

WSR 23-09-049
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed April 17, 2023, 12:43 p.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-76-10315 Resident record—Required. The intent is to help the regulated community comply with the rule by providing clear language about long-term care ombuds access to resident records. The department may amend other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making was requested as a means to align the rule with federal requirements for long-term care ombuds access to resident records. The amended rule will give clarity to adult family home providers. It will also support adult family home residents who may benefit from, or are currently receiving, long-term care ombuds advocacy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will compare the draft rules with 45 C.F.R. § 1324.11 (e) (2), Centers for Medicare and Medicaid Services (CMS) requirements related to long-term care ombuds access to resident records. The department will confirm consistency with the federal requirements and will consult with CMS as necessary.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Colleen Jensen, P.O. Box 45600, Olympia, WA 98504, phone 564-999-3182, fax 360-438-7903, email colleen.jensen1@dshs.wa.gov.

April 17, 2023
Katherine I. Vasquez
Rules Coordinator