

**WSR 23-21-034**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed October 6, 2023, 12:45 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is considering adding new sections and repealing and amending existing sections in chapter 388-76 WAC, Adult family home minimum licensing requirements, chapter 388-78A WAC, Assisted living facility licensing rules, chapter 388-97 WAC, Nursing homes, and chapter 388-107 WAC, Licensing requirements for enhanced services facilities, including WAC 388-76-10160, 388-76-10161, 388-76-10163, 388-76-101631, 388-76-101632, 388-76-10164, 388-76-10165, 388-76-10166, 388-76-10170, 388-76-10174, 388-76-10175, 388-76-10176, 388-76-10180, 388-76-10181, 388-78A-2461, 388-78A-2462, 388-78A-2464, 388-78A-24641, 388-78A-24642, 388-78A-2465, 388-78A-2466, 388-78A-2467, 388-78A-2468, 388-78A-24681, 388-78A-2469, 388-78A-2470, 388-78A-24701, 388-78A-2471, 388-97-1790, 388-97-1800, 388-97-1820, 388-107-1205, 388-107-1210, 388-107-1215, 388-107-1220, 388-107-1230, 388-107-1240, 388-107-1250, 388-107-1252, 388-107-1260, 388-107-1270, 388-107-1280, 388-107-1290, 388-107-1300, 388-107-1310, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090, 43.20A.075, 70.128.040, 74.39A.505, and 74.42.620.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the change is to consolidate the rules related to background checks, negative actions, and character, competence, and suitability (CC&S) determinations between home and community services, residential care services, and developmental disabilities administration (DDA). The consolidated chapter will provide clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The aging and long-term support administration and DDA will collaborate and coordinate with the DSHS background check central unit to consolidate and coordinate rules related to background checks, negative actions, and CC&S determination reviews under chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101D, 388-107, and 388-825 WAC, and other chapters as may be necessary.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debra Hoeman, P.O. Box 45600, Olympia, WA 98504, phone 360-725-3210, email [debra.hoeman@dshs.wa.gov](mailto:debra.hoeman@dshs.wa.gov).

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