

**WSR 21-10-084**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed May 3, 2021, 11:31 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-97-0001 Definitions, 388-97-1090 Direct care hours, and other related rules as may be required to implement EHB 1564 (chapter 301, Laws of 2019).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of social and health services (DSHS) is considering amending WAC 388-97-0001 and 388-97-1090 to implement EHB 1564 (chapter 301, Laws of 2019). This bill revised the definition of "direct care staff" to establish the methodology for calculating the hours per day minimum staffing standard. The department will consider amending the staffing language in WAC 388-97-0001 and 388-97-1090 to include when the director of nursing services hours must be included or excluded in calculating the minimum staffing standard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: DSHS will use a collaborative rule-making process to develop and receive comments on draft rules. Contact the DSHS staff listed below to receive 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 Sondra Silverman, Policy Program Manager, P.O. Box 45600, Olympia, WA 98504, phone 360-688-0715, email [sondra.silverman@dshs.wa.gov](mailto:sondra.silverman@dshs.wa.gov).

May 3, 2021  
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