

**WSR 23-24-046**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed November 30, 2023, 3:30 p.m.]

**Subject of Possible Rule Making:** The department of social and health services (department) is adding new sections to chapter 388-106 WAC relating to the civil transitions program WAC. These WAC sections 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.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.08.090 and 74.09.520.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The legislature passed ESB [E2SSB] 5440 (chapter 453, Laws of 2023) that addressed timely competency evaluations and restoration services for individuals experiencing behavioral health disorders consistent with the *Trueblood* settlement. Section 13 of the bill requires aging and long-term support administration (AL TSA) and developmental disabilities administration to provide services for individuals that have been found by the court to be not competent and not restorative to stand trial due to a diagnosis of dementia, traumatic brain injury, or intellectual or developmental disability. AL TSA is to provide services whether the individual is financially or functionally eligible for services. These services will allow individuals to access services that they would not otherwise be able to access through long-term services and supports if not eligible.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Health care authority.

**Process for Developing New Rule:** Collaborative; the department welcomes the public to take part in developing the rules. Anyone interested should contact the staff persons identified below. At a later date, the department 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 Phyllis Moffatte-Clark, P.O. Box 45600, Olympia, WA 98504, phone 360-764-0481, email Phyllis.Moffatte-Clark@dshs.wa.gov; or Latisha De Lay, P.O. Box 45600, Olympia, WA 98504, phone 206-503-4432.

November 30, 2023  
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