

WSR 23-17-058
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed August 11, 2023, 2:05 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering amending WAC 388-76-10780 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.

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: The department is considering updates to clarify requirements for toilet access in adult family homes licensed for more than five residents. This action was also requested by a member of the community. The current rule language had attempted to ensure resident access to two toilets in homes licensed for more than five, but the rule has an unintended requirement that a resident must not have to go through another person's room to access any toilet. Most homes have one primary bathroom and one or more bathrooms accessed through bedrooms. Modifying the requirements will enable residents in homes licensed for more than five to have access to two toilets while allowing more homes to be licensed without taking on unanticipated construction projects to meet WAC 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.

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.

August 11, 2023
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