

WSR 24-10-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed April 30, 2024, 2:59 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering amending WAC 388-76-10031 License requirements—Seven or eight bed adult family homes—Licensure.

This proposal refiles the project previously filed as WSR 23-17-056 that seeks to clarify requirements for homes wishing to increase capacity to seven or eight beds when the adult family home (home) serves only residents who do not require assistance with evacuation and the home does not have a residential sprinkler system.

This project also implements ESHB [SHB 2015], chapter 147, Laws of 2024, Adult family homes—Applications to increase bed capacity.

The department is filing this notice to combine the two projects. The department may amend other related rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Adult family home, RCW 70.128.040 Adoption of rules and standards—Negotiated rule making—Specialty license, and 70.128.066 Seven or eight bed adult family homes—Requirements—Licensure. (CHANGE IN 2024, SEE 2015-S.S.L.)

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering updates to reflect the department's interpretation of RCW 70.128.066 (2)(f), which requires seven- and eight-bed adult family homes to "have a residential sprinkler system in place in order to serve residents who require assistance during an evacuation."

The department interprets RCW 70.128.066 (2)(f) to mean homes licensed for seven or eight beds whose residents do not require assistance with evacuation do not require a residential sprinkler system. The department places a limit on the license of these homes specifying the home may not care for residents who require assistance during evacuation.

The current rule requires all homes licensed for seven- or eight-beds to have a residential sprinkler system and includes no language to reflect the department's interpretation of the statute. Updating the rule will allow homes meeting requirements in RCW 70.128.066 to request a capacity increase for up to eight beds without having a residential sprinkler system, when the home serves only residents who do not require assistance with evacuation. This will expand the number of adult family home beds while maintaining the safety of residents.

The department is considering amendments to comply with passed legislation, ESHB [SHB] 2015, chapter 147, Laws of 2024, that gives the department the ability to temporarily prioritize licensing inspections of adult family homes requesting to increase licensed capacity to seven or eight beds when the home has met all other requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state building code council oversees state building codes. The department will confirm consistency with the state requirements and consult as necessary.

Process for Developing New Rule: Negotiated rule making; and the department will use a collaborative rule-making process to develop and receive comments on draft rules. Contact the staff listed below to re-

ceive draft material and information about how to participate in the rule-making process.

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 45610, Olympia, WA 98504, phone 564-999-3182, fax 360-438-7903, email colleen.jensen1@dshs.wa.gov.

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