuously resided in the U.S. prior to becoming a "qualified alien" (as defined in WAC 388-424-0001) is not subject to the five-year bar on TANF, nonemergency medicaid, and SCHIP.

(2) A person who entered the U.S. prior to August 22, 1996 but became "qualified" on or after August 22, 1996, or who physically entered the U.S. on or after August 22, 1996 and who requires five years of residency to be eligible for federal Basic Food, can only count years of residence during which they were a "qualified alien."

(3) A person who physically entered the U.S. on or after August 22, 1996 is subject to the five-year bar on TANF, nonemergency medicaid, and SCHIP unless exempt. The five-year bar starts on the date that "qualified" status is obtained.

(4) The following "qualified aliens," as defined in WAC 388-424-0001, are exempt from the five-year bar:

- (a) Amerasian lawful permanent residents;
- (b) Asylees;
- (c) Cuban/Haitian entrants;
- (d) Persons granted withholding of deportation or removal;
- (e) Refugees;
- (f) Victims of trafficking who have been certified or had their eligibility approved by the office of refugee resettlement (ORR); and
- (g) Lawful permanent residents, parolees, or battered aliens, as defined in WAC 388-424-0001, who are also an armed services member or veteran as described in WAC 388-424-0007.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, 07-07-023, § 388-424-0006, filed 3/9/07, effective 4/9/07. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 05-16-055, § 388-424-0006, filed 7/28/05, effective 8/28/05; 04-15-004, § 388-424-0006, filed 7/7/04, effective 8/7/04.]

WAC 388-424-0007 Citizenship and alien status—Armed services or veteran status. (1) An immigrant in one of the following categories is considered a member of the armed forces or a veteran for purposes of establishing eligibility for federal means-tested benefits as defined in WAC 388-424-0008:

- (a) On active duty in the U.S. military, other than active duty for training; or
- (b) An honorably discharged U.S. veteran; or
- (c) A veteran of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, Section 107 of the U.S. Code; or
- (d) The spouse, unremarried widow or widower, or unmarried dependent child of a veteran or active duty service member.

(2) An immigrant as described in subsection (1) above is not subject to the five-year bar on TANF, nonemergency medicaid, and SCHIP (see WAC 388-424-0010).

(3) An immigrant as described in subsection (1) above who is also a "qualified alien" as described in WAC 388-424-0020 (1)(b)(i) is eligible for federal Basic Food.

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(4) An immigrant is not subject to sponsor deeming in state funded programs (see WAC 388-450-0156 (4)(c)) if in any of the categories in subsection (1) above or if:

(a) Employed by an agency of the U.S. government or served in the armed forces of an allied country during a military conflict between the U.S. and a military opponent; or

(b) The spouse, unremarried widow or widower, or unmarried dependent child of a person in subsection (4)(a) of this section.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 04-15-004, § 388-424-0007, filed 7/7/04, effective 8/7/04.]

WAC 388-424-0008 Citizenship and alien status—Work quarters. (1) For purposes of determining Social Security work quarters, the following are considered federal means-tested benefits: Temporary assistance for needy families (TANF), nonemergency medicaid, state children's health insurance program (SCHIP), Supplemental Security Income (SSI), and federal Basic Food.

(2) An immigrant can receive credit for work quarters by:

- (a) Earning enough money to qualify for work quarters;
- (b) Getting credit for work quarters earned by a parent or step parent while the alien was under eighteen (including quarters earned before the alien was born); and
- (c) Getting credit for work quarters earned by a spouse during the marriage (including a now deceased spouse) or during a period when a couple "hold themselves out" as married.

(3) An immigrant may receive credit for work quarters earned while residing in the U.S. regardless of their (or their family member's) immigration status at the time the money was earned.

(4) An immigrant cannot receive credit for a work quarter on or after January 1, 1997 if the person earning or being credited with the work quarter received a federal means-tested benefit during the quarter.

(5) If the person earning the quarter applied for a federal means-tested benefit during the fortieth quarter and the person earning the quarter earned enough money to qualify for benefits before applying for benefits, the quarter is credited.

(6) An immigrant can be provisionally credited with forty work quarters for up to six months while awaiting verification of work quarters only if:

- (a) SSA responded that the immigrant (and spouse and parents) has less than forty quarters, but SSA is making an investigation to see if more quarters can be credited; or
- (b) The immigrant has turned in a request to another federal agency for proof of the immigrant's eligible alien status and the agency has accepted the request.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 04-15-004, § 388-424-0008, filed 7/7/04, effective 8/7/04.]

WAC 388-424-0009 Citizenship and alien status—Social Security number (SSN) requirements. (1) A "qualified alien," as defined in WAC 388-424-0001, who has applied for a Social Security number (SSN) as part of their application for benefits cannot have benefits delayed, denied, or terminated pending the issuance of the SSN by the Social Security Administration (SSA).

[Title 388 WAC—p. 869]

(2) The following immigrants are not required to apply for an SSN:

(a) An alien, regardless of immigration status, who is applying for a program listed in WAC 388-476-0005(7);

(b) A PRUCOL alien as defined in WAC 388-424-0001; and

(c) Members of a household who are not applying for benefits for themselves.

(3) "Qualified aliens," as defined in WAC 388-424-0001, who are applying for federal benefits but who are not authorized to work in the U.S., must still apply for a nonwork SSN. The department must assist them in this application without delay.

(4) An immigrant who is otherwise eligible for benefits may choose not to provide the department with an SSN without jeopardizing the eligibility of others in the household. See WAC 388-450-0140 for how the income of such individuals is treated.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 04-15-004, § 388-424-0009, filed 7/7/04, effective 8/7/04.]

WAC 388-424-0010 Citizenship and alien status—Eligibility restrictions for the temporary assistance for needy families program and medical benefits, including nonemergency medicaid and the children's healthcare programs. (1) To receive TANF or medical benefits you must meet all other eligibility requirements and be one of the following as defined in WAC 388-424-0001:

(a) A U.S. citizen;

(b) A U.S. national;

(c) An American Indian born outside the U.S.;

(d) A "qualified alien";

(e) A victim of trafficking;

(f) A Hmong or Highland Lao;

(g) A special immigrant from Iraq eligible for eight months of federally funded assistance from your date of entry into the United States or from the date you received special immigrant status; or

(h) A special immigrant from Afghanistan eligible for six months of federally funded assistance from your date of entry into the United States or from the date you received special immigrant status.

(2) A "qualified alien" who first physically entered the U.S. before August 22, 1996 as described in WAC 388-424-0006(1) may receive TANF, nonemergency medicaid, and SCHIP benefits.

(3) A "qualified alien" who first physically entered the U.S. on or after August 22, 1996 cannot receive TANF, non-emergency medicaid, or SCHIP for five years after obtaining status as a qualified alien unless he or she is an alien as described under WAC 388-424-0006(4).

(4) An alien who is ineligible for TANF, nonemergency medicaid, or SCHIP because of the five-year bar or because of their immigration status may be eligible for:

(a) Emergency benefits as described in WAC 388-436-0015 (consolidated emergency assistance program) and WAC 388-438-0110 (alien emergency medical program); or

(b) State-funded cash or chemical dependency benefits as described in WAC 388-424-0015 (SFA, GA and ADATSA) and medical benefits as described in WAC 388-424-0016; or

[Title 388 WAC—p. 870]

(c) Pregnancy medical benefits as described in WAC 388-462-0015; or

(d) Children's health program as described in WAC 388-505-0210.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08A.320, 74.08.090, and Public Law 110-161 Section 525; Public Law 110-181 Section 1244; FNS Admin Notice 08-17; State Letter 04-12 from the Office of Refugee Resettlement. 08-14-116, § 388-424-0010, filed 6/30/08, effective 8/1/08. Statutory Authority: RCW 74.08.090, 74.09.530, and 74.09.415. 05-23-013, § 388-424-0010, filed 11/4/05, effective 1/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 04-15-004, § 388-424-0010, filed 7/7/04, effective 8/7/04. Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415. 02-17-030, § 388-424-0010, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, and Public Law 106-395. 02-03-008, § 388-424-0010, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 74.08.090 and 74.08A.100. 99-17-023, § 388-424-0010, filed 8/10/99, effective 9/10/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-424-0010, filed 7/31/98, effective 9/1/98. Formerly WAC 388-505-0520 and 388-518-1805.]

WAC 388-424-0015 Immigrant eligibility restrictions for the state family assistance, general assistance, and ADATSA programs. (1) To receive state family assistance (SFA) benefits, you must be:

(a) A "qualified alien" as defined in WAC 388-424-0001 who is ineligible for TANF due to the five-year bar as described in WAC 388-424-0006(3); or

(b) A PRUCOL alien as defined in WAC 388-424-0001, including a noncitizen American Indian who does not meet the criteria in WAC 388-424-0001.

(2) To receive general assistance (GA) benefits, you must be ineligible for the TANF, SFA, or SSI program for a reason other than failure to cooperate with program requirements, and belong to one of the following groups as defined in WAC 388-424-0001:

(a) A U.S. citizen;

(b) A U.S. national;

(c) An American Indian born outside the U.S.;

(d) A "qualified alien" or similarly defined lawful immigrant such as Hmong or Highland Lao or victim of trafficking; or

(e) A PRUCOL alien.

(3) To receive ADATSA benefits, you must belong to one of the following groups as defined in WAC 388-424-0001:

(a) A U.S. citizen;

(b) A U.S. national;

(c) An American Indian born outside the U.S.;

(d) A "qualified alien" or similarly defined lawful immigrant such as Hmong or Highland Lao or victim of trafficking; or

(e) A PRUCOL alien.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 04-15-004, § 388-424-0015, filed 7/7/04, effective 8/7/04. Statutory Authority: RCW 74.04.050, 74.08.090. 00-08-060, § 388-424-0015, filed 3/31/00, effective 4/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.-057 and 74.08.090. 98-16-044, § 388-424-0015, filed 7/31/98, effective 9/1/98. Formerly WAC 388-518-1805.]

WAC 388-424-0016 Citizenship and alien status—Immigrant eligibility restrictions for state medical benefits. (1) To receive general assistance medical (medical care services) you must meet the alien requirements of general

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assistance as described in WAC 388-424-0015(2) and be a recipient of general assistance cash.

(2) To receive medical benefits for pregnancy, you must be ineligible for other programs as described in WAC 388-462-0015, verify you are pregnant, and be:

(a) A "qualified alien" who is ineligible for TANF due to the five-year bar as described in WAC 388-424-0006(3);

(b) PRUCOL as defined in WAC 388-424-0001; or

(c) An undocumented alien as defined in WAC 388-424-0001.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 04-15-004, § 388-424-0016, filed 7/7/04, effective 8/7/04.]

WAC 388-424-0020 How does my alien status impact my eligibility for the federally funded Washington Basic Food program benefits? (1) If you are a U.S. citizen or U.S. national as defined in WAC 388-424-0001 and meet all other eligibility requirements, you may receive federal Basic Food benefits.

(2) If you are not a U.S. citizen or U.S. national, you must fall within (a), (b), (c) or (d) of this subsection, and meet all other eligibility requirements, in order to receive federal Basic Food benefits:

(a) You are a member of one of the following groups of "qualified aliens" or similarly defined lawful immigrants as defined in WAC 388-424-0001:

(i) Amerasian;

(ii) Asylee;

(iii) Cuban or Haitian entrant;

(iv) Deportation or removal withheld;

(v) Refugee;

(vi) Victim of trafficking;

(vii) Noncitizen American Indian; or

(viii) Hmong or Highland Lao tribal member.

(b)(i) You are a member of one of the following groups of qualified aliens as defined in WAC 388-424-0001:

(A) Conditional entrant;

(B) Lawful permanent resident (LPR);

(C) Paroled for one year or more; or

(D) Victim of domestic violence or parent or child of a victim.

(ii) And, one of the following also applies to you:

(A) You have worked or can get credit for forty Social Security Administration (SSA) work quarters - as described in WAC 388-424-0008;

(B) You are an active duty personnel or honorably discharged veteran of the U.S. military or you are the spouse, unmarried surviving spouse, or unmarried dependent child of someone who meets this requirement, as described in WAC 388-424-0007(1);

(C) You receive cash or medical benefits based on Supplemental Security Income (SSI) criteria for blindness or disability;

(D) You have lived in the U.S. as a "qualified alien" as described in WAC 388-424-0001 for at least five years;

(E) You are under age eighteen; or

(F) You were lawfully residing in the U.S. on August 22, 1996 and were born on or before August 22, 1931.

(c) You are a special immigrant from Iraq eligible for eight months of federally funded assistance from the date of your entry into the United States or from the date you

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received special immigrant status if this occurred after your U.S. entry.

(d) You are a special immigrant from Afghanistan eligible for six months of federally funded assistance from the date of your entry into the United States or from the date you received special immigrant status if this occurred after your U.S. entry.

(3) If you are ineligible for federal Basic Food benefits due to your alien status, you may be eligible for state Basic Food benefits (see WAC 388-424-0025).

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08A.320, 74.08.090, and Public Law 110-161 Section 525; Public Law 110-181 Section 1244; FNS Admin Notice 08-17; State Letter 04-12 from the Office of Refugee Resettlement. 08-14-116, § 388-424-0020, filed 6/30/08, effective 8/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 04-15-004, § 388-424-0020, filed 7/7/04, effective 8/7/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510. 03-05-029, § 388-424-0020, filed 2/10/03, effective 4/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and H.R. 2646 Farm Security and Rural Investment Act of 2002. 02-22-046, § 388-424-0020, filed 10/30/02, effective 12/1/02. Statutory Authority: RCW 74.04.510, S. 1150, the Agricultural Research, Extension, and Education Reform Act of 1998. 99-01-058, § 388-424-0020, filed 12/11/98, effective 1/11/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-424-0020, filed 7/31/98, effective 9/1/98. Formerly WAC 388-518-1805.]

WAC 388-424-0025 How does my alien status impact my eligibility for state-funded benefits under the Washington Basic Food program? To receive state-funded benefits under the Washington Basic Food program, you must be one of the following:

(1) A "qualified alien," as defined in WAC 388-424-0001, who does not meet the eligibility requirements under WAC 388-424-0020 to receive federally funded Basic Food benefits; or

(2) An alien who does not meet the definition of a qualified alien as defined in WAC 388-424-0001 but who is Permanently Residing Under Color of Law (PRUCOL) in the United States as defined in WAC 388-424-0001.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 04-15-004, § 388-424-0025, filed 7/7/04, effective 8/7/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510. 03-05-029, § 388-424-0025, filed 2/10/03, effective 4/1/03. Statutory Authority: RCW 74.08A.120. 00-13-036, § 388-424-0025, filed 6/13/00, effective 7/14/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-424-0025, filed 7/31/98, effective 9/1/98. Formerly WAC 388-518-1805.]

Chapter 388-426 WAC CLIENT COMPLAINTS

WAC

388-426-0005

How do I make a complaint to the department?

WAC 388-426-0005 How do I make a complaint to the department? If you do not agree with a decision we made or an action we took, you can make a complaint. We address your concerns based on the nature of your complaint.

Civil Rights:

(1) We will not discriminate based on your race, color, national origin, sex, age, disability, religion, or political beliefs. This agrees with:

(a) Federal law and policy of the United States Department of Agriculture (USDA) and the United States Department

ment of Health and Human Services (HHS) that ban discrimination based on race, color, national origin, sex, age or disability; and

(b) The Food Stamp Act and USDA policy, which bans discrimination on religion or political beliefs.

(2) To file a complaint that we discriminated based on your race, color, national origin, sex, age, disability, religion, or political beliefs, contact USDA or HHS:

Write:	
USDA	HHS
Director, Office of Civil Rights	Director, Office for Civil Rights
1400 Independence Avenue, S.W.	Room 506-F
Washington, D.C. 20250-9410	200 Independence Avenue, S.W.
	Washington, D.C. 20201
Or call:	
USDA	HHS
(800) 795-3272 (voice); or	(202) 619-0403 (voice); or
(202) 720-6382 (TTY).	(202) 619-3257 (TTY).
USDA and HHS are equal opportunity providers and employers.	

Complaints about our decisions or actions:

(3) If you do not agree with a decision we made or an action we took, you may use our complaint process:

(a) **Supervisor review:** You may give a supervisor a written complaint. We will:

(i) Make a decision about your written complaint within ten days of the date we get it; and

(ii) Send you a letter telling you what we decided and that you may have another review by the local office administrator if you ask for it.

(b) **Administrator review:** If you do not accept the decision you get from a supervisor, you may give the local office administrator a written complaint. We will:

(i) Make a decision about your written complaint within ten days of the date we get it; and

(ii) Send you a letter telling you what we decided.

(4) When we send you a letter with the administrator's decision, this ends the complaint process.

(5) If you file a written complaint, you may still ask for a fair hearing under chapter 388-02 WAC.

(6) You may always speak with your worker's supervisor or have them review your worker's decision even if you do not file a formal complaint.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.515, 74.08.090. 06-10-057, § 388-426-0005, filed 5/1/06, effective 6/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. 04-03-050, § 388-426-0005, filed 1/15/04, effective 2/15/04. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-17-025, § 388-426-0005, filed 8/10/99, effective 10/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.-057 and 74.08.090. 98-16-044, § 388-426-0005, filed 7/31/98, effective 9/1/98.]

**Chapter 388-428 WAC
CONFIDENTIALITY**

WAC

388-428-0010 Request for address disclosure by a parent when a child is living with a nonparental caretaker.

WAC 388-428-0010 Request for address disclosure by a parent when a child is living with a nonparental caretaker. (1) When TANF or SFA has been approved for a child who is living with a nonparental caretaker, the address and location of the child may be released to the child's parent when:

(a) The parent has legal custody of the child or is allowed visitation rights or residential time with the child under a court order; and

(b) No court order restricts or limits the parent's right to contact or visit the child or the child's caretaker by imposing conditions to protect the child or the caretaker from harm;

(c) The department has not found that the caretaker has good cause for refusing to cooperate in child support enforcement activities related to the parent's support obligation; and

(d) There is no substantiated claim or pending investigation involving abuse or neglect of any child by the parent;

(e) There are no pending proceedings as listed in subsections (1)(b) through (d).

(2) A parent may request the child's address and location:

(a) In person, with satisfactory evidence of identity, at the community services office where the child's record is being maintained;

(b) Through an attorney; or

(c) If residing outside the state of Washington, by submitting a notarized request.

(3) If the request for the child's address and location is based on a court order granting the parent legal custody, visitation rights or residential time, the parent must also submit:

(a) A copy of the court order; and

(b) A sworn statement that the order has not been modified.

(4) Prior to release of the child's address and location, the child's caretaker will be notified that:

(a) The child's parent has requested the information; and

(b) The information will be released within thirty days from the date of the notice unless the caretaker:

(i) Provides proof of a current investigation or pending court case involving the abuse or neglect of any child by the parent;

(ii) Provides a copy of a court order which prevents disclosure of the address or restricts the parent's right to contact or visit the caretaker or the child by imposing conditions to protect the caretaker or child from harm;

(iii) Requests a fair hearing which results in a decision that disclosure must be denied because of the existence of one or more of the conditions in subsection (1) of this section.

(5) A parent's request for disclosure of a child's address and location will be responded to within thirty-five days. The response will notify the parent:

(a) Of the child's address and location if the information may be disclosed;

(b) The reasons for denying the request if the information may not be disclosed; or

(c) That a decision has not been made because the child's caretaker:

(i) Has requested a hearing and a final hearing decision has not been entered; or

(ii) Is claiming good cause for refusing to cooperate in child support enforcement activities related to the parent's support obligation and a final decision has not been made on the caretaker's claim.

(d) When the decision has not been made because of a pending fair hearing decision or good cause claim determination, the parent will be notified of the decision within ten days of the hearing decision or good cause determination.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-428-0010, filed 7/31/98, effective 9/1/98.]

**Chapter 388-432 WAC
DIVERSION ASSISTANCE**

WAC

388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance?

WAC 388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance? DSHS has a program called diversion cash assistance (DCA). If your family needs an emergency cash payment but does not need ongoing monthly cash assistance, you may be eligible for this program.

(1) To get DCA, you must:

(a) Meet all the eligibility rules for temporary assistance for needy families (TANF)/state family assistance (SFA) except:

(i) You do not have to participate in WorkFirst requirements as defined in chapter 388-310 WAC; and

(ii) You do not have to assign child support rights or cooperate with division of child support as defined in chapter 388-422 WAC.

(b) Have a current bona fide or approved need for living expenses;

(c) Provide proof that your need exists; and

(d) Have or expect to get enough income or resources to support yourselves for at least twelve months.

(2) You may get DCA to help pay for one or more of the following needs:

(a) Child care;

(b) Housing;

(c) Transportation;

(d) Expenses to get or keep a job;

(e) Food costs, but not if an adult member of your family has been disqualified for food stamps; or

(f) Medical costs, except when an adult member of your family is not eligible because of failure to provide third party liability (TPL) information as defined in WAC 388-505-0540.

(3) DCA payments are limited to:

(a) One thousand five hundred dollars once in a twelve-month period which starts with the month the DCA benefits begin; and

(b) The cost of your need.

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(4) We do not budget your income or make you use your resources to lower the amount of DCA payments you can receive.

(5) DCA payments can be paid:

(a) All at once; or

(b) As separate payments over a thirty-day period. The thirty-day period starts with the date of your first DCA payment.

(6) When it is possible, we pay your DCA benefit directly to the service provider.

(7) You are not eligible for DCA if:

(a) Any adult member of your assistance unit got DCA within the last twelve months;

(b) Any adult member of your assistance unit gets TANF/SFA;

(c) Any adult member of your assistance unit is not eligible for cash assistance for any reason unless one parent in a two-parent-assistance unit is receiving SSI; or

(d) Your assistance unit does not have a needy adult (such as when you do not receive TANF/SFA payment for yourself but receive it for the children only).

(8) If you apply for DCA after your TANF/SFA grant has been terminated, we consider you an applicant for DCA.

(9) If you apply for TANF/SFA and you received DCA less than twelve months ago:

(a) We set up a DCA loan.

(i) The amount of the loan is one-twelfth of the total DCA benefit times the number of months that are left in the twelve-month period.

(ii) The first month begins with the month DCA benefits began.

(b) We collect the loan only by reducing your grant. We take five percent of your TANF/SFA grant each month.

(10) If you stop getting TANF/SFA before you have repaid the loan, we stop collecting the loan unless you get back on TANF/SFA.

[Statutory Authority: RCW 74.08.090, 74.04.050. 01-03-066, § 388-432-0005, filed 1/12/01, effective 3/1/01.]

Chapter 388-434 WAC

ELIGIBILITY REVIEWS AND RECERTIFICATIONS

WAC

388-434-0005 How often does the department review my eligibility for benefits?

388-434-0010 How do I get Basic Food benefits after my certification period has ended?

WAC 388-434-0005 How often does the department review my eligibility for benefits? (1) If you receive cash assistance, the department reviews your eligibility for assistance at least once every twelve months.

(2) When it is time for your eligibility review, the department requires you to complete a review. We use the information you provide to determine your eligibility for all assistance programs.

(3) If you complete an interview for assistance with a department representative and sign the printed application for benefits (AFB) form, you do not have to complete a separate review form.

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(4) For cash assistance, an eligibility review form or the AFB must be dated and signed by both husband and wife, or both parents of a child in common when the parents live together.

(5) For medical assistance, a signature is not required to complete your review.

(6) We may review your eligibility at any time if we decide your circumstances need to be reviewed sooner.

(7) At your review, we look at:

(a) All eligibility requirements under WAC 388-400-0005 through 388-400-0035, 388-503-0505 through 388-503-0515, and 388-505-0210 through 388-505-0220;

(b) Changes since we last determined your eligibility; and

(c) Changes that are anticipated for the next review period.

(8) If you receive medical assistance, we set your certification period according to WAC 388-416-0010, 388-416-0015, 388-416-0020, and 388-416-0035.

(9) Clients You are responsible for attending an interview if one is required under WAC 388-452-0005.

(10) If you do not complete the eligibility review for cash assistance, we consider you to be withdrawing your request for continuing assistance:

(a) Your cash assistance benefits will end; and

(b) Your medical assistance will continue for twelve consecutive months from the month we received your most recent application or eligibility review.

(11) We will send you written notice as described under chapter 388-458 WAC before assistance is suspended, terminated, or a benefit error is established as a result of your eligibility review.

(12) If you currently receive Categorically Needy (CN) medical assistance, and you are found to no longer be eligible for benefits, we will determine if you are eligible for other medical programs. Until we decide if you are eligible for another program, your (CN) medical assistance will continue under WAC 388-418-0025.

(13) When you need a supplemental accommodation under WAC 388-472-0010, we will help you meet the requirements of this section.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54. 04-19-134, § 388-434-0005, filed 9/21/04, effective 10/1/04. Statutory Authority: RCW 74.08.090, 74.09.530, and 2003 c 10. 04-03-019, § 388-434-0005, filed 1/12/04, effective 2/12/04. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-23-083, § 388-434-0005, filed 11/16/99, effective 1/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-434-0005, filed 7/31/98, effective 9/1/98. Formerly WAC 388-522-2230.]

WAC 388-434-0010 How do I get Basic Food benefits after my certification period has ended? To keep getting Basic Food benefits after your certification period in WAC 388-416-0005 has ended, we must determine if you are still eligible for benefits. This is called recertification.

(1) To be recertified for Basic Food, you must:

(a) Turn in and sign an application for benefits as required under WAC 388-406-0010. If you complete an electronic application, your signature is the password you use to complete the electronic application;

(b) Complete an interview if you are required to have an interview under WAC 388-452-0005; and

(c) Submit needed proof of your circumstances if we ask for it.

(2) If you reapply timely and get recertified before your certification period ends, we will keep depositing your benefits into your EBT (electronic benefit transfer) account on the same day of the month. To reapply timely, we must get your application by the fifteenth day of the last month of your certification period.

(3) When we decide if you are eligible for benefits, we will send you a letter to tell you that your benefits have been approved or denied as required under chapter 388-458 WAC.

(4) If you reapply timely and complete the steps required in subsection (1) by the fifteenth day of the last month of your certification period, you get the approval or denial letter by the end of your current certification period.

(5) If you do not turn in an application form by the end of your current certification period, you have not taken the action we require for you to get ongoing Basic Food benefits. Your Basic Food benefits stop at the end of your certification period.

(6) If you turn in your application before your certification period ends, we start your Basic Food from the first of the month of your new certification period after we determine if you are eligible.

(a) If you do not reapply timely, your benefits for the first month of your new certification period may be delayed.

(b) You have until the end of the month following your certification period end date to complete an interview if required and provide any proof of your circumstances we requested.

(c) If you do not meet all requirements for verification by the end of the month following your certification end date, your recertification will not be approved.

(7) If you turn in your application after your certification period ends, we treat the application as a new application for benefits. We start your Basic Food from the date you turned in the application after we determine if you are eligible.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 04-19-133, § 388-434-0010, filed 9/21/04, effective 10/22/04. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.510, and Title 7, Chapter II, Part 273 of the Code of Federal Regulations. 02-18-083, § 388-434-0010, filed 8/30/02, effective 10/1/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.05.057, and 74.08.090. 01-15-011, § 388-434-0010, filed 7/6/01, effective 8/1/01; 98-16-044, § 388-434-0010, filed 7/31/98, effective 9/1/98.]

Chapter 388-436 WAC

EMERGENCY CASH ASSISTANCE

WAC

388-436-0002	If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities?
388-436-0015	Consolidated emergency assistance program (CEAP).
388-436-0020	CEAP assistance unit composition.
388-436-0030	Eligibility for CEAP depends on other possible cash benefits.
388-436-0035	Income and resources for CEAP.
388-436-0040	Excluded income and resources for CEAP.
388-436-0045	Income deductions for CEAP.
388-436-0050	Determining financial need and benefit amount for CEAP.
388-436-0055	What is the disaster cash assistance program (DCAP)?
388-436-0060	How much money can I receive from the disaster cash assistance program (DCAP)?

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

388-436-0001	Additional requirement for emergent needs (AREN). [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-436-0001, filed 7/31/98, effective 9/1/98.] Repealed by 99-14-046, filed 6/30/99, effective 8/1/99. Statutory Authority: RCW 74.04.050, 74.04.055 and 74.08.090.
388-436-0005	AREN good cause. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-436-0005, filed 7/31/98, effective 9/1/98.] Repealed by 99-14-046, filed 6/30/99, effective 8/1/99. Statutory Authority: RCW 74.04.050, 74.04.055 and 74.08.090.
388-436-0010	Winterization. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-436-0010, filed 7/31/98, effective 9/1/98.] Repealed by 00-10-036, filed 4/24/00, effective 6/1/00. Statutory Authority: RCW 74.08.090.
388-436-0025	Eligibility conditions for CEAP—Job refusal. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-436-0025, filed 7/31/98, effective 9/1/98.] Repealed by 07-07-103, filed 3/19/07, effective 4/19/07. Statutory Authority: RCW 74.04.-050, 74.04.055, 74.04.057, 74.08.090.

WAC 388-436-0002 If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities? DSHS has a program called additional requirements for emergent needs (AREN). If your family has an emergency and you need assistance to get or keep safe housing or utilities, you may be eligible. The special AREN payment is in addition to the regular monthly cash grant your family may already get.

(1) To get AREN, you must:

(a) Be eligible for temporary assistance for needy families (TANF), state family assistance (SFA), or refugee cash assistance (RCA);

(b) Have an emergency housing or utility need; and

(c) Have a good reason that you do not have enough money to pay your housing or utility costs.

(2) To get AREN, you must be eligible for TANF, SFA, or RCA. This means you must:

(a) Get benefits through TANF, SFA, or RCA. For RCA you must also be pregnant or have an eligible child; or

(b) Apply for TANF, SFA, and RCA, and meet all eligibility criteria including:

(i) The maximum earned income limit under WAC 388-478-0035;

(ii) The requirement that your unearned income not exceed the grant payment standard;

(iii) The requirement that your countable income as defined under WAC 388-450-0162 must be below the payment standard in WAC 388-478-0020 when you have both earned income and unearned income;

(iv) The resource limits under chapter 388-470 WAC;

(v) The program summary rules for either TANF (WAC 388-400-0005); SFA (WAC 388-400-0010); or RCA (WAC 388-400-0030); and

(vi) The requirement that you must be pregnant or have an eligible child.

(3) If you do not get or do not want to get TANF, SFA or RCA, you cannot get AREN to help with housing or utility costs. We will look to see if you are eligible for diversion cash assistance (DCA) under WAC 388-432-0005.

(4) To get AREN, you must have an emergency housing or utility need. You may get AREN to help pay to:

(a) Prevent eviction or foreclosure;

(b) Get housing if you are homeless or need to leave your home because of domestic violence;

(c) Hook up or prevent a shut off of utilities related to your health and safety. We consider the following utilities to be needed for health and safety:

(i) Electricity or fuel for heating, lighting, or cooking;

(ii) Water;

(iii) Sewer; and

(iv) Basic local telephone service if it is necessary for your basic health and safety. If you receive TANF or SFA, the Washington telephone assistance program (WTAP) may be used to help you pay for basic local telephone service.

(d) Repair damage or defect to your home when it causes a risk to your health or safety:

(i) If you own the home, we may approve AREN for the least expensive method of ending the risk to your health or safety;

(ii) If you do not own the home, you must ask the landlord in writing to fix the damage according to the Residential Landlord-Tenant Act at chapter 59.18 RCW. If the landlord refuses to fix the damage or defect, we may pay for the repair or pay to move you to a different place whichever cost is lower.

(e) If you receive TANF or SFA, WorkFirst support services under WAC 388-310-0800 may be used to help you relocate to new housing to get a job, keep a job, or participate in WorkFirst activities. Nonhousing expenses that are not covered under AREN may be paid under WorkFirst support services. This includes expenses such as car repair, diapers, or clothing.

(5) To get AREN, you must have a good reason for not having enough money to pay for your housing or utility costs. You must prove that you:

(a) Did not have money available that you normally use to pay your rent and utilities due to an emergency situation that reduced your income (such as a long-term illness or injury);

(b) Had to use your money to pay for necessary or emergency expenses. Examples of necessary or emergency expenses include:

(i) Basic health and safety needs for shelter, food and clothing;

(ii) Medical care;

(iii) Dental care needed to get a job or because of pain;

(iv) Emergency child care;

(v) Emergency expenses due to a natural disaster, accident, or injury; and

(vi) Other reasonable and necessary expenses.

(c) Are currently homeless; or

(d) Had your family's cash grant reduced or suspended when we budgeted your expected income for the month, but the income will not be available to pay for the need when the payment is due. You must make attempts to negotiate later payments with your landlord or utility company before you can get AREN.

(6) In addition to having a good reason for not having enough money to pay for your costs, you must also explain how you will afford to pay for the on-going need in the future. We may deny AREN if your expenses exceed your

income (if you are living beyond your means). We may approve AREN to help you get into housing you can afford.

(7) If you meet the above requirements, we decide the amount we will pay based on the following criteria.

(a) AREN payments may be made up to a maximum of seven hundred fifty dollars in a consecutive twelve-month period.

(b) The number of AREN payments you can receive in a twelve-month period is not limited, as long as the total amount does not exceed seven hundred fifty dollars.

(c) The department may approve an AREN payment above the seven hundred fifty dollar maximum for health and safety reasons.

(d) The amount of AREN is in addition to the amount of your monthly TANF, SFA, or RCA cash grant.

(e) We will decide the lowest amount we must pay to end your housing or utility emergency. We will contact your landlord, utility company, or other vendor for information to make this decision. We may take any of the following steps when deciding the lowest amount to pay:

(i) We may ask you to arrange a payment plan with your landlord or utility company. This could include us making a partial payment, and you setting up a plan for you to repay the remaining amount you owe over a period of time.

(ii) We may have you use some of the money you have available in cash, checking, or savings to help pay for the expense. We will look at the money you have available as well as your bills when we decide how much we will pay.

(iii) We may consider income that is excluded or disregarded for cash assistance benefit calculations, such as SSI, as available to meet your emergency housing need.

(iv) We may consider money other individuals such as family or friends voluntarily give you. We will not count loans of money that you must repay to friends or family members.

(v) We may consider money from a nonneedy caretaker relative that lives in the home.

(vi) We may look at what other community resources you currently have to help you with your need.

(f) The seven hundred fifty dollar limit every twelve months applies to the following people even if they leave the assistance unit:

(i) Adults; and

(ii) Minor parents that get AREN when no adults are in the assistance unit.

(8) We pay AREN:

(a) Directly to the landlord, mortgage company, utility, or other vendor whenever we can.

(b) If we cannot pay AREN directly to the landlord or other vendor, we will issue the AREN as a part of your TANF, SFA, or RCA cash grant. If we issue the AREN as a part of your grant, you must use it for your emergency need.

(9) We may assign you a protective payee for your monthly grant under WAC 388-460-0020.

[Statutory Authority: RCW 74.08.090, 74.04.050 and 74.08A.340. 04-07-023, § 388-436-0002, filed 3/8/04, effective 4/8/04. Statutory Authority: RCW 74.08.090, 74.04.050. 00-22-064, § 388-436-0002, filed 10/27/00, effective 12/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, and 74.08.090. 99-14-046, § 388-436-0002, filed 6/30/99, effective 8/1/99.]

WAC 388-436-0015 Consolidated emergency assistance program (CEAP). (1) CEAP is available to the following persons:

(a) A pregnant woman in any stage of pregnancy; or

(b) Families with dependent children, including, within available funds, families who have stopped receiving their TANF grant within the last six months under WAC 388-310-1600.

(2) Applicants must be residents of Washington state as defined in WAC 388-468-0005.

(3) Applicants must demonstrate a financial need for emergency funds for one or more of the following basic requirements:

(a) Food;

(b) Shelter;

(c) Clothing;

(d) Minor medical care;

(e) Utilities;

(f) Household maintenance supplies;

(g) Necessary clothing or transportation costs to accept or retain a job; or

(h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.

(4) Payment under this program is limited to not more than thirty consecutive days within a period of twelve consecutive months.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 07-07-103, § 388-436-0015, filed 3/19/07, effective 4/19/07. Statutory Authority: RCW 74.04.050, 74.04.055, and 74.04.057. 04-05-013, § 388-436-0015, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-436-0015, filed 7/31/98, effective 9/1/98.]

WAC 388-436-0020 CEAP assistance unit composition. (1) To be eligible for CEAP, a child must be living with:

(a) A parent or a relative of specified degree as defined under WAC 388-454-0010; or

(b) Has lived with such a relative within six months of the request for assistance.

(2) The following persons living in the household must be included as members of the CEAP assistance unit:

(a) All full, half, or adopted siblings under eighteen years of age, including a minor parent; and

(b) The parent, adoptive parent, or stepparent living with the child or children.

(3) The following persons living in the household do not have to be included but may be included as members at the option of the applicant:

(a) One caretaker relative of specified degree when the child's parent does not live in the home;

(b) Stepprothers or stepsisters to all children in the assistance unit.

(4) The following persons may make up a CEAP assistance unit without including others living in the home:

(a) The child of a parent who is a minor when the minor parent is not eligible due to the income and resources of his/her parents; or

(b) A pregnant woman when no other child is in the home.

(5) The following persons living in the household are not included as members of the CEAP assistance unit:

(a) A household member receiving Supplemental Security Income (SSI);

(b) A household member ineligible due to reasons stated in WAC 388-436-0025 and 388-436-0030.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-436-0020, filed 7/31/98, effective 9/1/98.]

WAC 388-436-0030 Eligibility for CEAP depends on other possible cash benefits. (1) Before the department approves CEAP benefits, we must determine that all household members are ineligible for benefits from any of the following programs:

(a) Temporary assistance for needy families (TANF) or state family assistance (SFA), unless the family has had its cash grant terminated under WAC 388-310-1600 within the last six months;

(b) Refugee cash assistance (RCA);

(c) Diversion cash assistance (DCA).

(2) To receive CEAP, the applicant must take any required action to receive benefits from the following programs:

(a) TANF or SFA, unless the family has had its case grant terminated under WAC 388-310-1600 within the last six months;

(b) RCA;

(c) Supplemental security income (SSI);

(d) Medical assistance for those applicants requesting help for a medical need;

(e) Food assistance for those applicants requesting help for a food need;

(f) Housing assistance from any available source for those applicants requesting help for a housing need;

(g) Unemployment compensation, veteran's benefits, industrial insurance benefits, Social Security benefits, pension benefits, or any other source of financial benefits the applicant is potentially eligible to receive.

(3) The department may not authorize CEAP benefits to any household containing a member who is receiving reduced cash benefits for failure to comply with program requirements of TANF/SFA or RCA. This restriction does not apply to families who have stopped receiving TANF cash benefits under WAC 388-310-1600 within the last six months.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 07-07-103, § 388-436-0030, filed 3/19/07, effective 4/19/07. Statutory Authority: RCW 74.04.660. 99-24-130, § 388-436-0030, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-436-0030, filed 7/31/98, effective 9/1/98.]

WAC 388-436-0035 Income and resources for CEAP. (1) Estimated income, resources and circumstances of the following persons are used in determining need and payment for CEAP:

(a) All persons included as members of the CEAP assistance unit;

(b) If living in the home, the spouses and minor brothers and sisters of persons included as members of the CEAP assistance unit.

(2) Public assistance payments plus authorized additional requirements received in the calendar month of CEAP application are considered as income.

(2009 Ed.)

(3) The value of resources not listed as excluded in WAC 388-436-0040 is considered available to meet the emergent needs of the CEAP assistance unit.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-436-0035, filed 7/31/98, effective 9/1/98.]

WAC 388-436-0040 Excluded income and resources for CEAP. Resources and income listed below will not be considered in determining need or payment for CEAP:

(1) A home as defined under WAC 388-470-0045;

(2) One vehicle, running and used regularly by the assistance unit, with an equity value not to exceed one thousand five hundred dollars);

(3) Household furnishings being used by the assistance unit;

(4) Personal items being used by members of the assistance unit;

(5) Tools and equipment being used in the applicant's occupation;

(6) The value of the coupon allotment under the Food Stamp Act of 1977, as amended;

(7) Benefits received under the women, infants and children program (WIC) of the child nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act, as amended;

(8) Energy assistance payments;

(9) Grants, loans, or work study to a student under Title IV of the Higher Education Amendments or Bureau of Indian Affairs for attendance costs as identified by the institution;

(10) Income and resources of an SSI recipient;

(11) Livestock when the products are consumed by members of the assistance unit;

(12) All resources and income excluded for the TANF program under WAC 388-470-0045 and by federal law.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. 04-05-010, § 388-436-0040, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-436-0040, filed 7/31/98, effective 9/1/98.]

WAC 388-436-0045 Income deductions for CEAP. The following deductions are allowed when determining the CEAP assistance unit's net income:

(1) A ninety dollar work expense from each member's earned income;

(2) Actual payments made by a member with earned income for care of a member child up to the following maximums:

Hours Worked Per Month	Each Child Under Two Years	Each Child Two Years Or Older
0 - 40	\$ 50.00	\$ 43.75
41 - 80	100.00	87.50
81 - 120	150.00	131.25
121 or More	200.00	175.00

(3) Verified expenses for members of the assistance unit during the current month as follows:

(a) Medical bills;

(b) Child care paid in an emergency in order to avoid abuse;

(c) Dental care to relieve pain; or

(d) Costs incurred in obtaining employment.

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(e) For the disaster cash assistance program (DCAP), disaster related expenses and/or losses suffered as a result of the disaster and the expense and/or loss is not anticipated to be reimbursed during the month of application.

[Statutory Authority: RCW 74.04.050, 74.04.055, and 2008 c 181 § 301(6). 08-18-008, § 388-436-0045, filed 8/22/08, effective 9/22/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-436-0045, filed 7/31/98, effective 9/1/98.]

WAC 388-436-0050 Determining financial need and benefit amount for CEAP. (1) To be eligible for CEAP assistance, the assistance unit's nonexcluded income, minus allowable deductions, must be less than ninety percent of the TANF payment standard for households with shelter costs. The net income limit for CEAP assistance units is:

Assistance Unit Members	Net Income Limit		
	1	3	323
Food	\$217	\$276	\$341
Shelter	265	334	416
Clothing	31	39	48
Minor Medical Care	184	234	290
Utilities	89	113	140
Household maintenance	65	83	103
Job related transportation	359	453	562

(3) The assistance unit's CEAP payment is determined by computing the difference between the allowable amount of need, as determined under subsection (2) of this section, and the total of:

- (a) The assistance unit's net income, as determined under subsection (1) of this section;
 - (b) Cash on hand, if not already counted as income; and
 - (c) The value of other nonexcluded resources available to the assistance unit.
- (4) The assistance unit is not eligible for CEAP if the amount of income and resources, as determined in subsection (3) of this section, is equal to or exceeds its allowable amount of need.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.-090. 08-18-009, § 388-436-0050, filed 8/22/08, effective 9/22/08; 98-16-044, § 388-436-0050, filed 7/31/98, effective 9/1/98.]

WAC 388-436-0055 What is the disaster cash assistance program (DCAP)? Disaster cash assistance program (DCAP) is paid through the consolidated emergency assistance program (CEAP) and is designed to provide cash assistance to individuals and families who face an emergency and do not have the money to meet their basic needs.

- (1) DCAP is available if you meet all of the following:
 - (a) You suffered losses and live in an area that has been declared a disaster for individuals by the Governor.
 - (b) You are not able to live in your home or you cannot return to your home because of the disaster;
 - (c) Your home in the disaster area is your primary residence (not a vacation home) and you were living there at the time of the disaster;

Assistance Unit Members	Net Income Limit
2	407
3	505
4	594
5	685
6	779
7	900
8 or more	996

(2) The assistance unit's allowable amount of need is the lesser of:

- (a) The TANF payment standard, based on assistance unit size, for households with shelter costs as specified under WAC 388-478-0020; or
- (b) The assistance unit's actual emergent need, not to exceed maximum allowable amounts, for the following items:

Need Item:	Maximum allowable amount by assistance unit size:								
	1	3	323	4	5	6	7	8 or more	
Food	\$217	\$276	\$341	\$402	\$463	\$526	\$600	\$664	
Shelter	265	334	416	490	564	639	740	818	
Clothing	31	39	48	57	65	75	85	96	
Minor Medical Care	184	234	290	341	393	444	516	570	
Utilities	89	113	140	164	189	216	250	276	
Household maintenance	65	83	103	121	140	159	183	202	
Job related transportation	359	453	562	661	762	866	1000	1107	

(d) You are a resident of Washington state as defined in WAC 388-468-0005;

(e) Your net income is under the limits in WAC 388-436-0050(1); and

(f) You or your family is not eligible for any other program that could meet your need as stated in WAC 388-436-0030.

(2) Applicants must demonstrate a financial need for emergency funds for one or more of the following basic requirements:

- (a) Food;
- (b) Shelter;
- (c) Clothing;
- (d) Minor medical care;
- (e) Utilities;
- (f) Household maintenance supplies; or
- (g) Necessary clothing or transportation costs to accept or retain a job.

(3) Payments under this program are limited to not more than thirty consecutive days within a period of twelve consecutive months.

[Statutory Authority: RCW 74.04.050, 74.04.055, and 2008 c 181 § 301(6). 08-18-008, § 388-436-0055, filed 8/22/08, effective 9/22/08.]

WAC 388-436-0060 How much money can I receive from the disaster cash assistance program (DCAP)? The amount of money you can get from DCAP depends on your available resources, income and household size as determined below:

(1) Available resources and income are determined by using WAC 388-436-0035. Excluded resources and income is in WAC 388-436-0040.

(2) We determine your income based on gross anticipated income for the month of application.

(3) The maximum amount of money you can receive depends on the size of your household as determined by WAC 388-456-0050(2).

(4) Your household consists of anyone living with you who you have financial responsibility for or with whom you share financial responsibility for the household such as:

- (a) Your spouse;
- (b) Domestic partner; or
- (c) Your children or step-children.

(5) How much DCAP you may receive is determined according to calculations described in WAC 388-436-0050(3).

[Statutory Authority: RCW 74.04.050, 74.04.055, and 2008 c 181 § 301(6), 08-18-008, § 388-436-0060, filed 8/22/08, effective 9/22/08.]

Chapter 388-437 WAC

EMERGENCY ASSISTANCE FOR FOOD STAMPS

WAC

388-437-0001 Disaster food stamp program.

WAC 388-437-0001 Disaster food stamp program.

(1) In the event of a disaster, the department works with the United States Department of Agriculture, Food and Nutrition Services (FNS) to change some requirements for the Washington Basic Food program and help ensure that people in a disaster area have access to food. This is known as the disaster food stamp program.

(2) If the President of the United States has declared a portion of the state as a federal disaster area, we ask FNS to allow use of the disaster food stamp program for the areas impacted by the disaster. Both of the following conditions must be met:

- (a) People's normal access to buy food has been disrupted; and
- (b) These commercial channels have since been restored with reasonable access and sufficient food supplies as determined by FNS.

(3) The department will implement any disaster food stamp program as approved by FNS.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 05-23-028, § 388-437-0001, filed 11/8/05, effective 12/9/05; 98-16-044, § 388-437-0001, filed 7/31/98, effective 9/1/98.]

Chapter 388-438 WAC

EMERGENCY ASSISTANCE FOR MEDICAL NEEDS

WAC

388-438-0110 The alien emergency medical (AEM) program.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-438-0100 Medically indigent (MI) program. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-438-0100, filed 7/31/98, effective 9/1/98. Formerly 388-503-0370, 388-518-1805, 388-518-1810 and 388-518-1850.] Repealed by 04-07-141,

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filed 3/22/04, effective 4/22/04. Statutory Authority: RCW 74.08.090, 74.09.530, and 2003 1st sp.s. c 25.

Notice of Objection (1): It is the opinion of the Joint Administrative Rules Review Committee that the Department of Social and Health Services has not modified, amended, withdrawn or repealed WAC 388-100-005 to conform with the intent of the legislature, as expressed in both chapters 70.48 and 74.09 RCW.

Although the department has statutory authority in chapter 74.09 RCW, to determine who is eligible to receive assistance under the limited casualty medical program, that authority is not without limitation. The City and County Jail Act of 1977 requires the Department of Social and Health Services to reimburse the local government for inmate medical costs, provided that inmate is otherwise eligible for such care. Inmates have not been denied coverage based on their status as inmates since the enactment of the City and County Jail Act.

In determining legislative intent, a portion of a statute cannot be examined in a vacuum. Rather, all statutes relating to the same subject should be read together and given a harmonious interpretation. The legislature is presumed to enact law with knowledge of existing law. RCW 70.48.130 is made moot by the department's administrative denial of inmate medical coverage, and the legislature does not intend to enact "moot" legislation.

The Joint Administrative Rules Review Committee objects to WAC 388-100-005 and herewith directs the code reviser to publish this Notice of Objection...pursuant to RCW 34.04.240.

[Joint Administrative Rules Review Committee, Memorandum, July 10, 1987—Filed July 27, 1987, WSR 87-16-031]

Notice of Objection (2): The Joint Administrative Rules Review Committee (JARRC) held on July 27, 1987, that WAC 388-100-005 did not conform with the intent of the Legislature. This rule, adopted by the Department of Social and Health Services (DSHS), excluded inmates of federal or state prisons from eligibility for the limited casualty-medically indigent program of medical assistance.

As authority for its opinion, the committee cited RCW 70.48.130 of the City and County Jail Act of 1977 which requires DSHS to reimburse local governments for inmate medical costs provided to otherwise eligible inmates.

There has been no amendment to RCW 70.48.130 changing its meaning since 1986. Effective May 15, 1993, an amendment resulted in even further emphasis of the intent of the Legislature that all jail inmates receive cost-effective medical care. (1993 C 409 § 2)

On May 31, 1994, DSHS refiled a permanent rule, WSR 94-10-065, WAC 388-503-0370 which recodified WAC 388-100-005. The eligibility requirement that an applicant for the medically indigent program not be an inmate of a federal or state prison is retained in the new rule.

Since neither the statutory authority nor the substance of the rule has changed since the JARRC decision of July 27, 1987, the committee is of the opinion that DSHS has not modified, amended, withdrawn or repealed WAC 388-100-005 to conform with the intent of the Legislature. This being the case, pursuant to RCW 34.05.640 (5) and (6), the committee respectfully requests that the notice of objection published along with WAC 388-100-005 continue to be published along with WAC 388-503-0370.

[Joint Administrative Rules Review Committee, Memorandum February 21, 1995—Filed February 27, 1995, WSR 95-06-053.]

Reviser's note: The substance of WAC 388-503-0370 was moved into WAC 388-438-0100 filed as WSR 98-16-044 on July 31, 1998.

WAC 388-438-0110 The alien emergency medical (AEM) program.

(1) The alien emergency medical (AEM) program is a required federally funded program. It is for aliens who are ineligible for other medicaid programs, due to the citizenship or alien status requirements described in WAC 388-424-0010.

(2) Except for the Social Security number, citizenship, or alien status requirements, an alien must meet categorical medicaid eligibility requirements as described in:

- (a) WAC 388-505-0110, for an SSI-related person;
- (b) WAC 388-505-0220, for family medical programs;
- (c) WAC 388-505-0210, for a child under the age of nineteen; or
- (d) WAC 388-523-0100, for medical extensions.

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(3) When an alien has monthly income that exceeds the CN medical standards, the department will consider AEM medically needy coverage for children or for adults who are age sixty-five or over or who meet SSI disability criteria. See WAC 388-519-0100.

(4) To qualify for the AEM program, the alien must meet one of the criteria described in subsection (2) of this section and have a qualifying emergency medical condition as described in WAC 388-500-0005.

(5) The alien's date of arrival in the United States is not used when determining eligibility for the AEM program.

(6) The department does not deem a sponsor's income and resources as available to the client when determining eligibility for the AEM program. The department counts only the income and resources a sponsor makes available to the client.

(7) Under the AEM program, covered services are limited to those medical services necessary for treatment of the person's emergency medical condition. The following services are not covered:

- (a) Organ transplants and related services;
- (b) Prenatal care, except labor and delivery;
- (c) School-based services;
- (d) Personal care services;
- (e) Waiver services;
- (f) Nursing facility services, unless they are approved by the department's medical consultant; and
- (g) Hospice services, unless they are approved by the department's medical consultant.

(8) The medical service limitations and exclusions described in subsection (7) also apply under the MN program.

(9) A person determined eligible for the AEM program is certified for three months. The number of three-month certification periods is not limited, but, the person must continue to meet eligibility criteria in subsection (2) and (4) of this section.

(10) A person is not eligible for the AEM program if that person entered the state specifically to obtain medical care.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, 07-07-024, § 388-438-0110, filed 3/9/07, effective 4/9/07; 06-04-047, § 388-438-0110, filed 1/26/06, effective 2/26/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 04-15-057, § 388-438-0110, filed 7/13/04, effective 8/13/04. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.057, 74.09.530, and Section 1903 (v)(2)(c) of the Social Security Act, 03-24-058, § 388-438-0110, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.-415, 02-17-030, § 388-438-0110, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.08.090 and C.F.R. 436.128, 436.406(c) and 440.255, 01-05-041, § 388-438-0110, filed 2/14/01, effective 3/17/01. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.057, 74.09.530, 42 C.F.R. 435.139 and 42 C.F.R. 440.255, 99-23-082, § 388-438-0110, filed 11/16/99, effective 12/17/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-438-0110, filed 7/31/98, effective 9/1/98.]

Chapter 388-440 WAC

EXCEPTION TO RULE

WAC

- 388-440-0001 Exceptions to rule.
- 388-440-0005 How am I informed of the decision on my request to the department for an exception to rule?

WAC 388-440-0001 Exceptions to rule. (1) The secretary of the department, or designee, authorizes department staff to request an exception to a rule in the Washington Administrative Code (WAC) for individual cases, except as noted in subsection (5) of this section, when:

- (a) The exception would not contradict a specific provision of federal law or state statute; and
- (b) The client's situation differs from the majority; and
- (c) It is in the interest of overall economy and the client's welfare; and
- (d) It increases opportunities for the client to function effectively; or
- (e) A client has an impairment or limitation that significantly interferes with the usual procedures required to determine eligibility and payment.

(2) The secretary or the secretary's designee makes the final decision on all requests for exceptions to a rule.

(3) Clients have no fair hearing rights as defined under chapter 388-02 WAC regarding exception to rule decisions by department staff.

(4) Clients who do not agree with a decision on an exception to rule may file a complaint according to chapter 388-426 WAC.

(5) This section does not apply to requests for noncovered medical or dental services or related equipment. See WAC 388-501-0160.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 04-05-010, § 388-440-0001, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090, 00-03-034, § 388-440-0001, filed 1/12/00, effective 2/12/00; 98-16-044, § 388-440-0001, filed 7/31/98, effective 9/1/98.]

WAC 388-440-0005 How am I informed of the decision on my request to the department for an exception to rule? (1) You will receive the decision in writing within ten days when department staff:

- (a) Decides not to file the exception to rule request; or
- (b) Decides to approve or deny the exception to rule request.

(2) The notice includes information on how to file a complaint as specified in chapter 388-426 WAC.

(3) This section does not apply to notification requirements for exceptions to rules concerning noncovered medical or dental services or related equipment. See WAC 388-501-0160.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.-090, 07-18-053, § 388-440-0005, filed 8/31/07, effective 10/1/07; 00-03-034, § 388-440-0005, filed 1/12/00, effective 2/12/00; 98-16-044, § 388-440-0005, filed 7/31/98, effective 9/1/98.]

Chapter 388-442 WAC

FELONS

WAC

- 388-442-0010 How does being a fleeing felon impact my eligibility for benefits?

WAC 388-442-0010 How does being a fleeing felon impact my eligibility for benefits? (1) You are a **fleeing felon** if you are fleeing to avoid prosecution, custody, or confinement for a crime or an attempt to commit a crime that is considered a felony in the place from which you are fleeing.

(2) If you are a fleeing felon, or violating a condition of probation or parole as determined by an administrative body or court that has the authority to make this decision, you are not eligible for TANF/SFA, GA, or Basic Food benefits.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.025, 74.08.090 and 21 U.S.C. 862a (d)(1)(A). 05-21-100, § 388-442-0010, filed 10/18/05, effective 11/18/05. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510, and 2004 c 54. 04-18-002, § 388-442-0010, filed 8/19/04, effective 9/19/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510. 00-05-007, § 388-442-0010, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.08.090 and 74.04.-510. 99-16-024, § 388-442-0010, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-442-0010, filed 7/31/98, effective 9/1/98.]

Chapter 388-444 WAC

FOOD STAMP EMPLOYMENT AND TRAINING

WAC

- 388-444-0005 Food stamp employment and training (FS E&T) program—General requirements.
- 388-444-0010 Clients who are required to register for work and must participate in FS E&T.
- 388-444-0015 Who is not required to register for work or participate in FS E&T?
- 388-444-0020 When must clients register for work but are not required to participate in the food stamp employment and training program (FS E&T)?
- 388-444-0025 Payments for FS E&T related expenses.
- 388-444-0030 Work requirements for persons who are able-bodied adults without dependents (ABAWDS).
- 388-444-0035 When am I (able-bodied adult with no dependents) exempt from ABAWD provisions?
- 388-444-0040 Work programs for ABAWDs in the food stamp employment and training program.
- 388-444-0045 Regaining eligibility for food assistance.
- 388-444-0050 Good cause for failure to register for work or for not participating in the FS E&T program.
- 388-444-0055 What are the penalties for refusing or failing to comply?
- 388-444-0060 FS E&T—Unsuitable employment.
- 388-444-0065 What happens if I quit my job?
- 388-444-0070 Good cause for quitting a job.
- 388-444-0075 What are the disqualification periods for quitting a job without good cause?

WAC 388-444-0005 Food stamp employment and training (FS E&T) program—General requirements. (1) To receive Basic Food some people must register for work and participate in the food stamp employment and training (FS E&T) program.

(2) We determine if you must register for work and participate in FS E&T under WAC 388-444-0010:

(a) If we require you to register for work and participate in FS E&T you are nonexempt from FS E&T.

(b) If you meet one of the conditions under WAC 388-444-0015, you are exempt from FS E&T. If you are exempt, you may choose to receive services through the FS E&T program.

(3) If you are nonexempt from FS E&T requirements, we register you for work:

(a) When you apply for Basic Food benefits or are added to someone's assistance unit; and

(b) Every twelve months thereafter.

(4) If you are nonexempt, you must meet all the FS E&T program requirements in subsections (5) through (7) of this section. If you fail to meet the requirements without good cause, we disqualify you from receiving Basic Food benefits:

(a) We define good cause for not meeting FS E&T requirements under WAC 388-444-0050; and

(b) We disqualify nonexempt persons who fail to meet E&T requirements as described under WAC 388-444-0055.

(5) If you are nonexempt, you must:

(a) Report to us or your FS E&T service provider and participate as required;

(b) Provide information regarding your employment status and availability for work when we ask for it;

(c) Report to an employer when we refer you; and

(d) Accept a bona fide offer of suitable employment. We define unsuitable employment under WAC 388-444-0060.

(6) If you are nonexempt, you must participate in one or more of the following FS E&T activities:

(a) Job search;

(b) Paid or unpaid work;

(c) Training or work experience;

(d) General education development (GED) classes; or

(e) English as a second language (ESL) classes.

(7) If you must participate in WorkFirst under WAC 388-310-0200, you have certain requirements for the Food Stamp Employment and Training Program:

(a) Your FS E&T requirement is to fully participate in the WorkFirst activities approved in your Individual Responsibility Plan (IRP) under WAC 388-310-0500; and

(b) If your IRP includes unpaid community service or work experience, we use your TANF grant and the Basic Food benefits received by members of your TANF assistance unit to determine the maximum hours of unpaid work we include in your plan.

(8) Your FS E&T activities including paid or unpaid work **will not** exceed one hundred twenty hours a month whether you are exempt or nonexempt.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 7 C.F.R. 273.7 and 273.25. 07-14-125, § 388-444-0005, filed 7/3/07, effective 8/3/07; 06-24-026, § 388-444-0005, filed 11/29/06, effective 1/1/07. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-444-0005, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0010 Clients who are required to register for work and must participate in FS E&T. The following clients are nonexempt, must register for work and are required to participate in FS E&T:

(1) Age sixteen through fifty-nine with dependents;

(2) Age sixteen or seventeen, not attending secondary school and not the head-of-household;

(3) Age fifty through fifty-nine with no dependents.

(4) Age eighteen to fifty, able-bodied and with no dependents as provided in WAC 388-444-0030.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-444-0010, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0015 Who is not required to register for work or participate in FS E&T? Some people do not have to register for work or participate in the Food Stamp Employment and Training Program (FS E&T). These people are exempt from FS E&T.

(1) You are exempt from FS E&T requirements in chapter 388-444 WAC if you meet any of the following conditions:

(a) You are age sixteen or seventeen, not the head-of-household, and:

(i) Attend school such as high school or GED programs;
or

(ii) Are enrolled at least half time (using the institutions definition) in an employment and training program under:

- (A) The Workforce Investment Act (WIA);
- (B) Section 236 of the Trade Act of 1974; or
- (C) Another state or local employment and training program.

(b) You are a student age eighteen or older enrolled at least half time as defined by the institution in:

- (i) Any accredited school;
- (ii) A training program; or
- (iii) An institution of higher education. If you are enrolled in higher education, you meet the requirements under WAC 388-482-0005 to be eligible for Basic Food benefits.

(c) you are an employed or self-employed person working thirty hours or more per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty.

(d) You receive unemployment compensation (UC) benefits or have an application pending for UC benefits;

(e) You are responsible to care for:

- (i) A dependent child under age six; or
- (ii) Someone who is incapacitated.

(f) We determine that you are physically or mentally unable to work; or

(g) You regularly participate in a drug addiction or alcoholic treatment and rehabilitation program.

(2) If you are exempt, you may choose to receive services through the FS E&T program.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 7 C.F.R. 273.7 and 273.25. 06-24-026, § 388-444-0015, filed 11/29/06, effective 1/1/07. Statutory Authority: RCW 74.04.050 and 74.04.510. 00-04-006, § 388-444-0015, filed 1/20/00, effective 3/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-444-0015, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0020 When must clients register for work but are not required to participate in the food stamp employment and training program (FS E&T)? You, as a client must register for work, as provided in WAC 388-444-0005, even though you are exempt from participation in the FS E&T program if you are:

(1) Participating in a refugee assistance program;

(2) Living in an area where the FS E&T program is not provided (exempt area), see Food Stamp E&T Appendix 1 for exempt areas;

(3) Living one hour or more travel distance from available FS E&T services;

(4) Without a mailing address or message telephone;

(5) Temporarily unable to work and it is expected to last longer than sixty days; or

(6) A client who has dependent care needs that exceed the maximum amount payable by the department. The exemption continues until:

(a) A different work activity is available; or

(b) Circumstances change and monthly dependent care costs no longer exceed the reimbursement limit set by the department.

[Statutory Authority: RCW 74.04.510 and 74.04.050. 00-21-111, § 388-444-0020, filed 10/18/00, effective 11/18/00. Statutory Authority: RCW

74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-444-0020, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0025 Payments for FS E&T related expenses. (1) Some of a client's actual expenses needed to participate in the FS E&T program may be paid by the department. Allowable expenses are:

(a) Transportation related costs; and

(b) Dependent care costs for each dependent through twelve years of age.

(2) Dependent care payments are not paid if:

(a) The child is thirteen years of age or older unless the child is:

(i) Physically and/or mentally incapable of self-care; or

(ii) Under court order requiring adult supervision; or

(b) Any member in the food assistance unit provides the dependent care.

(3) Dependent care payments paid by the department cannot be claimed as an expense and used in calculating the dependent care deduction as provided in WAC 388-450-0185.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. 07-21-075, § 388-444-0025, filed 10/16/07, effective 11/16/07; 98-16-044, § 388-444-0025, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0030 Work requirements for persons who are able-bodied adults without dependents (ABAWDS). (1) Clients who are age eighteen to fifty and have no dependents must, unless exempt, participate in specific employment and training activities to receive food assistance.

(2) Nonexempt clients who fail to participate are eligible for no more than three months of food assistance in a thirty-six month period.

(3) Except as provided in WAC 388-444-0035, a person is not eligible to receive food assistance for more than three full months in the thirty-six month period beginning January 1, 1997 unless that person:

(a) Works at least twenty hours a week averaged monthly; or

(b) Participates in and complies with the requirements of a work program for twenty hours or more per week; or

(c) Participates in a workfare program as provided in WAC 388-444-0040.

(4) A work program is defined as a program under:

(a) The Job Training Partnership Act (JTPA);

(b) Section 236 of the Trade Act of 1974; or

(c) A state-approved employment and training program.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-444-0030, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0035 When am I (able-bodied adult with no dependents) exempt from ABAWD provisions? Some food assistance household members are exempt from ABAWD provisions. You are exempt from the ABAWD rules provided in WAC 388-444-0030 if you are:

(1) Under eighteen or fifty years of age or older;

(2) Determined to be physically or mentally unable to work;

(3) A member of a household with responsibility for a person determined to be incapacitated;

(4) An adult in a household that has a member who is under the age of eighteen, even when the child is an ineligible household member;

(5) Pregnant;

(6) Living in an area approved as exempt by U.S. Department of Agriculture;

(7) Complying with the work requirements of an employment and training program under temporary assistance for needy families (TANF);

(8) Applying for or receiving unemployment compensation;

(9) Students enrolled at least half time as defined by the institution in:

(a) Any accredited school;

(b) Training program; or

(c) Institution of higher education. A student enrolled in higher education must follow the student criteria defined in chapter 388-482 WAC.

(10) Participating in a chemical dependency treatment program;

(11) Employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate multiplied by thirty hours;

(12) Eligible for one of the annual federal-approved exemption slots under what is called the fifteen percent exemption rule.

[Statutory Authority: RCW 74.04.050 and 74.04.510. 03-05-031, § 388-444-0035, filed 2/10/03, effective 4/1/03; 00-04-006, § 388-444-0035, filed 1/20/00, effective 3/1/00. Statutory Authority: RCW 74.04.510. 99-07-024, § 388-444-0035, filed 3/10/99, effective 4/10/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-444-0035, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0040 Work programs for ABAWDs in the food stamp employment and training program. Work programs are available to clients eighteen to fifty years of age who are able to work and have no dependents.

(1) The following are considered work programs:

(a) Workfare consists of:

(i) Thirty days of job search activities in the first month beginning with the first day of application, or sixteen hours of volunteer work with a public or private nonprofit agency; and

(ii) In subsequent months, sixteen hours per month of volunteer work with a public or private nonprofit agency allows the client to remain eligible for food stamps. Workfare is not enforced community service or for paying fines or debts due to legal problems.

(b) Work experience (WEX) is supervised, unpaid work for at least twenty hours a week. The work must be for a nonprofit agency or governmental or tribal entity. This work is to improve the work skills of the client.

(c) On-the-job training (OJT) is paid employment for at least twenty hours a week. It is job training provided by an employer at the employer's place of business and may include some classroom training time.

(2) The department may not require more than thirty hours a week of Workfare and paid work combined.

(3) The department may pay for some of a client's actual expenses needed for the client to participate in work programs. Standards for paying expenses are set by the department.

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[Statutory Authority: RCW 74.04.510. 99-07-024, § 388-444-0040, filed 3/10/99, effective 4/10/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-444-0040, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0045 Regaining eligibility for food assistance. (1) A client who is ineligible for food assistance because that client has exhausted the three-month limit in WAC 388-444-0030, can regain eligibility by:

(a) Working eighty hours or more during a thirty-day period;

(b) Participating in and complying with a work program for eighty hours or more during a thirty-day period;

(c) Participating in and complying with the community service part of a Workfare program; or

(d) Meeting any of the work requirements in (a) through (c) of this subsection in the thirty days after an application for benefits has been filed.

(2) A client who regains eligibility for food assistance under subsection (1) of this section is eligible from the date of application and as long as the requirements of WAC 388-444-0030 are met.

(3) If otherwise eligible, a client who regains eligibility under the provision of subsection (1) of this section, may receive an additional three consecutive months of food assistance when the client:

(a) Loses employment; or

(b) Loses the opportunity to participate in a work program.

(4) The provisions in subsection (3) of this section are allowed only once in the thirty-six month period.

[Statutory Authority: RCW 74.04.510. 99-07-024, § 388-444-0045, filed 3/10/99, effective 4/10/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-444-0045, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0050 Good cause for failure to register for work or for not participating in the FS E&T program. (1) A nonexempt client may have good cause for refusing or failing to register for work or to participate in the FS E&T program.

(2) Good cause reasons include, but are not limited to:

(a) Illness of the client;

(b) Illness of another household member requiring the help of the client;

(c) A household emergency;

(d) The unavailability of transportation; or

(e) Lack of adequate dependent care for children six through twelve years of age.

(3) A client who is determined by the department to lack good cause for failing or refusing to participate in FS E&T is disqualified and is not eligible to receive food assistance.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-444-0050, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0055 What are the penalties for refusing or failing to comply? (1) If you are nonexempt you must follow the food assistance work requirements as defined in WAC 388-444-0005 or 388-444-0030 unless you have good cause as defined in WAC 388-444-0050. If you do not follow these rules, you will become an ineligible assistance unit member as provided in WAC 388-450-0140. The remaining

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members of the assistance unit continue to be eligible for food assistance.

(2) If you do not follow these rules unless you have good cause, you cannot receive food assistance for the following periods of time and until you comply with program requirements:

- (a) For the first failure to comply, one month;
- (b) For the second failure to comply, three months; and
- (c) For the third or subsequent failure to comply, six months.

(3) If you become exempt under WAC 388-444-0015 and are otherwise eligible, you may begin to receive food assistance.

(4) If you are nonexempt and you do not comply with the work requirements of the following programs, you cannot receive food assistance:

- (a) WorkFirst;
- (b) Unemployment compensation;
- (c) The refugee cash assistance program.

(5) Within ten days after learning of your refusal to participate in your program, the financial worker will send you a notice that your food assistance will end unless you comply with your program requirements.

(6) If you do not comply within ten days, you will be issued a notice disqualifying you from receiving food assistance until you comply with your program, or until you meet the FS E&T disqualification requirements in subsection (2) of this section.

(7) After the penalty period in subsection (2) of this section is over, and you have complied with your program requirements, and you are otherwise eligible, you may receive food assistance:

(a) If you are alone in the assistance unit and apply to reestablish eligibility; or

(b) If you are a member of an assistance unit, you may resume receiving food assistance.

(8) During the penalty period, if you begin to participate in one of the programs listed in subsection (4)(a) through (c) and that penalty is removed, the FS E&T disqualification also ends. If you are otherwise eligible, you may begin to receive food assistance.

(9) You have a right to a fair hearing as provided in chapter 388-02 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 04-05-010, § 388-444-0055, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.04.050 and 74.04.510, 00-04-006, § 388-444-0055, filed 1/20/00, effective 3/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-444-0055, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0060 FS E&T—Unsuitable employment. Nonexempt clients participating in FS E&T must accept a bona fide offer of suitable employment. Employment is considered unsuitable when:

(1) The wage offered is less than the federal or state minimum wage, whichever is highest;

(2) The job offered is on a piece-rate basis and the average hourly yield expected is less than the federal or state minimum wage, whichever is highest;

(3) The employee, as a condition of employment, is required to join, resign from or is barred from joining any legitimate labor union;

(4) The work offered is at a site subject to strike or lock-out at the time of offer unless:

- (a) The strike is enjoined under the Taft-Hartley Act; or
- (b) An injunction is issued under section 10 of the Railway Labor Act.

(5) The degree of risk to health and safety is unreasonable;

(6) The client is physically or mentally unable to perform the job as documented by medical evidence or reliable information from other sources;

(7) The employment offered within the first thirty days of registration for FS E&T is not in the client's major field of experience;

(8) The distance from the client's home to the job is unreasonable considering the wage, time and cost of commute:

(a) The job is not suitable when daily commuting time exceeds two hours per day, not including transporting a child to and from child care; and

(b) The job is not suitable when the distance to the job prohibits walking and public or private transportation is not available.

(9) The working hours or nature of the job interferes with the client's religious observances, convictions, or beliefs.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-444-0060, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0065 What happens if I quit my job?

(1) You are not eligible for food assistance if you quit your current job without good cause as defined in WAC 388-444-0070, and you are in one of the following categories:

(a) You were working twenty hours or more per week or the job provided weekly earnings equal to the federal minimum wage multiplied by twenty hours;

(b) The quit was within sixty days before you applied for food assistance or any time after;

(c) At the time of quit you were an applicant and would have been required to register for work as defined in WAC 388-444-0010;

(d) If you worked or you were self-employed and working thirty hours a week or you had weekly earnings at least equal to the federal minimum wage multiplied by thirty hours.

(2) You are not eligible to receive food assistance if you have participated in a strike against a federal, state or local government and have lost your employment because of such participation.

[Statutory Authority: RCW 74.04.050 and 74.04.510, 00-04-006, § 388-444-0065, filed 1/20/00, effective 3/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-444-0065, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0070 Good cause for quitting a job.

Unless otherwise specified the following rules apply to all food assistance clients.

(1) Good cause for quitting a job includes the following:

(a) For all food assistance clients, the employment is unsuitable as defined under WAC 388-444-0060;

(b) The client is discriminated against by an employer based on age, race, sex, color, religious belief, national origin, political belief, marital status, or the presence of any sen-

sory, mental, or physical disability or other reasons in RCW 49.60.180;

(c) Work demands or conditions make continued employment unreasonable, such as working without being paid on schedule;

(d) The client accepts other employment or is enrolled at least half time in any recognized school, training program, or institution of higher education;

(e) The client must leave a job because another assistance unit member accepts a job or is enrolled at least half time in any recognized school, training program, or institution of higher education in another county or similar political subdivision and the assistance unit must move;

(f) The client who is under age sixty and retires as recognized by the employer;

(g) The client accepts a bona fide offer of employment of twenty or more a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours. However, because of circumstances beyond the control of the client, the job either does not materialize or results in employment of twenty hours or less a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours;

(h) The client leaves a job in connection with patterns of employment where workers frequently move from one employer to another, such as migrant farm labor or construction work; and.

(i) For FS E&T participants, circumstances included under WAC 388-444-0050;

(2) A client who quits the most recent job is eligible for food assistance if the circumstances of the job involve:

(a) Changes in job status resulting from reduced hours of employment while working for the same employer;

(b) Termination of a self-employment enterprise; or

(c) Resignation from a job at the demand of an employer.

(3) The client must verify good cause for quitting. Food assistance is not denied if the client and the department are unable to obtain verification.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-444-0070, filed 7/31/98, effective 9/1/98.]

WAC 388-444-0075 What are the disqualification periods for quitting a job without good cause? (1) If you are an applicant who quits a job without good cause sixty days before applying for food assistance, the department will deny your application. The penalty period in subsection (3) of this section begins from the date of application.

(2) If you are already receiving food assistance and you quit your job without good cause, the department must send you a letter notifying you that you are going to be disqualified from food assistance. The disqualification in subsection (3) of this section begins the first of the month following the notice of adverse action.

(3) You are disqualified for the following minimum periods of time and until the conditions in subsection (4) of this section are met:

(a) For the first quit, one month;

(b) For the second quit, three months; and

(c) For the third or subsequent quit, six months.

(4) You may reestablish eligibility after the disqualification, if otherwise eligible by:

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(a) Getting a new job;

(b) In nonexempt areas, participating in the FS E&T program;

(c) Participating in Workfare as provided in WAC 388-444-0040;

(d) In an exempt area, serving the penalty period.

(5) The department can end the disqualification period if you become exempt from the work registration requirements as provided in WAC 388-444-0015 unless you are applying for or receiving unemployment compensation (UC), or participating in an employment and training program under TANF.

(6) If you are disqualified and move from the assistance unit and join another assistance unit, you continue to be treated as an ineligible member of the new assistance unit for the remainder of the disqualification period.

(7) If you are disqualified and move to a FS E&T exempt area, you must serve the remainder of the disqualification period.

[Statutory Authority: RCW 74.04.050 and 74.04.510. 01-05-006, § 388-444-0075, filed 2/7/01, effective 3/1/01; 00-04-006, § 388-444-0075, filed 1/20/00, effective 3/1/00. Statutory Authority: RCW 74.04.510. 99-07-024, § 388-444-0075, filed 3/10/99, effective 4/10/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-444-0075, filed 7/31/98, effective 9/1/98.]

Chapter 388-446 WAC

FRAUD

WAC

388-446-0001	Cash and medical assistance fraud.
388-446-0005	Disqualification period for cash assistance.
388-446-0010	TANF disqualification period for fraud convictions of misrepresenting interstate residence.
388-446-0015	Intentional program violation (IPV) and disqualification hearings for Basic Food.
388-446-0020	Food assistance disqualification penalties.

WAC 388-446-0001 Cash and medical assistance fraud. (1) All cash or medical assistance cases in which substantial evidence is found supporting a finding of fraud are referred to the county prosecuting attorney. The prosecuting attorney's office determines which cases are subject to criminal prosecution.

(2) An applicant or recipient is suspected of committing fraud if intentional misstatement or failure to reveal information affecting eligibility results in an overpayment.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-446-0001, filed 7/31/98, effective 9/1/98. Formerly WAC 388-501-0140.]

WAC 388-446-0005 Disqualification period for cash assistance. (1) An applicant or recipient who has been convicted of unlawful practices in obtaining cash assistance is disqualified from receiving further cash benefits if:

(a) For TANF/SFA, the conviction was based on actions which occurred on or after May 1, 1997; or

(b) For general assistance, the conviction was based on actions which occurred on or after July 23, 1995.

(2) The disqualification period must be determined by the court and will be:

(a) For a first conviction, no less than six months; and

(b) For a second or subsequent conviction, no less than twelve months.

(3) The disqualification applies only to the person convicted and begins on the date of conviction.

(4) A recipient's cash benefits are terminated following advance or adequate notice requirements as specified in WAC 388-458-0030.

[Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057, 04-13-097, § 388-446-0005, filed 6/21/04, effective 7/22/04; 98-16-044, § 388-446-0005, filed 7/31/98, effective 9/1/98.]

WAC 388-446-0010 TANF disqualification period for fraud convictions of misrepresenting interstate residence.

(1) An applicant or recipient is disqualified from receiving cash benefits under TANF if convicted of fraud by misrepresentation of residence in order to receive assistance from two or more states at the same time from any assistance program funded by the following:

(a) TANF and any other benefit authorized by Title IV-A of the Social Security Act; or

(b) Any benefit authorized by The Food Stamp Act of 1997; or

(c) Any benefit authorized by Title XIX, Medicaid; or

(d) SSI benefits authorized by Title XVI.

(2) The disqualification penalty is applied as follows:

(a) Only to convictions based on actions which occurred on or after May 1, 1997; and

(b) Only to the person convicted of fraud in federal or state court; and

(c) For a disqualification period of ten years or a period determined by the court, whichever is longer.

(3) The disqualification period begins the date the person is convicted of fraud by misrepresentation of residence in order to receive assistance from two or more states at the same time.

(4) The provisions of subsections (1) through (3) of this section do not apply when the President of the United States has granted a pardon for the conduct resulting in the conviction of fraud by misrepresentation of residence. The disregard of the provisions because of a pardon is effective the date the pardon is granted and continues for each month thereafter.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-446-0010, filed 7/31/98, effective 9/1/98.]

WAC 388-446-0015 Intentional program violation (IPV) and disqualification hearings for Basic Food.

(1) An intentional program violation (IPV) is defined as an act in which a person intentionally:

(a) Makes a false or misleading statement;

(b) Misrepresents, conceals or withholds facts; or

(c) Acts in violation of the Food Stamp Act, the Food Stamp Program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, trafficking, or possession of food benefits.

(2) Basic Food clients suspected of committing an IPV are subject to referral for an administrative disqualification hearing, if:

(a) The suspected IPV causes an over issuance of four hundred fifty dollars or more; or

(b) The suspected IPV is due to the trafficking of food benefits; and

(c) The person has not been referred for criminal proceedings; and

(d) The person resides in Washington state, at the time of the referral; or

(e) The person resides outside Washington state, but is within one hour's reasonable drive to a CSO.

(3) An administrative disqualification hearing (ADH) is a formal hearing to determine if a person committed an IPV. ADHs are governed by the rules found in chapter 388-02 WAC. However, rules in this section are the overriding authority if there is a conflict.

(4) A client who commits one or more IPV's and is suspected of committing another, is referred for an ADH when the act of suspected violation occurred:

(a) After the department mailed the disqualification notice to the client for the most recent IPV; or

(b) After criminal proceedings for the most recent IPV are concluded.

(5) A person suspected of IPV is entitled to receive notice of an ADH at least thirty days in advance of the hearing date. The notice is sent by certified mail, or provided to the client by personal service and will contain the following:

(a) The date, time, and place of the hearing;

(b) The charges against the individual;

(c) A summary of the evidence, and how and where the evidence can be examined;

(d) A warning that a decision will be based solely on evidence provided by the department, if the individual fails to appear at the hearing;

(e) A statement that the individual has ten days from the date of the scheduled hearing to show good cause for failure to appear at the hearing and to request rescheduling;

(f) A warning that a determination of IPV will result in a disqualification period; and

(g) A statement that if a telephone hearing is scheduled, the individual can request an in-person hearing by filing a request with the administrative law judge one week or more prior to the date of the hearing.

(6) The person or a representative shall have the right to one continuance of up to thirty days if a request is filed ten days or more prior to the hearing date.

(7) The hearing will be conducted and a decision rendered even if the person or representative fail to appear, unless within ten days from the date of the scheduled hearing:

(a) The person can show good cause for failing to appear; and

(b) The person or representative requests the hearing be re-instated.

(8) A scheduled telephone hearing may be changed to an in-person hearing if requested one week or more in advance. If requested less than one week in advance the person must show good cause for the requested change.

(9) The ALJ issues a final decision as specified in WAC 388-02-0215(5) and WAC 388-02-0527. The decision determines whether the department establishes with clear and convincing evidence that the person committed and intended to commit an IPV.

(10) The department and the client each have the right to request a reconsideration of the decision as specified in WAC

388-02-0610 through 388-02-0635. The final order or the reconsideration decision is the final agency decision.

(11) A client's disqualification is not implemented and benefits continue at the current amount when:

(a) The client can show good cause for not attending the hearing within thirty days from the date the disqualification notice was mailed; and

(b) An administrative law judge determines the client had good cause; or

(c) The client requests reconsideration or files a petition for judicial review to appeal the disqualification as specified in WAC 388-02-0530 (1) or (4).

(12) An administrative disqualification hearing and a regular hearing can be combined when the cause for both hearings is related.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 9.91.142. 05-23-082, § 388-446-0015, filed 11/15/05, effective 1/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-446-0015, filed 7/31/98, effective 9/1/98.]

WAC 388-446-0020 Food assistance disqualification penalties. (1) Disqualification penalties apply only to the person or persons found to have committed an intentional program violation (IPV) as follows:

(a) If the intentional program violation occurred in whole or in part after the household was notified of the following penalties:

- (i) Twelve months for the first violation;
- (ii) Twenty-four months for the second violation;
- (iii) Permanently for the third violation.

(b) If the violation ended before the household was notified of the penalties in subsection (1)(a) of this section:

- (i) Six months for the first violation;
- (ii) Twelve months for the second violation;
- (iii) Permanently for the third violation.

(2) The disqualification and penalty period for a person convicted in another state stays in effect until satisfied regardless of where a person moves.

(3) Multiple program violations are considered as one violation when determining the penalty for disqualification when the violations occurred before the department notified the household of the penalties, as described in subsection (1), (4) and (5) of this section.

(4) Disqualification penalties for persons convicted by a federal, state, or local court of trading or receiving food coupons for a controlled substance are:

- (a) Two years for a first conviction; and
- (b) Permanently for a second conviction.

(5) A first conviction by federal, state, or local court permanently disqualifies persons who:

(a) Trade or receive food coupons for firearms, ammunition, or explosives; or

(b) Knowingly buy, sell, trade, or present for redemption food coupons totalling five hundred dollars or more in violation of section 15 (b) and (c) of the Food Stamp Act of 1977, as amended.

(6) Persons convicted of providing false identification or residency information to receive multiple coupon benefits are disqualified for ten years.

(7) When a court convicts a person of an IPV, the disqualification penalties specified in subsection (1) through (5) apply as follows:

(a) In addition to any civil or criminal penalties; and

(b) Within forty-five days of the date of conviction; unless

(c) Contrary to the court order.

(8) Disqualification penalties are applied after notifying the household of the disqualification, the effective date, the amount of benefits the household will receive during the disqualification period and the need to reapply when the certification period expires.

(9) Even though only the individual is disqualified, the food assistance household is responsible for making restitution for the amount of any overpayment.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-446-0020, filed 7/31/98, effective 9/1/98.]

**Chapter 388-448 WAC
INCAPACITY**

WAC

388-448-0001	What are the incapacity requirements for general assistance?
388-448-0010	How do we decide if you are incapacitated?
388-448-0020	Which health professionals can I go to for medical evidence?
388-448-0030	What medical evidence do I need to provide?
388-448-0035	How we assign severity ratings to your impairment.
388-448-0040	PEP step I—Review of medical evidence required for eligibility determination.
388-448-0050	PEP step II—How we determine the severity of mental impairments.
388-448-0060	PEP step III—How we determine the severity of physical impairments.
388-448-0070	PEP step IV—How we determine the severity of multiple impairments.
388-448-0080	PEP step V—How we determine your ability to function in a work environment if you have a mental impairment.
388-448-0090	PEP step V—How we determine your ability to function in a work environment if you have a physical impairment.
388-448-0100	PEP step VI—How we evaluate capacity to perform relevant past work.
388-448-0110	PEP step VII—How we evaluate your capacity to perform other work.
388-448-0120	How we decide how long you are incapacitated.
388-448-0130	Treatment and referral requirements.
388-448-0140	Good cause for refusing medical treatment or other agency referrals.
388-448-0150	Penalty for refusing medical treatment or other agency referrals.
388-448-0160	When do my general assistance benefits end?
388-448-0180	How do we redetermine your eligibility when we decide you are eligible for general assistance expedited medicaid (GAX)?
388-448-0200	Can I get general assistance while waiting for Supplemental Security Income (SSI)?
388-448-0210	What is interim assistance and how do I assign it to you?

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

388-448-0005	The following criteria is used to determine if a child is deprived of parental support due to incapacity. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-448-0005, filed 7/31/98, effective 9/1/98.] Repealed by 00-15-051, filed 7/17/00, effective 9/1/00. Statutory Authority: RCW 74.04.057, 74.08.090.
388-448-0170	Termination requirement—How we determine you are no longer incapacitated. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0170, filed 8/2/00, effective 9/1/00.]

Repealed by 04-07-140, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.08.090, 74.04.005, and 2003 1st sp.s. c 10.

388-448-0190

Reinstating your eligibility after termination due to lack of medical evidence. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 00-16-113, § 388-448-0190, filed 8/2/00, effective 9/1/00.] Repealed by 04-07-140, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.08.090, 74.04.005, and 2003 1st sp.s. c 10.

WAC 388-448-0001 What are the incapacity requirements for general assistance? For the purposes of this chapter, "we" and "us" refer to the department of social and health services. "You" means the applicant or recipient. "GA" means the general assistance program. For you to receive general assistance (GA) program benefits, we must determine you are incapacitated.

"Incapacitated" means that you cannot be gainfully employed as a result of a physical or mental impairment that is expected to continue for at least ninety days from the date you apply.

"Physical impairment" means a diagnosable physical illness. "Mental impairment" means a diagnosable mental disorder. We exclude any diagnosis of or related to alcohol or drug abuse or addiction.

(1) We determine you are incapacitated if you are:

- (a) Eligible for payments based on Social Security Administration (SSA) disability criteria;
- (b) Eligible for services from the division of developmental disabilities (DDD);
- (c) Diagnosed as having mental retardation based on a full scale score of seventy or lower on the Wechsler adult intelligence scale (WAIS);
- (d) At least sixty-four years old and seven months;
- (e) Eligible for long-term care services from aging and disability services administration; or
- (f) Approved through the progressive evaluation process (PEP).

(2) We consider you to be incapacitated for ninety days after:

- (a) You are released from inpatient treatment for a mental impairment if:
 - (i) The release from inpatient treatment was not against medical advice; and
 - (ii) There is no break in your participation between inpatient and outpatient treatment of your mental impairment.
- (b) You are released from a medical institution where you received long-term care services from the aging and disability services administration.
- (c) The Social Security Administration stops your Supplemental Security Income payments because you are not a citizen.

[Statutory Authority: RCW 74.08.090, 74.04.005, and 2003 1st sp.s. c 10. 04-07-140, § 388-448-0001, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.04.057, 74.08.090, 00-15-018, § 388-448-0001, filed 7/10/00, effective 9/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-448-0001, filed 7/31/98, effective 9/1/98.]

WAC 388-448-0010 How do we decide if you are incapacitated? When you apply for GA program benefits, you must provide medical evidence to us to show that you are unable to work.

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If you are gainfully employed at the time of your application for GA, we deny incapacity. "**Gainful employment**" means you are performing, in a regular and predictable manner, an activity usually done for pay or profit.

(1) We do not consider work to be gainful employment when you are working:

(a) Under special conditions that go beyond the employer providing reasonable accommodation, such as in a sheltered workshop we have approved; or

(b) Occasionally or part-time because your impairment limits the hours you are able to work compared to unimpaired workers in the same job as verified by your employer.

(2) We decide if you are incapacitated when:

(a) You apply for GA benefits. We may waive this decision if we use the criteria in WAC 388-448-0001 except the PEP to determine you are incapacitated;

(b) You become employed;

(c) You obtain work skills by completing a training program; or

(d) We get new information that indicates you may be employable.

(3) Unless you meet the other incapacity criteria in WAC 388-448-0001, we decide incapacity by applying the progressive evaluation process (PEP) to the medical evidence that you provide that meets WAC 388-448-0030. The PEP is the sequence of seven steps described in WAC 388-448-0035 through 388-448-0110.

(4) You are not eligible for GA benefits if you are incapacitated only because of alcoholism or drug addiction. If you have a physical or mental impairment and you are impaired by alcohol or drug addiction, we decide if you are eligible for general assistance. If you qualify for both GA and the ADATSA Shelter program, you may choose either program.

(5) In determining incapacity, we consider only your ability to perform basic work-related activities. "Basic work-related activities" are activities that anyone would be required to perform in a work setting. They consist of: Sitting, standing, walking, lifting, carrying, handling, seeing, hearing, communicating, and understanding and following instructions.

[Statutory Authority: RCW 74.08.090, 74.04.005, and 2003 1st sp.s. c 10. 04-07-140, § 388-448-0010, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 00-16-113, § 388-448-0010, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0020 Which health professionals can I go to for medical evidence? We accept medical evidence from these sources:

(1) For a physical impairment, a health professional licensed in Washington state or where the examination was performed:

(a) A physician, which for GA program purposes, includes:

(i) Medical doctor (M.D.);

(ii) Doctor of osteopathy (D.O.);

(iii) Doctor of optometry (O.D.) to evaluate visual acuity impairments;

(iv) Doctor of podiatry (D.P.) for foot disorders; and

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(v) Doctor of dental surgery (D.D.S.) or doctor of medical dentistry (D.M.D.) for tooth abscesses or temporomandibular joint (TMJ) disorders.

(b) An advanced registered nurse practitioner (ARNP) for physical impairments that are within the ARNP's area of certification to treat;

(c) The chief of medical administration of the Veterans' Administration, or their designee, as authorized in federal law; or

(d) A physician assistant when the report is cosigned by the supervising physician.

(2) For a mental impairment, professionals licensed in Washington state or where the examination was performed:

(a) A psychiatrist;

(b) A psychologist;

(c) An advanced registered nurse practitioner certified in psychiatric nursing; or

(d) At our discretion:

(i) A person identified as a mental health professional within the regional support network mental health treatment system provided the person's training and qualifications at a minimum include having a Master's degree and two years of mental health treatment experience; or

(ii) The physician who is currently treating you for a mental impairment.

(3) **"Supplemental medical evidence"** means information from a health professional not listed in subsection (1) or (2) of this section and who can provide supporting medical evidence for impairments identified by any of the professionals listed in subsections (1) or (2) of this section. We include as supplemental medical evidence sources:

(a) A health professional who has conducted tests on or provides on-going treatment to you, such as a physical therapist, chiropractor, nurse, physician assistant;

(b) Workers at state institutions and agencies who are not health professionals and are providing or have provided medical or health-related services to you; or

(c) Chemical dependency professionals (CDPs) when requesting information on the effects of alcohol or drug abuse.

[Statutory Authority: RCW 74.08.090, 74.04.005, and 2003 1st sp.s. c 10. 04-07-140, § 388-448-0020, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.-090. 01-14-059, § 388-448-0020, filed 6/29/01, effective 8/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0020, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0030 What medical evidence do I need to provide? You must provide medical evidence that clearly explains if you have an impairment and how that impairment prevents you from being capable of gainful employment. Medical evidence must be in writing and be clear, objective and complete.

(1) Objective evidence means:

(a) For physical impairment:

(i) Laboratory test results;

(ii) Pathology reports;

(iii) Radiology findings including results of X rays and computer imaging scans;

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(iv) Clinical finding, including but not limited to ranges of joint motion, blood pressure, temperature or pulse; and observations from physical examination; or

(v) Hospital history and physical reports and admission and discharge summaries; or

(vi) Other medical history and physical reports.

(b) For mental impairment:

(i) Examination results including:

(A) Clinical interview observations, including mental status exam results and interpretation; and

(B) Explanation of how examination findings meet the clinical and diagnostic criteria of the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM).

(ii) Testing results, if any, including:

(A) Description and interpretation of tests of memory, concentration, cognition or intelligence; or

(B) Interpretation of medical tests to identify or exclude a connection between the mental impairment and physical illness.

(2) To be complete, medical evidence must include:

(a) Diagnosis for the impairment;

(b) A clear description of how the impairment relates to your ability to perform the work-related activities listed in WAC 388-448-0010(5) including signs and observations of drug or alcohol abuse and whether any limitations on ability to perform work-related activities would continue after sixty days of abstinence from use of drugs or alcohol;

(c) Facts in addition to objective evidence to support the medical provider's opinion that you are unable to be gainfully employed, such as proof of hospitalization; and

(d) Based on an examination done within the ninety days of the date of application or the forty-five days prior to the month of incapacity review.

(3) When making an incapacity decision, we do not use your report of symptoms as evidence unless objective evidence shows there is an impairment that could reasonably be expected to produce those symptoms.

(4) If you cannot get medical evidence without cost to you and you meet the eligibility conditions other than incapacity in WAC 388-400-0025, we pay the costs to obtain objective evidence based on our published payment limits and designated fee schedules.

(5) We decide incapacity based solely on the objective information we receive. We are not obligated to accept a decision that you are incapacitated or unemployable made by another agency or person.

[Statutory Authority: RCW 74.08.090, 74.04.005, and 2003 1st sp.s. c 10. 04-07-140, § 388-448-0030, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0030, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0035 How we assign severity ratings to your impairment. (1) **"Severity rating"** means a rating of the extent of your incapacity, and how severely it impacts your ability to perform the basic work activities. Severity ratings are assigned in Steps II through IV of the PEP. The following chart provides a description of levels of limitations on work activities and the severity ratings that would be assigned to each.

Effect on work activities	Severity rating
(a) There is no effect on your performance of basic work-related activities.	1
(b) There is no significant effect on your performance of basic work-related activities.	2
(c) There are significant limits on your performance of at least one basic work-related activity.	3
(d) There are very significant limits on your performance of at least one basic work-related activity.	4
(e) You are unable to perform at least one basic work-related activity.	5

(2) We use the severity rating given by the medical evidence provider:

(a) If the rating is supported by and consistent with the medical evidence;

(b) If the provider's assessment of your limitations is consistent with our definition of the rating; and

(c) If the rating is consistent with other medical evidence provided to us.

(3) If the medical evidence provider assigns a severity rating that is not consistent with the objective evidence and your symptoms from your impairment as described in the medical evidence, we take the following action:

(a) If your limitations are more severe than the rating given, we raise your severity rating; or

(b) If your limitations are less severe than the rating given, we lower your severity rating; and

(c) We give clear and convincing reasons for adjusting the rating.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0035, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0040 PEP step I—Review of medical evidence required for eligibility determination. When we receive your medical evidence, we review it to see if it is complete and to decide whether your circumstances match GAU program requirements.

(1) We require a written medical report to determine incapacity. The report must:

(a) Contain sufficient information as described under WAC 388-448-0030;

(b) Be written by an authorized medical professional;

(c) Document the existence of a potentially incapacitating condition; and

(d) Indicate an impairment is expected to last ninety days or more from the application date.

(2) If the information received is not clear, we may require more information before we decide your ability to be gainfully employed. As examples, we may require you to get more medical tests or be examined by a medical specialist.

(3) We deny incapacity when:

(a) There is only one impairment with a severity rating less than three;

(b) A reported impairment is not expected to last ninety days (twelve weeks) or more from the date of application;

(c) The practitioner is not able to determine that the physical or mental impairment would remain incapacitating

after at least sixty days of abstinence from alcohol and drugs; or

(d) We do not have clear and objective medical evidence to approve incapacity.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0040, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0050 PEP step II—How we determine the severity of mental impairments. If you are diagnosed with a mental impairment, we use information from the provider to determine if your impairment prevents you from being gainfully employed. We review the psychological evidence to determine the severity of your mental impairment.

(1) The severity of your mental impairment is based on:

(a) Psychosocial and treatment history;

(b) Clinical findings;

(c) Results of psychological tests; and

(d) Symptoms observed by the examining practitioner that show impairment of your ability to perform basic work-related activities.

(2) If you are diagnosed with mental retardation, the diagnosis must be based on the Wechsler Adult Intelligence Scale (WAIS). The following test results determine the severity rating:

Intelligence Quotient (IQ) Score	Severity Rating
85 or above	1
71 to 84	3
70 or lower	5

(3) If you are diagnosed with a mental impairment with physical causes, we assign a severity rating based on the most severe of the following three areas of impairment:

(a) Memory defect for recent events;

(b) Impoverished, slowed, perseverative thinking, with confusion or disorientation; or

(c) Labile, shallow, or coarse affect.

(4) We base the severity of the functional psychotic or nonpsychotic disorder, excluding alcoholism or drug addiction, on:

(a) Clinical assessment of these twelve symptoms: Depressed mood, suicidal trends, verbal expression of anxiety or fear, expression of anger, social withdrawal, motor agitation, motor retardation, paranoid behavior, hallucinations, thought disorder, hyperactivity, preoccupation with physical complaints; and

(b) Clinical assessment of the intensity and pervasiveness of your symptoms and their effect on work activities.

(5) We base the severity rating for a functional mental impairment on accumulated severity ratings for the twelve symptoms in subsection (4)(a) of this section as follows:

Symptom Ratings or Condition	Severity Rating
(a) The functional mental impairment is diagnosed with psychotic features;	3
(b) You have had two or more hospitalizations for psychiatric reasons in the past two years;	

Symptom Ratings or Condition	Severity Rating
(c) You have had more than six months of continuous psychiatric hospital or residential treatment in the past two years; (d) The overall assessment of symptoms is rated three; or (e) At least three symptoms are rated three or higher.	
(f) The overall assessment of symptoms is rated four; or (g) At least three symptoms are rated four or five.	4
(h) The overall assessment of symptoms is rated five; or (i) At least three symptoms are rated five.	5

(6) If you have more than one type of mental impairment, we assign a severity rating as follows:

Condition	Severity Rating
(a) Two or more disorders with ratings of three; or (b) One or more disorders rated three; and one rated four.	4
(c) Two or more disorders rated four.	5

(7) We deny incapacity when you do not have a significant physical impairment and your overall mental severity rating is one or two;

(8) We approve incapacity when you have an overall mental severity rating of five, regardless of whether you have a physical impairment.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0050, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0060 PEP step III—How we determine the severity of physical impairments. We must decide if your physical impairment is serious enough to limit your ability to be gainfully employed. "Severity of a physical impairment" means the degree that an impairment restricts you from performing basic work-related activities (see WAC 388-448-0010). Severity ratings range from one to five, with five being the most severe. We will assign severity ratings according to the table in WAC 388-448-0035.

(1) We assign to each physical impairment a severity rating that is supported by medical evidence.

(2) If your physical impairment is rated two, and there is no mental impairment or a mental impairment that is rated one, we deny incapacity.

(3) If your physical impairment is consistent with a severity rating of five, we approve incapacity.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0060, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0070 PEP step IV—How we determine the severity of multiple impairments. (1) If you have more than one impairment we decide the overall severity rating by deciding if your impairments have a combined effect on your ability to be gainfully employed. Each diagnosis is

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grouped by affected organ or function into one of thirteen "body systems." The thirteen body systems consist of:

- (a) Musculo-skeletal,
- (b) Special senses and speech,
- (c) Respiratory,
- (d) Cardiovascular,
- (e) Digestive,
- (f) Genito-urinary,
- (g) Hemic and lymphatic,
- (h) Skin,
- (i) Endocrine and obesity,
- (j) Neurological,
- (k) Mental disorders,
- (l) Neoplastic, and
- (m) Immune systems.

(2) We follow these rules when there are multiple impairments:

(a) We group each diagnosis by body system.

(b) When you have two or more diagnosed impairments that limit work activities, we assign an overall severity rating as follows:

Your Condition	Severity Rating
(i) All impairments are in the same body system, are rated two and there is no cumulative effect on basic work activities.	2
(ii) All impairments are in the same body system, are rated two and there is a cumulative effect on basic work activities. (iii) All impairments are in different body systems, are rated two and there is a cumulative effect on basic work activities.	3
(iv) Two or more impairments are in different body systems and are rated three. (v) Two or more impairments are in different body systems; one is rated three and one is rated four.	4
(vi) Two or more impairments in different body systems are rated four.	5

(c) We deny incapacity when the overall severity rating is two.

(d) We approve incapacity when the overall severity rating is five.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 01-14-059, § 388-448-0070, filed 6/29/01, effective 8/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0070, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0080 PEP step V—How we determine your ability to function in a work environment if you have a mental impairment. If you have a mental impairment we evaluate your cognitive and social functioning in a work setting. Functioning means your ability to perform the tasks that would be required of you on the job and your ability to get along with your coworkers, supervisors and other people you would be in contact with while on the job.

(1) We evaluate cognitive factors by assessing your ability to:

- (a) Understand, remember, and follow simple, one- or two-step instructions;
- (b) Understand, remember, and follow complex instructions, with three or more steps;
- (c) Learn new tasks;
- (d) Exercise judgment and make decisions; and
- (e) Perform routine tasks without undue supervision.

(2) We approve incapacity when the practitioner's evaluation shows you are:

(a) At least moderately impaired in your ability to understand, remember, and follow simple instructions and at least moderately limited in your ability to:

- (i) Learn new tasks, exercise judgment, and make decisions; and
- (ii) Perform routine tasks without undue supervision; or
- (b) Able to understand, remember, and follow simple instructions, but are:

(i) At least moderately impaired in the ability to understand, remember, and follow instructions with three or more steps; and

(ii) Markedly impaired in the ability to learn new tasks, exercise judgment and make decisions, and perform routine tasks without undue supervision.

(3) The practitioner's evaluation reports your social factors after assessing your ability to:

- (a) Relate appropriately to coworkers and supervisors;
- (b) Relate appropriately in contacts with the public;
- (c) Tolerate the pressures of a work setting;
- (d) Perform self-care activities, including personal hygiene; and
- (e) Maintain appropriate behavior in a work setting.

(4) We approve incapacity if you are rated at least two in one area of social functioning and at least three in all other areas of social functioning.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0080, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0090 PEP step V—How we determine your ability to function in a work environment if you have a physical impairment. In Step V of the PEP we review the medical evidence you provide and make a determination of how your physical impairment prevents you from working. This determination is then used in Steps VI and VII of the PEP to determine your ability to perform either work you have done in the past or other work.

(1) **"Exertion level"** means the ability to lift, carry, stand and walk with the strength needed to fulfill job duties in the following work categories. For this section, "occasionally" means less than one-third of the time and "frequently" means one-third to two-thirds of the time. We only consider your strength, mobility, and flexibility. We review any work limits you have in the following areas, and then assign an exertion level and determine exertional limitations.

The following table is used to determine your exertion level. Included in this table is a strength factor, which is your ability to perform physical activities, as defined in Appendix C of the Dictionary of Occupational Titles (DOT), Revised Edition, published by the U.S. Department of Labor.

If you	Then we assign this exertion level
(a) Can not lift at least two pounds or stand and/or walk.	Severely limited
(b) Can lift ten pounds maximum and frequently lift and/or carry lightweight articles. Walking and standing are only required for brief periods.	Sedentary
(c) Can lift twenty pounds maximum and frequently lift and/or carry objects weighing up to ten pounds. Walk six out of eight hours per day or stand during a significant portion of the workday, with sitting and pushing/ pulling arm or leg movements most of the day.	Light
(d) Can lift fifty pounds maximum and frequently lift and/or carry up to twenty-five pounds.	Medium
(e) Can lift one hundred pounds maximum and frequently lift and/or carry up to fifty pounds.	Heavy

(2) **"Exertionally-related limitation"** means a restriction in mobility, agility or flexibility in the following twelve activities: Balancing, bending, climbing, crawling, crouching, handling, kneeling, pulling, pushing, reaching, sitting, and stooping. If you have exertionally-related limitations, we consider them in determining your ability to work.

(3) **"Functional physical capacity"** means the degree of strength, agility, flexibility, and mobility you can apply to work-related activities. We consider the effect of the physical impairment on the ability to perform work-related activities when the physical impairment is assigned an overall severity rating of three or four. We determine functional physical capacity based on your exertional, exertionally related and nonexertional limitations. All limitations must be substantiated by the medical evidence and directly related to the diagnosed impairment(s).

(4) **"Nonexertional physical limitation"** means a restriction on work activities that does not affect strength, mobility, agility, or flexibility. Examples are:

(a) Environmental restrictions which could include, among other things, your inability to work in an area where you would be exposed to chemicals; and

(b) Workplace restrictions, such as impaired hearing or speech, which would limit the types of work environments you could work in.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0090, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0100 PEP step VI—How we evaluate capacity to perform relevant past work. If your overall severity rating is three or four and we have reached this stage of the PEP and have not approved or denied your application, we decide if you can do the same or similar work as you have done in the past. We look at your current physical and/or mental limitations and vocational factors to make this decision. Vocational factors are education, relevant work history, and age.

(1) We evaluate education in terms of formal schooling or other training that enables you to meet job requirements. We classify education as:

If you	Then your education level is
(a) Can not read or write a simple communication, such as two sentences or a list of items.	Illiterate
(b) Have no formal schooling beyond the eleventh grade; or (c) Have participated in special education.	Limited education
(d) Have received a high school diploma or general equivalency degree (GED); or (e) Have received skills training and were awarded a certificate, degree or license.	High school and above level of education

(2) We evaluate your work experience to determine if you have relevant past work. "Relevant past work" means work that:

(a) Is normally done for pay or profit. We exclude work done in a sheltered workshop, a job where you were given special consideration, or activities you may have performed as a student or homemaker;

(b) Has been performed in the past five years; and

(c) You have done long enough for you to have acquired the knowledge and skills to continue performing the job. You must meet the specific vocational preparation level as defined in Appendix C of the Dictionary of Occupational Titles.

(3) For each relevant past work situation you have had, we determine:

(a) The exertional or skill requirements of the job; and

Highest work level assigned by the practitioner	Your age	Your education level	Other vocational factors
Sedentary	Any age	Any level	Does not apply
Light	Fifty and older	Any level	Does not apply
Light	Thirty-five and older	Illiterate or LEP	Does not apply
Light	Eighteen and older	Limited education	Does not have any past work
Medium	Fifty and older	Limited education	Does not have any past work
Medium	Fifty-five and older	Any level	Does not apply
Heavy	Fifty-five and older	Any level	Environmental restrictions apply

(2) We approve incapacity when you have a mental impairment only and meet the age and social functioning limitations below:

Social limitation	Age
(a) Can not appropriately relate to coworkers and supervisors (rated three); and (b) Can not tolerate the pressures of a work setting (rated four).	Fifty years and older
(c) Can not tolerate the pressures for a work setting (rated five).	Eighteen to fifty-four
(d) A mental disorder severity rated four; (e) One or more symptoms from WAC 388-448-0050(4) (rated five); (f) Can not appropriately relate to coworkers and supervisors (rated three); and (g) Can not tolerate the pressures of a work setting (rated four).	Eighteen to forty-nine

(3) We approve incapacity when you have both mental and physical impairments and vocational factors interfere with working as follows:

(b) Current cognitive, social, or nonexertional factors that significantly limit your ability to perform past work.

(4) After considering vocational factors, we approve or deny incapacity based on the following:

If you	Then we take this action on incapacity
(a) Have the physical or mental ability to perform past work and there is no significant cognitive, social or nonexertional limitation.	Deny
(b) Have recently acquired specific work skills through completion of vocational training, enabling you to work within your current physical or mental capacities.	Deny
(c) Are fifty-five years of age or older and have an impairment that is assigned an overall severity rating of at least three and do not have the physical or mental ability to perform past work or do not have work experience.	Approve

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0100, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0110 PEP step VII—How we evaluate your capacity to perform other work. If we decide you cannot do work that you've done before, we then decide if you can do any other work. In making this decision, we again consider vocational factors of age, education and limited English proficiency (LEP).

(1) We approve incapacity if you have a physical impairment only and meet the vocational factors below:

Your age	Your education	Your other restrictions
Any age	Any level	(a) Can not appropriately relate to coworkers and supervisors (rated three; and (b) Can not tolerate pressures of a work setting (rated four).
Fifty or older	Limited education	(c) Restricted to medium work level or less.
Eighteen to forty-nine	Limited education	(d) Restricted to light work level.

(4) If we do not find that you are incapacitated by the end of Step VII of the PEP, an administrative review team (ART) makes the incapacity decision. The review team consists of two or more persons within the community service office (CSO) who are not in the position of providing direct eligibility or incapacity services to you. The ART reviews the medical evidence and your vocational factors.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0110, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0120 How we decide how long you are incapacitated. We decide how long you are incapacitated, up to the maximum period set by WAC 388-448-0160, using medical evidence on the expected length of time needed to heal or recover from the incapacitating disorder(s).

[Statutory Authority: RCW 74.08.090, 74.04.005, and 2003 1st sp.s. c 10. 04-07-140, § 388-448-0120, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 01-14-059, § 388-448-0120, filed 6/29/01, effective 8/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0120, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0130 Treatment and referral requirements. We refer you to medical providers for available medical treatment or other agencies for treatment, rehabilitation or work activities when we decide it will improve your ability to be gainfully employed or reduce your need for GAU. "Available medical treatment" means medical, surgical, chemical dependency, or mental health services, or a combination of them.

(1) When you are first approved and at each review determination, we give you written information regarding your treatment requirements.

(2) You must accept and follow through on required medical treatment and referrals to other agencies and services, including applying for SSI, unless you have good cause for not doing so. Examples of good cause are found in WAC 388-448-0140.

(3) We may require you to undergo alcohol or drug treatment before reviewing your eligibility for GAU.

(4) You may request a fair hearing if you disagree with the treatment or referral requirements we set for you (see WAC 388-458-0040).

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 01-14-059, § 388-448-0130, filed 6/29/01, effective 8/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0130, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0140 Good cause for refusing medical treatment or other agency referrals. We may determine that you have good cause for refusing required treatment or referrals to other agencies. We may require you to provide

proof to support your good cause claim. Valid reasons for refusing treatment and other agency referrals include, but are not limited to, the following:

(1) Valid reasons for refusing treatment referrals:

(a) You are so fearful of the treatment that your fear could interfere with the treatment or reduce its benefits;

(b) Treatment could cause further limitations or loss of a function or an organ and you are not willing to take that risk;

(c) You practice an organized religion that prohibits treatment; or

(d) Treatment is not available without cost to you.

(2) Valid reasons for refusing treatment or other agency referrals:

(a) We did not give you enough information about the requirement;

(b) You did not receive written notice of the requirement;

(c) The requirement was made in error;

(d) You are temporarily unable to participate because of documented interference, or

(e) Your medical condition or limitations are consistent with the definition of necessary supplemental accommodation (NSA), WAC 388-472-0020 and your condition or limitations contributed to your refusal, per WAC 388-472-0050.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 01-14-059, § 388-448-0140, filed 6/29/01, effective 8/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0140, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0150 Penalty for refusing medical treatment or other agency referrals. (1) If you refuse required treatment or agency referral without having good cause, we will stop your GAU benefits.

(2) We stop your GAU benefits until you agree to accept and pursue the required treatment service or referral.

(3) If you reapply, you must wait for a penalty period to pass before you begin getting benefits. The penalty is based on how often you have refused:

Refusal	Penalty
First	One week
Second within six months	One month
Third and subsequent within one year	Two months

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0150, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0160 When do my general assistance benefits end? (1) The maximum period of eligibility for general assistance is twelve months before we must review additional medical evidence. We use medical evidence and the

expected length of time before you are capable of gainful employment to decide when your benefits will end.

(2) Your benefits stop at the end of your incapacity period unless you provide additional medical evidence that demonstrates during your current incapacity period that there was no material improvement in your impairment. No material improvement means that your impairment continues to meet the progressive evaluation process criteria in WAC 388-448-0010 through 388-448-0110, excluding the requirement that your impairment(s) prevent employment for ninety days.

(3) Additional medical evidence must meet all of the criteria defined in WAC 388-448-0030.

(4) We use additional medical evidence received after your incapacity period had ended when:

(a) The delay was not due to your failure to cooperate; and

(b) We receive the evidence within thirty days of the end of your incapacity period; and

(c) The evidence meets the progressive evaluation process criteria in WAC 388-448-0010 through 388-448-0110.

(5) You must provide information about your cooperation and progress with treatment or agency referrals we required according to WAC 388-448-0130.

(6) Even if your condition has not improved, you are not eligible for general assistance when:

(a) We get current medical evidence that does not meet the progressive evaluation process criteria in WAC 388-448-0035 through 388-448-0110; and

(b) Our prior decision that your incapacity met the requirements was incorrect because:

(i) The information we had was incorrect or not enough to show incapacity; or

(ii) We did not apply the rules correctly to the information we had at that time.

[Statutory Authority: RCW 74.08.090, 74.04.005, and 2003 1st sp.s. c 10. 04-07-140, § 388-448-0160, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0160, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0180 How do we redetermine your eligibility when we decide you are eligible for general assistance expedited medicaid (GAX)? (1) The maximum period of eligibility for GAX is twelve months before we must review additional medical evidence. If you remain on GAX at the end of the twelve-month period, we determine your eligibility using current medical evidence.

(2) If your application for SSI is denied, and the denial is upheld by an SSI/SSA administrative hearing, we change your program eligibility from GAX to GAU if you do not provide proof you have filed an appeal with the SSI/SSA appeals council within sixty days of your hearing decision.

(3) We change your program eligibility from GAX to GAU after the final SSI/SSA determination or if you fail to follow through with any part of the SSI/SSA appeals process.

[Statutory Authority: RCW 74.08.090, 74.04.005, and Title 42 C.F.R. § 435.120 and 20 C.F.R. § 416.1455. 08-18-044, § 388-448-0180, filed 8/29/08, effective 10/1/08. Statutory Authority: RCW 74.08.090, 74.04.005, and 2003 1st sp.s. c 10. 04-07-140, § 388-448-0180, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 01-14-059, § 388-448-0180, filed 6/29/01, effective 8/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0180, filed 8/2/00, effective 9/1/00.]

(2009 Ed.)

WAC 388-448-0200 Can I get general assistance while waiting for Supplemental Security Income (SSI)?

(1) You may receive general assistance benefits while you are waiting to receive Social Security Supplemental Security Income (SSI) benefits only when you:

(a) Have filed your SSI application with the Social Security Administration (SSA), follow through with SSA directions and requirements to process your application including keeping all interview and consultative examination appointments, and do not withdraw your application;

(b) Agree to assign the initial or reinstated SSI payment to us provided under WAC 388-448-0210;

(c) Are otherwise eligible according to WAC 388-400-0025; and

(d) Meet incapacity criteria listed in WAC 388-448-0001.

(2) When we obtain certification that you are likely to qualify for SSI, we also approve categorical needy medical coverage under WAC 388-505-0110.

[Statutory Authority: RCW 74.08.090, 74.04.005, and 2003 1st sp.s. c 10. 04-07-140, § 388-448-0200, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 01-14-059, § 388-448-0200, filed 6/29/01, effective 8/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0200, filed 8/2/00, effective 9/1/00.]

WAC 388-448-0210 What is interim assistance and how do I assign it to you?

The general assistance and SSI programs both provide cash assistance to meet your basic needs. You cannot receive this assistance for the same time period from both programs. When you are approved for or reinstated on SSI, you may receive a back payment. When we made GA payments to you or on your behalf for the same time period, you must assign your interim assistance to repay us.

(1) **"Assign"** means that you sign a written authorization for the Social Security Administration (SSA) to send the SSI back payment to us. We will deduct the interim assistance we provided to you.

(2) **"Interim assistance"** means the GA funds we paid to you or on your behalf during:

(a) The time between your SSI application date and the month recurring SSI payments begin; or

(b) The period your SSI payments were suspended or terminated, and later reinstated.

(3) We pay up to twenty-five percent of the interim assistance reimbursement that we receive from the SSA to the attorney who successfully represented you in your effort to receive SSI.

[Statutory Authority: RCW 74.08.090, 74.04.005, and 2003 1st sp.s. c 10. 04-07-140, § 388-448-0210, filed 3/22/04, effective 5/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 00-16-113, § 388-448-0210, filed 8/2/00, effective 9/1/00.]

Chapter 388-450 WAC

INCOME

WAC

388-450-0005

How does the department decide if I own a type of income and if this income is available to meet my needs?

388-450-0010	The department takes some or all of your time-loss benefits if you get cash assistance while waiting for your claim to be processed.		388-519-1910.] Repealed by 04-09-005, filed 4/7/04, effective 6/1/04. Statutory Authority: RCW 74.04.050, 74.08.090. Later promulgation, see chapter 388-475 WAC.
388-450-0015	What types of income does the department not use to figure out my benefits?	388-450-0060	Lump sum payments. [Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-450-0060, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0060, filed 7/31/98, effective 9/1/98.] Repealed by 99-23-083, filed 11/16/99, effective 1/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-450-0025	What is unearned income?		
388-450-0030	What is earned income?		
388-450-0035	Educational benefits.		
388-450-0040	Native American benefits and payments.		
388-450-0045	How do we count income from employment and training programs?		
388-450-0050	How does your participation in the community jobs (CJ) program affect your cash assistance and Basic Food benefits?	388-450-0075	Income from time-loss compensation. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0075, filed 7/31/98, effective 9/1/98.] Repealed by 02-20-069, filed 9/30/02, effective 10/31/02. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-450-0055	How does needs-based assistance from other agencies or organizations count against my benefits?		
388-450-0065	Gifts—Cash and noncash.		
388-450-0070	How do we count the earned income of a child?		
388-450-0080	What is self-employment income?		
388-450-0085	Does the department count all of my self-employment income to determine if I am eligible for benefits?	388-450-0090	Self-employment expenses that are not allowed as income deductions. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0090, filed 7/31/98, effective 9/1/98.] Repealed by 01-19-020, filed 9/11/01, effective 10/1/01. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-450-0095	Allocating income—General.		
388-450-0100	Allocating income—Definitions.		
388-450-0105	Allocating the income of a financially responsible person included in the assistance unit.		
388-450-0106	How does the department count my income if someone in my family cannot get assistance because of their alien status?	388-450-0125	Allocating the income of the father of the unborn child to a pregnant woman. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0125, filed 7/31/98, effective 9/1/98.] Repealed by 01-11-108, filed 5/21/01, effective 7/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.200.
388-450-0110	Allocating the income of a GA-U client to legal dependents.		
388-450-0115	Allocating the income of a financially responsible person excluded from the assistance unit.		
388-450-0116	How does the department count my income if I cannot get assistance because I am an alien?	388-450-0150	SSI-related medical income allocation. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0150, filed 7/31/98, effective 9/1/98. Formerly WAC 388-506-0630 and 388-519-1910.] Repealed by 04-09-005, filed 4/7/04, effective 6/1/04. Statutory Authority: RCW 74.04.050, 74.08.090. Later promulgation, see chapter 388-475 WAC.
388-450-0120	Allocating the income of financially responsible parents to a pregnant or parenting minor.		
388-450-0130	Allocating the income of a nonapplying spouse to a caretaker relative.		
388-450-0135	Allocating income of an ineligible spouse to a GA-U client.		
388-450-0140	How does the income of an ineligible assistance unit member affect my eligibility and benefits for Basic Food?	388-450-0180	Effect of countable income on eligibility and benefit level for cash assistance. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0180, filed 7/31/98, effective 9/1/98.] Repealed by 99-23-083, filed 11/16/99, effective 1/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-450-0145	Income of a person who is not a member of a food assistance unit.		
388-450-0155	How does being a sponsored immigrant affect my eligibility for cash, medical, and food assistance programs?	388-450-0205	Budgeting income deductions for food assistance. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0205, filed 7/31/98, effective 9/1/98.] Repealed by 99-23-083, filed 11/16/99, effective 1/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-450-0156	When am I exempt from deeming?		
388-450-0160	How does the department decide how much of my sponsor's income to count against my benefits?		
388-450-0162	How does the department count my income to determine if my assistance unit is eligible and calculate the amount of my cash and Basic Food benefits?	388-450-0220	Retrospective budgeting. [Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-450-0220, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0220, filed 7/31/98, effective 9/1/98.] Repealed by 99-23-083, filed 11/16/99, effective 1/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-450-0165	Gross earned income limit for TANF/SFA.		
388-450-0170	TANF/SFA earned income incentive and deduction.		
388-450-0175	Does the department offer income deduction for the general assistance program as an incentive for clients to work?		
388-450-0185	Does the department count all of my income to determine my eligibility and benefits for Basic Food?		
388-450-0190	How does the department figure my shelter cost income deduction for Basic Food?	388-450-0235	Discontinued income. [Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-450-0235, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0235, filed 7/31/98, effective 9/1/98.] Repealed by 99-23-083, filed 11/16/99, effective 1/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-450-0195	Utility allowances for Basic Food programs.		
388-450-0200	Will the medical expenses of elderly persons or individuals with disabilities in my assistance unit be used as an income deduction for Basic Food?		
388-450-0210	Countable income for medical programs.		
388-450-0215	How does the department estimate my assistance unit's income to determine my eligibility and benefits?	388-450-0240	Effect of net lump sum payments for cash assistance. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0240, filed 7/31/98, effective 9/1/98.] Repealed by 99-23-083, filed 11/16/99, effective 1/1/00. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-450-0225	How are my assistance unit's benefits calculated for the first month I am eligible for cash assistance?		
388-450-0230	What income does the department count in the month I apply for Basic Food when my assistance unit is destitute?		
388-450-0245	When are my benefits suspended?	388-450-0250	Income of a new assistance unit member. [Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-450-0250, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0250, filed 7/31/98, effective 9/1/98.] Repealed by 00-01-012, filed 12/3/99, effective 1/1/00. Statutory Authority: RCW 74.04.510.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-450-0020 Income exclusions for SSI-related medical. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0020, filed 7/31/98, effective 9/1/98. Formerly WAC 388-511-1140 and

WAC 388-450-0005 How does the department decide if I own a type of income and if this income is available to meet my needs? This section applies to cash assistance, medical programs for children, pregnant women and families, and food assistance.

(1) We count all available income owned or held by people in your assistance unit under chapter 388-408 WAC to decide if you are eligible for benefits and calculate your monthly benefits when:

(a) You get or expect to get the income in the month.

(b) We must count the income based on rules under chapter 388-450 WAC.

(c) You own the income. We use state and federal laws about who owns property to decide if you actually own the income. If you are married, we decide if income is separate or community income according to chapter 26.16 RCW.

(d) You have control over the income, which means the income is actually available to you. If you have a representative payee, protective payee, or other person who manages your income for you as described in chapter 388-460 WAC, we consider this as you having control over this income.

(e) You can use the income to meet your current needs. We count the gross amount of available income in the month your assistance unit gets it. If you normally get the income:

(i) On a specific day, we count it as available on that date.

(ii) Monthly or twice monthly and your pay date changes due to a reason beyond your control, such as a weekend or holiday, we count it in the month you would normally get it.

(iii) Weekly or every-other week and your pay date changes due to a reason beyond your control, we count it in the month you would normally get it.

(2) If income is legally yours, we consider the income as available to you even if it is paid to someone else for you. For example, the father of your child has a court order to pay you two hundred fifty dollars per month in child support. Instead of giving the money directly to you (as required in the court order), he gives the money to your landlord to pay part of your rent. We still count the two hundred fifty dollars as income even though you never actually got the money.

(3) We may also count the income of certain people who live in your home, even if they are not getting or applying for benefits. Their income counts as part of your income.

(a) For cash assistance, we count the income of ineligible, disqualified, or financially responsible people as defined in WAC 388-450-0100.

(b) For food assistance, we count the income of ineligible assistance unit members as defined in WAC 388-408-0035.

(c) For family and SSI-related medical assistance, we count the income of financially responsible people as defined in WAC 388-408-0055 and chapter 388-475 WAC.

(d) For long-term care services, we count the income of financially responsible people as defined in WAC 388-506-0620.

(4) If you have a joint bank account with someone who is not in your AU, we count any money deposited into that account as your income unless:

(a) You can show that all or part of the funds belong **only** to the other account holder and are held or used **only** for the benefit of that holder; or

(b) Social Security Administration (SSA) used that money to determine the other account holder's eligibility for SSI benefits.

(5) Potential income is income you may be able to get that can be used to lower your need for assistance. If we determine that you have a potential source of income, you must make a reasonable effort to make the income available in order to get cash or medical assistance.

(a) We do not count that income until you actually get it; and

(b) You can choose whether to get TANF/SFA or Supplemental Security Income (SSI) benefits.

(6) If your assistance unit includes a sponsored immigrant, we consider the income of the immigrant's sponsor as available to the immigrant under the rules of this chapter. We use this income when deciding if your assistance unit is eligible for benefits and to calculate your monthly benefits.

(7) For SSI-related medical:

(a) We consider income to be owned by someone and available to the person when the person:

(i) Gets the income; and

(ii) Can use the income to meet their needs for food, clothing and shelter, except as provided in WAC 388-511-1130.

(b) Loans and getting cash in certain other ways are not defined as income for SSI-related medical purposes as described in 20 C.F.R. Sec. 416.1103.

(8) For medical programs, see WAC 388-561-0100 for more information about trusts.

(9) You may give us proof about a type of income at any time, including when we ask for it or if you disagree with a decision we made, about:

(a) Who owns the income;

(b) Who has legal control of the income;

(c) The amount of the income; or

(d) If the income is available.

[Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 06-07-078, § 388-450-0005, filed 3/13/06, effective 5/1/06. Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415. 02-17-030, § 388-450-0005, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-450-0005, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0005, filed 7/31/98, effective 9/1/98. Formerly WAC 388-505-0590 and 388-506-0610.]

WAC 388-450-0010 The department takes some or all of your time-loss benefits if you get cash assistance while waiting for your claim to be processed. (1) Some people who are hurt on the job can get time-loss benefits because of their injury. The time-loss benefits are paid by an agency, such as the department of labor and industries or a private insurance company.

(2) If you are an adult or minor child who gets cash assistance while waiting for your time-loss benefit claim to be processed, you are required to let the department take some or all of your time-loss benefits as repayment for your cash assistance. We will take our portion of the time-loss benefits before you get yours. You agree to this when you sign the application and accept your cash benefits.

(3) The amount of your time-loss benefits that we take will not be more than the total amount of cash assistance you got while waiting for your claim to be approved.

(4) If your assistance unit includes another adult to whom you are not married, the amount of your time-loss benefits we take may be less than the amount of cash assistance you received.

(5) Each time we take our portion from your time-loss benefits, the office of financial recovery (OFR) will send you a letter telling you how much we are taking.

(6) If you or your attorney claim that you are getting more time-loss benefits because of the help of your attorney, OFR will:

(a) First, figure out:

(i) How much of your time-loss benefits are a direct result of your attorney's work; and

(ii) Our proportionate share of your attorney's fees and costs for the amount we are taking; and

(b) Then, either:

(i) Subtract our share of your attorney's fees and costs from the amount we are taking; or

(ii) Send your attorney their share of the time-loss benefits we have taken.

(c) Send a copy of the account summary to you.

[Statutory Authority: RCW 74.08.090 and 74.04.510. 02-20-069, § 388-450-0010, filed 9/30/02, effective 10/31/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0010, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0015 What types of income does the department not use to figure out my benefits? This section applies to cash assistance, children's, family, or pregnancy medical, and basic food benefits.

(1) There are some types of income we do not count to figure out if you can get benefits and the amount you can get. Some examples of income we do not count are:

(a) Bona fide loans as defined in WAC 388-470-0045, except certain student loans as specified under WAC 388-450-0035;

(b) Federal earned income tax credit (EITC) payments;

(c) Title IV-E and state foster care maintenance payments if you choose not to include the foster child in your assistance unit;

(d) Energy assistance payments;

(e) Educational assistance we do not count under WAC 388-450-0035;

(f) Native American benefits and payments we do not count under WAC 388-450-0040;

(g) Income from employment and training programs we do not count under WAC 388-450-0045;

(h) Money withheld from a benefit to repay an overpayment from the same income source. For Basic Food, we **do not** exclude money that is withheld because you were overpaid for purposely not meeting requirements of a federal, state, or local means tested program such as TANF/SFA, GA, and SSI;

(i) Legally obligated child support payments received by someone who gets TANF/SFA benefits;

(j) One-time payments issued under the Department of State or Department of Justice Reception and Replacement Programs, such as Voluntary Agency (VOLAG) payments; and

(k) Payments we are directly told to exclude as income under state or federal law.

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(l) **For cash and Basic Food:** Payments made to someone outside of the household for the benefits of the assistance unit using funds that are not owed to the household; and

(m) **For medical assistance:** Only the portion of income used to repay the cost of obtaining that income source.

(2) For children's, family, or pregnancy medical, we also do not count any insurance proceeds or other income you have recovered as a result of being a Holocaust survivor.

[Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 06-07-078, § 388-450-0015, filed 3/13/06, effective 5/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090 and Public Law 106-419. 05-03-078, § 388-450-0015, filed 1/17/05, effective 2/17/05. Statutory Authority: RCW 74.08.090 and 74.04.510. 02-14-022, § 388-450-0015, filed 6/21/02, effective 6/22/02. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530 and 2000 2nd sp.s. c 1 § 210(12). 01-18-006, § 388-450-0015, filed 8/22/01, effective 9/22/01. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-17-025, § 388-450-0015, filed 8/10/99, effective 10/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0015, filed 7/31/98, effective 9/1/98. Formerly WAC 388-505-0590.]

WAC 388-450-0025 What is unearned income? This section applies to cash assistance, food assistance, and medical programs for families, children, and pregnant women.

(1) Unearned income is income you get from a source other than employment or self-employment. Some examples of unearned income are:

(a) Railroad Retirement;

(b) Unemployment Compensation;

(c) Social Security benefits (including retirement benefits, disability benefits, and benefits for survivors);

(d) Time loss benefits as described in WAC 388-450-0010, such as benefits from the department of labor and industries (L&I); or

(e) Veteran Administration benefits.

(2) For food assistance we also count the total amount of cash benefits due to you before any reductions caused by your failure (or the failure of someone in your assistance unit) to perform an action required under a federal, state, or local means-tested public assistance program, such as TANF/SFA, GA, and SSI.

(3) When we count your unearned income, we count the amount you get before any taxes are taken out.

[Statutory Authority: RCW 74.08.090 and 74.04.510. 02-20-069, § 388-450-0025, filed 9/30/02, effective 10/31/02; 99-17-025, § 388-450-0025, filed 8/10/99, effective 10/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0025, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0030 What is earned income? This section applies to cash assistance, food assistance, and medical programs for families, children, and pregnant women.

(1) Earned income money you get from working. This includes:

(a) Wages;

(b) Tips;

(c) Commissions;

(d) Profits from self-employment activities as described in WAC 388-450-0080; and

(e) One-time payments for work you did over a period of time.

(2009 Ed.)

(2) For cash and medical assistance, we also consider you to have earned income if you work for something other than money, such as your rent.

(3) When we count your earned income, we count the amount you get before any taxes are taken out.

[Statutory Authority: RCW 74.08.090 and 74.04.510. 02-20-069, § 388-450-0030, filed 9/30/02, effective 10/31/02; 99-17-025, § 388-450-0030, filed 8/10/99, effective 10/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0030, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0035 Educational benefits. This section applies to cash assistance, medical programs for children, pregnant women and families, and food assistance.

(1) We do not count:

(a) Educational assistance in the form of grants, loans or work study, issued from Title IV of the Higher Education Amendments (Title IV - HEA) and Bureau of Indian Affairs (BIA) education assistance programs. Examples of Title IV - HEA and BIA educational assistance include but are not limited to:

- (i) College work study (federal and state);
- (ii) Pell grants; and
- (iii) BIA higher education grants.

(b) Educational assistance in the form of grants, loans or work-study made available under any program administered by the Department of Education (DOE) to an undergraduate student. Examples of programs administered by DOE include, but are not limited to:

- (i) Christa McAuliffe Fellowship Program;
- (ii) Jacob K. Javits Fellowship Program; and
- (iii) Library Career Training Program.

(2) For assistance in the form of grants, loans or work-study under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391:

(a) If you are attending school half-time or more, we subtract the following expenses:

- (i) Tuition;
- (ii) Fees;
- (iii) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study;
- (iv) Books;
- (v) Supplies;
- (vi) Transportation;
- (vii) Dependent care; and
- (viii) Miscellaneous personal expenses.

(b) If you are attending school less than half-time, we subtract the following expenses:

- (i) Tuition;
- (ii) Fees; and
- (iii) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.

(c) For cash assistance and medical programs for children, pregnant women and families, we also subtract the difference between the appropriate need standard and payment standard for your family size.

(d) Any remaining income is unearned income and budgeted using the appropriate budgeting method for the assistance unit.

(2009 Ed.)

(3) If you are participating in WorkFirst work study, that work study income is:

- (a) Not counted for cash and medical assistance;
- (b) Counted as earned income for food assistance.

(4) If you are participating in a work study program that is not excluded in subsection (1), of this section, we count that work study income as earned income:

- (a) You get any applicable earned income disregards;
- (b) For cash assistance, and medical programs for children, pregnant women and families, we also subtract the difference between the need standard and payment standard for your family size as described in chapter 388-478 WAC; and

(c) Budgeting remaining income using the appropriate budgeting method for the assistance unit.

(5) If you get Veteran's Administration Educational Assistance:

- (a) All applicable attendance costs as subtracted; and
- (b) The remaining unearned income is budgeted using the appropriate budgeting method for the assistance unit.

[Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415. 02-17-030, § 388-450-0035, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.08.090 and 74.04.050. 00-18-057, § 388-450-0035, filed 9/1/00, effective 9/4/00. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-450-0035, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0035, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0040 Native American benefits and payments. This section applies to TANF/SFA, RCA, GA medical and food assistance programs.

(1) The following types of income are not counted when a client's benefits are computed:

(a) Up to two thousand dollars per individual per calendar year received under the Alaska Native Claims Settlement Act, P.L. 92-203 and 100-241;

(b) Income received from Indian trust funds or lands held in trust by the Secretary of the Interior for an Indian tribe or individual tribal member. Income includes:

- (i) Interest; and
- (ii) Investment income accrued while such funds are held in trust.

(c) Income received from Indian judgement funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134 as amended by P.L. 97-458 and 98-64. Income includes:

- (i) Interest; and
- (ii) Investment income accrued while such funds are held in trust.

(d) Up to two thousand dollars per individual per calendar year received from leases or other uses of individually owned trust or restricted lands, P.L. 103-66;

(e) Payments from an annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, made to a Puyallup Tribe member upon reaching twenty-one years of age; and

(f) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member.

(2) Other Native American payments and benefits that are excluded by federal law are not counted when determining a client's benefits. Examples include but are not limited to:

[Title 388 WAC—p. 899]

(a) White Earth Reservation Land Settlement Act of 1985, P.L. 99-264, Section 16;

(b) Payments made from submarginal land held in trust for certain Indian tribes as designated by P.L. 94-114 and P.L. 94-540; and

(c) Payments under the Seneca Nation Settlement Act, P.L. 101-503.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0040, filed 7/31/98, effective 9/1/98. Formerly WAC 388-511-1140.]

WAC 388-450-0045 How do we count income from employment and training programs? This section applies to cash assistance, Basic Food, and medical programs for families, children, and pregnant women.

(1) We treat payments issued under the Workforce Investment Act (WIA) as follows:

(a) For cash assistance and medical programs for families, children, and pregnant women, we exclude all payments.

(b) For Basic Food:

(i) We exclude OJT earnings for children who are eighteen years of age or younger and under parental control as described in WAC 388-408-0035.

(ii) We count OJT earnings as earned income for people who are:

(A) Age nineteen and older; or

(B) Age eighteen or younger and not under parental control.

(iii) We exclude all other payments.

(2) We exclude **all** payments issued under the National and Community Service Trust Act of 1993. This includes payments made through the AmeriCorps program.

(3) We treat payments issued under Title I of the Domestic Volunteer Act of 1973, such as VISTA, AmeriCorps Vista, university year for action, and urban crime prevention program as follows:

(a) For cash assistance and medical programs for families, children, and pregnant women, we exclude all payments.

(b) For Basic Food, we count most payments as earned income. We exclude the payments if you:

(i) Received Basic Food or cash assistance at the time you joined the Title I program; or

(ii) Were participating in the Title I program and received an income disregard at the time of conversion to the Food Stamp Act of 1977. We continue to exclude the payments even if you do not get Basic Food every month.

(4) We exclude **all** payments issued under Title II of the Domestic Volunteer Act of 1973. These include:

(a) Retired senior volunteer program (RSVP);

(b) Foster grandparents program; and

(c) Senior companion program.

(5) We count training allowances from vocational and rehabilitative programs as earned income when:

(a) The program is recognized by federal, state, or local governments; and

(b) The allowance is not a reimbursement.

(6) When GAU clients receive training allowances we allow:

(a) The earned income incentive and work expense deduction specified under WAC 388-450-0175, when applicable; and

(b) The actual cost of uniforms or special clothing required for the course as a deduction, if enrolled in a remedial education or vocational training course.

(7) We exclude support service payments received by or made on behalf of WorkFirst participants.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 06-17-017, § 388-450-0045, filed 8/4/06, effective 9/4/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-03-071, § 388-450-0045, filed 1/15/03, effective 3/1/03. Statutory Authority: RCW 74.08.090 and 74.04.510. 02-03-019, § 388-450-0045, filed 1/4/02, effective 2/1/02; 99-16-024, § 388-450-0045, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0045, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0050 How does your participation in the community jobs (CJ) program affect your cash assistance and Basic Food benefits? (1) There are two different types of income in the community jobs program. They are:

(a) Subsidized, where your wages are paid from TANF or SFA funds; and

(b) Unsubsidized, where your wages are paid entirely by your employer.

(2) We figure your total monthly subsidized or unsubsidized income by:

(a) Estimating the number of hours you, your case manager, and the CJ contractor expect you to work for the month; and

(b) Multiplying the number of hours by the federal or state minimum wage, whichever is higher.

(3) Because you are expected to participate and meet the requirements of CJ, once we determine what your total monthly income is expected to be, we do not change your TANF grant if your actual hours are more or less than anticipated.

(4) We treat the total income we expect you to get each month from your CJ position as:

(a) Earned income for cash assistance, except we do not count any of the CJ income for the first month you receive your paycheck.

(b) Earned income for Basic Food after you have been transferred to your employer's regular unsubsidized payroll; or

(c) Unearned income for Basic Food while you have subsidized income.

(5) If your anticipated subsidized income is more than your grant amount, your cash grant is suspended. This means that you are still considered a TANF/SFA recipient, but you do not get a grant.

(a) Your grant can be suspended up to a maximum of nine months.

(b) You can keep participating in CJ even though your grant is suspended, as long as you would be eligible for a grant if we did not count your subsidized income.

(c) The months your grant is suspended do not count toward your sixty-month lifetime limit.

(6) If your unsubsidized income, after we subtract half of what you have earned is greater than your grant, your TANF/SFA case will close. This happens because your income is over the maximum you are allowed. You will still be able to participate in the CJ program for up to a total of nine months.

(7) If your income from other sources alone, not counting CJ income makes you ineligible for a cash grant, we terminate your grant and end your participation in CJ.

[Statutory Authority: RCW 74.08.090, 74.04.050, 74.08A.340, 04-14-043, § 388-450-0050, filed 6/29/04, effective 7/1/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 03-06-095, § 388-450-0050, filed 3/4/03, effective 5/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.510, 01-23-044, § 388-450-0050, filed 11/15/01, effective 1/1/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 99-09-054, § 388-450-0050, filed 4/19/99, effective 6/1/99; 98-16-044, § 388-450-0050, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0055 How does needs-based assistance from other agencies or organizations count against my benefits? (1) For cash assistance and medical programs for children, pregnant women, and families:

(a) We do not count needs-based assistance payments given to you by other agencies or organizations if the assistance is given to you for reasons other than ongoing living expenses which do not duplicate the purpose of cash assistance programs. Ongoing living expenses include the following items:

- (i) Clothing;
- (ii) Food;
- (iii) Household supplies;
- (iv) Medical supplies (nonprescription);
- (v) Personal care items;
- (iv) Shelter;
- (vii) Transportation; and
- (viii) Utilities (e.g., lights, cooking fuel, the cost of heating or heating fuel).

(b) If the needs-based assistance given to you is supposed to be used for ongoing living expenses, then it duplicates the purpose of cash assistance programs. We count the amount remaining after we subtract the difference between the need standard and the payment standard for your family size as described in chapter 388-478 WAC.

(c) "Needs-based" means eligibility is based on an asset test of income and resources relative to the federal poverty level (FPL). This definition excludes such incomes as retirement benefits or unemployment compensation which are not needs-based.

(2) For food assistance:

(a) We do not count money given to you if:

- (i) It is given to you by a private, nonprofit, charitable agency or organization; and
- (ii) The amount of money you get is no more than three hundred dollars in any one of the following calendar quarters:
 - (A) January - February - March,
 - (B) April - May - June,
 - (C) July - August - September,
 - (D) October - November - December.

(b) We count the entire amount if the requirements in (a) of this subsection are not met.

(3) For cash assistance, food assistance, and medical programs for children, pregnant women, and families, if we do count the needs-based assistance you get, we treat it as unearned income under WAC 388-450-0025.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 06-04-071, § 388-450-0055, filed 1/30/06, effective 3/2/06. Statutory Authority: RCW 74.08.090 and 74.04.510, 02-14-022, § 388-450-0055, filed 6/21/02, effective 6/22/02. Statutory Authority: RCW 74.04.050, 74.04.055,

(2009 Ed.)

74.04.057 and 74.08.090, 98-16-044, § 388-450-0055, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0065 Gifts—Cash and noncash. A gift is an item furnished to a client without work or cost on his or her part.

(1) A cash gift is a gift that is furnished as money, cash, checks or any other readily negotiable form.

(a) For cash assistance and medical programs for children, pregnant women and families, cash gifts totaling no more than thirty dollars per calendar quarter for each assistance unit member are disregarded as income.

(b) For food assistance programs:

(i) Cash gifts to the assistance unit are excluded if they total thirty dollars or less per quarter;

(ii) Cash gifts in excess of thirty dollars per quarter are counted in full as unearned income.

(2) For cash assistance and medical programs for children, pregnant women and families, and food assistance, a noncash gift is treated as a resource.

(a) If the gift is a countable resource, its value is added to the value of the client's existing countable resources and the client's eligibility is redetermined as specified in chapter 388-470 WAC.

(b) If the gift is an excluded or noncountable resource, it does not affect the client's eligibility or benefit level.

[Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415, 02-17-030, § 388-450-0065, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.08.090 and 74.04.510, 99-16-024, § 388-450-0065, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-450-0065, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0070 How do we count the earned income of a child? (1) For food assistance and medical programs for families, children, and pregnant women, we do not count the earnings of a child if the child is:

(a) In school;

(b) Age seventeen or younger;

(c) Not married; and

(d) Not emancipated.

(2) For cash assistance, we do not count the earnings of a child if the child is:

(a) In school; and

(b) Meets the age and attendance requirements in WAC 388-404-0005.

(3) School includes:

(a) Participating in a home-school program that is approved by the superintendent of public instruction; or

(b) On break between school terms when the child:

(i) Was enrolled during the previous school term; and

(ii) Plans to return to school when it reopens.

(4) For medical programs, if we count the earnings of the child, we put the child in a separate MAU as described in WAC 388-408-0055.

[Statutory Authority: RCW 74.08.090 and 74.04.510, 02-03-020, § 388-450-0070, filed 1/4/02, effective 2/1/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-450-0070, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0080 What is self-employment income? This section applies to cash assistance, Basic Food, and medical programs for children, pregnant women and families.

(1) Self-employment income is income you earn from running a business, performing a service, selling items you make, or reselling items to make a profit.

(2) You are self-employed if you earn income without having an employer/employee relationship with the person who pays you. This includes, but is not limited to, when:

(a) You have primary control of the way you do your work; or

(b) You report your income using IRS Schedule C, Schedule C-EZ, Schedule K-1, or Schedule SE.

(3) You usually have an employer/employee relationship when:

(a) The person you provide services for has primary control of how you do your work; or

(b) You get an IRS form W-2 to report your income.

(4) Your self-employment does not have to be a licensed business for your business or activity to qualify as self-employment. Some examples of self-employment include:

(a) Child care that requires a license under chapter 74.15 RCW;

(b) Driving a taxi cab;

(c) Farming/fishing;

(d) Odd jobs such as mowing lawns, house painting, gutter cleaning, or car care;

(e) Running a lodging for roomers and/or boarders. Roomer income includes money paid to you for shelter costs by someone not in your assistance unit who lives with you when:

(i) You own or are buying your residence; or

(ii) You rent all or a part of your residence and the total rent you charge all others in your home is more than your total rent.

(f) Running an adult family home;

(g) Providing services such as a massage therapist or a professional escort;

(h) Retainer fees to reserve a bed for a foster child;

(i) Selling items you make or items that are supplied to you;

(j) Selling or donating your own biological products such as providing blood or reproductive material for profit;

(k) Working as an independent contractor; and

(l) Running a business or trade either on your own or in a partnership.

(5) If you are an employee of a company or person who does the activities listed in subsection (2) above as a part of your job, we do not count the work you do as self-employment.

(6) Self-employment income is counted as earned income as described in WAC 388-450-0030 except as described in subsection (7).

(7) For cash assistance and Basic Food there are special rules about renting or leasing out property or real estate that you own.

(a) We count the income you get as unearned income unless you spend at least twenty hours per week managing the property.

(b) For TANF/SFA, we count the income as unearned income unless the use of the property is a part of your approved individual responsibility plan.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 06-15-049, § 388-450-0080, filed 7/12/06, effective 9/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510. 03-13-045, § 388-450-0080, filed 6/11/03, effective 8/1/03. Statutory Authority: RCW 74.08.090 and 74.04.510. 01-19-020, § 388-450-0080, filed 9/11/01, effective 10/1/01; 99-16-024, § 388-450-0080, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0080, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0085 Does the department count all of my self-employment income to determine if I am eligible for benefits? This section applies to cash assistance, Basic Food, and medical programs for children, pregnant women, and families.

For cash, Basic Food, and family medical programs:

(1) We decide how much of your self-employment income to count by:

(a) Adding together your gross self-employment income and any profit you make from selling your business property or equipment;

(b) Subtracting your business expenses as described in subsection (2) below; and

(c) Dividing the remaining amount of self-employment income by the number of months over which the income will be averaged.

(2) We subtract one hundred dollars as a business expense even if your costs are less than this. If you want us to subtract your actual costs of more than one hundred dollars, you must list and give us proof of your expenses for us to count them. We never allow the following expenses:

(a) Federal, state, and local income taxes;

(b) Money set aside for retirement purposes;

(c) Personal work-related expenses (such as travel to and from work);

(d) Net losses from previous periods;

(e) Depreciation; or

(f) Any amount that is more than the payment you get from a boarder for lodging and meals.

(3) If you have worked at your business for less than a year, we figure your gross self-employment income by averaging:

(a) The income over the period of time the business has been in operation; and

(b) The monthly amount we estimate you will get for the coming year.

(4) For cash and medical assistance, if your self-employment expenses are more than your self-employment income, we do not use this "loss" to reduce income from other self-employment businesses or other sources of income to your assistance unit.

(5) For Basic Food, we use a "loss" from self-employment farming or fishing income to reduce other sources of income **only** if you meet the following three conditions:

(a) Someone in your assistance unit is a self-employed farmer or fisher;

(b) Your gross yearly income from farming or fishing is or is expected to be at least one thousand dollars; and

(c) Your allowable costs for farming or fishing are more than your income from farming or fishing.

For children's and pregnancy medical programs:

(6) If you have worked long enough at the business to file a federal tax return last year and it represents your current income, we figure your gross self-employment income by:

(a) Adding together your gross self-employment income from your return and any profit you make from selling your business property or equipment;

(b) Subtracting your allowable business expenses except as described in subsection (2) above; and

(c) Averaging the income over the period the income covers.

(7) If you have worked at your business for less than a year or if you did not file a federal tax return in the last year and, the business records represent your current income, we figure your gross self-employment income by:

(a) Adding together your gross self-employment income and any profit you make from selling your business property or equipment over the period of time the business has been in operation within the last year;

(b) Subtracting your allowable business expenses except as described in subsection (2) above; and

(c) Averaging the income we estimate you will get for the coming year.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.09.470, and 74.08.090. 08-15-010, § 388-450-0085, filed 7/3/08, effective 8/3/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 7 C.F.R. 273.9 and 273.11. 06-08-045, § 388-450-0085, filed 3/30/06, effective 5/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510. 03-13-045, § 388-450-0085, filed 6/11/03, effective 8/1/03. Statutory Authority: RCW 74.08.090 and 74.04.510. 01-19-020, § 388-450-0085, filed 9/11/01, effective 10/1/01; 99-16-024, § 388-450-0085, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0085, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0095 Allocating income—General.

This section applies to TANF/SFA, RCA, and GA assistance programs.

(1) Allocation is the process of determining how much of a financially responsible person's income is considered available to meet the needs of legal dependents within or outside of an assistance unit.

(2) In-bound allocation means income possessed by a financially responsible person outside the assistance unit which is considered available to meet the needs of legal dependents in the assistance unit.

(3) Out-bound allocation means income possessed by a financially responsible assistance unit member which is set aside to meet the needs of a legal dependent outside the assistance unit.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0095, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0100 Allocating income—Definitions.

The following definitions apply to the allocation rules for TANF/SFA, RCA, and GA programs:

(1) **"Dependent"** means a person who:

(a) Is or could be claimed for federal income tax purposes by the financially responsible person; or

(b) The financially responsible person is legally obligated to support.

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(2) **"Financially responsible person"** means a parent, stepparent, adoptive parent, spouse or caretaker relative.

(3) A **"disqualified assistance unit member"** means a person who is:

(a) An unmarried pregnant or parenting minor under age eighteen who has not completed a high school education or general education development (GED) certification and is not participating in those educational activities which would lead to the attainment of a high school diploma or GED;

(b) An unmarried pregnant or parenting minor under age eighteen who is not living in a department-approved living situation;

(c) The financially responsible person who does not report to the department within five days of the date it becomes reasonably clear that the absence of a child will exceed ninety days;

(d) A person who has been convicted in federal or state court of having made a fraudulent statement or representation about their place of residence in order to receive assistance from two or more states at the same time as defined in WAC 388-446-0010; and

(e) A person who has been convicted of unlawfully receiving public assistance as defined under WAC 388-446-0005.

(4) **"Ineligible assistance unit member"** means an individual who is:

(a) Ineligible for cash assistance due to the citizenship/alien status requirements in WAC 388-424-0010;

(b) Ineligible to receive assistance under WAC 388-442-0010 for having been convicted after August 21, 1996, under federal or state law, of possession, use or distribution of a controlled substance;

(c) Ineligible to receive assistance under WAC 388-442-0010 for fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime;

(d) Ineligible to receive assistance under WAC 388-442-0010 for violating a condition of probation or parole which was imposed under a federal or state law as determined by an administrative body or court of competent jurisdiction;

(e) The spouse of a woman who receives cash benefits from the GA-S program; or

(f) The adult parent of a minor parent's child.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 04-15-057, § 388-450-0100, filed 7/13/04, effective 8/13/04. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-450-0100, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0100, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0105 Allocating the income of a financially responsible person included in the assistance unit.

This section applies to TANF/SFA, RCA, and RMA. Refer to WAC 388-408-0055 for the rules concerning the treatment of income of financially responsible person for medical programs. The income of a financially responsible person included in the assistance unit is countable to meet the needs of the assistance unit after the income is reduced by the following:

[Title 388 WAC—p. 903]

(1) Any applicable earned income incentive and work expense or deduction for the financially responsible person in the assistance unit, if that person is employed;

(2) The payment standard amount for the ineligible assistance unit members living in the home; and

(3) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

[Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415. 02-17-030, § 388-450-0105, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0105, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0106 How does the department count my income if someone in my family cannot get assistance because of their alien status? This section applies to TANF/SFA, RCA, and RMA. We count your income differently if you are applying for medical assistance only. See WAC 388-408-0055.

If you are included in the assistance unit and you are financially responsible for someone, as defined in WAC 388-450-0100, who does not meet the alien requirements described in WAC 388-424-0010, we do not count all of your income. We subtract some of it so that you can use that part to help support the people who cannot get assistance. To figure out how much we count, we take the following seven steps:

(1) We start by only counting fifty percent of your earned income, as defined in WAC 388-450-0030;

(2) We add all of your unearned income, as defined in WAC 388-450-0025.

(3) We subtract the difference between the following payment standards (payment standards can be found in WAC 388-478-0020):

(a) One that includes both eligible assistance unit members and those who cannot get assistance because of their alien status; and

(b) One that includes only the eligible assistance unit members.

(4) We subtract the payment standard for the number of people who are ineligible for reasons other than alien status, as defined in WAC 388-450-0100 (4)(b) through (f).

(5) We subtract any court or administratively ordered child support you pay for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.

(6) We subtract any employment-related child care expenses you have.

(7) Then, we count whatever is left as unearned income.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 04-15-057, § 388-450-0106, filed 7/13/04, effective 8/13/04. Statutory Authority: RCW 74.08.090 and 74.04.510. 02-21-097, § 388-450-0106, filed 10/21/02, effective 10/24/02; 99-16-024, § 388-450-0106, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.005 and 74.08.090. 98-24-037, § 388-450-0106, filed 11/24/98, effective 12/25/98.]

WAC 388-450-0110 Allocating the income of a GA-U client to legal dependents. This section applies to the GA-U program.

(1) The income of a GA-U client is reduced by the following:

(a) The GA-U earned income disregard and work expense disregard, as specified in WAC 388-450-0175; and

(b) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

(2) When a GA-U client in a medical institution, alcohol or drug treatment center, congregate care facility or adult family home has income, the income is countable to meet the client's needs after the income is reduced by the following:

(a) The payment standard amount for the nonapplying spouse and legal dependents living in the home; and

(b) The standard of assistance the client is eligible for while in an alternative care facility.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0110, filed 7/31/98, effective 9/1/98. Formerly WAC 388-519-1910.]

WAC 388-450-0115 Allocating the income of a financially responsible person excluded from the assistance unit. This section applies to TANF/SFA, RCA and GA-S programs.

The income of a financially responsible person excluded from the assistance unit is available to meet the needs of the assistance unit after the income is reduced by the following:

(1) A ninety dollar work expense deduction from the financially responsible person(s) excluded from the assistance unit who is employed;

(2) The payment standard amount for the ineligible assistance unit members living in the home; and

(3) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0115, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0116 How does the department count my income if I cannot get assistance because I am an alien? This section applies to TANF/SFA, RCA, and RMA programs. We count your income differently if you are applying for medical assistance only. See WAC 388-408-0055.

Some people cannot get assistance because they do not meet the alien requirements described in WAC 388-424-0010. If you do not meet those requirements but you are financially responsible for someone in the assistance unit, as defined in WAC 388-450-0100, we count some of your income as part of the assistance unit's income. To figure out how much we count, we take the following seven steps:

(1) We start by only counting fifty percent of your earned income, as described in WAC 388-450-0030.

(2) We add all of your unearned income, as described in WAC 388-450-0025.

(3) We subtract the difference between the following payment standards:

(a) One that includes both eligible assistance unit members and those who cannot get assistance because of their alien status; and

(b) One that includes only the eligible assistance unit members.

(4) We subtract the payment standard for the number of people who are ineligible for reasons other than alien status, as defined in WAC 388-450-0100 (4)(b) through (f).

(5) We subtract any court or administratively ordered child support you pay for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0005 for the number of dependents.

(6) We subtract any employment-related childcare expenses you have.

(7) Then, we count whatever is left as unearned income.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 04-15-057, § 388-450-0116, filed 7/13/04, effective 8/13/04. Statutory Authority: RCW 74.08.090 and 74.04.510, 02-14-021, § 388-450-0116, filed 6/21/02, effective 6/22/02; 99-16-024, § 388-450-0116, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.005 and 74.08.090, 98-24-037, § 388-450-0116, filed 11/24/98, effective 12/25/98.]

WAC 388-450-0120 Allocating the income of financially responsible parents to a pregnant or parenting minor. This section applies to TANF/SFA, RCA and GA-S programs.

The income of nonapplying financially responsible parent(s) of a pregnant or parenting minor is countable to meet the needs of the minor and the child(ren) after the income is reduced by the following:

(1) A ninety dollar work expense from the financially responsible parent's gross income from employment;

(2) An amount not to exceed the department's standard of need for:

(a) The financially responsible parent and dependent living in the home who are not applying for or receiving cash benefits and not a disqualified individual; and

(b) Court or administratively ordered current or back support for legal dependents.

(3) Spousal maintenance payments made to meet the needs of individuals not living in the home.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-450-0120, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0130 Allocating the income of a non-applying spouse to a caretaker relative. This section applies to TANF/SFA and RCA programs.

(1) The community income of the nonapplying spouse and applying spouse is combined. See WAC 388-450-0005 to determine what income is available as community income.

(2) Subtract a one person payment standard as specified in WAC 388-478-0020.

(3) The remainder is allocated to the caretaker relative.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-450-0130, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0135 Allocating income of an ineligible spouse to a GA-U client. (1) This section applies to the GA-U program.

(2) When a GA-U client is married and lives with the nonapplying spouse, the following income is available to the client:

(a) The remainder of the client's wages, retirement benefits or separate property after reducing the income by:

(i) The GA-U work incentive and work expense deduction, as specified in WAC 388-450-0175; and

(ii) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

(b) The remainder of the nonapplying spouse's wages, retirement benefits and separate property after reducing the income by:

(i) The GA-U work expense deduction;

(ii) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents; and

(iii) The payment standard amount as specified under WAC 388-478-0030 which includes ineligible assistance unit members.

(c) One-half of all other community income, as provided in WAC 388-450-0005.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-450-0135, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0140 How does the income of an ineligible assistance unit member affect my eligibility and benefits for Basic Food? The department decides who must be in your assistance unit (AU) under WAC 388-408-0035. If an AU member is ineligible for Basic Food under WAC 388-408-0035, this affects your AU's eligibility and benefits as follows:

(1) We do not count the ineligible member(s) to determine your AU size for the gross monthly income limit, net monthly income limit, or maximum allotment under WAC 388-478-0060.

(2) If an AU member is ineligible because they are disqualified for an intentional program violation (IPV), they failed to meet work requirements under chapter 388-444 WAC, or they are ineligible fleeing felons under WAC 388-442-0010:

(a) We count all of the ineligible member's gross income as a part of your AU's income; and

(b) We count all of the ineligible member's allowable expenses as part of your AU's expenses.

(3) If an AU member is an ineligible ABAWD under WAC 388-444-0030, is ineligible due to their alien status, failed to sign the application to state their citizenship or alien status, or refused to get or provide us a Social Security number:

(a) We allow the twenty percent earned income disregard for the ineligible member's earned income;

(b) We prorate the remaining income of the ineligible member among all the AU members by excluding the ineligible member's share and counting the remainder to the eligible members; and

(c) We divide the ineligible member's allowable expenses evenly among all members of the AU when the ineligible member has income.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54, 04-14-040, § 388-450-0140, filed 6/29/04, effective 7/30/04. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510, 02-06-089, § 388-450-0140, filed 3/1/02, effective 3/26/02; 01-21-060, § 388-450-0140, filed 10/16/01, effective 12/1/01. Statutory Authority: RCW 74.08.090 and 74.04.510, 99-16-024, § 388-450-0140, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-450-0140, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0145 Income of a person who is not a member of a food assistance unit. (1) A cash payment made to a food assistance unit from a person who is not a member of the assistance unit is counted as unearned income.

(2) The following types of income are not available to the assistance unit:

- (a) The nonmember's income; and
- (b) Payments made by a nonmember to a third party for the benefit of the assistance unit.

(3) When the nonmember's earnings are not clearly separate from the earnings of food assistance unit members, the earnings are:

- (a) Divided equally among the working persons, including the nonmember; and
- (b) The portion of the nonmember is not counted.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0145, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0155 How does being a sponsored immigrant affect my eligibility for cash, medical, and food assistance programs? (1) The following definitions apply to this section:

(a) **"INS"** means the United States Immigration and Naturalization Service.

(b) **"Sponsor"** means a person who agreed to meet the needs of a sponsored immigrant by signing an INS Affidavit of Support form I-864 or I-864A. This includes a sponsor's spouse if the spouse signed the affidavit of support.

(c) **"Sponsored immigrant"** means a person who must have a sponsor under the Immigration and Nationality Act (INA) to be admitted into the United States for residence.

(d) **"Deeming"** means the department counts a part of the sponsor's income and resources as available to the sponsored immigrant.

(e) **"Exempt"** means you meet one of the conditions of WAC 388-450-0156. If you are exempt:

- (i) You do not need to provide us information about your sponsor's income and resources; and
- (ii) We do not deem your sponsor's income or resources to you.

(2) If you are a sponsored immigrant and you are **not** exempt, you must do the following to be eligible for benefits even if your sponsor is not supporting you:

- (a) Give us the name and address of your sponsor;
- (b) Get your sponsor to provide us the information we need about their income and resources; and
- (c) Give us the information and proof we need to decide:
 - (i) If we must deem income to your assistance unit (AU); and
 - (ii) The amount of income we deem to your AU.

(3) If you are not eligible for benefits because we do not have the information we need about your sponsor, we do not delay benefits to the unsponsored people in your AU who are eligible for benefits. We do not count your needs when we decide if your AU is eligible for benefits, but we count:

- (a) All earned or unearned income you have that is not excluded under WAC 388-450-0015; and
- (b) All deductions you would be eligible for under chapter 388-450 WAC.

(4) If you refuse to provide us with the information we need about your sponsor, the other adult members in your AU

must provide the information. If the same person sponsored everyone in your AU, your AU is not eligible for benefits until someone in your AU provides us the information we need.

(5) If you are an ineligible member of your AU, but you must be the AU under chapter 388-408 WAC, we do not deem your sponsor's income or resources to the AU.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.510 and Title 7, Chapter II, Part 273 of the Code of Federal Regulations. 01-21-026, § 388-450-0155, filed 10/9/01, effective 11/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0155, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0156 When am I exempt from deeming? (1) If you meet any of the following conditions, you are **permanently** exempt from deeming and we do not count your sponsor's income or resources against your benefits:

(a) The Immigration and Nationality Act (INA) does not require you to have a sponsor. Immigrants who are not required to have a sponsor include those with the following status with Immigration and Naturalization Service (INS):

- (i) Refugee;
- (ii) Parolee;
- (iii) Asylee;
- (iv) Cuban entrant; or
- (v) Haitian entrant.

(b) You were sponsored by an organization or group as opposed to an individual;

(c) You do not meet the alien status requirements to be eligible for benefits under chapter 388-424 WAC;

(d) You have worked or can get credit for forty qualifying quarters of work under Title II of the Social Security Act. We do not count a quarter of work toward this requirement if the person working received TANF, food stamps, Basic Food, SSI, CHIP, or nonemergency medicaid benefits. We count a quarter of work by the following people toward your forty qualifying quarters:

- (i) Yourself;
- (ii) Each of your parents for the time they worked before you turned eighteen years old (including the time they worked before you were born); and
- (iii) Your spouse if you are still married or your spouse is deceased.

(e) You become a United States (U.S.) Citizen;

(f) Your sponsor is dead; or

(g) If INS or a court decides that you, your child, or your parent was a victim of domestic violence from your sponsor and:

- (i) You no longer live with your sponsor; and
- (ii) Leaving your sponsor caused your need for benefits.

(2) You are exempt from the deeming process while you are in the same AU as your sponsor;

(3) For Basic Food, you are exempt from deeming while you are under age eighteen.

(4) For state family assistance, general assistance, state-funded Basic Food benefits, and state-funded medical assistance for legal immigrants you are exempt from the deeming process if:

(a) Your sponsor signed the affidavit of support more than five years ago;

(b) Your sponsor becomes permanently incapacitated; or

(c) You are a qualified alien according to WAC 388-424-0001 and you:

(i) Are on active duty with the U.S. armed forces or you are the spouse or unmarried dependent child of someone on active duty;

(ii) Are an honorably-discharged veteran of the U.S. armed forces or you are the spouse or unmarried dependent child of a honorably-discharged veteran;

(iii) Were employed by an agency of the U.S. government or served in the armed forces of an allied country during a military conflict between the U.S. and a military opponent; or

(iv) Are a victim of domestic violence and you have petitioned for legal status under the Violence Against Women Act.

(5) If you, your child, or your parent was a victim of domestic violence, you are exempt from the deeming process for twelve months if:

(a) You no longer live with the person who committed the violence; and

(b) Leaving this person caused your need for benefits.

(6) If your AU has income at or below one hundred thirty percent of the Federal Poverty Level (FPL), you are exempt from the deeming process for twelve months. For this rule, we count the following as income to your AU:

(a) Earned and unearned income your AU receives from any source; and

(b) Any noncash items of value such as free rent, commodities, goods, or services you receive from an individual or organization.

(7) If you are exempt from deeming because your AU does not have income over one hundred thirty percent of the FPL, we give the United States Attorney General the following information:

(a) The names of the sponsored people in your AU;

(b) That you are exempt from deeming due to your income; and

(c) Your sponsor's name.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 04-15-057, § 388-450-0156, filed 7/13/04, effective 8/13/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510, 03-05-030, § 388-450-0156, filed 2/10/03, effective 4/1/03. Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.510 and Title 7, Chapter II, Part 273 of the Code of Federal Regulations, 01-21-026, § 388-450-0156, filed 10/9/01, effective 11/1/01.]

WAC 388-450-0160 How does the department decide how much of my sponsor's income to count against my benefits? (1) We must count some of your sponsor's income as unearned income to your assistance unit (AU) if:

(a) Your sponsor signed the INS affidavit of support form I-864 or I-864A; and

(b) You are not exempt from the deeming process under WAC 388-450-0156.

(2) We take the following steps to decide the monthly amount of your sponsor's income we deem as your income and count against your benefits:

(a) We start with your sponsor's earned and unearned income that is not excluded under WAC 388-450-0015;

(b) If your sponsor's spouse signed the affidavit of support, we add all of the spouse's earned and unearned income that is not excluded under WAC 388-450-0015;

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(c) We subtract twenty percent of the above amount that is earned income under WAC 388-450-0030;

(d) For cash and medical assistance, we subtract the need standard under WAC 388-478-0015. We count the following people who live in your sponsor's home as a part of your sponsor's AU to decide the need standard:

(i) Your sponsor;

(ii) Your sponsor's spouse; and

(iii) Everyone else in their home that they could claim as a dependent for federal income tax purposes.

(e) For food assistance, we subtract the maximum gross monthly income under WAC 388-478-0060. We count the following people that live in your sponsor's home as a part of your sponsor's AU to decide the maximum gross monthly income:

(i) Your sponsor;

(ii) Your sponsor's spouse; and

(iii) Everyone else in their home that they could claim as a dependent for federal income tax purposes.

(f) If you can show that your sponsor has sponsored other people as well, we divide the result by the total number of people who they sponsored.

(3) After we have decided how much income to deem to you, we count the greater amount of the following against your benefits:

(a) The amount of income calculated from deeming; or

(b) The amount of money your sponsor actually gives you for your needs.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.04.510 and Title 7, Chapter II, Part 273 of the Code of Federal Regulations, 01-21-026, § 388-450-0160, filed 10/9/01, effective 11/1/01. Statutory Authority: RCW 74.08.090 and 74.04.510, 99-16-024, § 388-450-0160, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-450-0160, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0162 How does the department count my income to determine if my assistance unit is eligible and calculate the amount of my cash and Basic Food benefits? (1) Countable income is all income your assistance unit has after we subtract the following:

(a) Excluded or disregarded income under WAC 388-450-0015;

(b) For **cash assistance**, earned income incentives and deductions allowed for specific programs under WAC 388-450-0170 and 388-450-0175;

(c) For **Basic Food**, deductions allowed under WAC 388-450-0185; and

(d) Allocations to someone outside of the assistance unit under WAC 388-450-0095 through 388-450-0160.

(2) Countable income includes all income that we must deem or allocate from financially responsible persons who are not members of your assistance unit under WAC 388-450-0095 through 388-450-0160.

(3) For **cash assistance**:

(a) We compare your countable income to the payment standard in WAC 388-478-0020 and 388-478-0030.

(b) You are not eligible for benefits when your assistance unit's countable income is equal to or greater than the payment standard plus any authorized additional requirements.

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(c) Your benefit level is the payment standard and authorized additional requirements minus your assistance unit's countable income.

(4) For **Basic Food**:

(a) We compare your countable income to the monthly gross and net income standards under WAC 388-478-0060:

(i) If your assistance unit is categorically eligible for Basic Food under WAC 388-414-0001, your assistance unit can have income over the gross or net income standard and still be eligible for benefits.

(ii) All other assistance units must have income at or below the gross and net income standards as required under WAC 388-478-0060 to be eligible for benefits.

(b) Your benefit level is the maximum allotment in WAC 388-478-0060 minus thirty percent of your countable income.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 7 C.F.R. 273.9 and 273.10. 08-15-009, § 388-450-0162, filed 7/3/08, effective 8/3/08. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-24-008, § 388-450-0162, filed 11/19/99, effective 1/1/00.]

WAC 388-450-0165 Gross earned income limit for TANF/SFA. When applying the gross earned income limit as required under WAC 388-478-0035:

(1) "Family" means:

(a) All adults and children who would otherwise be included in the assistance unit under WAC 388-408-0015, but who do not meet TANF/SFA eligibility requirements;

(b) The unborn child of a woman in her third trimester of pregnancy; and

(c) The husband of a woman in her third trimester of pregnancy, when residing together.

(2) "Gross earned income" does not include excluded income, as provided in WAC 388-450-0015.

(3) The following amounts are disregarded when determining a family's gross earned income:

(a) Court or administratively ordered current or back support paid to meet the needs of legal dependents, up to:

(i) The amount actually paid; or

(ii) A one-person need standard for each legal dependent.

(b) Authorized ongoing additional requirement payment as defined in chapter 388-473 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. 04-05-010, § 388-450-0165, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0165, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0170 TANF/SFA earned income incentive and deduction. This section applies to TANF/SFA, RCA, and medical programs for children, pregnant women, and families except as specified under WAC 388-450-0210.

(1) If a client works, the department only counts some of the income to determine eligibility and benefit level.

(2) We only count fifty percent of your monthly gross earned income. We do this to encourage you to work.

(3) If you pay for care before we approve your benefits, we subtract the amount you pay for those dependent children or incapacitated adults who get cash assistance with you.

(a) The amount we subtract is:

(i) Prorated according to the date you are eligible for benefits;

(ii) Cannot be more than your gross monthly income; and

(iii) Cannot exceed the following for each dependent child or incapacitated adult:

Dependent Care Maximum Deductions

Hours Worked Per Month	Child Two Years of Age & Under	Child Over Two Years of Age or Incapacitated Adult
0 - 40	\$ 50.00	\$ 43.75
41 - 80	\$ 100.00	\$ 87.50
81 - 120	\$ 150.00	\$ 131.25
121 or More	\$ 200.00	\$ 175.00

(b) In order to get this deduction:

(i) The person providing the care must be someone other than the parent or stepparent of the child or incapacitated adult; and

(ii) You must verify the expense.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. 04-03-051, § 388-450-0170, filed 1/15/04, effective 2/15/04. Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415. 02-17-030, § 388-450-0170, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0170, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0175 Does the department offer income deduction for the general assistance program as an incentive for clients to work? The department gives special deductions to people who receive income from work while receiving general assistance. The deductions apply to general assistance cash benefits only. We allow the following deductions when we determine the amount of your benefits:

(1) We subtract eighty-five dollars plus one half of the remainder of your monthly gross earned income as an incentive to employment.

(2) We also subtract an amount equal to twenty percent of your gross earned income to allow for work expenses.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and Title 45 C.F.R., Part 261.2 as published in Federal Register on June 29, 2006. 08-12-031, § 388-450-0175, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.-057, 74.04.510, and 74.08.090. 06-07-078, § 388-450-0175, filed 3/13/06, effective 5/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.-057 and 74.08.090. 98-16-044, § 388-450-0175, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food? We subtract the following amounts from your assistance unit's (AU's) countable income before we determine your Basic Food benefit amount:

(1) A standard deduction based on the number of people in your AU under WAC 388-408-0035:

Eligible and ineligible AU members	Standard deduction
1	\$144
2	\$144
3	\$144
4	\$147

Eligible and ineligible AU members	Standard deduction
5	\$172
6 or more	\$197

(2) Twenty percent of your AU's gross earned income (earned income deduction);

(3) Your AU's expected monthly dependent care expense needed for an AU member to:

(a) Keep work, look for work, or accept work;

(b) Attend training or education to prepare for employment; or

(c) Meet employment and training requirements under chapter 388-444 WAC.

(4) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200.

(5) Legally obligated current or back child support paid to someone outside of your AU:

(a) For a person who is not in your AU; or

(b) For a person who is in your AU to cover a period of time when they were not living with you.

(6) A portion of your shelter costs as described in WAC 388-450-0190.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 08-24-051, § 388-450-0185, filed 11/25/08, effective 12/26/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510 and 7 C.F.R. § 273.9. 07-22-035, § 388-450-0185, filed 10/30/07, effective 11/30/07. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090 and 7 C.F.R. § 273.9. 06-21-012, § 388-450-0185, filed 10/6/06, effective 11/6/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 05-21-101, § 388-450-0185, filed 10/18/05, effective 11/18/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. 04-23-025, § 388-450-0185, filed 11/8/04, effective 12/9/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-21-030, § 388-450-0185, filed 10/7/03, effective 12/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and H.R. 2646 Farm Security and Rural Investment Act of 2002. 02-22-044, § 388-450-0185, filed 10/30/02, effective 12/1/02. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-16-024, § 388-450-0185, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0185, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food? The department calculates your shelter cost income deduction as follows:

(1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties or mortgage payments you make ahead of time as an allowable cost. We count the following expenses as an allowable shelter cost in the month the expense is due:

(a) Monthly rent, lease, and mortgage payments;

(b) Property taxes;

(c) Homeowner's association or condo fees;

(d) Homeowner's insurance for the building only;

(e) Utility allowance your AU is eligible for under WAC 388-450-0195;

(f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;

(g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or

abandonment caused by a natural disaster or casualty loss if your:

(i) AU intends to return to the home;

(ii) AU has current occupants who are not claiming the shelter costs for Basic Food purposes; and

(iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (1) through (5) from your AU's gross income. The result is your AU's net income.

(3) Finally, we subtract one-half of your AU's net income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

(a) Up to a maximum of four hundred forty-six dollars if no one in your AU is elderly or disabled; or

(b) The entire amount if an eligible person in your AU is elderly or disabled, even if the amount is over four hundred forty-six dollars.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 08-24-050, § 388-450-0190, filed 11/25/08, effective 12/26/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510 and 7 C.F.R. § 273.9. 07-22-035, § 388-450-0190, filed 10/30/07, effective 11/30/07. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090 and 7 C.F.R. § 273.9. 06-21-012, § 388-450-0190, filed 10/6/06, effective 11/6/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 05-21-101, § 388-450-0190, filed 10/18/05, effective 11/18/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. 04-23-025, § 388-450-0190, filed 11/8/04, effective 12/9/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 04-07-138, § 388-450-0190, filed 3/22/04, effective 5/1/04; 03-21-030, § 388-450-0190, filed 10/7/03, effective 12/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 02-22-045, § 388-450-0190, filed 10/30/02, effective 12/1/02. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510. 01-21-059, § 388-450-0190, filed 10/16/01, effective 12/1/01. Statutory Authority: RCW 74.08.090 and 74.04.510. 01-06-030, § 388-450-0190, filed 3/2/01, effective 4/2/01; 99-16-024, § 388-450-0190, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0190, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0195 Utility allowances for Basic Food programs. (1) For Basic Food, "utilities" include the following:

(a) Heating or cooling fuel;

(b) Electricity or gas;

(c) Water or sewer;

(d) Well or septic tank installation/maintenance;

(e) Garbage/trash collection; and

(f) Telephone service.

(2) The department uses the amounts below if you have utility costs separate from your rent or mortgage payment. We add your utility allowance to your rent or mortgage payment to determine your total shelter costs. We use total shelter costs to determine your Basic Food benefits.

(a) If you have heating or cooling costs, you get a standard utility allowance (SUA) that depends on your assistance unit's size.

Assistance Unit (AU) Size	Utility Allowance
1	\$352
2	\$362
3	\$ 373
4	\$384

Assistance Unit (AU) Size	Utility Allowance
5	\$394
6 or more	\$405

(b) If your AU does not qualify for the SUA and you have any two utility costs listed above, you get a limited utility allowance (LUA) of two hundred seventy-six dollars.

(c) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of forty-two dollars.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 7 C.F.R. 273.9. 08-21-106, § 388-450-0195, filed 10/16/08, effective 11/16/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.-057, 74.04.510 and 7 C.F.R. § 273.9. 07-22-036, § 388-450-0195, filed 10/30/07, effective 11/30/07. Statutory Authority: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510, 74.08.090 and 7 C.F.R. 273.9 (d)(6)(iii)(b). 06-21-011, § 388-450-0195, filed 10/6/06, effective 11/6/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 06-10-056, § 388-450-0195, filed 5/1/06, effective 6/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 7 C.F.R. § 273.9. 05-19-062, § 388-450-0195, filed 9/16/05, effective 10/17/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.-090. 05-09-087, § 388-450-0195, filed 4/19/05, effective 6/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. 04-23-025, § 388-450-0195, filed 11/8/04, effective 12/9/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-21-030, § 388-450-0195, filed 10/7/03, effective 12/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.-057, 74.08.090. 02-22-045, § 388-450-0195, filed 10/30/02, effective 12/1/02. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510. 01-21-059, § 388-450-0195, filed 10/16/01, effective 12/1/01. Statutory Authority: RCW 74.04.510. 00-22-065, § 388-450-0195, filed 10/27/00, effective 11/1/00. Statutory Authority: RCW 74.040.510 [74.04.510]. 99-24-052, § 388-450-0195, filed 11/29/99, effective 12/1/99. Statutory Authority: RCW 74.04.510. 99-09-055, § 388-450-0195, filed 4/19/99, effective 5/20/99. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (d)(6). 99-01-069, § 388-450-0195, filed 12/14/98, effective 1/14/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0195, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0200 Will the medical expenses of elderly persons or individuals with disabilities in my assistance unit be used as an income deduction for Basic Food? (1) If your basic food assistance unit (AU) includes an elderly person or individual with a disability as defined in WAC 388-400-0040, your AU may be eligible for an income deduction for that person's out-of-pocket medical expenses. We allow the deduction for medical expenses over thirty-five dollars each month.

(2) You can use an out-of-pocket medical expense toward this deduction if the expense covers services, supplies, medication, or other medically needed items prescribed by a state-licensed practitioner or other state-certified, qualified, health professional. Examples of expenses you can use for this deduction include those for:

- (a) Medical, psychiatric, naturopathic physician, dental, or chiropractic care;
- (b) Prescribed alternative therapy such as massage or acupuncture;
- (c) Prescription drugs;
- (d) Over the counter drugs;
- (e) Eye glasses;
- (f) Medical supplies other than special diets;
- (g) Medical equipment or medically needed changes to your home;

(h) Shipping and handling charges for an allowable medical item. This includes shipping and handling charges for items purchased through mail order or the internet;

- (i) Long distance calls to a medical provider;
- (j) Hospital and outpatient treatment including:

(i) Nursing care; or

(ii) Nursing home care including payments made for a person who was an assistance unit member at the time of placement.

(k) Health insurance premiums paid by the person including:

- (i) Medicare premiums; and
- (ii) Insurance deductibles and copayments.

(l) Out-of-pocket expenses used to meet a spenddown as defined in WAC 388-519-0010. We do not allow your entire spenddown obligation as a deduction. We allow the expense as a deduction as it is estimated to occur or as the expense becomes due;

(m) Dentures, hearing aids, and prosthetics;

(n) Cost to obtain and care for a seeing eye, hearing, or other specially trained service animal. This includes the cost of food and veterinarian bills. We do not allow the expense of food for a service animal as a deduction if you receive ongoing additional requirements under WAC 388-473-0040 to pay for this need;

(o) Reasonable costs of transportation and lodging to obtain medical treatment or services; and

(p) Attendant care necessary due to age, infirmity, or illness. If your AU provides most of the attendant's meals, we allow an additional deduction equal to a one-person allotment.

(3) There are two types of deductions for out-of-pocket expenses:

(a) One-time expenses are expenses that cannot be estimated to occur on a regular basis. You can choose to have us:

(i) Allow the one-time expense as a deduction when it is billed or due;

(ii) Average the expense through the remainder of your certification period; or

(iii) If your AU has a twenty-four-month certification period, you can choose to use the expense as a one-time deduction, average the expense for the first twelve months of your certification period, or average it for the remainder of our certification period.

(b) Recurring expenses are expenses that happen on a regular basis. We estimate your monthly expenses for the certification period.

(4) We do not allow a medical expense as an income deduction if:

(a) The expense was paid before you applied for benefits or in a previous certification period;

(b) The expense was paid or will be paid by someone else;

(c) The expense was paid or will be paid by the department or another agency;

(d) The expense is covered by medical insurance;

(e) We previously allowed the expense, and you did not pay it. We do not allow the expense again even if it is part of a repayment agreement;

(f) You included the expense in a repayment agreement after failing to meet a previous agreement for the same expense; or

(g) You claim the expense after you have been denied for presumptive SSI; and you are not considered disabled by any other criteria.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 08-15-054, § 388-450-0200, filed 7/14/08, effective 8/14/08; 06-04-070, § 388-450-0200, filed 1/30/06, effective 4/1/06. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, United States Food and Nutrition Service Administrative Notices 04-39 and 04-45, and 2004 c 175, 05-05-025, § 388-450-0200, filed 2/8/05, effective 3/11/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 04-02-025, § 388-450-0200, filed 12/30/03, effective 2/1/04. Statutory Authority: RCW 74.08.090 and 74.04.510, 99-23-083, § 388-450-0200, filed 11/16/99, effective 1/1/00; 99-16-024, § 388-450-0200, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-450-0200, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0210 Countable income for medical programs. (1) For purposes of medical program eligibility, a client's countable income is income which remains when:

(a) The income cannot be specifically excluded; and

(b) All appropriate deductions and disregards allowed by a specific program, have been applied.

(2) A client's countable income cannot exceed the income standard for the specific medical programs described in WAC 388-478-0065, 388-478-0070, 388-478-0075, 388-478-0080, or 388-513-1305, 388-513-1315, or 388-513-1395 unless the program allows for those limits to be exceeded.

(3) Unless modified by subsection (4) or (6) of this section, the TANF/SFA income rules, as described in this chapter, are used to determine a client's countable income for the following programs:

(a) Family medical program as described in WAC 388-505-0220;

(b) Medical extensions as described in chapter 388-523 WAC;

(c) Pregnant women's program as described in WAC 388-462-0015;

(d) Children's healthcare programs as described in WAC 388-505-0210; and

(e) Psychiatric indigent inpatient (PII) program as described in WAC 388-865-0217.

(4) Exceptions to the TANF/SFA cash assistance methodology apply as follows:

(a) The financial responsibility of relatives when a client is applying for medical for families, children, pregnant women or for the psychiatric indigent inpatient program is specified in WAC 388-408-0055;

(b) Actual work-related child and dependent care expenses, which are the client's responsibility, are income deductions (the limits on this deduction in WAC 388-450-0170 (3) and (4) do not apply);

(c) Court or administratively ordered current or back support paid to meet the needs of legal dependents, are income deductions;

(d) Only income actually contributed to an alien client from the alien's sponsor is countable unless the sponsor signed the affidavit of support I-864 or I-864A. See subsection (5) of this section;

(e) TANF/SFA gross earned income limits as described in WAC 388-450-0165 do not apply;

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(f) The fifty percent earned income deduction is not used to calculate countable income for CN scope of care programs with income levels based upon the federal poverty level (FPL). These programs are listed in subsections (3)(c) and (d). The only work related income deductions for these programs are:

(i) Ninety dollars; and

(ii) Actual work-related child and dependent care expenses, as described in (b) of this subsection; and

(iii) Child support as described in (c) of this subsection.

(g) When determining medically needy (MN) or MN scope of care coverage for children or pregnant women for the programs described in subsections (3)(c) and (d), the exception described in subsection (4)(f) is not used as the MN income standards are not based on the FPL;

(h) For nonrecurring lump sum payments, see chapter 388-455 WAC and WAC 388-475-0300(4);

(i) Diversion cash assistance (DCA), is not countable income;

(j) Effective April 1, 2002, the department will disregard an increase in earned income when:

(i) A family is receiving benefits under the family medical program; and

(ii) The increase occurs during the second or third month of eligibility. The disregard stops the last day of the third month of eligibility for a family medical program.

(5) When an alien's sponsor has signed the affidavit of support I-864 or I-864A, the sponsor's income and resources are counted as described in WAC 388-450-0155, 388-450-0156, 388-450-0160, and 388-470-0060.

(6) Except when this state has adopted more liberal rules, SSI income rules are used to determine a client's countable income for the following programs:

(a) SSI-related CN or MN; and

(b) Medicare savings programs. Refer to chapter 388-475 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, 74.09.700, and 2007 c 5, 08-05-018, § 388-450-0210, filed 2/12/08, effective 3/14/08. Statutory Authority: RCW 74.08.090, 74.09.530, and 74.09.415, 05-23-013, § 388-450-0210, filed 11/4/05, effective 1/1/06. Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415, 02-17-030, § 388-450-0210, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.08.090, 74.08A.100, and Title XIX State Plan amendment 00-008, 02-03-009, § 388-450-0210, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, 98-16-044, § 388-450-0210, filed 7/31/98, effective 9/1/98. Formerly WAC 388-505-0580, 388-505-0590 and 388-519-1910.]

WAC 388-450-0215 How does the department estimate my assistance unit's income to determine my eligibility and benefits? (1) We decide if your assistance unit (AU) is eligible for benefits and calculate your monthly benefits based on an estimate of your AU's gross monthly income and expenses. This is known as prospective budgeting.

(2) We use your current, past, and future circumstances for a representative estimate of your monthly income.

(3) We may need proof of your circumstances to ensure our estimate is reasonable. This may include documents, statements from other people, or other proof as explained in WAC 388-490-0005.

(4) We use one of two methods to estimate income:

[Title 388 WAC—p. 911]

(a) **Anticipating monthly income (AM):** With this method, we base the estimate on the actual income we expect your AU to receive in the month (see subsection (5)); and

(b) **Averaging income (CA):** With this method, we add the total income we expect your AU to receive for a period of time and divide by the number of months in the period (see subsection (6)).

(5) Anticipating monthly income: We must use the anticipating monthly method:

(a) For the month you apply for benefits unless:

(i) We are determining eligibility for children's medical programs as listed in WAC 388-505-0210 (3) through (6) or pregnancy medical as listed in WAC 388-462-0015. For children's and pregnancy medical we can use either method; or

(ii) You are paid less often than monthly (for example: you are paid quarterly or annually). If you are paid less often than monthly, we average your income for the month you apply. Section (6) explains how we average your income.

(b) When we estimate income for anyone in your AU, if you or anyone in your AU receive SSI-related medical benefits under chapter 388-475 WAC.

(c) When we must allocate income to someone who is receiving SSI-related medical benefits under chapter 388-475 WAC.

(d) When you are a destitute migrant or destitute seasonal farmworker under WAC 388-406-0021. In this situation, we must use anticipating monthly (AM) for all your AU's income.

(e) To budget SSI or social security benefits even if we average other sources of income your AU receives.

(6) Averaging income: When we average your income, we consider changes we expect for your AU's income. We determine a monthly amount of your income based on how often you are paid:

(a) If you are paid weekly, we multiply your expected income by 4.3;

(b) If you are paid every other week, we multiply your expected income by 2.15;

(c) In most cases if you receive your income other than weekly or every other week, we estimate your income over your certification period by:

(i) Adding the total income for representative period of time;

(ii) Dividing by the number of months in the timeframe; and

(iii) Using the result as a monthly average.

(d) If you receive your yearly income over less than a year because you are self employed or work under a contract, we average this income over the year unless you are:

(i) Paid on an hourly or piecework basis; or

(ii) A migrant or seasonal farmworker under WAC 388-406-0021.

(7) If we used the anticipating monthly income method for the month you applied for benefits, we may average your income for the rest of your certification period if we do not have to use this method for any other reason in section (5).

(8) If you report a change in your AU's income, and we expect the change to last through the end of the next month after you reported it, we update the estimate of your AU's income based on this change.

(9) If your actual income is different than the income we estimated, we don't make you repay an overpayment under chapter 388-410 WAC or increase your benefits unless you meet one of the following conditions:

(a) You provided incomplete or false information; or

(b) We made an error in calculating your benefits.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 08-02-054, § 388-450-0215, filed 12/28/07, effective 2/1/08; 05-16-109, § 388-450-0215, filed 8/2/05, effective 10/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 04-06-052, § 388-450-0215, filed 3/1/04, effective 4/1/04; 03-21-029, § 388-450-0215, filed 10/7/03, effective 11/1/03. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-23-083, § 388-450-0215, filed 11/16/99, effective 1/1/00; 99-16-024, § 388-450-0215, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0215, filed 7/31/98, effective 9/1/98. Formerly WAC 388-505-0590.]

WAC 388-450-0225 How are my assistance unit's benefits calculated for the first month I am eligible for cash assistance?

(1) To calculate your AU's cash benefit for your first month's benefits, we compare your AU's countable income to the payment standard as described in WAC 388-450-0162.

(2) Even if your AU has countable income over the payment standard, you may still receive additional requirements.

(3) If your countable income is less than the payment standard, we prorate your grant amount based on the date you are eligible.

(4) We do not prorate any approved additional requirements.

(5) We prorate your grant by:

(a) Dividing your AU's grant amount by the number of days in the first month of eligibility; and

(b) Multiplying the result in (5)(a) of this section by the number of days from the date of eligibility to the last day of the month.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510. 03-21-029, § 388-450-0225, filed 10/7/03, effective 11/1/03. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-24-008, § 388-450-0225, filed 11/19/99, effective 1/1/00; 99-16-024, § 388-450-0225, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0225, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0230 What income does the department count in the month I apply for Basic Food when my assistance unit is destitute?

(1) If your assistance unit (AU) meets the requirements of a destitute migrant or seasonal farmworker under WAC 388-406-0021, we may exclude some of your income in the month you apply for Basic Food.

(2) In the month of application, we:

(a) Count only income your AU received between the first of the month and the date you apply for Basic Food; and

(b) Disregard any income from a new source that you expect to receive after the date you apply for Basic Food.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510. 03-21-029, § 388-450-0230, filed 10/7/03, effective 11/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510, and 7 C.F.R. 273.10. 02-17-028, § 388-450-0230, filed 8/12/02, effective 10/1/02. Statutory Authority: RCW 74.08.090 and 74.04.510. 99-24-008, § 388-450-0230, filed 11/19/99, effective 1/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0230, filed 7/31/98, effective 9/1/98.]

WAC 388-450-0245 When are my benefits suspended? (1) For TANF/SFA, RCA, GA and Basic Food, "suspend" means the department stops your benefits for one month.

(2) We suspend your AU's benefits for one month when your expected total countable income under WAC 388-450-0162:

(a) Is more than the dollar limit for your AU; and

(b) If over these limits for only that one month.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510. 03-21-029, § 388-450-0245, filed 10/7/03, effective 11/1/03. Statutory Authority: RCW 74.04.510. 00-01-012, § 388-450-0245, filed 12/3/99, effective 1/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-450-0245, filed 7/31/98, effective 9/1/98.]