

WSR 24-15-106

AGENDA

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed July 22, 2024, 4:09 p.m.]

Following is the department of social and health services (department) semi-annual rule-making agenda for July 1 - December 31, 2024. This agenda will be published in the Washington State Register as required in RCW 34.05.314 and distributed to interested parties. It is also available online at <https://www.dshs.wa.gov/office-of-the-secretary/dshs-semi-annual-rule-making-agenda>.

This report represents department rules under development at this time. There may be additional rule-making activity as the department responds to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

**Semi-Annual Rule-Making Agenda
July 1 - December 31, 2024**

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
Aging and Long-Term Support Administration					
Home and Community Services Division					
	388-71-0503, 388-106-0010, 388-106-0060, 388-115-0516	The department is planning to amend WAC to support the passage of the SB 5866, an act relating to medicaid long-term services and supports eligibility determinations being completed by federally recognized Indian tribes. The department is planning to amend WAC What definitions apply to WAC 388-71-0500 through 388-71-05640?, What definitions apply to this chapter?, Who must perform the assessment?, and What are the responsibilities of the consumer directed employer when providing care to a client?, and other related rules as required.	WSR 22-13-116 Filed 6/16/2022		
	388-112A-0080	The department is planning to amend Who is required to complete the seventy-hour long-term care worker basic training and by when? This section relates to adult family home administrator training certification. During the course of this rule making, we may amend other related rules as required.	WSR 23-16-088 Filed 7/31/2023		
	388-106-2000, 388-106-2005, 388-106-2010, 388-106-2015, 388-106-2020, 388-106-2025, 388-106-2030, 388-106-2035, 388-106-2040, 388-106-2045, 388-106-2050	The department is adding new sections to chapter 388-106 WAC relating to the civil transitions program WAC. These WAC include WAC 388-106-2000 through 388-106-2050 based on ESB [E2SSB] 5440 (chapter 453, Laws of 2023) provisions. The department may adopt or amend other related rules as may be required to implement provisions of ESB [E2SSB] 5440. The rules provide conditional services for individuals who are referred by the behavioral health administration who have been found not functionally and financially eligible for long-term support services. During this rule making, the department may make additional changes necessary to improve the program requirements and provide clarity.	WSR 23-24-046 Filed 11/30/2023	WSR 24-11-137 Filed 5/21/2024	WSR 24-05-046 Filed 2/15/2024
	388-112A-0118	What documentation is required for completion of each training?, related to documentation of facility orientation.	WSR 24-03-107 Filed 1/18/2024		

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	388-106-2100, 388-106-2105, 388-106-2110, 388-106-2115, 388-106-2120, 388-106-2125, 388-106-2130, 388-106-2135, 388-106-2140, 388-106-2145, 388-106-2150, 388-106-2155, 388-106-2160, 388-106-2165	The department is considering adding new sections in chapter 388-106 WAC to implement a state funded guardianship, conservatorship, and alternative arrangements assistance program. The rules will describe the program requirements including, but not limited to, eligibility criteria, application process, payment details, administrative appeals, and overpayments. During this rule making, the department may make additional changes necessary to improve the program requirements, provide clarity, and add or amend other related rules as may be necessary.	WSR 24-04-015 Filed 1/26/2024	WSR 24-12-057 Filed 6/3/2024	
	388-112A-0400	The department is proposing to amend WAC 388-112A-0400 What is specialty training and who is required to take it?		CR-105 WSR 24-06-059 Filed 3/4/2024	
	388-106-1800 through 388-106-1820	The department is considering amending long-term care services, specifically the rules related to the long-term service and supports presumptive eligibility and any related rules as may be required.	WSR 24-10-100 Filed 4/30/2024		
	388-106-0010 and 388-106-0090	The department is planning to amend What definitions apply to this chapter?, How does the CARE tool measure cognitive performance?, and other related rules as may be required.	WSR 24-13-075 Filed 6/17/2024		
	388-115-0523, 388-71-0523, 388-71-0880, 388-71-0888, 388-71-0890, 388-71-0977	The department is amending WAC 388-71-0523, 388-71-0880, 388-71-0888, 388-71-0890, 388-71-0977, and 388-115-0523. The purpose of these changes is to bring rules into compliance with SB 5811 (chapter 322, Laws of 2024) passed during the 2024 legislative session. This rule making expands the definition of individual provider. Permanent rules are in process.	WSR 24-14-086 Filed 6/28/2024		WSR 24-14-083 Filed 6/28/2024
Management Services Division					
	388-96-738	What default case mix group and weight must the department use for case mix grouping when there is no minimum data set resident assessment for a nursing facility resident?, and other related sections as necessary.	WSR 24-14-072 Filed 6/28/2024		
Residential Care Services Division					
	Chapter 388-97 WAC	The department is proposing to add new sections, repeal existing sections, and amend sections in "nursing homes" related to tuberculosis (TB) screening.	WSR 19-18-051 Filed 8/30/2019		
	Chapter 388-107 WAC	The department is planning to add new sections, repeal existing sections, and amend sections in "licensing requirements for enhanced services facilities" related to TB screening.	WSR 19-18-059 Filed 9/3/2019		
	Chapter 388-76 WAC	The department is planning to add new sections, repeal existing sections, and amend sections in "adult family home minimum licensing requirements" related to TB screening.	WSR 19-18-061 Filed 9/3/2019		
	Chapter 388-78A WAC	The department is planning to add new sections, repeal existing sections, and amend sections in "assisted living facility licensing rules" related to TB screening.	WSR 19-18-062 Filed 9/3/2019		

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	388-107-0460, 388-76-10265, 388-76-10285, 388-76-10290, 388-78A-2480, 388-78A-2484, 388-78A-2485	The department is temporarily repealing or amending WAC 388-76-10265, 388-76-10285, 388-76-10290(1), 388-78A-2480(1), 388-78A-2484, 388-78A-2485(1), 388-101D-0650(1), 388-101D-0660(3), 388-107-0460(1), and 388-107-0490 to ensure long-term care programs are not significantly impeded during the hiring process due to inability to access the TB testing required as a part of the hiring process. *COVID-19*	WSR 20-16-069 Filed 7/29/2020		WSR 22-07-004 Filed 3/3/2022 WSR 21-23-015 Filed 11/5/2021 WSR 21-15-113 Filed 7/21/2021 WSR 21-07-109 Filed 3/23/2021 WSR 20-24-060 Filed 11/24/2020 WSR 20-16-102 Filed 7/31/2020 WSR 20-09-009 Filed 4/2/2020
	388-97-1660	The department is considering amending "staff and equipment" and other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-14-051 Filed 7/1/2021		
	388-97-0140	The department is amending to waive and suspend the requirement for nursing homes to suspend transfers and discharges pending the outcome of a resident appeal of the nursing home transfer or discharge decision. The COVID-19 pandemic continues to require more rapid transfers and discharges than the rule permits. This emergency rule waives the requirement for nursing homes to suspend transfers and discharges pending the outcome of a resident appeal hearing and improves resident safety by allowing faster grouping of COVID-19 positive residents in one facility, or grouping asymptomatic residents together. This helps expedite infection control processes and maximizes the availability of nursing home beds. Also, WAC 388-97-0120 and 388-97-0130.	WSR 22-08-060 Filed 4/4/2022		WSR 23-07-108 Filed 3/20/2023 WSR 22-23-155 Filed 11/22/2022 WSR 22-16-063 Filed 7/29/2022 WSR 22-08-062 Filed 4/4/2022 WSR 22-01-072 Filed 12/10/2021 WSR 21-24-069 Filed 11/30/2021
	Chapters 388-76, 388-78A, 388-97, 388-107 WAC	The department is considering amending to implement specific sections to SHB 1218. The department may amend other related rules as necessary. The department is considering amending the rules to adopt requirements for providers to publicly post stop placement orders, adopt requirements for providers to create and maintain resident rosters as well as responding to requests from ombuds for roster information, incorporate new definition of resident representative and replace the phrase "his or her" with appropriate gender-neutral terms.	WSR 22-04-046 Filed 1/26/2022		
	Chapters 388-76, 388-78A, 388-97, 388-107 WAC	The department is considering amending to implement specific sections to SHB 1218. The department may amend other related rules as necessary to meet the legislative intent of SHB 1218. The department is considering amending the rules to add requirements related to facility communication system, resident access to communications, and facility responsiveness to outside communications. Comprehensive disaster preparedness plans, and related policies and procedures, and equipment for a range of potential hazards, emergencies, and disasters. Visitation of essential support persons. Resident's rights to a safe and healthy environment.	WSR 22-04-047 Filed 1/26/2022		

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	Chapter 388-76 WAC	The department is considering amending adult family home minimum licensing requirements, to address a process gap that occurs when residents transfer or discharge from adult family homes and prescription medications for those residents continue to be filled by pharmacies. These filled prescriptions may not be returned to the pharmacy and are subject to diversion and misuse by others. The department may amend other related rules as appropriate.	WSR 22-23-041 Filed 11/8/2022		
	Chapters 388-76, 388-78A, 388-97, 388-107 WAC	The department is considering amending the following rules, adding a new section, and amending other sections as needed. Regarding death with dignity (DWD), including labeling, documentation, and storage of resident medications, specifically related to the DWD Act.	WSR 23-08-038 Filed 3/29/2023		
	388-101-3020	The department is considering amending Compliance, and adding a new section to chapter 388-101 WAC as necessary to make clear compliance and reporting requirements in the event of an outbreak of a communicable disease or suspected food poisoning, and other related rules as may be required.	WSR 23-13-042 Filed 6/13/2023		
	388-76-10780	The department is considering amending toilets and bathing facilities to clarify requirements for homes licensed after August 1, 2023, that have a licensed capacity of more than five. The department may amend other related rules as necessary.	WSR 23-17-058 Filed 8/11/2023		
	Chapters 388-76, 388-78A, 388-97 WAC	The department is considering adding new sections, repealing, and amending existing sections in adult family home minimum licensing requirements, assisted living facility licensing rules, nursing homes, and chapter 388-107 WAC, Licensing requirements for enhanced services facilities, and other related rules as maybe required.	WSR 23-21-034 Filed 10/6/2023		
	388-76-10031	The department is considering amending License requirements—Seven or eight bed adult family homes—Licensure.	WSR 24-10-097 Filed 4/30/2024		
WA Cares - APS					
	Title 388 WAC, WA Cares	Title 388 WAC, WA Cares—Beneficiary assessments, service denial or termination, and complaint resolution for delivery of service.	WSR 24-04-030 Filed 1/30/2024		
	Title 388 WAC, WA Cares	Title 388 WAC, WA Cares—General provisions and approved services.	WSR 24-04-031 Filed 1/30/2024		
	Title 388 WAC, WA Cares	Title 388 WAC, WA Cares—Intake and application process for beneficiaries.	WSR 24-04-032 Filed 1/30/2024		
	Title 388 WAC, WA Cares	Title 388 WAC, WA Cares—Provider registration.	WSR 24-04-033 Filed 1/30/2024		
Behavioral Health Administration					
	Chapter 388-878 WAC	The department is planning to amend to develop rules for a leave of absence, amend the procedures for program removal and program end, and update definitions. The department may add new rules or amend other related rules as may be required.	WSR 22-21-057 Filed 10/12/2022		
	Chapter 388-881 WAC	Sexual predator program—External oversight, and possible other sections in this chapter and in chapter 388-880 WAC as may be required.	WSR 24-14-109 Filed 7/1/2024		
Developmental Disabilities Administration					
	Chapter 833 WAC	Intensive habilitation services for children and other related rules as may be required.	WSR 23-05-048 Filed 2/9/2023	WSR 24-15-001 Filed 7/3/2024	

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	388-825-206	The department is planning to repeal WAC 388-825-206 and other related rules as may be required.	WSR 23-20-054 Filed 9/28/2023		
	388-850-020, 388-850-025, 388-850-035, 388-850-045	Chapter 388-850 WAC and other related rules as may be required. WAC 388-850-020, 388-850-025, 388-850-035, and 388-850-045. The developmental disabilities administration (DDA) is planning to amend these rules to increase the percentage of a county's allocated funds for county administrative expenses, remove text that duplicates requirements dictated by statute, and update the distribution formula and other outdated service names and processes. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.	WSR 23-20-065 Filed 9/29/2023	WSR 24-09-034 Filed 4/11/2024 WSR 24-03-051 Filed 1/10/2024	
	New chapter	New chapter within DDA's portion of Title 388 WAC, rules will establish the process for certifying DDA providers not otherwise certified by residential care services.	WSR 23-23-133 Filed 11/17/2023		
	388-825-058, 388-825-082, 388-825-083, 388-828-9000, 388-828-9140; chapter 388-832 WAC; 388-845-0220, 388-845-0500, 388-845-0505, 388-845-0510, 388-845-2010	WAC 388-825-058, 388-825-082, 388-825-083, 388-828-9000, 388-828-9140; chapter 388-832 WAC; WAC 388-845-0220, 388-845-0500, 388-845-0505, 388-845-0510, 388-845-2010, and other related rules as may be required. DDA is considering amending rules from these chapters in order to update lists of available services, their names, descriptions, limits, and qualified providers, and to increase the individual and family service award amounts.	WSR 24-02-034 Filed 12/26/2023		
	Chapter 388-826 WAC	Chapter 388-826 WAC and other related rules as may be required.	WSR 24-02-088 Filed 1/3/2024		
	388-101D-0105, 388-829-0040, 388-829-0050	The department is proposing to amend WAC 388-829-0040, 388-829-0050, 388-829-0065, and 388-101D-0105, and may amend other related rules as may be required.	WSR 24-04-019 Filed 1/29/2024		WSR 24-11-150 Filed 5/22/2024 WSR 24-04-018 Filed 1/29/2024
	388-848-0010 through 388-848-0100	DDA is adopting new sections of rule on an emergency basis to implement E2SSB 5440 (2023), which directs the department to develop a process for connecting individuals who have been found not competent to stand trial due to an intellectual or developmental disability to available wraparound services and supports in community-based settings.	WSR 24-07-045 Filed 3/14/2024		WSR 24-15-010 Filed 7/8/2024 WSR 24-07-044 Filed 3/13/2024
	Chapter 388-828 WAC	DDA is planning to amend sections in chapter 388-828 WAC (the supports intensity scale (SIS-A) portions of the DDA assessment) to align with updates the American Association of Intellectual and Developmental Disabilities (AAIDD) has made to its SIS-A assessment tool, second edition. Aligning with AAIDD's second edition will not impact the algorithm. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.	WSR 24-07-054 Filed 3/14/2024		
	Chapter 388-823 WAC	Chapter 388-823 WAC and other related rules as may be required.	WSR 24-10-059 Filed 4/26/2024	WSR 24-13-080 Filed 6/17/2024	
	Chapters 388-829R, 388-829Z, 388-847 WAC	Chapter 388-829R, 388-829Z, 388-847 WAC, and other related rules as may be required.	WSR 24-12-017 Filed 5/24/2024		
	Chapter 388-829A WAC	Chapter 388-829A WAC and other related rules as may be required.	WSR 24-13-015 Filed 6/6/2024		
	Chapter 388-829C WAC	Chapter 388-829C WAC and other related rules as may be required.	WSR 24-13-016 Filed 6/6/2024		

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
Economic Services Administration					
Community Services Division					
	388-60B-0015, 388-60B-0025, 388-60B-0120, 388-60B-0315, 388-60B-0325, 388-60B-0345, 388-60B-0500	The department is planning to amend What definitions apply to this chapter?, What is the purpose of this chapter?, Facility requirements—What facility requirements must a program meet for the space where domestic violence intervention assessments or treatment services are provided?, Quality management—What are the minimum treatment outcomes for participants and how must a program measure staff and treatment effectiveness?, Group treatment—What standards must programs follow regarding the provision of group treatment?, Victim safety—What steps must programs take in order to help increase victim safety?, Participant requirements—What must the program require of participants accepted into a domestic violence intervention treatment program?, On-site reviews and plans of correction—How does the department review certified programs for compliance with the regulations of this chapter?, and other rules as may be required.	WSR 23-18-016 Filed 8/25/2023		
	388-310-0800	The department is planning to amend WorkFirst—Support services, and other related rules as may be required.	WSR 24-09-048 Filed 4/15/2024	WSR 24-15-062 Filed 7/16/2024	WSR 24-14-046 Filed 6/26/2024
	388-432-0005	The department is planning to amend Can I get help from DSHS for a family emergency without receiving monthly cash assistance?, and other related rules as may be required.	WSR 24-09-049 Filed 4/15/2024		
	388-310-0300, 388-310-1450, 388-484-0006	The department is planning to amend WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants, 388-310-1450 Pregnancy to employment, 388-484-0006 TANF/SFA time limit extension, and other related rules as may be required.	WSR 24-10-030 Filed 4/23/2024	WSR 24-13-123 Filed 6/20/2024	WSR 24-14-045 Filed 6/26/2024
	388-400-0030, 388-424-0001, 388-424-0006, 388-424-0015, 388-424-0020, 388-424-0020, 388-424-0030, 388-436-0002, 388-466-0005, 388-466-0120, 388-466-0150	The department is planning to amend WAC 388-400-0030, 388-424-0001, 388-424-0006, 388-424-0015, 388-424-0020, 388-424-0030, 388-436-0002, 388-466-0005, 388-466-0120, and 388-466-0150. During the course of this rule making, the department may amend or adopt other related rules as may be required.	WSR 24-11-138 Filed 5/21/2024		
	388-487-0010, 388-487-0020, 388-487-0030	The department is creating chapter 388-487 WAC, SUN Bucks, and adopting What is the sun bucks program?, Is my child eligible for sun bucks?, and General information about sun bucks benefits. Adoption of these rules will support implementation of the new summer EBT program, known as "SUN Bucks," beginning after the 2023-24 school session in accordance with a federally approved state plan.	WSR 24-12-024 Filed 5/24/2024		WSR 24-12-014 Filed 5/24/2024
	388-449-0080	The department is adopting emergency amendments to Sequential evaluation process step IV—How does the department evaluate if I am able to perform relevant past work? These amendments are necessary to align aged, blind, or disabled (ABD) program rules with Social Security Administration's revision of the definition of "past relevant work," by reducing the relevant work period from 15 years to five years.	WSR 24-13-124 Filed 6/20/2024		WSR 24-13-110 Filed 6/20/2024

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	388-492-0070	The department is planning to amend How are my WASHCAP food benefits calculated? and other related rules as appropriate.	WSR 24-14-141 Filed 7/3/2024		
	388-449-0080	The department is adopting emergency amendments to Sequential evaluation process step IV—How does the department evaluate if I am able to perform relevant past work? These amendments are necessary to align ABD program rules with Social Security Administration's revision of the definition of "past relevant work," by reducing the relevant work period from 15 years to five years.	WSR 24-13-124 Filed 6/20/2024		WSR 24-13-110 Filed 6/20/2024
Division of Child Support					
	388-14A-4900	The division of child support (DCS) is proposing to amend WAC 388-14A-4900 and other related rules as may be required to implement SB 5842 as enacted during the 2024 legislative session (chapter 126, Laws of 2024), and make other changes as may be necessary. SB 5842 amends RCW 26.23.037 with respect to DCS minimizing the use of Social Security numbers reported directly to DCS by insurance companies.	WSR 24-07-104 Filed 3/20/2024	WSR 24-12-018 Filed 5/24/2024	
	388-14A-1025, 388-14A-2105, 388-14A-8110, 388-14A-8120	DCS is proposing to amend WAC 388-14A-4111, 388-14A-8110, 388-14A-8120, and other related rules as may be needed to reflect that the department of children, youth, and families (DCYF) administers the state's foster care program, rather than DSHS, and that DCS provides child support services on a foster care case when DCYF refers the case to DCS for action.	WSR 24-08-044 Filed 3/28/2024	WSR 24-12-088 Filed 6/5/2024	
	Chapter 388-14A WAC	DCS proposes to amend, adopt or repeal as needed various sections to make the administrative support establishment process more efficient and user-friendly as we: (1) Implement ESSB 6037 (chapter 6, Laws of 2018, which adopted the 2017 version of the Uniform Parentage Act); and the technical corrections made to that bill by SSB 5333 (chapter 46, Laws of 2019); as well as (2) update terminology and to clarify and streamline the rules and procedures regarding parentage to conform with current state and federal laws and other related rules as may be needed.	WSR 24-08-063 Filed 3/29/2024		
	388-14A-3375	DCS is proposing to amend What kinds of credits does the division of child support give when establishing or enforcing an administrative support order?, and other related rules as required to reflect the 2020 repeal of public assistance standards on which DCS calculates a credit available during administrative support establishment procedures to a paying parent for payments towards shelter care.	WSR 24-09-039 Filed 4/12/2024	WSR 24-13-064 Filed 6/13/2024	
Executive					
Office of the Secretary					
	388-02-0217	The department is considering amending When do ALJs conduct the hearing and enter the hearing decision as an initial order or a final order? and other related rules as may be required to clarify the general hearing rules of the board of appeals at the department. During this rule making, the department may make additional changes that are necessary to improve clarity.	WSR 24-14-118 Filed 7/2/2024		

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