

# Title 388 WAC

## SOCIAL AND HEALTH SERVICES, DEPARTMENT OF (PUBLIC ASSISTANCE)

### Chapters

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**DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE**

**Chapter 388-09  
PRACTICE AND PROCEDURE—ADMINISTRATIVE HEARING—CHILD WELFARE AGENCY**

- 388-09-010 Administrative hearing—Child welfare agency—Denial, suspension, revocation, or nonrenewal of license. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-09-010, filed 2/17/84; Order 525, § 388-09-010, filed 3/31/71, effective 5/1/71; Order 285, § 388-09-010, filed 4/1/68.] Repealed by 90-05-020 (Order 2939), filed 2/13/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-09-020 Administrative hearing—Applicability of chapter 388-08 WAC. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-09-020, filed 2/17/84; Order 525, § 388-09-020, filed 3/31/71, effective 5/1/71; Order 285, § 388-09-020, filed 4/1/68.] Repealed by 90-05-020 (Order 2939), filed 2/13/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-09-030 Administrative hearing—Appearance and practice before department—Who may appear. [Order 525, § 388-09-030, filed 3/31/71, effective 5/1/71; Order 285, § 388-09-030, filed 4/1/68.] Repealed by 90-05-020 (Order 2939), filed 2/13/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-09-040 Time limit for rendering decision. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-09-040, filed 2/17/84.] Repealed by 90-05-020 (Order 2939), filed 2/13/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).

**Chapter 388-12  
PUBLIC ASSISTANCE—PURPOSE—OBJECTIVES**

- 388-12-010 Major purpose and objectives of public assistance—Purpose. [Regulation 2.10, filed 1/25/67; Regulation 2.10, filed 6/17/67, 1/24/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-020 Major purpose and objectives of public assistance—Objectives. [Regulation 2.20, filed 1/25/67; Regulation 2.20, filed 6/17/64, 1/24/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.

- 388-12-030 Methods of administering public assistance. [Regulation 2.30, filed 6/17/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-040 Coordination with other community agencies. [Regulation 2.40, filed 6/17/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-050 Cooperation with private child placing or child caring agencies and institutions. [Regulation 2.50, filed 6/17/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.
- 388-12-060 Services to recipient's family. [Regulation 2.60, filed 6/17/64.] Repealed by Order 526, filed 3/31/71, effective 5/1/71.

**Chapter 388-16  
SOCIAL SERVICES IN PUBLIC ASSISTANCE**

- 388-16-010 Aid to families with dependent children services—Purposes and objectives. [Regulation 3.11, filed 7/27/67; Regulation 3.11, filed 1/25/67, 6/14/66, 6/17/64; Regulation 3.12, filed 6/14/66, 6/17/64.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-015 Aid to families with dependent children services—Definitions. [Order 527, § 388-16-015, filed 3/31/71, effective 5/1/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-020 Aid to families with dependent children services—Rights of applicants and recipients. [Order 527, § 388-16-020, filed 3/31/71, effective 5/1/71; Regulation 3.12, filed 7/27/67; Regulation 3.12, filed 1/25/67, 6/14/66, 6/17/64; Regulation 3.122, filed 6/14/66.] Repealed by Order 1088, filed 1/19/76.
- 388-16-050 Aid to families with dependent children services—Eligible persons. [Order 729, § 388-16-050, filed 10/27/72; Order 670, § 388-16-050, filed 4/14/72; Order 527, § 388-16-050, filed 3/31/71, effective 5/1/71; Regulation 3.14, filed 7/27/67.] Repealed by Order 1088, filed 1/19/76.
- 388-16-055 Aid to families with dependent children services—Services for eligible persons. [Order 729, § 388-16-055, filed 10/27/72; Order 670, § 388-16-055, filed 4/14/72.] Repealed by Order 1088, filed 1/19/76.
- 388-16-060 Aid to families with dependent children services—Defined service families—Services provided. [Order 527, § 388-16-060, filed 3/31/71, effective 5/1/71; Regulation 3.141, filed 7/27/67; Regulation 3.141, filed 5/17/67, 1/25/67, 6/14/66.] Repealed by Order 1088, filed 1/19/76.
- 388-16-070 Aid to families with dependent children services—Intake services and initial social studies. [Regulation 3.142, filed 7/27/67; Regulation 3.142, filed 1/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-075 Aid to families with dependent children services—Community planning. [Regulation 3.143, filed 7/27/67; Regulation 3.1421, filed 1/25/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-080 Aid to families with dependent children services—Continued care cases. [Regulation 3.144, filed 7/27/67; Regulation 3.143, filed 1/25/67, 6/14/66.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-110 Aid to families with dependent children services—Duration of service. [Order 527, § 388-16-110, filed 3/31/71, effective 5/1/71; Regulation 3.145, filed 7/27/67; Regulation 3.144, filed 1/25/67, 6/14/66.] Repealed by Order 1088, filed 1/19/76.
- 388-16-115 AFDC services—Family planning services. [Order 1204, § 388-16-115, filed 4/1/77; Order 1088, § 388-16-115, filed 1/19/76; Order 527, § 388-16-115, filed 3/31/71, effective 5/1/71; Order 364, § 388-16-115, filed 7/9/69.] Repealed by Order 1238, filed 8/31/77.
- 388-16-120 Services standards. [Regulation 3.15, filed 7/27/67; Regulation 3.17 (part), filed 6/14/66, 6/17/64.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-150 Selection of best qualified staff—Assignment by county administrators. [Regulation 3.16, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-160 Aid to families with dependent children service case—Definition. [Regulation 3.17, filed 7/27/67; Regulation 3.19, filed 1/25/67, 6/14/66, 6/17/69.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.

- 388-16-170 Recording of services. [Regulation 3.18, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-180 Complementary services. [Regulation 3.19, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-190 Homemaker service. [Regulation 3.191, filed 7/27/67.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-200 Special services for self-support. [Regulation 3.192, filed 7/27/67.] Repealed by Order 392, filed 10/15/69.
- 388-16-210 Aid to families with dependent children services—Day care and in-home care (baby-sitting) services. [Order 1001, § 388-16-210, filed 1/14/75; Order 925, § 388-16-210, filed 4/15/74; Order 828, § 388-16-210, filed 7/26/73; Order 720, § 388-16-210, filed 9/28/72; Order 692, § 388-16-210, filed 6/29/72; Order 611, § 388-16-210, filed 9/23/71; Order 551, § 388-16-210, filed 4/1/71; Order 527, § 388-16-210, filed 3/31/71, effective 5/1/71; Emergency Order 569, § 388-16-210, filed 5/25/71; Order 439, § 388-16-210, filed 4/15/70; Order 425, § 388-16-210, filed 1/21/70; Order 392, § 388-16-210, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-213 Standards of in-home care. [Order 828, § 388-16-213, filed 7/26/73.] Repealed by Order 1088, filed 1/19/76.
- 388-16-215 Standards of in-home care—Payment standards for day care and in-home care. [Order 1052, § 388-16-215, filed 9/10/75; Order 907, § 388-16-215, filed 2/14/74; Order 720, § 388-16-215, filed 9/28/72; Order 692, § 388-16-215, filed 6/29/72; Order 611, § 388-16-215, filed 9/23/71; Order 527, § 388-16-215, filed 3/31/71, effective 5/1/71; Order 425, § 388-16-215, filed 1/21/70; Order 392, § 388-16-215, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-220 Standards of in-home care—Summer camperships—Standards for purchase. [Order 576, § 388-16-220, filed 7/8/71; Order 527, § 388-16-220, filed 3/31/71, effective 5/1/71; Order 460, § 388-16-220, filed 6/17/70.] Repealed by Order 1088, filed 1/19/76.
- 388-16-225 Purchase of child welfare services—Agency—Licensing—Federal requirements. [Order 784, § 388-16-225, filed 3/30/73.] Repealed by Order 1238, filed 8/31/77.
- 388-16-300 Personal service in alternate care living arrangement—Purposes and objectives. [Order 318, § 388-16-300, filed 11/27/68.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-305 Personal service in alternate care—Definition. [Order 933, § 388-16-305, filed 5/15/74; Order 527, § 388-16-305, filed 3/31/71, effective 5/1/71; Order 318, § 388-16-305, filed 11/27/68.] Repealed by Order 1088, filed 1/19/76.
- 388-16-310 Personal service in alternate care—Persons eligible. [Order 933, § 388-16-310, filed 5/15/74; Order 527, § 388-16-310, filed 3/31/71, effective 5/1/71; Order 318, § 388-16-310, filed 11/27/68.] Repealed by Order 1088, filed 1/19/76.
- 388-16-315 Personal service in alternate care—Plan for services and supervision. [Order 933, § 388-16-315, filed 5/15/74; Order 527, § 388-16-315, filed 3/31/71, effective 5/1/71; Order 318, § 388-16-315, filed 11/27/68.] Repealed by Order 1088, filed 1/19/76.
- 388-16-320 Personal service in alternate care living arrangement—Acceptance of plan for person referred by mental hospital. [Order 318, § 388-16-320, filed 11/27/68.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-325 Personal service in alternate care—Services provided. [Order 933, § 388-16-325, filed 5/15/74; Order 527, § 388-16-325, filed 3/31/71, effective 5/1/71; Order 318, § 388-16-325, filed 11/27/68.] Repealed by Order 1088, filed 1/19/76.
- 388-16-330 Personal service in alternate care living arrangement—Standards for administration. [Order 318, § 388-16-330, filed 11/27/68.] Repealed by Order 527, filed 3/31/71, effective 5/1/71.
- 388-16-335 Congregate care—Definition. [Order 965, § 388-16-335, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-336 Congregate care—Eligible persons. [Order 965, § 388-16-336, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-337 Congregate care—Determination of need. [Order 965, § 388-16-337, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-338 Congregate care—Placement in facility. [Order 965, § 388-16-338, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-339 Congregate care—Absence or discharge. [Order 965, § 388-16-339, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-340 Congregate care—Payment—Standards—Procedures. [Order 1017, § 388-16-340, filed 4/14/75; Order 965, § 388-16-340, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-341 Congregate care—Application. [Order 965, § 388-16-341, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-342 Congregate care—Services to be provided by operator. [Order 965, § 388-16-342, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-343 Congregate care—Agreement. [Order 965, § 388-16-343, filed 8/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-400 Adult services—Objectives. [Order 625, § 388-16-400, filed 11/11/71; Order 527, § 388-16-400, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-400, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-402 Adult services—Eligible persons. [Order 933, § 388-16-402, filed 5/15/74; Order 625, § 388-16-402, filed 11/11/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-405 Adult services—Rights of applicant, recipient and beneficiary. [Order 933, § 388-16-405, filed 5/15/74; Order 527, § 388-16-405, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-405, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-410 Adult services—Entry services. [Order 933, § 388-16-410, filed 5/15/74; Order 625, § 388-16-410, filed 11/11/71; Order 527, § 388-16-410, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-410, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-415 Adult services—Ongoing services. [Order 933, § 388-16-415, filed 5/15/74; Order 527, § 388-16-415, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-415, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-425 Chore services for adult without minor child in home—Objective—Definition—Eligible persons. [Order 933, § 388-16-425, filed 5/15/74; Order 601, § 388-16-425, filed 9/8/71.] Repealed by Order 1088, filed 1/19/76. Later promulgation, see WAC 388-16-42501.
- 388-16-42501 Chore services—Objective—Definition—Eligible persons. [Order 1088, § 388-16-425 (codified as WAC 388-16-42501), filed 1/19/76. Formerly WAC 388-16-425.] Repealed by Order 1238, filed 8/31/77.
- 388-16-430 Chore services—Standards for determining need. [Order 1088, § 388-16-430, filed 1/19/76; Order 933, § 388-16-430, filed 5/15/74; Order 601, § 388-16-430, filed 9/8/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-435 Chore services for adult without minor child in home—Standards for payment of cost—FICA tax. [Order 933, § 388-16-435, filed 5/15/74; Order 692, § 388-16-435, filed 6/29/72; Order 649, § 388-16-435, filed 2/9/72; Order 601, § 388-16-435, filed 9/8/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-440 Chore services for adult without minor child in home—Continuing eligibility. [Order 601, § 388-16-440, filed 9/8/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-450 Homemaker service to adults—Purpose and objectives. [Order 933, § 388-16-450, filed 5/15/74; Order 527, § 388-16-450, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-450, filed 10/15/69.] Repealed by Order 1088, filed 1/19/76.
- 388-16-455 Homemaker services—Policies for providing. [Order 1088, § 388-16-455, filed 1/19/76; Order 933, § 388-16-455, filed 5/15/74; Order 527, § 388-16-455, filed 3/31/71, effective 5/1/71; Order 392, § 388-16-455, filed 10/15/69.] Repealed by Order 1238, filed 8/31/77.
- 388-16-460 Homemaker service—Definition and purpose. [Order 1088, § 388-16-460, filed 1/19/76; Order 608, § 388-16-

- 460, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-462 Homemaker services—Payment. [Order 1088, § 388-16-462, filed 1/19/76; Order 608, § 388-16-462, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-464 Homemaker services—Staff. [Order 1088, § 388-16-464, filed 1/19/76; Order 608, § 388-16-464, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-466 Homemaker service for families with children—Conditions and limitations when provided. [Order 608, § 388-16-466, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-470 Adult services—Purchase of service—Sheltered workshop and activity center—Other providers—Purpose. [Order 933, § 388-16-470, filed 5/15/74; Order 589, § 388-16-470, filed 8/18/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-475 Adult services—Persons eligible. [Order 933, § 388-16-475, filed 5/15/74; Order 589, § 388-16-475, filed 8/18/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-480 Adult services—Payment. [Order 933, § 388-16-480, filed 5/15/74; Order 589, § 388-16-480, filed 8/18/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-482 Summer camperships for adults—Definition. [Order 690, § 388-16-482, filed 6/15/72.] Repealed by Order 933, filed 5/15/74.
- 388-16-484 Summer camperships for adults—Persons eligible. [Order 690, § 388-16-484, filed 6/15/72.] Repealed by Order 933, filed 5/15/74.
- 388-16-486 Summer camperships for adults—Selection of individuals. [Order 690, § 388-16-486, filed 6/15/72.] Repealed by Order 933, filed 5/15/74.
- 388-16-488 Summer camperships for adults—Payment conditions. [Order 690, § 388-16-488, filed 6/15/72.] Repealed by Order 933, filed 5/15/74.
- 388-16-490 Services to adult offender—Definitions. [Order 608, § 388-16-490, filed 9/22/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-495 Services to adult offender—Persons eligible. [Order 608, § 388-16-495, filed 9/22/71.] Repealed by Order 1088, filed 1/19/76.
- 388-16-500 Child protective services—Legislative declaration—Duty to provide. [Order 1078, § 388-16-500, filed 12/24/75; Order 608, § 388-16-500, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-505 Child protective services—Definitions. [Order 1078, § 388-16-505, filed 12/24/75; Order 608, § 388-16-505, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-510 Child protective services—Acceptance of reports—Eligibility for services. [Order 1152, § 388-16-510, filed 9/22/76; Order 1078, § 388-16-510, filed 12/24/75; Order 828, § 388-16-510, filed 7/26/73; Order 608, § 388-16-510, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-512 Child protective services—Notification—Substantiation. [Order 1078, § 388-16-512, filed 12/24/75; Order 984, § 388-16-512, filed 11/29/74; Order 828, § 388-16-512, filed 7/26/73.] Repealed by Order 1238, filed 8/31/77.
- 388-16-515 Child abuse—Mandatory reporting—Immunity from civil liability. [Order 1078, § 388-16-515, filed 12/24/75; Order 984, § 388-16-515, filed 11/29/74; Order 608, § 388-16-515, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-520 Child abuse—Information to be reported. [Order 1078, § 388-16-520, filed 12/24/75; Order 608, § 388-16-520, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-525 Central registry—Definition—Duty to maintain. [Order 1075, § 388-16-525, filed 12/17/75; Order 984, § 388-16-525, filed 11/29/74; Order 828, § 388-16-525, filed 7/26/73; Order 693, § 388-16-525, filed 6/29/72; Order 608, § 388-16-525, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-530 Central registry—Purpose. [Order 693, § 388-16-530, filed 6/29/72; Order 608, § 388-16-530, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-535 Central registry—Storage and retrieval of information. [Order 984, § 388-16-535, filed 11/29/74; Order 828, § 388-16-535, filed 7/26/73; Order 693, § 388-16-535, filed 6/29/72; Order 608, § 388-16-535, filed 9/22/71.] Repealed by Order 1238, filed 8/31/77.
- 388-16-540 Central registry—Information—Release—Dissemination—Expungement. [Order 1078, § 388-16-540, filed 12/24/75; Order 984, § 388-16-540, filed 11/29/74; Order 828, § 388-16-540, filed 7/26/73; Order 693, § 388-16-540, filed 6/29/72.] Repealed by Order 1238, filed 8/31/77.
- 388-16-545 Central registry—Eligibility procedures and criteria. [Order 1075, § 388-16-545, filed 12/17/75; Order 984, § 388-16-545, filed 11/29/74.] Repealed by Order 1238, filed 8/31/77.
- 388-16-550 Support enforcement services for child(ren) not receiving public assistance—Statutory basis. [Order 624, § 388-16-550, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-555 Support enforcement services for child(ren) not receiving public assistance—Persons eligible. [Order 624, § 388-16-555, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-560 Support enforcement services for child(ren) not receiving public assistance—Application. [Order 624, § 388-16-560, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-565 Support enforcement services for child(ren) not receiving public assistance—Applicant's assignment of rights. [Order 624, § 388-16-565, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-570 Support enforcement services for child(ren) not receiving public assistance—Fees—Limitations. [Order 624, § 388-16-570, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-575 Support enforcement services for child(ren) not receiving public assistance—Disposition of absent parent payments to custodian of child(ren). [Order 624, § 388-16-575, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-580 Support enforcement services for child(ren) not receiving public assistance—Department's obligation after accepting application. [Order 624, § 388-16-580, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.
- 388-16-585 Support enforcement services for child(ren) not receiving public assistance—Request to terminate service. [Order 624, § 388-16-585, filed 11/11/71.] Repealed by Order 1054, filed 9/25/75.

## Chapter 388-19

## SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

- 388-19-005 Description of WIC program. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-005, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-005, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-050.
- 388-19-015 Authorized foods. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-015, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-015, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-060.
- 388-19-020 Food vendor participation. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-020, filed 6/6/90, effective 7/7/90; 88-18-022 (Order 2681), § 388-19-020, filed 8/30/88; 88-14-037 (Order 2638), § 388-19-020, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-070.
- 388-19-025 Food vendor contracts. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-025, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-025, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-080.
- 388-19-030 Food vendor monitoring. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-030, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-030, filed 6/30/88.] Decodified by 91-01-097 (Order

- 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-090.
- 388-19-035 Food vendor sanctions. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-035, filed 6/6/90, effective 7/7/90; 88-14-037 (Order 2638), § 388-19-035, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-100.
- 388-19-040 Notice of adverse action to WIC food vendor—Denial of food vendor application, contract nonrenewal. [Statutory Authority: RCW 43.20A.550. 88-14-037 (Order 2638), § 388-19-040, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-110.
- 388-19-045 WIC food vendor—Administrative review—Contract dispute resolution. [Statutory Authority: RCW 43.20A.550. 90-12-112 (Order 2960), § 388-19-045, filed 6/6/90, effective 7/7/90; 88-18-022 (Order 2681), § 388-19-045, filed 8/30/88; 88-14-037 (Order 2638), § 388-19-045, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-120.
- 388-19-050 WIC contractor—Continued participation pending contract dispute resolution. [Statutory Authority: RCW 43.20A.550. 88-18-022 (Order 2681), § 388-19-050, filed 8/30/88; 88-14-037 (Order 2638), § 388-19-050, filed 6/30/88.] Decodified by 91-01-097 (Order 3117), filed 12/18/90, effective 1/18/91. Statutory Authority: RCW 43.20A.550. Recodified as WAC 246-790-130.
- Chapter 388-20**  
**EXCEPTION TO RULE**
- 388-20-010 Rules—Applicability. [Statutory Authority: RCW 74.08.090. 83-14-028 (Order 1976), § 388-20-010, filed 6/30/83; Order 773, § 388-20-010, filed 2/16/73; Order 528, § 388-20-010, filed 3/31/71, effective 5/1/71; Order 348, § 388-20-010, filed 5/28/69; Regulation 4.00 (part), filed 12/31/65, effective 2/1/66; Regulation 4.00, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-20-020 Rules—Procedures for exceptions. [Order 773, § 388-20-020, filed 2/16/73; Order 686, § 388-20-020, filed 5/25/72; Order 528, § 388-20-020, filed 3/31/71, effective 5/1/71; Order 348, § 388-20-020, filed 5/28/69; Order 273, § 388-20-020, filed 1/29/68; Regulation 4.00 (part), filed 12/31/65, effective 2/1/66; Regulation 4.00, filed 1/24/64.] Repealed by 83-14-028 (Order 1976), filed 6/30/83. Statutory Authority: RCW 74.08.090.
- Chapter 388-26**  
**AID TO FAMILIES WITH DEPENDENT CHILDREN AND CONTINUING GENERAL ASSISTANCE—ELIGIBILITY—COMMON CONDITIONS**
- 388-26-010 Factors common to two or more programs. [Regulation 7.00, filed 1/24/64.] Repealed by Order 531, filed 3/31/71, effective 5/1/71.
- 388-26-020 Age—Policies and procedures. [Regulation 7.10, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-26-025 Age determination—Specific considerations. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-025, filed 9/17/87; Order 917, § 388-26-025, filed 3/14/74; Order 531, § 388-26-025, filed 3/31/71, effective 5/1/71; Regulation 7.11, filed 7/27/67; Regulation 7.11, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-26-030 Verification methods. [Regulation 7.12, filed 1/24/64.] Repealed by Resolution 217, filed 7/27/67.
- 388-26-035 Documentary evidence. [Regulation 7.13, filed 1/24/64.] Repealed by Resolution 217, filed 7/27/67.
- 388-26-040 Age determination—Affidavit. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-040, filed 9/17/87; Order 917, § 388-26-040, filed 3/14/74; Order 531, § 388-26-040, filed 3/31/71, effective 5/1/71; Regulation 7.14, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-26-050 Residence. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-050, filed 9/17/87; Order 531, § 388-26-050, filed 3/31/71, effective 5/1/71; Order 366, § 388-26-050, filed 7/9/69; Regulation 7.20, filed 6/30/67; Regulation 7.20, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-26-055 Residence—Establishing. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-055, filed 9/17/87; 81-09-043 (Order 1636), § 388-26-055, filed 4/15/81; 80-03-052 (Order 1490), § 388-26-055, filed 2/22/80; Order 531, § 388-26-055, filed 3/31/71, effective 5/1/71; Order 513, § 388-26-055, filed 1/15/71; Order 366, § 388-26-055, filed 7/9/69; Regulation 7.21, filed 6/30/67; Regulation 7.21, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-26-060 Residence—Maintaining. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-060, filed 9/17/87; Order 1241, § 388-26-060, filed 9/23/77; Order 531, § 388-26-060, filed 3/31/71, effective 5/1/71; Order 366, § 388-26-060, filed 7/9/69; Regulation 7.22, filed 6/30/67; Regulation 7.22, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-26-065 Residence—Applicant living in another state. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-065, filed 9/17/87; Order 531, § 388-26-065, filed 3/31/71, effective 5/1/71; Order 489, § 388-26-065, filed 10/30/70, effective 12/1/70; Order 366, § 388-26-065, filed 7/9/69; Regulation 7.23, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-26-070 Residence—Applicant receiving assistance from another state. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-070, filed 9/17/87; Order 976, § 388-26-070, filed 10/28/74; Order 917, § 388-26-070, filed 3/14/74; Order 531, § 388-26-070, filed 3/31/71, effective 5/1/71; Order 366, § 388-26-070, filed 7/9/69; Regulation 7.24, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-26-080 Residence—Of children. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-080, filed 9/17/87; Order 531, § 388-26-080, filed 3/31/71, effective 5/1/71; Order 366, § 388-26-080, filed 7/9/69; Regulation 7.251, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-26-085 Residence of women. [Regulation 7.252, filed 1/24/64.] Repealed by Order 366, filed 7/9/69.
- 388-26-090 Residence of Indians. [Regulation 7.253, filed 1/24/64.] Repealed by Order 366, filed 7/9/69.
- 388-26-095 Residence of inmate or patient in Washington state institution. [Order 248, § 388-26-095, filed 11/1/67; Regulation 7.254, filed 1/24/64.] Repealed by Order 366, filed 7/9/69.
- 388-26-100 Servicemen and their dependents. [Regulation 7.255, filed 1/24/64.] Repealed by Order 366, filed 7/9/69.
- 388-26-105 Residence—Authorizing return of Washington resident. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-105, filed 9/17/87; Order 531, § 388-26-105, filed 3/31/71, effective 5/1/71; Order 366, § 388-26-105, filed 7/9/69; Regulation 7.26, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-26-110 Residence requirements of other states. [Regulation 7.27, filed 1/24/64.] Repealed by Order 366, filed 7/9/69.
- 388-26-115 Residence—Verification. [Order 531, § 388-26-115, filed 3/31/71, effective 5/1/71; Order 366, § 388-26-115, filed 7/9/69; Regulation 7.28, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

- 388-26-120 Citizenship and alienage. [Statutory Authority: RCW 74.08.090. 87-19-094 (Order 2542), § 388-26-120, filed 9/17/87; 84-15-006 (Order 2119), § 388-26-120, filed 7/6/84; 82-23-060 (Order 1908), § 388-26-120, filed 11/17/82; Order 942, § 388-26-120, filed 6/26/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-26-122 Citizenship and alienage—Verification of citizenship. [Order 942, § 388-26-122, filed 6/26/74.] Repealed by Order 1241, filed 9/23/77.
- 388-26-124 Citizenship and alienage—Verification of lawful admission for permanent residence in United States. [Order 942, § 388-26-124, filed 6/26/74.] Repealed by Order 1241, filed 9/23/77.
- 388-26-126 Citizenship and alienage—Verification of permanent residence in United States under color of law. [Order 942, § 388-26-126, filed 6/26/74.] Repealed by Order 1241, filed 9/23/77.
- 388-26-128 Citizenship and alienage—Probative value. [Order 942, § 388-26-128, filed 6/26/74.] Repealed by Order 1241, filed 9/23/77.
- 388-26-130 Concurrent eligibility—Policies. [No history, a caption section only.] Repealed by Order 531, filed 3/31/71, effective 5/1/71.
- 388-26-135 Concurrent eligibility—Federal aid programs. [Order 531, § 388-26-135, filed 3/31/71, effective 5/1/71; Regulation 7.31, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-26-140 Concurrent eligibility—Federal aid and general assistance. [Order 531, § 388-26-140, filed 3/31/71, effective 5/1/71; Regulation 7.32, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-26-145 Citizenship and alienage—Program preferences. [Order 910, § 388-26-145, filed 3/1/74; Order 606, § 388-26-145, filed 9/22/71; Order 531, § 388-26-145, filed 3/31/71, effective 5/1/71; Regulation 7.33, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-26-149 Property transfer. [Order 1241, § 388-26-149, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-26-200 Transfer of property. [Order 531, § 388-26-200, filed 3/31/71, effective 5/1/71; Regulation 7.50, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-205 Transfer of property—Definitions. [Order 531, § 388-26-205, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-205, filed 5/26/70, effective 7/1/70; Regulation 7.51, filed 12/21/64, effective 2/1/65; Regulation 7.51, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-210 Transfer of property—With intent to qualify for public assistance. [Order 531, § 388-26-210, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-210, filed 5/26/70, effective 7/1/70; Regulation 7.52, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-215 Transfer of property—Transfer within two years prior to application. [Order 531, § 388-26-215, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-215, filed 5/26/70, effective 7/1/70; Regulation 7.53, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-220 Transfer of property—Adequate consideration. [Order 531, § 388-26-220, filed 3/31/71, effective 5/1/71; Regulation 7.54, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-225 Transfer of property—Exceptions. [Order 531, § 388-26-225, filed 3/31/71, effective 5/1/71; Regulation 7.55, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-230 Transfer of property—Adjustment in period of ineligibility. [Order 531, § 388-26-230, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-230, filed 5/26/70, effective 7/1/70; Regulation 7.56, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-235 Transfer of property—Assistance during period of ineligibility. [Order 531, § 388-26-235, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-235, filed 5/26/70, effective 7/1/70; Regulation 7.57, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-245 Transfer of property—Life estate, release, assignment—Adequate consideration. [Order 531, § 388-26-245, filed 3/31/71, effective 5/1/71; Order 458, § 388-26-245, filed 5/26/70, effective 7/1/70; Order 256, § 388-26-245, filed 11/8/67; Regulation 7.58, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-26-250 State insurance commissioner's table for determining valuation of present worth of life and term estates or annuities. [Order 531, § 388-26-250, filed 3/31/71, effective 5/1/71; Order 256, § 388-26-250, filed 11/8/67; Regulation 7.581, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

## Chapter 388-28

## AID TO FAMILIES WITH DEPENDENT CHILDREN AND CONTINUING GENERAL ASSISTANCE—ELIGIBILITY NEED

- 388-28-005 Financial need—Rules and procedures. [Statutory Authority: RCW 74.08.090. 83-04-033 (Order 1940), § 388-28-005, filed 1/28/83, effective 3/1/83; Order 1241, § 388-28-005, filed 9/23/77; Order 561, § 388-28-005, filed 5/5/71; Regulation 8.00, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-010 Standards for requirements—Person in own home. [Order 561, § 388-28-010, filed 5/5/71; Order 521, § 388-28-010, filed 3/2/71; Order 442, § 388-28-010, filed 4/15/70; Regulation 8.11, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-020 Standards for requirements—Family relationships. [Order 963, § 388-28-020, filed 8/19/74; Order 917, § 388-28-020, filed 3/14/74; Order 742, § 388-28-020, filed 11/22/72; Order 650, § 388-28-020, filed 2/9/72; Order 561, § 388-28-020, filed 5/5/71; Order 521, § 388-28-020, filed 3/2/71; Order 442, § 388-28-020, filed 4/15/70; Regulation 8.12, filed 6/14/66; Regulation 8.12, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-025 Standards for requirements—Limitations on requirements. [Order 917, § 388-28-025, filed 3/14/74; Regulation 8.13, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-030 Assistance unit—Supplemental security income beneficiary excluded. [Order 943, § 388-28-030, filed 6/28/74.] Repealed by Order 1241, filed 9/23/77.
- 388-28-035 Assistance units—Aid to blind, old age assistance and disability assistance. [Emergency Order 613, § 388-28-035, filed 10/1/71; Order 604, § 388-28-035, filed 9/22/71; Order 292, § 388-28-035, filed 6/12/68; Emergency Order 289, filed 5/1/68; Regulation 8.141, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-28-040 Assistance units—Aid to families with dependent children. [Order 823, § 388-28-040, filed 7/26/73; Emergency Order 613, § 388-28-040, filed 10/1/71; Order 604, § 388-28-040, filed 9/22/71; Order 292, § 388-28-040, filed 6/12/68; Emergency Order 289, filed 5/1/68; Regulation 8.142, filed 8/29/66; Regulation 8.142, filed 6/14/66, 1/24/64.] Repealed by Order 978, filed 10/28/74.
- 388-28-045 Assistant units—Disability assistance. [Order 292, § 388-28-045, filed 6/12/68; Emergency Order 289, filed 5/1/68; Regulation 8.143, filed 1/24/64.] Repealed by Order 604, filed 9/22/71.
- 388-28-050 Assistance units—Continuing general assistance. [Order 650, § 388-28-050, filed 2/9/72; Order 619, § 388-28-050, filed 10/27/71; Order 345, § 388-28-050, filed 4/16/69; Order 292, § 388-28-050, filed 6/12/68; Emergency Order 289, filed 5/1/68; Regulation 8.144, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-28-055 Assistance units—Housekeeper. [Order 917, § 388-28-055, filed 3/14/74; Order 650, § 388-28-055, filed 2/9/72; Regulation 8.145, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-060 Assistance units—Computing and allocating basic requirements of person in own home. [Order 345, § 388-28-060, filed 4/16/69; Regulation 8.15, filed 7/13/65; Regulation 8.15, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.

- 388-28-065 Assistance units—Food, clothing, personal maintenance and necessary incidentals. [Order 345, § 388-28-065, filed 4/16/69; Regulation 8.151, filed 3/31/66; Regulation 8.151, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-070 Assistance units—Shelter. [Order 345, § 388-28-070, filed 4/16/69; Regulation 8.152, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-075 Assistance units—Household maintenance. [Order 345, § 388-28-075, filed 4/16/69; Order 292, § 388-28-075, filed 6/12/68; Emergency Order 289, filed 5/1/68; Regulation 8.153, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-080 Monthly cost of basic requirements—Maximums—Person in own home—Person in medical institution. [Order 1131, § 388-28-080, filed 7/8/76; Order 963, § 388-28-080, filed 8/19/74; Order 902, § 388-28-080, filed 1/29/74; Order 650, § 388-28-080, filed 2/9/72; Order 561, § 388-28-080, filed 5/5/71; Order 521, § 388-28-080, filed 3/2/71; Regulation 8.20, filed 7/27/67; Regulation 8.20, filed 8/29/66, 3/31/66, 12/31/65, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-085 Monthly cost of basic requirements as adjusted for maximum grant limitations—Food. [Order 561, § 388-28-085, filed 5/5/71; Order 521, § 388-28-085, filed 3/2/71; Order 375, § 388-28-085, filed 8/7/69; Regulation 8.21, filed 7/27/67; Regulation 8.21, filed 2/23/67, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-090 Monthly cost of basic requirements as adjusted for maximum grant limitations—Clothing. [Order 561, § 388-28-090, filed 5/5/71; Order 521, § 388-28-090, filed 3/2/71; Order 375, § 388-28-090, filed 8/7/69; Regulation 8.22, filed 7/27/67; Regulation 8.22, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-095 Monthly cost of basic requirements as adjusted for maximum grant limitations—Personal maintenance and necessary incidentals. [Order 561, § 388-28-095, filed 5/5/71; Order 521, § 388-28-095, filed 3/2/71; Order 375, § 388-28-095, filed 8/7/69; Regulation 8.23, filed 7/27/67; Regulation 8.23, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-098 Increases in monthly standards for basic requirements. [Order 927, § 388-28-098, filed 4/15/74.] Repealed by Order 963, filed 8/19/74. This section was repealed before publication in WAC.
- 388-28-100 Monthly standards for basic requirements—AFDC and continuing general assistance. [Order 1234, § 388-28-100, filed 8/31/77; Order 1145, § 388-28-100, filed 8/26/76; Order 1101, § 388-28-100, filed 2/25/76; Order 1040, § 388-28-100, filed 8/7/75; Order 993, § 388-28-100, filed 12/31/74; Order 963, § 388-28-100, filed 8/19/74 (§ 388-28-100 was repealed by Order 930, filed 4/25/74 and filed as amended by subsequent orders); Order 902, § 388-28-100, filed 1/29/74; Order 823, § 388-28-100, filed 7/26/73; Order 744, § 388-28-100, filed 11/30/72; Order 724, § 388-28-100, filed 10/12/72; Order 650, § 388-28-100, filed 2/9/72.] Repealed by Order 1241, filed 9/23/77.
- 388-28-105 Increases in monthly standards for basic requirements—Shelter. [Order 561, § 388-28-105, filed 5/5/71; Order 521, § 388-28-105, filed 3/2/71; Order 375, § 388-28-105, filed 8/7/69; Regulation 8.241, filed 7/27/67; Regulation 8.241, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-110 Monthly cost of basic requirements—Home ownership. [Order 375, § 388-28-110, filed 8/7/69; Regulation 8.242, filed 7/27/67; Regulation 8.242, filed 2/23/67, 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-115 Monthly cost of basic requirements as adjusted for maximum grant limitations—Supplied shelter. [Order 521, § 388-28-115, filed 3/2/71; Regulation 8.243, filed 1/24/64.] Repealed by Order 604, filed 9/22/71.
- 388-28-125 Monthly cost of basic requirements as adjusted for maximum grant limitations—Household maintenance—Utilities—Household supplies. [Order 521, § 388-28-125, filed 3/2/71; Order 375, § 388-28-125, filed 8/7/69; Regulation 8.251, filed 7/27/67; Regulation 8.251, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-130 Fuel for space heating. [Order 521, § 388-28-130, filed 3/2/71; Order 375, § 388-28-130, filed 8/7/69; Regulation 8.252, filed 7/27/67; Regulation 8.252, filed 2/23/67, 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-133 Maximums to monthly standards for basic requirements. [Order 1234, § 388-28-133, filed 8/31/77; Order 1145, § 388-28-133, filed 8/26/76; Order 1040, § 388-28-133, filed 8/7/75; Order 963, § 388-28-133, filed 8/19/74; Order 927, § 388-28-133, filed 4/15/74; Order 902, § 388-28-133, filed 1/29/74; Order 823, § 388-28-133, filed 7/26/73; Order 721, § 388-28-133, filed 9/28/72; Order 650, § 388-28-133, filed 2/9/72; Order 561, § 388-28-133, filed 5/5/71.] Repealed by Order 1241, filed 9/23/77.
- 388-28-134 Additional monthly allowance for noninstitutionalized adult recipient of continuing general assistance. [Order 1052, § 388-28-134, filed 10/9/75; Order 917, § 388-28-134, filed 3/14/74; Order 823, § 388-28-134, filed 7/26/73; Order 721, § 388-28-134, filed 9/28/72.] Repealed by Order 1234, filed 8/31/77.
- 388-28-135 Standards for requirements—Transportation—Old age and aid to blind assistance only. [Order 442, § 388-28-135, filed 4/15/70; Order 375, § 388-28-135, filed 8/7/69; Regulation 8.26, filed 7/27/67, 2/23/67, 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-136 Cost standards for requirements—Person in medical institution. [Order 1145, § 388-28-136, filed 8/26/76; Order 1052, § 388-28-136, filed 9/10/75; Order 1017, § 388-28-136, filed 4/14/75.] Repealed by Order 1241, filed 9/23/77.
- 388-28-137 Cost standards for requirements—Person in congregate care facility. [Order 1234, § 388-28-137, filed 8/31/77; Order 1145, § 388-28-137, filed 8/26/76; Order 1076, § 388-28-137, filed 12/17/75; Order 1052, § 388-28-137, filed 9/10/75; Order 1017, § 388-28-137, filed 4/14/75.] Repealed by Order 1241, filed 9/23/77.
- 388-28-138 Cost standards for requirements—Maternity home care. [Order 1234, § 388-28-138, filed 8/31/77; Order 1116, § 388-28-138, filed 4/28/76.] Repealed by Order 1241, filed 9/23/77.
- 388-28-140 Monthly standards for basic requirements—AFDC—Child living with relative not in need. [Order 1234, § 388-28-140, filed 8/31/77; Order 1145, § 388-28-140, filed 8/26/76; Order 1052, § 388-28-140, filed 9/10/75; Order 1007, § 388-28-140, filed 2/13/75; Order 976, § 388-28-140, filed 10/28/74; Order 902, § 388-28-140, filed 1/29/74; Order 823, § 388-28-140, filed 7/26/73; Order 650, § 388-28-140, filed 2/9/72; Order 375, § 388-28-140, filed 8/7/69; Order 346, § 388-28-140, filed 4/16/69; Regulation 8.27, filed 7/27/67; Regulation 8.27, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-142 Monthly standards for basic requirements—AFDC—Child in need of specialized education or training. [Order 1234, § 388-28-142, filed 8/31/77; Order 1052, § 388-28-142, filed 9/10/75; Order 823, § 388-28-142, filed 7/26/73; Order 650, § 388-28-142, filed 2/9/72; Order 561, § 388-28-142, filed 5/5/71; Order 521, § 388-28-142, filed 3/2/71; Order 346, § 388-28-142, filed 4/16/69.] Repealed by Order 1241, filed 9/23/77.
- 388-28-150 Standards for additional requirements under specified circumstances. [Order 1176, § 388-28-150, filed 12/23/76; Order 650, § 388-28-150, filed 2/9/72; Regulation 8.30, filed 7/27/67; Regulation 8.30, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-155 Standards for additional requirements under specified circumstances—Child care expenses for employed person. [Order 1236, § 388-28-155, filed 8/31/77.] Repealed by 78-06-086 (Order 1303), filed 6/2/78. Statutory Authority: RCW 74.04.510 and 74.08.090.
- 388-28-160 Standards for additional requirements under specified circumstances—Board. [Order 823, § 388-28-160, filed 7/26/73; Order 650, § 388-28-160, filed 2/9/72; Order 521, § 388-28-160, filed 3/2/71; Order 375, § 388-28-160, filed 8/7/69; Regulation 8.311, filed 7/27/67; Regulation 8.311,

- filed 2/23/67, 1/24/64.] Repealed by Order 1052, filed 9/10/75.
- 388-28-165 Standards for additional requirements under specified circumstances—Restaurant meals. [Order 1234, § 388-28-165, filed 8/31/77; Order 1145, § 388-28-165, filed 8/26/76; Order 1052, § 388-28-165, filed 9/10/75; Order 823, § 388-28-165, filed 7/26/73; Order 650, § 388-28-165, filed 2/9/72; Order 521, § 388-28-165, filed 3/2/71; Order 375, § 388-28-165, filed 8/7/69; Regulation 8.312, filed 7/27/67; Regulation 8.312, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-170 Standards for additional requirements under specified circumstances—Daily restaurant meals. [Order 1234, § 388-28-170, filed 8/31/77; Order 1145, § 388-28-170, filed 8/26/76; Order 1052, § 388-28-170, filed 9/10/75; Order 902, § 388-28-170, filed 1/29/74; Order 823, § 388-28-170, filed 7/26/73; Order 650, § 388-28-170, filed 2/9/72; Order 375, § 388-28-170, filed 8/7/69; Regulation 8.313, filed 7/27/67; Regulation 8.313, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-180 Standards for additional requirements under specified circumstances—Home delivered meals (meals-on-wheels). [Order 650, § 388-28-180, filed 2/9/72; Regulation 8.315, filed 7/27/67; Regulation 8.315, filed 12/21/64, effective 2/1/65.] Repealed by Order 1241, filed 9/23/77.
- 388-28-185 Standards for additional requirements under specified circumstances—Personal and household service in own home—Adult without minor children in household. [Order 393, § 388-28-185, filed 10/15/69; Regulation 8.32, filed 12/21/64, effective 2/1/65; Regulation 8.32, filed 1/24/64.] Repealed by Order 601, filed 9/8/71.
- 388-28-190 Standards for additional requirements under specified circumstances—Determination of need for service. [Order 393, § 388-28-190, filed 10/15/69; Regulation 8.321, filed 3/21/67; Regulation 8.321, filed 12/21/64.] Repealed by Order 601, filed 9/8/71.
- 388-28-195 Standards for additional requirements under specified circumstances—Cost standard. [Order 393, § 388-28-195, filed 10/15/69; Regulation 8.322, filed 3/21/67; Regulation 8.322, filed 12/24/64, effective 2/1/65.] Repealed by Order 601, filed 9/8/71.
- 388-28-200 Monthly cost of basic requirements as adjusted for maximum grant limitations—Computation of payment for personal and household services in kind. [Order 561, § 388-28-200, filed 5/5/71; Order 521, § 388-28-200, filed 3/2/71; Regulation 8.323, filed 12/21/64, effective 2/1/65.] Repealed by Order 601, filed 9/8/71.
- 388-28-205 Standards for additional requirements under specified circumstances—Old age and survivors insurance tax. [Regulation 8.324, filed 12/21/64, effective 2/1/65.] Repealed by Order 601, filed 9/8/71.
- 388-28-210 Standards for additional requirements under specified circumstances—Personal and household service in own home for adult without minor children in household—Continuing eligibility for services. [Order 403, § 388-28-210, filed 11/24/69; Order 375, § 388-28-210, filed 8/7/69; Regulation 8.325, filed 7/27/67; Regulation 8.325, filed 12/24/64, effective 2/1/65.] Repealed by Order 601, filed 9/8/71.
- 388-28-220 Standards for additional requirements under specified circumstances—Transportation to state of legal residence. [Order 969, § 388-28-220, filed 9/13/74; Order 650, § 388-28-220, filed 2/9/72; Regulation 8.33, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-225 Standards for additional requirements under specified circumstances—Food for guide dog. [Order 1234, § 388-28-225, filed 8/31/77; Order 1145, § 388-28-225, filed 8/26/76; Order 1052, § 388-28-225, filed 9/10/75; Order 902, § 388-28-225, filed 1/29/74; Order 823, § 388-28-225, filed 7/26/73; Order 650, § 388-28-225, filed 2/9/72; Order 375, § 388-28-225, filed 8/7/69; Order 268, § 388-28-225, filed 12/5/67; Regulation 8.34, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-230 Standards for additional requirements under specified circumstances—Telephone. [Order 650, § 388-28-230, filed 2/9/72; Regulation 8.35, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-235 Standards for additional requirements under specified circumstances—Laundry. [Order 1234, § 388-28-235, filed 8/31/77; Order 1145, § 388-28-235, filed 8/26/76; Order 1052, § 388-28-235, filed 9/10/75; Order 823, § 388-28-235, filed 7/26/73; Order 650, § 388-28-235, filed 2/9/72; Order 268, § 388-28-235, filed 12/5/67; Regulation 8.36, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-245 Standards for additional requirements under specified circumstances—Housekeeping service in household with minor children. [Order 650, § 388-28-245, filed 2/9/72; Order 375, § 388-28-245, filed 8/7/69; Order 268, § 388-28-245, filed 12/5/67; Regulation 8.38, filed 12/21/64, effective 2/1/65; Regulation 8.38, filed 1/24/64.] Repealed by Order 1088, filed 1/19/76.
- 388-28-250 Standards for additional requirements under specified circumstances—Cost of participating in supplemental medical insurance benefits (SMIB) under Title XVIII-B of the Social Security Act. [Emergency Order 290, § 388-28-250, filed 5/1/68; Regulation 8.39, filed 8/29/66.] Repealed by Order 292, filed 6/12/68.
- 388-28-251 Winterizing homes. [Order 1045, § 388-28-251, filed 8/14/75.] Repealed by Order 1241, filed 9/23/77.
- 388-28-260 Requirements of person in boarding home—Continuing general assistance. [Order 1234, § 388-28-260, filed 8/31/77; Order 1145, § 388-28-260, filed 8/26/76; Order 1052, § 388-28-260, filed 9/10/75; Order 902, § 388-28-260, filed 1/29/74; Order 823, § 388-28-260, filed 7/26/73; Order 731, § 388-28-260, filed 10/27/72; Order 650, § 388-28-260, filed 2/9/72; Order 521, § 388-28-260, filed 3/2/71; Order 375, § 388-28-260, filed 8/7/69; Regulation 8.411, filed 7/27/67; Regulation 8.411, filed 2/23/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-270 Requirements of person in boarding home—Clothing—Aid to blind, disability assistance, old age assistance, general assistance-unemployable. [Order 521, § 388-28-270, filed 3/2/71; Regulation 8.412, filed 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-275 Requirements of person in boarding home—Personal maintenance and necessary incidentals—Aid to blind, disability assistance, old age assistance, general assistance-unemployable. [Order 521, § 388-28-275, filed 3/2/71; Regulation 8.413, filed 1/24/64.] Repealed by Order 650, filed 2/9/72.
- 388-28-280 Requirements of person with other living arrangements—Transportation. [Regulation 8.414, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-285 Requirements of person in boarding home—Additional requirements. [Order 917, § 388-28-285, filed 3/14/74; Order 375, § 388-28-285, filed 8/7/69; Regulation 8.415, filed 7/27/67; Regulation 8.415, filed 8/29/66, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-290 Requirements of person with other living arrangement—Institutional living arrangement. [Order 375, § 388-28-290, filed 8/7/69; Regulation 8.42, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-28-292 Adult family home—Care defined. [Order 455, § 388-28-292, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
- 388-28-293 Adult family home—Determination of need for care and placement. [Order 455, § 388-28-293, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
- 388-28-294 Adult family home care—Cost standards. [Order 1234, § 388-28-294, filed 8/31/77; Order 1145, § 388-28-294, filed 8/26/76; Order 1052, § 388-28-294, filed 9/10/75; Order 963, § 388-28-294, filed 8/19/74; Order 902, § 388-28-294, filed 1/29/74; Order 823, § 388-28-294, filed 7/26/73; Order 731, § 388-28-294, filed 10/27/72; Order 650, § 388-28-294, filed 2/9/72; Order 552, § 388-28-294, filed 4/1/71; Order 455, § 388-28-294, filed 5/18/70.] Repealed by Order 1241, filed 9/23/77.
- 388-28-295 Adult family home—Standards for payment approval. [Order 455, § 388-28-295, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.



- 388-28-296 Adult family home—Standards for home and sponsor. [Order 455, § 388-28-296, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
- 388-28-297 Adult family home—Services to be provided. [Order 455, § 388-28-297, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
- 388-28-298 Adult family home—Application for approval for payment—Home study. [Order 635, § 388-28-298, filed 1/13/72; Order 455, § 388-28-298, filed 5/18/70.] Repealed by Order 813, filed 6/28/73.
- 388-28-300 Property rights and entitlements. [Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-300, filed 8/30/85; Order 1241, § 388-28-300, filed 9/23/77; Order 445, § 388-28-300, filed 4/28/70; Regulation 8.50, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-305 Property rights and entitlements—Rights inherent in relationship. [Order 942, § 388-28-305, filed 6/26/74; Order 703, § 388-28-305, filed 8/11/72; Order 445, § 388-28-305, filed 4/28/70; Regulation 8.51, filed 1/24/64.] Repealed by Order 1054, filed 9/25/75.
- 388-28-315 Property rights and entitlements—Support for dependent children—Parents' responsibility. [Order 942, § 388-28-315, filed 6/26/74; Order 703, § 388-28-315, filed 8/11/72; Order 619, § 388-28-315, filed 10/27/71; Order 481, § 388-28-315, filed 9/29/70, effective 11/1/70; Regulation 8.521, filed 1/24/64.] Repealed by Order 1054, filed 9/25/75.
- 388-28-320 Property rights and entitlements—Absent parent's responsibility—Liability—Recovery. [Order 942, § 388-28-320, filed 6/26/74; Order 703, § 388-28-320, filed 8/11/72; Order 481, § 388-28-320, filed 9/29/70, effective 11/1/70; Regulation 8.522, filed 1/24/64.] Repealed by Order 1054, filed 9/25/75.
- 388-28-323 Property rights and entitlements—Applicant or recipient responsibility. [Order 942, § 388-28-323, filed 6/26/74; Order 703, § 388-28-323, filed 8/11/72; Order 616, § 388-28-323, filed 10/13/71; Order 481, § 388-28-323, filed 9/29/70, effective 11/1/70.] Repealed by Order 1054, filed 9/25/75.
- 388-28-325 Support for dependent children—Obtaining support from absent parent. [Regulation 8.523, filed 1/24/64.] Repealed by Order 481, filed 9/29/70, effective 11/1/70.
- 388-28-330 Support enforcement services. [Regulation 8.524, filed 1/24/64.] Repealed by Order 481, filed 9/29/70, effective 11/1/70.
- 388-28-335 Support enforcement services—Budgeting payments. [Order 274, § 388-28-335, filed 1/29/68; Emergency Order 272, § 388-28-335, filed 12/29/67; Regulation 8.525, filed 1/24/64.] Repealed by Order 481, filed 9/29/70, effective 11/1/70.
- 388-28-337 Property rights and entitlements—Full grant plan. [Order 942, § 388-28-337, filed 6/26/74; Order 703, § 388-28-337, filed 8/11/72; Order 616, § 388-28-337, filed 10/13/71; Order 481, § 388-28-337, filed 9/29/70, effective 11/1/70; Order 274, § 388-28-337, filed 1/29/68; Emergency Order 272, § 388-28-337, filed 12/29/67.] Repealed by Order 1054, filed 9/25/75.
- 388-28-338 Support for dependent children—Optional support plans. [Order 616, § 388-28-338, filed 10/13/71; Order 481, § 388-28-338, filed 9/29/70, effective 11/1/70.] Repealed by Order 703, filed 8/11/72.
- 388-28-340 Property rights and entitlement—Establishment of paternity of illegitimate child. [Order 942, § 388-28-340, filed 6/26/74; Order 703, § 388-28-340, filed 8/11/72; Order 664, § 388-28-340, filed 3/23/72; Order 616, § 388-28-340, filed 10/13/71; Order 481, § 388-28-340, filed 9/29/70, effective 11/1/70; Regulation 8.526, filed 1/24/64.] Repealed by Order 1054, filed 9/25/75.
- 388-28-343 Confidentiality. [Order 942, § 388-28-343, filed 6/26/74.] Repealed by Order 1054, filed 9/25/75.
- 388-28-345 Confidentiality—Procedures affecting abandoned child. [Order 889, § 388-28-345, filed 12/27/73; Order 703, § 388-28-345, filed 8/11/72; Order 481, § 388-28-345, filed 9/29/70, effective 11/1/70; Regulation 8.527, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-28-350 Confidentiality—Stepparent responsibility. [Order 1132, § 388-28-350, filed 7/8/76; Order 481, § 388-28-350, filed 9/29/70, effective 11/1/70; Regulation 8.53, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-355 Nonrelated adult in household. [Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-355, filed 8/30/85; 83-04-033 (Order 1940), § 388-28-355, filed 1/28/83, effective 3/1/83; 78-10-036 (Order 1338), § 388-28-355, filed 9/18/78; Order 1018, § 388-28-355, filed 4/23/75; Order 786, § 388-28-355, filed 4/12/73; Order 650, § 388-28-355, filed 2/9/72; Order 481, § 388-28-355, filed 9/29/70, effective 11/1/70; Order 445, § 388-28-355, filed 4/28/70; Regulation 8.54, filed 6/14/66; Regulation 8.54, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-360 Community, separate and jointly owned property—Community property. [Regulation 8.551, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-365 Community, separate and jointly owned property—Separate property. [Statutory Authority: RCW 74.08.090. 88-19-029 (Order 2691), § 388-28-365, filed 9/12/88; Regulation 8.552, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-370 Community, separate and jointly owned property—Further considerations for determining property of husband and wife. [Statutory Authority: RCW 74.08.090. 88-19-029 (Order 2691), § 388-28-370, filed 9/12/88; Regulation 8.553, filed 1/24/64.] Repealed by 94-04-043 (Order 3696) and 94-10-065 (Order 3732), filed 1/27/94 and 5/3/94, effective 2/27/94 and 6/3/94. Statutory Authority: RCW 74.08.335 and 7.08.090.
- 388-28-380 Community, separate and jointly owned property—Property jointly owned (not community). [Regulation 8.554, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-385 Community, separate and jointly owned property—Property ownership—Verification. [Regulation 8.56, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-390 Entitlements. [Statutory Authority: RCW 74.08.090 and 45 CFR 233.20 (a)(3)(ii)(D). 94-08-015 (Order 3726), § 388-28-390, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.08.090. 89-07-038 (Order 2774), § 388-28-390, filed 3/10/89; Order 917, § 388-28-390, filed 3/14/74; Regulation 8.57, filed 2/3/67; Regulation 8.57, filed 12/31/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-392 Community, separate, and jointly owned property—Time-loss compensation—Lien. [Statutory Authority: RCW 74.08.090. 93-04-028 (Order 3503), § 388-28-392, filed 1/27/93, effective 2/27/93; 91-02-070 (Order 3111), § 388-28-392, filed 12/28/90, effective 1/28/91; 85-18-066 (Order 2280), § 388-28-392, filed 9/4/85; 82-12-066 (Order 1818), § 388-28-392, filed 6/2/82; Order 842, § 388-28-392, filed 8/9/73.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-395 Community, separate and jointly owned property—Premium for supplementary medical insurance—Title XVIII, Part B. [Order 292, § 388-28-395, filed 6/12/68; Emergency Order 289, filed 5/1/68; Regulation 8.571, filed 12/31/65, effective 7/1/66.] Repealed by Order 917, filed 3/14/74.
- 388-28-400 Effect of resources on financial need—Summary of basic policies. [Statutory Authority: RCW 74.08.090. 84-07-019 (Order 2087), § 388-28-400, filed 3/14/84; 83-04-033 (Order 1940), § 388-28-400, filed 1/28/83, effective

- 3/1/83; Order 1096, § 388-28-400, filed 2/13/76; Regulation 8.61, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-410 Effect of resources on financial need—Exempt and nonexempt resources. [Statutory Authority: RCW 74.08.090. 84-07-019 (Order 2087), § 388-28-410, filed 3/14/84; 80-14-061 (Order 1547), § 388-28-410, filed 10/1/80; Regulation 8.62, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-415 Effect of resources on financial need—Exempt resources. [Statutory Authority: RCW 74.08.090. 84-07-019 (Order 2087), § 388-28-415, filed 3/14/84; 83-04-033 (Order 1940), § 388-28-415, filed 1/28/83, effective 3/1/83; Regulation 8.63, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-420 Effect of resources on financial need—Real property—Home. [Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-420, filed 8/30/85; 84-07-019 (Order 2087), § 388-28-420, filed 3/14/84; 80-14-061 (Order 1547), § 388-28-420, filed 10/1/80; Order 373, § 388-28-420, filed 8/1/69; Regulation 8.631, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-425 Effect of resources on financial need—Real property other than home—All programs. [Statutory Authority: RCW 74.04.057. 93-12-056 (Order 3562), § 388-28-425, filed 5/27/93, effective 7/1/93. Statutory Authority: RCW 74.08.090. 88-19-029 (Order 2691), § 388-28-425, filed 9/12/88; 85-18-042 (Order 2276), § 388-28-425, filed 8/30/85.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-430 Effect of resources on financial need—Personal property exemptions—Ceiling values—General assistance. [Statutory Authority: RCW 74.08.090. 84-07-019 (Order 2087), § 388-28-430, filed 3/14/84; 82-14-049 (Order 1840), § 388-28-430, filed 6/30/82; 82-09-034 (Order 1792), § 388-28-430, filed 4/14/82; 82-01-009 (Order 1728), § 388-28-430, filed 12/4/81; 81-12-036 (Order 1659), § 388-28-430, filed 6/2/81; 80-14-061 (Order 1547), § 388-28-430, filed 10/1/80; 79-04-013 (Order 1369), § 388-28-430, filed 3/15/79; 78-04-036 (Order 1282), § 388-28-430, filed 3/20/78; Order 1241, § 388-28-430, filed 9/23/77; Order 1106, § 388-28-430, filed 3/11/76; Order 891, § 388-28-430, filed 12/27/73; Order 373, § 388-28-430, filed 8/1/69; Order 295, § 388-28-430, filed 8/5/68; Regulation 8.632, filed 8/10/67; Regulation 8.632, filed 7/13/65; 12/21/64, effective 2/1/65; 6/17/64, effective 8/1/64, 1/24/64.] Repealed by 92-16-014 (Order 3423), filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.04.005.
- 388-28-435 Effect of resources on financial need—Personal property exemptions—Ceiling values. [Statutory Authority: RCW 74.04.040 and 45 CFR 233.20 (a)(3)(i)(B)(2). 93-07-126 (Order 3529), § 388-28-435, filed 3/24/93, effective 4/24/93. Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-435, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.04.055. 91-13-082 (Order 3193), § 388-28-435, filed 6/18/91, effective 7/19/91; 88-05-013 (Order 2598), § 388-28-435, filed 2/10/88, Statutory Authority: RCW 74.08.090. 86-23-020 (Order 2441), § 388-28-435, filed 11/10/86; 85-18-042 (Order 2276), § 388-28-435, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-435, filed 1/30/85; 84-07-019 (Order 2087), § 388-28-435, filed 3/14/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-438 Effect of resources on financial need—Personal property exemptions. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-438, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-438, filed 8/30/85; 84-07-019 (Order 2087), § 388-28-438, filed 3/14/84.] Repealed
- by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-439 Effect of resources on need—Property used in self-employment. [Statutory Authority: RCW 74.04.005 (10)(f)(i). 94-06-024 (Order 3706), § 388-28-439, filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-439, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-439, filed 8/30/85.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-440 Accumulation and depletion of allowable cash resource reserves. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-440, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.04.050. 88-07-052 (Order 2608), § 388-28-440, filed 3/14/88. Statutory Authority: RCW 74.08.090. 84-07-019 (Order 2087), § 388-28-440, filed 3/14/84; 82-01-009 (Order 1728), § 388-28-440, filed 12/4/81; 80-14-061 (Order 1547), § 388-28-440, filed 10/1/80; 78-10-036 (Order 1338), § 388-28-440, filed 9/18/78; Order 1224, § 388-28-440, filed 7/19/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-450 Nonexempt resources—Effect on financial need. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-450, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-450, filed 8/30/85; 84-07-019 (Order 2087), § 388-28-450, filed 3/14/84; Order 1241, § 388-28-450, filed 9/23/77; Regulation 8.64, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-455 Nonexempt resources—Real property—Nonexempt. [Statutory Authority: RCW 74.08.090. 82-18-063 (Order 1870), § 388-28-455, filed 9/1/82; Regulation 8.641, filed 1/24/64.] Repealed by 84-07-019 (Order 2087), filed 3/14/84. Statutory Authority: RCW 74.08.090.
- 388-28-457 Transfer of property. [Statutory Authority: RCW 74.08.090. 80-14-061 (Order 1547), § 388-28-457, filed 10/1/80; 78-05-088 (Order 1293), § 388-28-457, filed 5/3/78; Order 1241, § 388-28-457, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-458 Definitions. [Order 1241, § 388-28-458, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-459 Transfer of property with intent to qualify for public assistance. [Statutory Authority: RCW 74.08.090. 78-05-088 (Order 1293), § 388-28-459, filed 5/3/78; Order 1241, § 388-28-459, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-460 Transfer within two years prior to application. [Statutory Authority: RCW 74.08.090. 78-05-088 (Order 1293), § 388-28-460, filed 5/3/78; Order 1241, § 388-28-460, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-461 Transfer of property—Adequate consideration. [Statutory Authority: RCW 74.08.090. 78-05-088 (Order 1293), § 388-28-461, filed 5/3/78; Order 1241, § 388-28-461, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-462 Transfer of property—Exceptions. [Statutory Authority: RCW 74.08.090. 78-05-088 (Order 1293), § 388-28-462, filed 5/3/78; Order 1241, § 388-28-462, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-463 Transfer of property—Adjustment in period of ineligibility. [Order 1241, § 388-28-463, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-464 Transfer of property—Assistance during period of ineligibility. [Statutory Authority: RCW 74.08.090. 87-19-092

- (Order 2540), § 388-28-464, filed 9/17/87; 78-06-023 (Order 1293A), § 388-28-464, filed 5/16/78; 78-05-088 (Order 1293), § 388-28-464, filed 5/3/78; Order 1241, § 388-28-464, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-465 Transfer of property—Life estate, release, assignment—Adequate consideration. [Order 1241, § 388-28-465, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-470 Transfer of exempt property by recipient. [Order 1241, § 388-28-470, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-471 Exempt property transferable without consent. [Order 1241, § 388-28-471, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-472 Exempt property transferable with consent. [Order 1241, § 388-28-472, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-473 Property transferred contrary to WAC 388-28-471 and 388-28-472. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-473, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 84-07-019 (Order 2087), § 388-28-473, filed 3/14/84; 83-04-033 (Order 1940), § 388-28-473, filed 1/28/83, effective 3/1/83; Order 1241, § 388-28-473, filed 9/23/77.] Repealed by 94-04-043 (Order 3696), filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 74.08.335.
- 388-28-474 Replacement of exempt property. [Statutory Authority: RCW 74.08.090 and 45 CFR 233.20 (a)(3)(ii)(F). 94-08-018 (Order 3723), § 388-28-474, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-474, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 82-10-059 (Order 1798), § 388-28-474, filed 5/5/82; 82-01-009 (Order 1728), § 388-28-474, filed 12/4/81; 80-14-061 (Order 1547), § 388-28-474, filed 10/1/80; 78-06-088 (Order 1302), § 388-28-474, filed 6/2/78; Order 1241, § 388-28-474, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-475 Use of income and income potentials. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-475, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 89-22-038 (Order 2889), § 388-28-475, filed 10/27/89, effective 11/27/89. Statutory Authority: RCW 74.04.050. 88-07-052 (Order 2608), § 388-28-475, filed 3/14/88. Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-475, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-475, filed 1/30/85; 83-04-033 (Order 1940), § 388-28-475, filed 1/28/83, effective 3/1/83; Order 1241, § 388-28-475, filed 9/23/77; Regulation 8.80, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-480 Use of income and income potentials—Types of income—Effect on need. [Statutory Authority: RCW 74.08.090. 91-01-047 (Order 3112), § 388-28-480, filed 12/12/90, effective 1/12/91; 90-18-005 (Order 3062), § 388-28-480, filed 8/23/90, effective 9/23/90; 89-18-057 (Order 2865), § 388-28-480, filed 9/1/89, effective 10/2/89; 88-07-117 (Order 2613), § 388-28-480, filed 3/23/88; 86-23-021 (Order 2442), § 388-28-480, filed 11/10/86; 85-18-042 (Order 2276), § 388-28-480, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-480, filed 1/30/85; 83-21-010 (Order 2031), § 388-28-480, filed 10/6/83; 83-04-033 (Order 1940), § 388-28-480, filed 1/28/83, effective 3/1/83; 82-09-034 (Order 1792), § 388-28-480, filed 4/14/82; 82-01-009 (Order 1728), § 388-28-480, filed 12/4/81. Statutory Authority: RCW 74.04.510. 81-08-021 (Order 1628), § 388-28-480, filed 3/25/81. Statutory Authority: RCW 74.08.090. 80-14-061 (Order 1547), § 388-28-480, filed 10/1/80; 78-10-073 (Order 1347), § 388-28-480, filed 9/27/78; Order 1241, § 388-28-480, filed 9/23/77; Order 1224, § 388-28-480, filed 7/19/77; Order 1195, § 388-28-480, filed 3/3/77; Order 1058, § 388-28-480, filed 10/1/75; Order 1028, § 388-28-480, filed 5/29/75; Order 891, § 388-28-480, filed 12/27/73; Regulation 8.82, filed 12/28/66, effective 1/27/67; Regulation 8.82, filed 3/31/66, 12/31/65, 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-481 Nonexempt resources and income known at time of application. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-481, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 83-04-033 (Order 1940), § 388-28-481, filed 1/28/83, effective 3/1/83; 82-01-009 (Order 1728), § 388-28-481, filed 12/4/81; Order 1241, § 388-28-481, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-482 Effect of newly acquired income and property on continuing need. [Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-482, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 91-13-083 (Order 3190), § 388-28-482, filed 6/18/91, effective 7/19/91; 89-18-057 (Order 2865), § 388-28-482, filed 9/1/89, effective 10/2/89; 88-19-068 (Order 2697), § 388-28-482, filed 9/16/88; 88-07-117 (Order 2613), § 388-28-482, filed 3/23/88; 86-08-008 (Order 2352), § 388-28-482, filed 3/21/86; 85-04-024 (Order 2200), § 388-28-482, filed 1/30/85; 83-04-033 (Order 1940), § 388-28-482, filed 1/28/83, effective 3/1/83; 82-09-034 (Order 1792), § 388-28-482, filed 4/14/82; 82-01-009 (Order 1728), § 388-28-482, filed 12/4/81; 80-14-061 (Order 1547), § 388-28-482, filed 10/1/80; Order 1241, § 388-28-482, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-483 Prospective eligibility, prospective budgeting, and retrospective budgeting. [Statutory Authority: RCW 74.04.057. 92-18-038 (Order 3448), § 388-28-483, filed 8/27/92, effective 9/27/92. Statutory Authority: RCW 74.08.090. 89-18-036 (Order 2861), § 388-28-483, filed 8/29/89, effective 9/29/89; 88-07-117 (Order 2613), § 388-28-483, filed 3/23/88; 86-23-021 (Order 2442), § 388-28-483, filed 11/10/86; 85-18-042 (Order 2276), § 388-28-483, filed 8/30/85; 85-06-060 (Order 2210), § 388-28-483, filed 3/6/85; 83-23-058 (Order 2049), § 388-28-483, filed 11/16/83; 83-04-033 (Order 1940), § 388-28-483, filed 1/28/83, effective 3/1/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-484 Treatment of newly acquired nonexempt income and resources. [Statutory Authority: RCW 74.08.090 and 45 CFR 233.20 (a)(3)(ii)(F). 94-08-020 (Order 3721), § 388-28-484, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.04.005. 92-16-014 (Order 3423), § 388-28-484, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 86-23-021 (Order 2442), § 388-28-484, filed 11/10/86; 85-18-042 (Order 2276), § 388-28-484, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-484, filed 1/30/85; 84-07-019 (Order 2087), § 388-28-484, filed 3/14/84; 83-04-033 (Order 1940), § 388-28-484, filed 1/28/83, effective 3/1/83; 82-09-034 (Order 1792), § 388-28-484, filed 4/14/82; 82-01-009 (Order 1728), § 388-28-484, filed 12/4/81; 79-06-029 (Order 1396), § 388-28-484, filed 5/16/79; Order 1241, § 388-28-484, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-485 Use of income and income potentials—Parental income and support. [Statutory Authority: RCW 74.04.055. 93-10-022 (Order 3537), § 388-28-485, filed 4/28/93, effective 5/29/93; Order 1054, § 388-28-485, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-490 Use of income and income potentials—Recording net cash income computation. [Regulation 8.821, filed 1/24/64.] Repealed by Order 650, filed 2/9/72.

- 388-28-500 Allocating income from an assistance unit. [Statutory Authority: RCW 74.08.090 and 45 CFR 233.20 (a)(3)(iv)(B) and (xiv) and SSA 402 (a)(39). 93-19-036 (Order 3629), § 388-28-500, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090. 92-19-043 (Order 3451), § 388-28-500, filed 9/10/92, effective 10/11/92; 89-01-094 (Order 2741), § 388-28-500, filed 12/21/88; 87-19-090 (Order 2538), § 388-28-500, filed 9/17/87; 85-18-042 (Order 2276), § 388-28-500, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-500, filed 1/30/85; 83-04-033 (Order 1940), § 388-28-500, filed 1/28/83, effective 3/1/83; 78-10-036 (Order 1338), § 388-28-500, filed 9/18/78; Order 917, § 388-28-500, filed 3/14/74; Order 758, § 388-28-500, filed 12/28/72; Order 445, § 388-28-500, filed 4/28/70; Regulation 8.83, filed 5/17/67; Regulation 8.83, filed 6/14/66, 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-515 Net cash income—Determination—Employment or training expenses—Deductions from gross income. [Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-515, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-515, filed 1/30/85; 82-01-009 (Order 1728), § 388-28-515, filed 12/4/81; 80-14-061 (Order 1547), § 388-28-515, filed 10/1/80; 79-06-007 (Order 1393), § 388-28-515, filed 5/8/79; 78-10-036 (Order 1338), § 388-28-515, filed 9/18/78; Order 1236, § 388-28-515, filed 8/31/77; Order 1229, § 388-28-515, filed 8/23/77; Order 1173, § 388-28-515, filed 11/24/76; Order 1096, § 388-28-515, filed 2/13/76; Order 975, § 388-28-515, filed 10/11/74; Order 891, § 388-28-515, filed 12/27/73; Order 445, § 388-28-515, filed 4/28/70; Order 375, § 388-28-515, filed 8/7/69; Order 329, § 388-28-515, filed 1/8/69; Order 296, § 388-28-515, filed 8/26/68; Regulation 8.841, filed 7/27/67; Regulation 8.841, filed 5/17/67, 2/23/67, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-520 Income from self-employment. [Statutory Authority: RCW 74.08.090. 85-18-042 (Order 2276), § 388-28-520, filed 8/30/85; 82-01-009 (Order 1728), § 388-28-520, filed 12/4/81; 79-04-013 (Order 1369), § 388-28-520, filed 3/15/79.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-525 Net cash income—Self-employment income and expenses. [Order 891, § 388-28-525, filed 12/27/73; Regulation 8.842, filed 1/24/64.] Repealed by 79-04-013 (Order 1369), filed 3/15/79. Statutory Authority: RCW 74.08.090.
- 388-28-530 Net cash income—Board, room rental, board and room. [Statutory Authority: RCW 74.08.090. 94-08-016 (Order 3725), § 388-28-530, filed 3/29/94, effective 5/1/94; 84-13-049 (Order 2104), § 388-28-530, filed 6/18/84; 83-17-070 (Order 2008), § 388-28-530, filed 8/19/83; 80-15-002 (Order 1550), § 388-28-530, filed 10/2/80; 79-10-083 (Order 1434), § 388-28-530, filed 9/21/79; 78-10-054 (Order 1344), § 388-28-530, filed 9/22/78; Order 1234, § 388-28-530, filed 8/31/77; Order 1206, § 388-28-530, filed 4/29/77; Order 786, § 388-28-530, filed 4/12/73; Order 650, § 388-28-530, filed 2/9/72; Regulation 8.843, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-532 Income—Foster homes for children and adult family homes. [Statutory Authority: RCW 74.08.090. 89-22-130 (Order 2892), § 388-28-532, filed 11/1/89, effective 12/2/89; Order 786, § 388-28-532, filed 4/12/73.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-535 Net cash income—Determination—Deductions from gross income—Income of child. [Statutory Authority: RCW 74.04.050. 92-03-090 (Order 3315), § 388-28-535, filed 1/15/92, effective 2/15/92. Statutory Authority: RCW 74.08.090. 86-23-021 (Order 2442), § 388-28-535, filed 11/10/86; 85-18-042 (Order 2276), § 388-28-535, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-535, filed 1/30/85; 83-23-058 (Order 2049), § 388-28-535, filed 11/16/83; 83-04-033 (Order 1940), § 388-28-535, filed 1/28/83, effective 3/1/83; 82-13-082 (Order 1831), § 388-28-535, filed 6/21/82; 82-01-009 (Order 1728), § 388-28-535, filed 12/4/81; 80-14-061 (Order 1547), § 388-28-535, filed 10/1/80; 78-05-019 (Order 1287), § 388-28-535, filed 4/13/78; Order 1221, § 388-28-535, filed 8/8/77; Order 1194, § 388-28-535, filed 3/3/77; Order 1131, § 388-28-535, filed 7/8/76; Order 1004, § 388-28-535, filed 1/24/75; Order 976, § 388-28-535, filed 10/28/74; Order 749, § 388-28-535, filed 12/7/72; Order 619, § 388-28-535, filed 10/27/71; Order 375, § 388-28-535, filed 8/7/69; Order 320, § 388-28-535, filed 11/27/68; Emergency Order 309, filed 9/20/68; Order 296, § 388-28-535, filed 8/27/68; Regulation 8.844, filed 10/4/67; Regulation 8.844, filed 5/17/67, 3/31/66, 6/17/64, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-550 Net cash income—Income for education or vocational training. [Order 749, § 388-28-550, filed 12/7/72; Order 375, § 388-28-550, filed 8/7/69; Order 296, § 388-28-550, filed 8/26/68; Regulation 8.845, filed 5/17/67; Regulation 8.845, filed 2/3/67, 12/31/65, 1/24/64.] Repealed by Order 891, filed 12/27/73.
- 388-28-555 Net cash income—Guardianship costs—Retired, disabled and survivors insurance benefits—Veterans benefits. [Order 1021, § 388-28-555, filed 4/29/75; Regulation 8.846, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-560 Allocating income to an assistance unit. [Statutory Authority: RCW 74.08.090 and Section 13742, P.O. 103-66. 94-08-019 (Order 3722), § 388-28-560, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.08.090 and 45 CFR 233.20 (a)(3)(iv)(B) and (xiv) and SSA 402 (a)(39). 93-19-036 (Order 3629), § 388-28-560, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090. 89-24-041 (Order 2912), § 388-28-560, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 74.04.055. 88-04-018 (Order 2571), § 388-28-560, filed 1/22/88. Statutory Authority: RCW 74.08.090. 86-23-021 (Order 2442), § 388-28-560, filed 11/10/86; 85-18-042 (Order 2276), § 388-28-560, filed 8/30/85; 83-04-033 (Order 1940), § 388-28-560, filed 1/28/83, effective 3/1/83; Order 1253, § 388-28-560, filed 12/1/77; Order 1021, § 388-28-560, filed 4/29/75; Order 445, § 388-28-560, filed 4/28/70; Regulation 8.847, filed 12/31/65, effective 2/1/66; Regulation 8.847, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-570 Net cash income—Exempt earned income. [Statutory Authority: RCW 74.04.057. 93-12-057 (Order 3564), § 388-28-570, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16. 92-08-033, § 388-28-570, filed 3/24/92, effective 11/24/92. Statutory Authority: RCW 74.08.090. 90-17-116 (Order 3050), § 388-28-570, filed 8/21/90, effective 9/21/90; 89-18-057 (Order 2865), § 388-28-570, filed 9/1/89, effective 10/2/89; 87-01-096 (Order 2449), § 388-28-570, filed 12/22/86; 85-18-042 (Order 2276), § 388-28-570, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-570, filed 1/30/85; 83-23-058 (Order 2049), § 388-28-570, filed 11/16/83; 82-19-056 (Order 1876), § 388-28-570, filed 9/15/82; 82-09-034 (Order 1792), § 388-28-570, filed 4/14/82; 82-01-009 (Order 1728), § 388-28-570, filed 12/4/81; Order 1236, § 388-28-570, filed 8/31/77; Order 975, § 388-28-570, filed 10/11/74; Order 891, § 388-28-570, filed 12/27/73; Order 749, § 388-28-570, filed 12/7/72; Order 619, § 388-28-570, filed 10/27/71; Order 445, § 388-28-570, filed 4/28/70; Order 372, § 388-28-570, filed 8/1/69; Order 329, § 388-28-570, filed 1/8/69; Order 296, § 388-28-570, filed 8/26/68; Regulation 8.848, filed 10/4/67; Regulation 8.848, filed 5/17/67, 2/3/67, 11/22/66, 12/31/65, 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed

- 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-575 Disregard of income and resources. [Statutory Authority: RCW 74.08.090 and P.L. 103-66 Section 13736 and 45 CFR 233.20 (a)(13)(i). 94-08-021 (Order 3720), § 388-28-575, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.04.050 and P.L. 102-325 Section 479B. 93-17-031 (Order 3613), § 388-28-575, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.050. 93-07-031 (Order 3525), § 388-28-575, filed 3/10/93, effective 4/10/93; 92-09-029 (Order 3365), § 388-28-575, filed 4/7/92, effective 5/8/92. Statutory Authority: RCW 74.08.090. 91-13-080 (Order 3191), § 388-28-575, filed 6/18/91, effective 7/19/91; 91-06-007 (Order 3144), § 388-28-575, filed 2/21/91, effective 3/24/91; 90-11-003 (Order 2975), § 388-28-575, filed 5/3/90, effective 6/3/90; 89-17-031 (Order 2848), § 388-28-575, filed 8/8/89, effective 9/8/89; 88-22-036 (Order 2718), § 388-28-575, filed 10/27/88; 88-01-045 (Order 2572), § 388-28-575, filed 12/11/87; 85-18-042 (Order 2276), § 388-28-575, filed 8/30/85; 85-04-024 (Order 2200), § 388-28-575, filed 1/30/85; 83-23-058 (Order 2049), § 388-28-575, filed 11/16/83; 82-11-094 (Order 1812), § 388-28-575, filed 5/19/82; 81-10-035 (Order 1651), § 388-28-575, filed 4/29/81; 79-06-027 (Order 1399), § 388-28-575, filed 5/16/79; 78-09-038 (Order 1324), § 388-28-575, filed 8/17/78; 78-05-019 (Order 1287), § 388-28-575, filed 4/13/78; Order 1229, § 388-28-575, filed 8/23/77; Order 1183, § 388-28-575, filed 1/5/77; Order 1054, § 388-28-575, filed 9/25/75; Order 943, § 388-28-575, filed 6/28/74; Order 926, § 388-28-575, filed 4/15/74; Order 891, § 388-28-575, filed 12/27/73.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-576 Tax Reduction Act of 1975—Payments disregarded. [Order 1229, § 388-28-576, filed 8/23/77; Order 1175, § 388-28-576, filed 12/8/76; Order 1110, § 388-28-576, filed 4/15/76; Order 1028, § 388-28-576, filed 5/29/75.] Repealed by 80-04-051 (Order 1496), filed 3/21/80. Statutory Authority: RCW 74.08.090.
- 388-28-578 Assistance from other agencies and organizations. [Statutory Authority: RCW 74.08.090. 82-17-003 (Order 1854), § 388-28-578, filed 8/5/82; Order 891, § 388-28-578, filed 12/27/73.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-580 Other income. [Order 1224, § 388-28-580, filed 7/19/77; Order 891, § 388-28-580, filed 12/27/73; Order 877, § 388-28-580, filed 11/27/73; Order 770, § 388-28-580, filed 1/26/73; Order 650, § 388-28-580, filed 2/9/72; Order 521, § 388-28-580, filed 3/2/71; Order 520, § 388-28-580, filed 2/24/71; Order 445, § 388-28-580, filed 4/28/70; Order 372, § 388-28-580, filed 8/1/69; Order 268, § 388-28-580, filed 12/5/67; Regulation 8.849, filed 12/28/66, 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-590 Alien sponsorship—Deeming of income and resources—Overpayments. [Statutory Authority: RCW 74.04.005. 93-07-032 (Order 3526), § 388-28-590, filed 3/10/93, effective 4/10/93; 92-16-014 (Order 3423), § 388-28-590, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 85-03-068 (Order 2189), § 388-28-590, filed 1/17/85; 83-04-060 (Order 1942), § 388-28-590, filed 2/2/83; 82-19-056 (Order 1876), § 388-28-590, filed 9/15/82; 82-01-009 (Order 1728), § 388-28-590, filed 12/4/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-600 Determination of net income in-kind. [Statutory Authority: RCW 74.04.050, 74.08.090 and 45 CFR 233.20 (a)(3)(iv), (a)(6)(iii) and (a)(6)(v)(B). 94-08-022 (Order 3719), § 388-28-600, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.08.090. 83-04-033 (Order 1940), § 388-28-600, filed 1/28/83, effective 3/1/83; 78-10-036 (Order 1338), § 388-28-600, filed 9/18/78; Order 1101, § 388-28-600, filed 2/25/76; Order 786, § 388-28-600, filed 4/12/73; Order 650, § 388-28-600, filed 2/9/72; Order 561, § 388-28-600, filed 5/5/71; Order 521, § 388-28-600, filed 3/2/71; Regulation 8.850, filed 7/12/65; Regulation 8.850, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-28-605 Net cash income—Produce and supplied food. [Order 521, § 388-28-605, filed 3/2/71; Regulation 8.851, filed 7/13/65; Regulation 8.851, filed 3/11/65, 1/24/64.] Repealed by Order 561, filed 5/5/71.
- 388-28-610 Net cash income—Fuel, water, electricity. [Order 521, § 388-28-610, filed 3/2/71; Regulation 8.852, filed 7/13/65; Regulation 8.852, filed 1/24/64.] Repealed by Order 561, filed 5/5/71.
- 388-28-615 Net cash income—Shelter. [Order 521, § 388-28-615, filed 3/2/71; Regulation 8.853, filed 3/31/66; Regulation 8.853, filed 7/13/65, 1/24/64.] Repealed by Order 561, filed 5/5/71.
- 388-28-625 Net cash income—Annual gross value of supplied food per person by number of months and proportions available. [Regulation 8.854, filed 1/24/64.] Repealed by Order 521, filed 3/2/71.
- 388-28-630 Aid to the blind applicant with self-support plan. [Regulation 8.86, filed 6/30/67; Regulation 8.86, filed 6/30/74, 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-28-635 Aid to the blind applicant with self-support plan—Approval of aid to the blind applicant's self-support plan. [Regulation 8.861, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-28-640 Aid to the blind applicant with self-support plan—Comparing requirements' costs with values of nonexempt resources and income to determine financial need and to authorize grant. [Regulation 8.90, filed 1/24/64.] Repealed by Order 604, filed 9/22/71.
- 388-28-645 Aid to the blind applicant with self-support plan—Eligibility or ineligibility of applicant. [Regulation 8.91, filed 1/24/64.] Repealed by Order 604, filed 9/22/71.
- 388-28-650 Guardianships and trusts—Indians. [Statutory Authority: RCW 74.08.090. 83-21-010 (Order 2031), § 388-28-650, filed 10/6/83; Order 1001, § 388-28-650, filed 1/14/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

**Chapter 388-29  
STANDARDS—ELIGIBILITY**

- 388-29-001 Definitions. [Statutory Authority: RCW 74.04.770. 92-20-006 (Order 3457), § 388-29-001, filed 9/23/92, effective 10/24/92. Statutory Authority: RCW 74.04.005. 92-10-048 (Order 3379), § 388-29-001, filed 5/5/92, effective 7/1/92. Statutory Authority: RCW 74.08.090. 90-06-035 (Order 2947), § 388-29-001, filed 3/1/90, effective 4/1/90; 89-11-102 (Order 2801), § 388-29-001, filed 5/24/89; 88-18-056 (Order 2677), § 388-29-001, filed 9/1/88; 85-07-020 (Order 2215), § 388-29-001, filed 3/13/85.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-005 Fair hearing. [Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-005, filed 3/13/85.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-010 Standards of assistance. [Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-010, filed 3/13/85; 83-11-010 (Order 1961), § 388-29-010, filed 5/9/83; 81-19-127 (Order 1701), § 388-29-010, filed 9/23/81; 81-10-011 (Order 1643), § 388-29-010, filed 4/27/81; Order 1241, § 388-29-010, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-020 Standards of assistance—Grant relationships. [Statutory Authority: RCW 74.08.090. 89-11-102 (Order 2801), § 388-29-020, filed 5/24/89; 85-07-020 (Order 2215), § 388-29-020, filed 3/13/85; Order 1241, § 388-29-020, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.

- 388-29-025 Limitations on requirements. [Order 1241, § 388-29-025, filed 9/23/77.] Repealed by 85-07-020 (Order 2215), filed 3/13/85. Statutory Authority: RCW 74.08.090.
- 388-29-030 Assistance unit—Supplemental security income beneficiary excluded. [Order 1241, § 388-29-030, filed 9/23/77.] Repealed by 85-07-020 (Order 2215), filed 3/13/85. Statutory Authority: RCW 74.08.090.
- 388-29-040 Housekeeper. [Order 1241, § 388-29-040, filed 9/23/77.] Repealed by 85-07-020 (Order 2215), filed 3/13/85. Statutory Authority: RCW 74.08.090.
- 388-29-080 Standards of assistance—Basic requirements. [Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-080, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-080, filed 6/18/84; 83-11-010 (Order 1961), § 388-29-080, filed 5/9/83; 81-10-011 (Order 1643), § 388-29-080, filed 4/27/81; Order 1248, § 388-29-080, filed 10/25/77, effective 12/1/77; Order 1241, § 388-29-080, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-100 Standards of assistance—Basic requirements. [Statutory Authority: RCW 74.08.090. 93-18-026 (Order 3624), § 388-29-100, filed 8/25/93, effective 9/25/93. Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-100, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.04.770. 92-20-006 (Order 3457), § 388-29-100, filed 9/23/92, effective 10/24/92. Statutory Authority: RCW 74.08.090. 91-17-065 (Order 3236), § 388-29-100, filed 8/20/91, effective 9/20/91; 91-02-072 (Order 3122), § 388-29-100, filed 12/28/90, effective 1/28/91; 90-21-031 (Order 3084), § 388-29-100, filed 10/9/90, effective 11/9/90; 90-15-018 (Order 3038), § 388-29-100, filed 7/12/90, effective 8/12/90; 90-06-035 (Order 2947), § 388-29-100, filed 3/1/90, effective 4/1/90; 89-21-065 (Order 2882), § 388-29-100, filed 10/17/89, effective 11/17/89; 88-18-056 (Order 2677), § 388-29-100, filed 9/1/88. Statutory Authority: 1987 1st ex.s. c 7. 88-04-019 (Order 2588), § 388-29-100, filed 1/22/88. Statutory Authority: RCW 74.08.090. 86-16-048 (Order 2404), § 388-29-100, filed 8/1/86; 85-24-051 (Order 2309), § 388-29-100, filed 12/2/85; 85-16-049 (Order 2265), § 388-29-100, filed 7/31/85; 85-07-020 (Order 2215), § 388-29-100, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-100, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-100, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-100, filed 8/18/82; 82-11-001 (Order 1804), § 388-29-100, filed 5/6/82; 81-19-127 (Order 1701), § 388-29-100, filed 9/23/81; 81-10-011 (Order 1643), § 388-29-100, filed 4/27/81; 80-15-002 (Order 1550), § 388-29-100, filed 10/2/80; 79-10-083 (Order 1434), § 388-29-100, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-100, filed 7/28/78; Order 1241, § 388-29-100, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-110 Standards of assistance—Grant maximum. [Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-110, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-110, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-110, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-110, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-110, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-110, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-110, filed 8/19/83; 82-11-001 (Order 1804), § 388-29-110, filed 5/6/82; 81-19-127 (Order 1701), § 388-29-110, filed 9/23/81; 81-10-011 (Order 1643), § 388-29-110, filed 4/27/81; 80-15-002 (Order 1550), § 388-29-110, filed 10/2/80; 79-10-083 (Order 1434), § 388-29-110, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-110, filed 7/28/78; Order 1241, § 388-29-110, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-112 Standards of assistance—Consolidated emergency assistance program. [Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-112, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-112, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-112, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-112, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-112, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-112, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-112, filed 8/19/83; 83-11-010 (Order 1961), § 388-29-112, filed 5/9/83; 82-11-001 (Order 1804), § 388-29-112, filed 5/6/82; 81-19-127 (Order 1701), § 388-29-112, filed 9/23/81; 81-10-011 (Order 1643), § 388-29-112, filed 4/27/81.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-115 Supplemental payments for AFDC recipients. [Statutory Authority: RCW 74.08.090. 81-09-041 (Order 1635), § 388-29-115, filed 4/15/81; 80-05-046 (Order 1500), § 388-29-115, filed 4/16/80.] Repealed by 82-01-009 (Order 1728), filed 12/4/81. Statutory Authority: RCW 74.08.090.
- 388-29-125 Standards of assistance—Persons in medical institutions. [Statutory Authority: RCW 74.08.090. 91-10-028 (Order 3164), § 388-29-125, filed 4/23/91, effective 5/24/91; 88-16-078 (Order 2659), § 388-29-125, filed 8/2/88. Statutory Authority: 1987 1st ex.s. c 7. 88-04-019 (Order 2588), § 388-29-125, filed 1/22/88. Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-125, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-125, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-125, filed 8/19/83; 81-19-127 (Order 1701), § 388-29-125, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-125, filed 9/21/79; Order 1241, § 388-29-125, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-130 Standards of assistance—Persons in congregate care facilities (CCF), adult residential rehabilitation center/adult residential treatment facility (ARRC/ARTF), and division of developmental disabilities (DDD) group home facilities. [Statutory Authority: RCW 74.08.090. 93-12-052 (Order 3557), § 388-29-130, filed 5/26/93, effective 6/26/93; 88-19-032 (Order 2694), § 388-29-130, filed 9/12/88. Statutory Authority: 1987 1st ex.s. c 7. 88-04-019 (Order 2588), § 388-29-130, filed 1/22/88. Statutory Authority: RCW 74.08.090. 85-24-051 (Order 2309), § 388-29-130, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-130, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-130, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-130, filed 8/19/83; 81-19-127 (Order 1701), § 388-29-130, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-130, filed 9/21/79; 79-04-036 (Order 1379), § 388-29-130, filed 3/22/79; Order 1254, § 388-29-130, filed 12/1/77; Order 1241, § 388-29-130, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-135 Cost standards for requirements—Maternity home care. [Statutory Authority: RCW 74.08.090. 83-17-070 (Order 2008), § 388-29-135, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-135, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-135, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-135, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-135, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-135, filed 7/28/78; Order 1241, § 388-29-135, filed 9/23/77.] Repealed by 85-07-020 (Order 2215), filed 3/13/85. Statutory Authority: RCW 74.08.090.
- 388-29-140 Monthly standards for basic requirements—AFDC—Child living with relative not in need. [Statutory Authority: RCW 74.08.090. 78-04-035 (Order 1281), § 388-29-140, filed 3/20/78; Order 1241, § 388-29-140, filed 9/23/77.] Repealed by 78-06-074 (Order 1297), filed 5/31/78, effective 7/1/78. Statutory Authority: RCW 78.08.090 [74.08.090].
- 388-29-145 Standards of assistance—AFDC—Child in need of specialized education or training. [Statutory Authority:

- RCW 74.08.090. 85-24-051 (Order 2309), § 388-29-145, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-145, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-145, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-145, filed 8/19/83; 81-19-127 (Order 1701), § 388-29-145, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-145, filed 9/21/79; Order 1241, § 388-29-145, filed 9/23/77.] Repealed by 88-07-062 (Order 2612), filed 3/16/88. Statutory Authority: RCW 74.08.044.
- 388-29-146 Standards of assistance—Foster care. [Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-146, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-146, filed 6/18/84.] Repealed by 88-04-019 (Order 2588), filed 1/22/88. Statutory Authority: 1987 1st ex.s. c 7.
- 388-29-150 Standards of assistance—Additional requirements. [Statutory Authority: RCW 74.04.090 [74.08.090]. 91-23-085 (Order 3287), § 388-29-150, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-150, filed 3/13/85; 78-12-001 (Order 1355), § 388-29-150, filed 11/3/78; Order 1241, § 388-29-150, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-155 Standards for additional requirements under specified circumstances—Child care expenses for employed persons. [Statutory Authority: RCW 74.08.090. 80-11-055 (Order 1532), § 388-29-155, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-155, filed 9/21/79; 79-06-007 (Order 1393), § 388-29-155, filed 5/8/79; 78-09-047 (Order 1327), § 388-29-155, filed 8/21/78. Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-29-155, filed 6/2/78.] Repealed by 82-01-009 (Order 1728), filed 12/4/81. Statutory Authority: RCW 74.08.090.
- 388-29-158 Standards for additional requirements under specified circumstances—Child care expenses for AFDC recipients in approved training plans. [Statutory Authority: RCW 74.08.090. 81-01-017 (Order 1576), § 388-29-158, filed 12/8/80.] Repealed by 81-10-033 (Order 1649), filed 4/29/81. Statutory Authority: RCW 74.08.090.
- 388-29-160 Additional requirements—Restaurant meals. [Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-160, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-160, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-160, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-160, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-160, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-160, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-160, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-160, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-160, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-160, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-160, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-160, filed 7/28/78; Order 1241, § 388-29-160, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-170 Standards for additional requirements under specified circumstances—Daily restaurant meals. [Statutory Authority: RCW 74.08.090. 80-11-055 (Order 1532), § 388-29-170, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-170, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-170, filed 7/28/78; Order 1241, § 388-29-170, filed 9/23/77.] Repealed by 81-08-018 (Order 1626), filed 3/25/81. Statutory Authority: RCW 74.08.090.
- 388-29-180 Additional requirements—Home-delivered meals (meals-on-wheels). [Statutory Authority: RCW 74.04.005. 91-23-086 (Order 3288), § 388-29-180, filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-180, filed 3/13/85; 81-19-127 (Order 1701), § 388-29-180, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-180, filed 9/21/79; Order 1241, § 388-29-180, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-190 Transportation to state of legal residence. [Statutory Authority: RCW 74.08.090. 78-12-001 (Order 1355), § 388-29-190, filed 11/3/78; Order 1241, § 388-29-190, filed 9/23/77.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-29-200 Additional requirements—Food for guide dog. [Statutory Authority: RCW 74.08.090. 90-06-035 (Order 2947), § 388-29-200, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-200, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-200, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-200, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-200, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-200, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-200, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-200, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-200, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-200, filed 7/28/78; Order 1241, § 388-29-200, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-210 Additional requirements—Telephone. [Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-210, filed 3/13/85; Order 1241, § 388-29-210, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-220 Additional requirements—Laundry. [Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-220, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-220, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-220, filed 3/1/90, effective 4/1/90; 85-24-051 (Order 2309), § 388-29-220, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-220, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-220, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-220, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-220, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-220, filed 9/23/81; 80-11-055 (Order 1532), § 388-29-220, filed 8/20/80; 79-10-083 (Order 1434), § 388-29-220, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-220, filed 7/28/78; Order 1241, § 388-29-220, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-230 Additional requirements—Winterizing homes—AFDC. [Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-230, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-230, filed 3/1/90, effective 4/1/90; 85-07-020 (Order 2215), § 388-29-230, filed 3/13/85; 81-19-127 (Order 1701), § 388-29-230, filed 9/23/81; 79-04-060 (Order 1385), § 388-29-230, filed 3/28/79; Order 1241, § 388-29-230, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-260 Standards of assistance—Persons in boarding homes—General assistance. [Statutory Authority: RCW 74.08.090. 88-20-082 (Order 2708), § 388-29-260, filed 10/5/88; 85-24-051 (Order 2309), § 388-29-260, filed 12/2/85; 85-07-020 (Order 2215), § 388-29-260, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-260, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-260, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-260, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-260, filed 9/23/81; 80-15-002 (Order 1550), § 388-29-260, filed 10/2/80; 79-10-083 (Order 1434), § 388-29-260, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-260, filed 7/28/78; Order 1241, § 388-29-260, filed 9/23/77.] Repealed by 90-06-035 (Order 2947), filed 3/1/90, effective 4/1/90. Statutory Authority: RCW 74.08.090.
- 388-29-270 Additional requirements for emergent situations—AFDC. [Statutory Authority: RCW 74.04.005. 92-09-033 (Order 3369), § 388-29-270, filed 4/7/92, effective 5/8/92. Statutory Authority: RCW 74.08.090. 87-01-071 (Order 2451), § 388-29-270, filed 12/17/86; 85-20-022 (Order

- 2284), § 388-29-270, filed 9/23/85; 82-19-060 (Order 1877), § 388-29-270, filed 9/17/82; 78-12-001 (Order 1355), § 388-29-270, filed 11/3/78; Order 1241, § 388-29-270, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-280 Standards of assistance—Adult family home care. [Statutory Authority: RCW 74.08.090. 93-12-052 (Order 3557), § 388-29-280, filed 5/26/93, effective 6/26/93; 90-06-035 (Order 2947), § 388-29-280, filed 3/1/90, effective 4/1/90; 88-19-032 (Order 2694), § 388-29-280, filed 9/12/88. Statutory Authority: 1987 1st ex.s. c 7. 88-04-019 (Order 2588), § 388-29-280, filed 1/22/88. Statutory Authority: RCW 74.08.090. 85-07-020 (Order 2215), § 388-29-280, filed 3/13/85; 84-13-049 (Order 2104), § 388-29-280, filed 6/18/84; 83-17-070 (Order 2008), § 388-29-280, filed 8/19/83; 82-17-066 (Order 1862), § 388-29-280, filed 8/18/82; 81-19-127 (Order 1701), § 388-29-280, filed 9/23/81; 79-10-083 (Order 1434), § 388-29-280, filed 9/21/79; 78-08-084 (Order 1321), § 388-29-280, filed 7/28/78; Order 1241, § 388-29-280, filed 9/23/77.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- 388-29-290 Low-income home energy assistance allowance. [Statutory Authority: RCW 43.20A.550. 85-04-020 (Order 2196), § 388-29-290, filed 1/30/85; 84-02-050 (Order 2058), § 388-29-290, filed 1/4/84. Statutory Authority: RCW 74.08.090. 82-23-061 (Order 1909), § 388-29-290, filed 11/17/82. Statutory Authority: RCW 43.20A.550. 82-01-050 (Order 1736), § 388-29-290, filed 12/16/81. Statutory Authority: RCW 74.08.090. 81-08-045 (Order 1631), § 388-29-290, filed 3/31/81. Statutory Authority: RCW 74.04.510 and 74.08.090. 80-05-044 (Order 1498), § 388-29-290, filed 4/16/80.] Repealed by 85-24-051 (Order 2309), filed 12/2/85. Statutory Authority: RCW 74.08.090.
- 388-29-295 Standards of assistance—Supplemental security income (SSI) program. [Statutory Authority: RCW 74.04.050. 94-04-035 (Order 3698), § 388-29-295, filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090, 74.04.200 and 20 CFR 416.405. 93-04-030 (Order 3506), § 388-29-295, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.04.620. 92-18-027 (Order 3443), § 388-29-295, filed 8/26/92, effective 9/26/92. Statutory Authority: RCW 74.08.090. 91-02-072 (Order 3122), § 388-29-295, filed 12/28/90, effective 1/28/91; 90-06-035 (Order 2947), § 388-29-295, filed 3/1/90, effective 4/1/90; 89-05-030 (Order 2759), § 388-29-295, filed 2/13/89; 88-01-040 (Order 2565), § 388-29-295, filed 12/11/87; 87-01-102 (Order 2452), § 388-29-295, filed 12/23/86; 86-14-061 (Order 2391), § 388-29-295, filed 6/27/86; 86-01-007 (Order 2311), § 388-29-295, filed 12/5/85; 85-07-020 (Order 2215), § 388-29-295, filed 3/13/85; 84-09-073 (Order 2095), § 388-29-295, filed 4/18/84; 83-17-070 (Order 2008), § 388-29-295, filed 8/19/83; 82-17-004 (Order 1855), § 388-29-295, filed 8/5/82; 81-19-127 (Order 1701), § 388-29-295, filed 9/23/81.] Repealed by 94-09-001 (Order 3729), filed 4/6/94, effective 5/7/94. Statutory Authority: RCW 74.08.090.
- Chapter 388-30**  
**AID TO FAMILIES WITH DEPENDENT CHILDREN AND**  
**CONTINUING GENERAL ASSISTANCE—**  
**CONTINUING ELIGIBILITY**
- 388-30-010 Continuing eligibility. [Order 533, § 388-30-010, filed 3/31/71, effective 5/1/71; Regulation 9.00, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-015 Factors not common to all categories—Old age assistance. [Regulation 9.11, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-30-020 Continuing eligibility—Aid to blind. [Order 533, § 388-30-020, filed 3/31/71, effective 5/1/71; Regulation 9.12, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-30-025 Continuing eligibility—Aid to families with dependent children. [Order 976, § 388-30-025, filed 10/28/74; Order 918, § 388-30-025, filed 3/14/74; Order 830, § 388-30-025, filed 7/26/73; Order 533, § 388-30-025, filed 3/31/71, effective 5/1/71; Order 321, § 388-30-025, filed 11/27/68; Regulation 9.13, filed 8/29/66; Regulation 9.13, filed 6/17/64, effective 8/1/64, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-030 Continuing eligibility—Disability assistance. [Order 637, § 388-30-030, filed 1/13/72; Order 533, § 388-30-030, filed 3/31/71, effective 5/1/71; Regulation 9.14, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-30-040 Continuing eligibility—Continuing general assistance to unemployable persons. [Order 533, § 388-30-040, filed 3/31/71, effective 5/1/71; Order 490, § 388-30-040, filed 10/30/70, effective 12/1/70; Regulation 9.15, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-30-050 Continuing eligibility—Age. [Order 917, § 388-30-050, filed 3/14/74; Order 620, § 388-30-050, filed 10/27/71; Order 533, § 388-30-050, filed 3/31/71, effective 5/1/71; Order 490, § 388-30-050, filed 10/30/70, effective 12/1/70; Order 367, § 388-30-050, filed 7/9/69; Regulation 9.21, filed 12/31/65; Regulation 9.21, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-055 Continuing eligibility—Residence. [Order 533, § 388-30-055, filed 3/31/71, effective 5/1/71; Order 490, § 388-30-055, filed 10/30/70, effective 12/1/70; Order 367, § 388-30-055, filed 7/9/69; Regulation 9.221, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-060 Continuing eligibility—Institutional living arrangement. [Order 533, § 388-30-060, filed 3/31/71, effective 5/1/71; Regulation 9.23, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-065 Continuing eligibility—Transfer of exempt property. [Order 533, § 388-30-065, filed 3/31/71, effective 5/1/71; Regulation 9.24, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-070 Continuing eligibility—Exempt property transferable without consent. [Order 533, § 388-30-070, filed 3/31/71, effective 5/1/71; Order 459, § 388-30-070, filed 5/26/70, effective 7/1/70; Regulation 9.241, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-075 Continuing eligibility—Exempt property transferable with consent. [Order 533, § 388-30-075, filed 3/31/71, effective 5/1/71; Order 459, § 388-30-075, filed 5/26/70, effective 7/1/70; Regulation 9.242, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-078 Replacement of exempt property. [Order 1194, § 388-30-078, filed 3/3/77.] Repealed by Order 1241, filed 9/23/77.
- 388-30-080 Continuing eligibility—Property transferred contrary to WAC 388-30-070 and 388-30-075. [Order 533, § 388-30-080, filed 3/31/71, effective 5/1/71; Order 459, § 388-30-080, filed 5/26/70, effective 7/1/70; Regulation 9.243, filed 12/21/64, effective 2/1/65; Regulation 9.243, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-085 Continuing eligibility—Financial need. [Order 533, § 388-30-085, filed 3/31/71, effective 5/1/71; Regulation 9.25, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-090 Continuing eligibility—Nonexempt resources and income known at time of application. [Order 1058, § 388-30-090, filed 10/1/75; Order 533, § 388-30-090, filed 3/31/71, effective 5/1/71; Regulation 9.251, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-095 Continuing eligibility—Effect of newly acquired income and property on need. [Order 1224, § 388-30-095, filed 7/19/77; Order 975, § 388-30-095, filed 10/11/74; Order 917, § 388-30-095, filed 3/14/74; Order 533, § 388-30-095, filed 3/31/71, effective 5/1/71; Regulation 9.252, filed 10/4/67; Regulation 9.252, filed 5/17/67, 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-100 Continuing eligibility—Effect of newly acquired nonexempt income on need. [Order 1058, § 388-30-100, filed 10/1/75; Order 533, § 388-30-100, filed 3/31/71, effective 5/1/71; Regulation 9.253, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.
- 388-30-105 Responsibility for eligibility maintenance. [Order 533, § 388-30-105, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-105, filed 5/14/70, effective 6/15/70; Regulation



9.261, filed 7/27/67; Regulation 9.261, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-107 Responsibility for eligibility maintenance—Recipient. [Order 1016, § 388-30-107, filed 4/1/75; Order 842, § 388-30-107, filed 8/9/73; Order 790, § 388-30-107, filed 4/12/73; Order 533, § 388-30-107, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-107, filed 5/14/70, effective 6/15/70.] Repealed by Order 1241, filed 9/23/77.

388-30-110 Responsibility for eligibility maintenance—Local office. [Order 533, § 388-30-110, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-110, filed 5/14/70, effective 6/15/70.] Repealed by Order 1241, filed 9/23/77.

388-30-115 Responsibility for eligibility maintenance—Recipient's whereabouts unknown or failure to provide eligibility data. [Order 906, § 388-30-115, filed 2/14/74; Order 746, § 388-30-115, filed 12/7/72; Order 533, § 388-30-115, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-115, filed 5/14/70, effective 6/15/70; Regulation 9.263, filed 3/11/65.] Repealed by Order 1241, filed 9/23/77.

388-30-120 Responsibility for eligibility maintenance—Reasonable doubt of eligibility—Warrant withheld. [Order 533, § 388-30-120, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-120, filed 5/14/70, effective 6/15/70; Order 269, § 388-30-120, filed 12/5/67; Regulation 9.264, filed 3/11/65.] Repealed by Order 746, filed 12/7/72.

388-30-121 Responsibility for eligibility maintenance—Redirection of warrant. [Order 746, § 388-30-121, filed 12/7/72.] Repealed by Order 1241, filed 9/23/77.

388-30-125 Periodic review and redetermination of eligibility. [Order 917, § 388-30-125, filed 3/14/74; Order 841, § 388-30-125, filed 8/9/73; Order 746, § 388-30-125, filed 12/7/72; Order 533, § 388-30-125, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-125, filed 5/14/70, effective 6/15/70; Regulation 9.27, filed 7/27/67; Regulation 9.27, filed 6/17/64, effective 8/1/64, 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-130 Periodic review and redetermination of eligibility—Content of review. [Order 533, § 388-30-130, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-130, filed 5/14/70, effective 6/15/70; Regulation 9.271, filed 6/17/64, effective 8/1/64; Regulation 9.271, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-135 Periodic review and redetermination of eligibility—Action on review. [Order 533, § 388-30-135, filed 3/31/71, effective 5/1/71; Order 448, § 388-30-135, filed 5/14/70, effective 6/15/70; Regulation 9.272, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-140 Periodic review and redetermination of eligibility—Changing and terminating grant. [Order 533, § 388-30-140, filed 3/31/71, effective 5/1/71; Regulation 9.28, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

388-30-150 Supplemental assistance—Requirements of recipient enrolled in community training level 4 or 5 course of remedial or vocational education. [Regulation 9.31, filed 8/29/66; Regulation 9.31, filed 12/31/65.] Repealed by Order 327, filed 11/27/68.

388-30-160 Supplemental assistance—Transportation for enrolled recipient. [Regulation 9.311, filed 12/31/65.] Repealed by Order 327, filed 11/27/68.

388-30-165 Supplemental assistance—Care of child of enrolled recipient. [Regulation 9.312, filed 12/31/65.] Repealed by Order 327, filed 11/27/68.

388-30-170 Supplemental assistance—Tuition, supplies and materials, uniforms. [Regulation 9.313, filed 12/31/65.] Repealed by Order 327, filed 11/27/68.

388-30-175 Supplemental assistance—Requirements of federal aid recipient enrolled in Title V project of Economic Opportunity Act. [Regulation 9.32, filed 7/27/67; Regulation 9.32, filed 8/29/66, 12/31/65.] Repealed by Order 327, filed 11/27/68.

**Chapter 388-33**  
**AID TO FAMILIES WITH DEPENDENT CHILDREN AND**  
**CONTINUING GENERAL ASSISTANCE—GRANT OR VENDOR**  
**PAYMENT**

388-33-015 Payment of grant—Persons included. [Statutory Authority: RCW 74.04.005. 92-10-047 (Order 3378), § 388-33-015, filed 5/5/92, effective 7/1/92. Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-33-015, filed 9/18/78; Order 652, § 388-33-015, filed 2/9/72; Order 534, § 388-33-015, filed 3/31/71, effective 5/1/71; Regulation 10.11, filed 8/29/66; Regulation 10.11, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-33-020 Payment of grant—Monthly basis. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-020, filed 4/15/81; Order 906, § 388-33-020, filed 2/14/74; Order 694, § 388-33-020, filed 6/29/72; Order 534, § 388-33-020, filed 3/31/71, effective 5/1/71; Regulation 10.12, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-33-025 Payment of grant—Amount. [Order 534, § 388-33-025, filed 3/31/71, effective 5/1/71; Order 394, § 388-33-025, filed 10/15/69; Regulation 10.13, filed 8/29/66; Regulation 10.13, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-33-030 Payment limitations—Maximum cost of requirements. [Order 376, § 388-33-030, filed 8/7/69; Regulation 10.14, filed 12/31/65; Regulation 10.14, filed 1/24/64.] Repealed by Order 394, filed 10/15/69.

388-33-045 Payment of grant—Deduction of overpayment. [Order 534, § 388-33-045, filed 3/31/71, effective 5/1/71; Regulation 10.16, filed 8/29/66; Regulation 10.16, filed 3/31/66, 10/1/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-33-050 Payment of grant—Self-imposed maximum amount. [Order 534, § 388-33-050, filed 3/31/71, effective 5/1/71; Regulation 10.17, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-33-051 Payment of grant—Rounding down. [Statutory Authority: RCW 74.08.090. 82-24-071 (Order 1918), § 388-33-051, filed 12/1/82.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-33-055 Payment of grant—Minimum amount. [Statutory Authority: RCW 74.08.090. 82-24-071 (Order 1918), § 388-33-055, filed 12/1/82; 82-09-034 (Order 1792), § 388-33-055, filed 4/14/82; 82-01-009 (Order 1728), § 388-33-055, filed 12/4/81; Order 534, § 388-33-055, filed 3/31/71, effective 5/1/71; Regulation 10.18, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-33-080 Grant authorization, reauthorization, and computation—Authorizing documents. [Statutory Authority: RCW 74.08.090. 85-15-056 (Order 2258), § 388-33-080, filed 7/17/85; 81-09-044 (Order 1637), § 388-33-080, filed 4/15/81; Order 534, § 388-33-080, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-080, filed 5/14/70, effective 6/15/70; Regulation 10.21, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-33-085 Grant authorization, reauthorization, and computation—Local office function. [Statutory Authority: RCW 74.08.090. 85-15-056 (Order 2258), § 388-33-085, filed 7/17/85; 81-09-044 (Order 1637), § 388-33-085, filed 4/15/81; Order 906, § 388-33-085, filed 2/14/74; Order 534, § 388-33-085, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-085, filed 5/14/70, effective 6/15/70; Regulation 10.22, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

- 388-33-090 Grant authorization, reauthorization and computation—State office function. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-090, filed 4/15/81; Order 906, § 388-33-090, filed 2/14/74; Order 534, § 388-33-090, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-090, filed 5/14/70, effective 6/15/70; Regulation 10.23, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-095 Grant authorization, reauthorization and computation—State office reauthorization and recomputation of grant. [Order 906, § 388-33-095, filed 2/14/74; Order 534, § 388-33-095, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-095, filed 5/14/70, effective 6/15/70; Regulation 10.231, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-105 Grant authorization, reauthorization, computation—Recording denial, grant authorization and change. [Order 449, § 388-33-105, filed 5/14/70, effective 6/15/70; Regulation 10.24, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-115 Effective date of eligibility—Applicant, reapplicant and reinstated recipient. [Statutory Authority: RCW 74.08.090. 81-12-045 (Order 1661), § 388-33-115, filed 6/3/81; Order 906, § 388-33-115, filed 2/14/74; Order 534, § 388-33-115, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-115, filed 5/14/70, effective 6/15/70; Regulation 10.25, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-120 Effective date of eligibility—Exceptions. [Statutory Authority: RCW 74.08.090. 82-09-034 (Order 1792), § 388-33-120, filed 4/14/82; 82-01-009 (Order 1728), § 388-33-120, filed 12/4/81; 79-06-028 (Order 1398), § 388-33-120, filed 5/16/79; 78-10-036 (Order 1338), § 388-33-120, filed 9/18/78; Order 906, § 388-33-120, filed 2/14/74; Order 791, § 388-33-120, filed 4/12/73; Order 747, § 388-33-120, filed 12/7/72; Order 534, § 388-33-120, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-120, filed 5/14/70, effective 6/15/70; Order 394, § 388-33-120, filed 10/15/69; Regulation 10.251, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-125 Notification of grant approval. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-125, filed 4/15/81; Order 906, § 388-33-125, filed 2/14/74; Order 534, § 388-33-125, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-125, filed 5/14/70, effective 6/15/70; Order 270, § 388-33-125, filed 12/5/67; Regulation 10.252, filed 7/27/67; Regulation 10.252, filed 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-135 Effective date of change in eligibility. [Statutory Authority: 1991 c 126. 91-20-052 (Order 3250), § 388-33-135, filed 9/24/91, effective 10/25/91. Statutory Authority: 1990 c 285. 90-16-085 (Order 3045), § 388-33-135, filed 8/1/90, effective 9/1/90. Statutory Authority: RCW 74.08.090. 88-07-117 (Order 2613), § 388-33-135, filed 3/23/88; 85-15-056 (Order 2258), § 388-33-135, filed 7/17/85; 83-23-058 (Order 2049), § 388-33-135, filed 11/16/83; 83-04-033 (Order 1940), § 388-33-135, filed 1/28/83, effective 3/1/83; 82-09-034 (Order 1792), § 388-33-135, filed 4/14/82; Order 1058, § 388-33-135, filed 10/1/75; Order 694, § 388-33-135, filed 6/29/72; Order 534, § 388-33-135, filed 3/31/71, effective 5/1/71; Order 443, § 388-33-135, filed 4/15/70; Regulation 10.26, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-140 Effective date of increase or decrease in grant. [Statutory Authority: RCW 74.08.090. 85-23-018 (Order 2303), § 388-33-140, filed 11/13/85; 85-15-056 (Order 2258), § 388-33-140, filed 7/17/85; 83-23-058 (Order 2049), § 388-33-140, filed 11/16/83; 83-17-004 (Order 1994), § 388-33-140, filed 8/5/83; 83-04-033 (Order 1940), § 388-33-140, filed 1/28/83, effective 3/1/83; 82-16-065 (Order 1852), § 388-33-140, filed 7/30/82, effective 9/1/82; Order 1058, § 388-33-140, filed 10/1/75; Order 1008, § 388-33-140, filed 2/13/75; Order 966, § 388-33-140, filed 8/29/74; Order 906, § 388-33-140, filed 2/14/74; Order 791, § 388-33-140, filed 4/12/73; Order 534, § 388-33-140, filed 3/31/71, effective 5/1/71; Order 443, § 388-33-140, filed 4/15/70; Order 337, § 388-33-140, filed 2/3/69; Order 275, § 388-33-140, filed 1/29/68; Regulation 10.261, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-143 Effective date of budgeting earned income. [Order 966, § 388-33-143, filed 8/29/74.] Repealed by Order 1008, filed 2/13/75.
- 388-33-145 Effective date of change in eligibility—Dates regular grant payments are actually changed. [Regulation 10.262, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-165 Effective date of grant—Fair hearing or court decision involved. [Statutory Authority: RCW 74.08.090. 82-14-047 (Order 1838), § 388-33-165, filed 6/30/82; Order 694, § 388-33-165, filed 6/29/72; Order 534, § 388-33-165, filed 3/31/71, effective 5/1/71; Regulation 10.271, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-170 Effective date of grant—Law or rule change involved. [Order 534, § 388-33-170, filed 3/31/71, effective 5/1/71; Regulation 10.272, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-175 Other effective dates—Certification prior to actual change in circumstances. [Regulation 10.273, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-180 Other effective dates—Recomputation of age change. [Regulation 10.274, filed 3/31/66; Regulation 10.274, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-190 Effective date of grant—Monthly deduction of overpayment. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-190, filed 4/15/81; Order 906, § 388-33-190, filed 2/14/74; Order 694, § 388-33-190, filed 6/29/72; Order 570, § 388-33-190, filed 6/11/71; Order 534, § 388-33-190, filed 3/31/71, effective 5/1/71; Regulation 10.28, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-195 Underpayments. [Statutory Authority: RCW 74.08.090. 88-19-069 (Order 2698), § 388-33-195, filed 9/16/88; 85-15-056 (Order 2258), § 388-33-195, filed 7/17/85; 82-01-009 (Order 1728), § 388-33-195, filed 12/4/81; Order 906, § 388-33-195, filed 2/14/74; Order 791, § 388-33-195, filed 4/12/73.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-210 Other changes affecting grants. [Regulation 10.30, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-220 Other changes affecting grants—Address change within county. [Regulation 10.31, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-230 Address change to another local office area. [Order 534, § 388-33-230, filed 3/31/71, effective 5/1/71; Regulation 10.32, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-235 Address change to another local office area—Reside permanently. [Order 534, § 388-33-235, filed 3/31/71, effective 5/1/71; Regulation 10.321, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-240 Address change to another local office area—Visit. [Order 534, § 388-33-240, filed 3/31/71, effective 5/1/71; Regulation 10.322, filed 1/24/64.] Repealed by 94-10-065 (Order

- 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-245 Other changes affecting grants—Inter county transfer of case record and grant-procedure. [Regulation 10.323, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-250 Other changes affecting grants—Transfer-out by present county. [Regulation 10.324, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-255 Other changes affecting grants—Transfer-in by new county. [Regulation 10.325, filed 1/24/64.] Repealed by Order 297, filed 8/26/68.
- 388-33-260 Other changes affecting grants—Transfer involving institutional medical care. [Regulation 10.326, filed 1/24/64.] Repealed by Order 297, filed 8/26/68.
- 388-33-265 Other changes affecting grants—Transfer of suspended grant case. [Regulation 10.327, filed 1/24/64.] Repealed by Order 297, filed 8/26/68.
- 388-33-270 Other changes affecting grants—Transfer of closed case record. [Regulation 10.328, filed 1/24/64.] Repealed by Order 297, filed 8/26/68.
- 388-33-300 Other changes affecting grants—Out of state change of address. [Regulation 10.33, filed 1/24/64.] Repealed by Order 297, filed 8/26/68.
- 388-33-310 Other changes affecting grants—Case number change. [Regulation 10.34, filed 1/24/64.] Repealed by Order 297, filed 8/26/68.
- 388-33-320 Other changes affecting grants—Name change. [Regulation 10.35, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-335 Reduction of grant amount. [Order 906, § 388-33-335, filed 2/14/74; Order 694, § 388-33-335, filed 6/29/72; Order 570, § 388-33-335, filed 6/11/71; Order 534, § 388-33-335, filed 3/31/71, effective 5/1/71; Order 270, § 388-33-335, filed 12/5/67; Regulation 10.36, filed 6/30/67; Regulation 10.36, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-350 Suspension or termination of grants. [Order 369, § 388-33-350, filed 8/14/69; Regulation 10.40, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-355 Suspension of grant. [Statutory Authority: RCW 74.08.090. 88-21-094 (Order 2714), § 388-33-355, filed 10/19/88; 86-10-023 (Order 2369), § 388-33-355, filed 5/1/86; 85-16-045 (Order 2261), § 388-33-355, filed 7/31/85; 82-09-034 (Order 1792), § 388-33-355, filed 4/14/82; 82-01-009 (Order 1728), § 388-33-355, filed 12/4/81; Order 906, § 388-33-355, filed 2/14/74; Order 747, § 388-33-355, filed 12/7/72; Order 694, § 388-33-355, filed 6/29/72; Order 570, § 388-33-355, filed 6/11/71; Order 534, § 388-33-355, filed 3/31/71, effective 5/1/71; Order 369, § 388-33-355, filed 8/14/69; Regulation 10.41, filed 6/30/67; Regulation 10.41, filed 7/13/65, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-365 Termination of grant. [Order 906, § 388-33-365, filed 2/14/74; Order 694, § 388-33-365, filed 6/29/72; Order 570, § 388-33-365, filed 6/11/71; Order 534, § 388-33-365, filed 3/31/71, effective 5/1/71; Order 369, § 388-33-365, filed 8/14/69; Regulation 10.42, filed 6/30/67; Regulation 10.42, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-370 Termination of suspended grant. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-370, filed 4/15/81; Order 747, § 388-33-370, filed 12/7/72; Order 534, § 388-33-370, filed 3/31/71, effective 5/1/71; Order 369, § 388-33-370, filed 8/14/69; Regulation 10.421, filed 6/30/67; Regulation 10.421, filed 1/24/64.] Repealed by 88-21-094 (Order 2714), filed 10/19/88. Statutory Authority: RCW 74.08.090.
- 388-33-373 Continuation of assistance pending appeal—Pretermination or presuspension hearing. [Order 534, § 388-33-373, filed 3/31/71, effective 5/1/71; Order 369, § 388-33-373, filed 8/14/69.] Repealed by Order 570, filed 6/11/71.
- 388-33-374 Grant reduction, termination, suspension—Conferences. [Order 694, § 388-33-374, filed 6/29/72; Order 570, § 388-33-374, filed 6/11/71; Order 534, § 388-33-374, filed 3/31/71, effective 5/1/71; Order 369, § 388-33-374, filed 8/14/69.] Repealed by Order 906, filed 2/14/74.
- 388-33-375 Termination of suspended grant—Authorization of assistance resulting from change of decision on eligibility and grant. [Order 906, § 388-33-375, filed 2/14/74; Order 694, § 388-33-375, filed 6/29/72; Order 570, § 388-33-375, filed 6/11/71; Order 534, § 388-33-375, filed 3/31/71, effective 5/1/71.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-376 Advance and adequate notice—Suspension—Termination—Reduction of benefits. [Statutory Authority: RCW 74.08.090. 91-11-020 (Order 3178), § 388-33-376, filed 5/7/91, effective 6/1/91; 90-09-035 (Order 2966), § 388-33-376, filed 4/11/90, effective 5/12/90; 89-03-051 (Order 2755), § 388-33-376, filed 1/13/89; 86-10-023 (Order 2369), § 388-33-376, filed 5/1/86; 78-08-053 (Order 1320), § 388-33-376, filed 7/20/78.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-377 Grant continuation pending fair hearing. [Statutory Authority: RCW 74.08.090. 82-08-037 (Order 1784), § 388-33-377, filed 4/1/82. Statutory Authority: RCW 34.04.020 and 74.08.090. 81-17-069 (Order 1695), § 388-33-377, filed 8/19/81. Statutory Authority: RCW 74.08.090. 81-09-058 (Order 1640), § 388-33-377, filed 4/20/81; 78-08-053 (Order 1320), § 388-33-377, filed 7/20/78; Order 1194, § 388-33-377, filed 3/3/77; Order 906, § 388-33-377, filed 2/14/74; Order 694, § 388-33-377, filed 6/29/72; Order 570, § 388-33-377, filed 6/11/71.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-378 Determination—Notification. [Order 906, § 388-33-378, filed 2/14/74; Order 747, § 388-33-378, filed 12/7/72.] Repealed by 78-08-053 (Order 1320), filed 7/20/78. Statutory Authority: RCW 74.08.090.
- 388-33-380 Notification of suspension or termination or reduction of grant. [Order 906, § 388-33-380, filed 2/14/74; Order 694, § 388-33-380, filed 6/29/72; Order 570, § 388-33-380, filed 6/11/71; Order 534, § 388-33-380, filed 3/31/71, effective 5/1/71; Order 369, § 388-33-380, filed 8/14/69; Order 311, § 388-33-380, filed 10/31/68; Regulation 10.43, filed 1/24/64.] Repealed by 78-08-053 (Order 1320), filed 7/20/78. Statutory Authority: RCW 74.08.090.
- 388-33-382 Notification of suspension or termination or reduction of grant—Effect on eligibility and grant. [Statutory Authority: RCW 74.08.090. 90-09-035 (Order 2966), § 388-33-382, filed 4/11/90, effective 5/12/90; 82-08-037 (Order 1784), § 388-33-382, filed 4/1/82; Order 906, § 388-33-382, filed 2/14/74; Order 791, § 388-33-382, filed 4/12/73; Order 694, § 388-33-382, filed 6/29/72.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-385 Notification of suspension or termination or reduction of grant—Dispensation of advance notice. [Statutory Authority: RCW 74.08.090. 86-09-081 (Order 2363), § 388-33-385, filed 4/22/86; 84-09-071 (Order 2093), § 388-33-385, filed 4/18/84; Order 906, § 388-33-385, filed 2/14/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-387 Notification of exception to policy request and decision. [Statutory Authority: RCW 74.08.090. 82-04-077 (Order 1760), § 388-33-387, filed 2/3/82.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-389 Grievance procedure—Applicants and recipients of public assistance, medical assistance, and social services administered by Title 388 WAC. [Statutory Authority: RCW 74.08.090. 82-04-077 (Order 1760), § 388-33-389, filed 2/3/82.] Repealed by 94-10-065 (Order 3732), filed

- 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-400 Payee of grant. [Statutory Authority: 1987 c 406. 87-18-007 (Order 2527), § 388-33-400, filed 8/21/87; Order 1054, § 388-33-400, filed 9/25/75; Order 906, § 388-33-400, filed 2/14/74; Order 534, § 388-33-400, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-400, filed 5/29/69; Order 322, § 388-33-400, filed 11/27/68; Emergency Order 306, filed 9/20/68; Regulation 10.50, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-410 Payee of grant—Money (cash) payments. [Order 357, § 388-33-410, filed 5/29/69; Order 322, § 388-33-410, filed 11/27/68; Emergency Order 306, filed 9/20/68; Regulation 10.51, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-420 Payment of grant to other person in behalf of recipient. [Statutory Authority: 1987 c 406. 87-18-007 (Order 2527), § 388-33-420, filed 8/21/87; Order 1241, § 388-33-420, filed 9/23/77; Order 917, § 388-33-420, filed 3/14/74; Order 621, § 388-33-420, filed 10/27/71; Order 534, § 388-33-420, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-420, filed 5/29/69; Order 322, § 388-33-420, filed 11/27/68; Emergency Order 306, filed 9/20/68; Regulation 10.52, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-425 Payment of grant to guardian—Continuing general assistance. [Order 917, § 388-33-425, filed 3/14/74; Order 534, § 388-33-425, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-425, filed 5/29/69; Order 322, § 388-33-425, filed 11/27/68; Emergency Order 306, filed 9/20/68; Regulation 10.521, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-430 Payment of grant to guardian—Aid to families with dependent children—Special and limited nature. [Order 534, § 388-33-430, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-430, filed 5/29/69; Order 322, § 388-33-430, filed 11/27/68; Emergency Order 306, filed 9/20/68; Regulation 10.522, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-435 Payee of grant—Appointment and payment to agent—OAA, AB, DA, GAU. [Order 322, § 388-33-435, filed 11/27/68; Emergency Order 306, filed 9/20/68; Regulation 10.523, filed 1/24/64.] Repealed by Order 357, filed 5/29/69.
- 388-33-440 Protective or vendor payment due to mismanagement of AFDC grant. [Order 1054, § 388-33-440, filed 9/25/75; Order 700, § 388-33-440, filed 7/27/72; Order 534, § 388-33-440, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-440, filed 3/20/69; Order 322, § 388-33-440, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-442 Protective or vendor payment due to mismanagement of AFDC grant—Plan approval—Duration. [Order 700, § 388-33-442, filed 7/27/72; Order 534, § 388-33-442, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-442, filed 3/20/69; Order 322, § 388-33-442, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-444 Protective or vendor payment due to mismanagement of AFDC grant—Notice to AFDC recipient, protective payee or vendor. [Order 700, § 388-33-444, filed 7/27/72; Order 534, § 388-33-444, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-444, filed 3/20/69; Order 322, § 388-33-444, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-446 Protective or vendor payment due to mismanagement of AFDC grant—Discharge of protective payee—Reinstatement of relative payee. [Order 700, § 388-33-446, filed 7/27/72; Order 534, § 388-33-446, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-446, filed 3/20/69; Order 322, § 388-33-446, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-447 Protective or vendor payment due to mismanagement of AFDC grant—Fair hearing. [Order 1195, § 388-33-447, filed 3/3/77; Order 700, § 388-33-447, filed 7/27/72.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-448 Protective or vendor payment due to mismanagement of AFDC grant—Periodic review of plan. [Statutory Authority: RCW 74.08.090. 81-09-044 (Order 1637), § 388-33-448, filed 4/15/81; Order 700, § 388-33-448, filed 7/27/72; Order 534, § 388-33-448, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-448, filed 3/20/69; Order 322, § 388-33-448, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-449 Protective or vendor payment due to mismanagement of AFDC grant—Information confidential. [Order 534, § 388-33-449, filed 3/31/71, effective 5/1/71; Order 341, § 388-33-449, filed 3/20/69; Order 322, § 388-33-449, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-450 Protective payment—Employment or work incentive program refused without good cause. [Statutory Authority: RCW 74.22.110. 84-22-018 (Order 2166), § 388-33-450, filed 10/31/84; Order 831, § 388-33-450, filed 7/26/73; Order 747, § 388-33-450, filed 12/7/72; Order 534, § 388-33-450, filed 3/31/71, effective 5/1/71; Order 322, § 388-33-450, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-452 Protective payments—Fair hearing. [Order 322, § 388-33-452, filed 11/27/68; Emergency Order 306, filed 9/20/68.] Repealed by Order 357, filed 5/29/69.
- 388-33-453 Protective payment—Failure or refusal to cooperate with support enforcement. [Statutory Authority: RCW 74.08.090. 89-22-133 (Order 2896), § 388-33-453, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 74.22.110. 84-22-018 (Order 2166), § 388-33-453, filed 10/31/84; Order 1195, § 388-33-453, filed 3/3/77; Order 1054, § 388-33-453, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-454 Protective payments—OAA, AB, DA, GAU. [Order 357, § 388-33-454, filed 5/29/69.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-455 Protective payment—Special needs of SSI beneficiary, general assistance recipient or recipient of the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) program. [Statutory Authority: 1987 c 406. 87-18-007 (Order 2527), § 388-33-455, filed 8/21/87; Order 933, § 388-33-455, filed 5/15/74; Order 917, § 388-33-455, filed 3/14/74; Order 534, § 388-33-455, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-455, filed 5/29/69.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-456 Protective payment—Periodic review. [Order 357, § 388-33-456, filed 5/29/69.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-457 Protective payment—Modification or termination of plan. [Order 534, § 388-33-457, filed 3/31/71, effective 5/1/71.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-458 Protective payment—Periodic review. [Order 534, § 388-33-458, filed 3/31/71, effective 5/1/71.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-459 Protective payment—Fair hearing. [Order 534, § 388-33-459, filed 3/31/71, effective 5/1/71; Order 357, § 388-33-

- 459, filed 5/29/69.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-460 Payment to vendor of goods and services. [Statutory Authority: RCW 74.08.090. 92-03-089 (Order 3314), § 388-33-460, filed 1/15/92, effective 2/15/92; 81-09-044 (Order 1637), § 388-33-460, filed 4/15/81; Order 1054, § 388-33-460, filed 9/25/75; Order 747, § 388-33-460, filed 12/7/72; Order 534, § 388-33-460, filed 3/31/71, effective 5/1/71; Order 449, § 388-33-460, filed 5/14/70, effective 6/15/70; Order 341, § 388-33-460, filed 3/20/69; Regulation 10.60, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-470 Disbursement—Assistance grants. [Regulation 10.70, filed 8/10/67; Regulation 10.70, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-480 Direct rental payments to landlords—Pilot program. [Statutory Authority: RCW 74.04.050. 88-14-061 (Order 2645), § 388-33-480, filed 7/1/88.] Repealed by 92-03-085 (Order 3310), filed 1/15/92, effective 2/15/92. Statutory Authority: RCW 74.04.050.
- 388-33-495 Payment dates. [Regulation 10.72, filed 8/10/67; Regulation 10.72, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-500 Payment dates—Initial grant. [Regulation 10.721, filed 8/10/67; Regulation 10.721, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-505 Payment dates—Adjusting grant. [Regulation 10.722, filed 8/10/67; Regulation 10.722, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-515 Payment dates—One-time grant. [Order 399, § 388-33-515, filed 11/5/69; Regulation 10.723, filed 8/10/67; Regulation 10.723, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-525 Warrant endorsement. [Order 747, § 388-33-525, filed 12/7/72; Order 534, § 388-33-525, filed 3/31/71, effective 5/1/71; Regulation 10.73, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-535 Delivery of warrant. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-33-535, filed 9/18/78; Order 747, § 388-33-535, filed 12/7/72; Order 534, § 388-33-535, filed 3/31/71, effective 5/1/71; Regulation 10.74, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-540 Delivery of warrant—Temporary address. [Regulation 10.741, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-545 Delivery of warrant—Address unknown. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-33-545, filed 9/18/78; Order 747, § 388-33-545, filed 12/7/72; Order 534, § 388-33-545, filed 3/31/71, effective 5/1/71; Regulation 10.742, filed 3/11/65; Regulation 10.742, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-550 Delivery in care of local office. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-33-550, filed 9/18/78; Order 747, § 388-33-550, filed 12/7/72; Order 534, § 388-33-550, filed 3/31/71, effective 5/1/71; Regulation 10.743, filed 3/11/65; Regulation 10.743, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-555 Delivery of warrant—Change in address or circumstances reported direct to state office. [Regulation 10.744, filed 1/24/64.] Repealed by Order 534, filed 3/31/71, effective 5/1/71.
- 388-33-575 Issuance of duplicate warrant. [Order 534, § 388-33-575, filed 3/31/71, effective 5/1/71; Order 426, § 388-33-575, filed 1/21/70; Regulation 10.75, filed 1/24/64.] Repealed by Order 661, filed 3/9/72.
- 388-33-576 Loss, theft, or destruction of warrant payable to recipient. [Statutory Authority: RCW 74.08.090. 86-22-038 (Order 2433), § 388-33-576, filed 11/3/86; 84-09-072 (Order 2094), § 388-33-576, filed 4/18/84; 81-09-044 (Order 1637), § 388-33-576, filed 4/15/81; 78-09-062 (Order 1331), § 388-33-576, filed 8/24/78; Order 1164, § 388-33-576, filed 10/27/76; Order 1055, § 388-33-576, filed 9/25/75; Order 1026, § 388-33-576, filed 5/19/75; Order 661, § 388-33-576, filed 3/9/72.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-577 Loss, theft or destruction of cash proceeds from warrant. [Statutory Authority: RCW 74.08.090. 78-12-001 (Order 1355), § 388-33-577, filed 11/3/78; Order 1164, § 388-33-577, filed 10/27/76; Order 661, § 388-33-577, filed 3/9/72.] Repealed by 82-16-065 (Order 1852), filed 7/30/82, effective 9/1/82. Statutory Authority: RCW 74.08.090.
- 388-33-579 Loss, theft or destruction of warrant payable to vendor. [Order 661, § 388-33-579, filed 3/9/72.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-585 Cancellation of warrant. [Order 534, § 388-33-585, filed 3/31/71, effective 5/1/71; Order 426, § 388-33-585, filed 1/21/70; Regulation 10.76, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-595 One-time grant—Authorization—Disbursement. [Statutory Authority: RCW 74.04.050. 89-23-085 (Order 2903), § 388-33-595, filed 11/17/89, effective 12/18/89. Statutory Authority: RCW 74.08.090. 83-17-004 (Order 1994), § 388-33-595, filed 8/5/83; 82-16-065 (Order 1852), § 388-33-595, filed 7/30/82, effective 9/1/82; 82-01-009 (Order 1728), § 388-33-595, filed 12/4/81; 81-09-044 (Order 1637), § 388-33-595, filed 4/15/81; 78-09-073 (Order 1332), § 388-33-595, filed 8/25/78; Order 1176, § 388-33-595, filed 12/23/76; Order 1068, § 388-33-595, filed 11/17/75; Order 933, § 388-33-595, filed 5/15/74; Order 791, § 388-33-595, filed 4/12/73; Order 698, § 388-33-595, filed 7/13/72; Order 534, § 388-33-595, filed 3/31/71, effective 5/1/71; Order 426, § 388-33-595, filed 1/21/70; Order 399, § 388-33-595, filed 11/5/69; Regulation 10.80, filed 6/14/66; Regulation 10.80, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-605 One-time grant—Notification to recipient. [Order 534, § 388-33-605, filed 3/31/71, effective 5/1/71; Regulation 10.81, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-33-630 Immediate warrants issued by ESSO. [Statutory Authority: RCW 74.08.090. 78-11-044 (Order 1351), § 388-33-630, filed 10/20/78; Order 1165, § 388-33-630, filed 10/27/76; Order 791, § 388-33-630, filed 4/12/73; Order 534, § 388-33-630, filed 3/31/71, effective 5/1/71; Order 499, § 388-33-630, filed 5/14/70, effective 6/15/70.] Repealed by 81-09-044 (Order 1637), filed 4/15/81. Statutory Authority: RCW 74.08.090.

Chapter 388-34

PERSON IN INSTITUTION—ELIGIBILITY—PAYMENT

- 388-34-010 Institutional living arrangements. [Regulation 11.00, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-015 Definitions. [Order 1044, § 388-34-015, filed 8/14/75; Order 323, § 388-34-015, filed 11/27/68; Order 249, § 388-34-015, filed 11/1/67; Regulation 11.01, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-020 Eligibility conditions. [Order 1044, § 388-34-020, filed 8/14/75; Order 323, § 388-34-020, filed 11/27/68; Order 249, § 388-34-020, filed 11/1/67; Regulation 11.02, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.

- 388-34-025 Eligibility conditions—Eligibility for AFDC—Child or needy relative temporarily in institution. [Order 759, § 388-34-025, filed 12/28/72; Order 249, § 388-34-025, filed 11/1/67; Regulation 11.03, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-035 Skilled nursing home care. [Order 759, § 388-34-035, filed 12/28/72; Regulation 11.10, filed 8/29/66; Regulation 11.10, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-040 Skilled nursing home care—Application. [Order 759, § 388-34-040, filed 12/28/72; Regulation 11.11, filed 8/29/66; Regulation 11.11, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-045 Skilled nursing home care—Cost standards for requirements. [Order 1017, § 388-34-045, filed 4/14/75; Order 907, § 388-34-045, filed 2/14/74; Order 862, § 388-34-045, filed 10/11/73; Order 842, § 388-34-045, filed 8/9/73; Order 824, § 388-34-045, filed 7/26/73; Order 732, § 388-34-045, filed 10/27/72; Order 675, § 388-34-045, filed 5/10/72; Order 651, § 388-34-045, filed 2/9/72; Order 553, § 388-34-045, filed 4/1/71; Order 377, § 388-34-045, filed 8/7/69; Regulation 11.12, filed 2/23/67, 8/29/66, 3/31/66, 12/31/65, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-055 Skilled nursing home care—Authorization and payment. [Order 759, § 388-34-055, filed 12/28/72; Regulation 11.131, filed 8/29/66; Regulation 11.131, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-060 Authorizing initial and continuing eligibility and grant—Procedures. [Regulation 11.132, filed 8/29/66; Regulation 11.132, filed 1/24/64.] Repealed by Order 759, filed 12/28/72.
- 388-34-065 Authorizing initial and continuing eligibility and grant—Reporting procedure between county office and state office. [Regulation 11.133, filed 1/24/64.] Repealed by Order 651, filed 2/9/72.
- 388-34-070 Intermediate care facility—Eligibility. [Order 323, § 388-34-070, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-072 Intermediate care facility—Determination of need for intermediate care. [Order 395, § 388-34-072, filed 10/15/69; Order 323, § 388-34-072, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-074 Intermediate care facility—Placement of recipient. [Order 395, § 388-34-074, filed 10/15/69; Order 323, § 388-34-074, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-076 Intermediate care facility—Services to be provided by operator. [Order 395, § 388-34-076, filed 10/15/69; Order 323, § 388-34-076, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-078 Intermediate care facility—Payment standards—Rates—Procedures. [Order 562, § 388-34-078, filed 5/19/71; Order 553, § 388-34-078, filed 4/1/71; Order 467, § 388-34-078, filed 7/21/70; Order 395, § 388-34-078, filed 10/15/69; Order 377, § 388-34-078, filed 8/7/69; Order 339, § 388-34-078, filed 2/14/69; Order 323, § 388-34-078, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-080 Intermediate care facility—Payment procedures—Operator's responsibility. [Order 395, § 388-34-080, filed 10/15/69; Order 323, § 388-34-080, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-082 Intermediate care facility—Periodic review and re-evaluation. [Order 395, § 388-34-082, filed 10/15/69; Order 323, § 388-34-082, filed 11/27/68.] Repealed by Order 651, filed 2/9/72.
- 388-34-084 Intermediate care facility—Application from facility to provide intermediate care. [Order 395, § 388-34-084, filed 10/15/69.] Repealed by Order 651, filed 2/9/72.
- 388-34-085 Public nursing home—Definition—Grant requirements. [Order 1017, § 388-34-085, filed 4/14/75; Order 907, § 388-34-085, filed 2/14/74; Order 824, § 388-34-085, filed 7/26/73; Order 651, § 388-34-085, filed 2/9/72; Order 553, § 388-34-085, filed 4/1/71; Order 377, § 388-34-085, filed 8/7/69; Order 249, § 388-34-085, filed 11/1/67; Regulation 11.20, filed 7/24/67; Regulation 11.20, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-095 Fraternal, religious, or benevolent home. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-34-095, filed 9/18/78; Order 651, § 388-34-095, filed 2/9/72; Order 377, § 388-34-095, filed 8/7/69; Order 249, § 388-34-095, filed 11/1/67; Regulation 11.30, filed 8/29/66; Regulation 11.30, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-110 General hospital—Grants requirements. [Order 1017, § 388-34-110, filed 4/14/75; Order 917, § 388-34-110, filed 3/14/74, 3/18/74; Order 824, § 388-34-110, filed 7/26/73; Order 651, § 388-34-110, filed 2/9/72; Order 553, § 388-34-110, filed 4/1/71; Order 377, § 388-34-110, filed 8/7/69; Order 249, § 388-34-110, filed 11/1/67; Regulation 11.41, filed 7/27/67; Regulation 11.41, filed 2/23/67, 8/29/66, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-120 Tuberculosis hospital—Grant requirements. [Order 1017, § 388-34-120, filed 4/14/75; Order 917, § 388-34-120, filed 3/14/74, 3/18/74; Order 824, § 388-34-120, filed 7/26/73; Order 651, § 388-34-120, filed 2/9/72; Order 377, § 388-34-120, filed 8/7/69; Order 553, § 388-34-120, filed 4/1/71; Order 249, § 388-34-120, filed 11/1/67; Regulation 11.42, filed 7/27/67, 2/23/67, 1/4/67, 8/29/66, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-125 Psychiatric hospital (JCAH approved)—Standards for requirements. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-34-125, filed 9/18/78; Order 1044, § 388-34-125, filed 8/14/75; Order 824, § 388-34-125, filed 7/26/73; Order 651, § 388-34-125, filed 2/9/72; Order 553, § 388-34-125, filed 4/1/71; Order 377, § 388-34-125, filed 8/7/69; Order 249, § 388-34-125, filed 11/1/67.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-130 Patient in psychiatric facility—Commercial home not subject to state licensing. [Regulation 11.50, filed 7/27/67; Regulation 11.50, filed 3/21/67, 8/29/66, 1/24/64.] Repealed by Order 455 (part), filed 5/18/70.
- 388-34-140 Maternity services. [Order 688, § 388-34-140, filed 6/15/72; Order 434, § 388-34-140, filed 3/31/70; Regulation 11.60, filed 3/31/66; Regulation 11.60, filed 6/24/64, 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-150 Other homes. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-34-150, filed 9/18/78; Regulation 11.70, filed 8/29/66; Regulation 11.70, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-160 Grant change—Admittance to institution other than nursing home. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-34-160, filed 5/4/83; 78-10-036 (Order 1338), § 388-34-160, filed 9/18/78; Regulation 11.80, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-165 Grant change—Discharge from institution other than licensed nursing home. [Regulation 11.81, filed 6/14/66; Regulation 11.81, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-180 Notification of grant authorization and change in grant. [Order 312, § 388-34-180, filed 10/31/68; Regulation 11.90, filed 1/24/64.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.

- 388-34-370 Intermediate care—Eligibility conditions. [Order 701, § 388-34-370, filed 7/27/72; Order 651, § 388-34-370, filed 2/9/72.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-372 Intermediate care—Determination of need for intermediate care. [Order 701, § 388-34-372, filed 7/27/72; Order 440, § 388-34-372, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-374 Intermediate care—Placement of recipient. [Order 440, § 388-34-374, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-375 Intermediate care—Absence for social reasons. [Order 867, § 388-34-375, filed 10/26/73.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-376 Intermediate care—Services to be provided by operator. [Order 440, § 388-34-376, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-378 Intermediate care—Grant requirements—Procedures. [Order 1017, § 388-34-378, filed 4/14/75; Order 907, § 388-34-378, filed 2/14/74; Order 862, § 388-34-378, filed 10/11/73; Order 842, § 388-34-378, filed 8/9/73; Order 824, § 388-34-378, filed 7/26/73; Order 732, § 388-34-378, filed 10/27/72; Order 716, § 388-34-378, filed 9/14/72; Order 675, § 388-34-378, filed 5/10/72; Order 651, § 388-34-378, filed 2/9/72; Order 440, § 388-34-378, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-380 Intermediate care—Payment procedures—Operator's responsibility. [Order 440, § 388-34-380, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.
- 388-34-384 Intermediate care—Application to provide intermediate care. [Order 867, § 388-34-384, filed 10/26/73; Order 627, § 388-34-384, filed 10/24/71; Order 440, § 388-34-384, filed 4/15/70.] Repealed by 93-19-134 (Order 3641), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090.

**Chapter 388-35  
NONCONTINUING GENERAL ASSISTANCE—  
ELIGIBILITY—PAYMENT—STANDARDS**

- 388-35-010 Conditions of eligibility. [Statutory Authority: RCW 74.08.090. 80-03-052 (Order 1490), § 388-35-010, filed 2/22/80; 79-11-090 (Order 1447), § 388-35-010, filed 10/25/79; 78-10-031 (Order 1337), § 388-35-010, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-35-020 Determination of financial need. [Statutory Authority: RCW 74.08.090. 80-02-022 (Order 1471), § 388-35-020, filed 1/9/80; 78-10-031 (Order 1337), § 388-35-020, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-35-030 Certification period. [Statutory Authority: RCW 74.08.090. 78-10-031 (Order 1337), § 388-35-030, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-35-050 Assistance units—Eligible persons. [Statutory Authority: RCW 74.08.090. 78-10-031 (Order 1337), § 388-35-050, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-35-060 Reapplication. [Statutory Authority: RCW 74.08.090. 79-10-085 (Order 1436), § 388-35-060, filed 9/21/79; 78-10-031 (Order 1337), § 388-35-060, filed 9/15/78.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-35-070 Noncontinuing general assistance—Requirements. [Statutory Authority: RCW 74.08.090. 80-15-002 (Order 1550), § 388-35-070, filed 10/2/80; 79-10-085 (Order 1436), § 388-35-070, filed 9/21/79; 78-10-031 (Order 1337), § 388-35-070, filed 9/15/78.] Repealed by 81-10-

010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.

**Chapter 388-36  
GENERAL ASSISTANCE—  
NONCONTINUING—ELIGIBILITY—PAYMENT**

- 388-36-010 Noncontinuing general assistance. [Order 536, § 388-36-010, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-010, filed 12/31/69; Order 294, § 388-36-010, filed 7/10/68; Regulation 12.00, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-015 Employable person—Defined. [Order 294, § 388-36-015, filed 7/10/68; Regulation 12.01, filed 12/31/65, effective 2/1/66; Regulation 12.01, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-025 Noncontinuing general assistance—Eligibility conditions—Summary. [Order 760, § 388-36-025, filed 12/28/72; Order 536, § 388-36-025, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-025, filed 12/31/69; Order 368, § 388-36-025, filed 7/9/69; Order 294, § 388-36-025, filed 7/10/68; Order 250, § 388-36-025, filed 11/1/67; Regulation 12.10, filed 12/31/65, effective 2/1/66; Regulation 12.10, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-055 Full-time employment. [Order 250, § 388-36-055, filed 11/1/67; Regulation 12.12, filed 12/31/65, effective 2/1/66; Regulation 12.12, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-060 Full-time employment—Effect on eligibility. [Order 250, § 388-36-060, filed 11/1/67; Regulation 12.121, filed 12/31/65, effective 2/1/66; Regulation 12.121, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-070 Noncontinuing general assistance—Limitations on eligibility. [Order 760, § 388-36-070, filed 12/28/72; Order 633, § 388-36-070, filed 12/24/71; Order 622, § 388-36-070, filed 10/27/71; Order 536, § 388-36-070, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-070, filed 12/31/69; Order 250, § 388-36-070, filed 11/1/67; Regulation 12.13, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-080 Transfer of resource. [Order 294, § 388-36-080, filed 7/10/68; Regulation 12.14, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-095 Noncontinuing general assistance—Requirements. [Order 653, § 388-36-095, filed 2/9/72; Order 536, § 388-36-095, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-095, filed 12/31/69; Order 294, § 388-36-095, filed 7/10/68; Order 250, § 388-36-095, filed 11/1/67; Regulation 12.151, filed 12/31/65, effective 2/1/66; Regulation 12.151, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-100 Noncontinuing general assistance—Computing income. [Order 536, § 388-36-100, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-100, filed 12/31/69; Regulation 12.152, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-105 Noncontinuing general assistance—Exempt and nonexempt resources and income. [Order 536, § 388-36-105, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-105, filed 12/31/69; Regulation 12.153, filed 12/31/65, effective 2/1/66; Regulation 12.153, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-110 Noncontinuing general assistance—Utilization of resources and income by noncontinuing general assistance recipient. [Order 536, § 388-36-110, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-110, filed 12/31/69; Regulation 12.154, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-125 Noncontinuing general assistance—Assistance unit defined. [Order 760, § 388-36-125, filed 12/28/72; Order 659, § 388-36-125, filed 2/23/72; Order 536, § 388-36-125, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-125, filed 12/31/69; Regulation 12.20, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-160 Other persons eligible for noncontinuing general assistance. [Order 294, § 388-36-160, filed 7/10/68; Regula-

- tion 12.30, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-170 Applicant for federal aid or continuing general assistance. [Regulation 12.32, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-180 Noncontinuing general assistance—Applicant without intent to remain in state. [Order 536, § 388-36-180, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-180, filed 12/31/69; Order 368, § 388-36-180, filed 7/9/69; Order 294, § 388-36-180, filed 7/10/68; Regulation 12.33, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-190 Other persons temporarily in need. [Order 294, § 388-36-190, filed 7/10/68; Regulation 12.34, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-200 Immediate grant. [Regulation 12.35, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-202 Noncontinuing general assistance—Application. [Order 536, § 388-36-202, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-202, filed 12/31/69.] Repealed by Order 841, filed 8/9/73.
- 388-36-205 Computation, authorization, reauthorization of grant. [Regulation 12.40, filed 1/24/64.] Repealed by Order 417, filed 12/31/69.
- 388-36-210 Noncontinuing general assistance—Effective date of eligibility. [Order 536, § 388-36-210, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-210, filed 12/31/69; Regulation 12.41, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-220 Grant amount. [Regulation 12.42, filed 1/24/64.] Repealed by Order 536, filed 3/31/71, effective 5/1/71.
- 388-36-230 Noncontinuing general assistance—Grant period. [Order 536, § 388-36-230, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-230, filed 12/31/69; Regulation 12.43, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-240 Noncontinuing general assistance—Authorization and reauthorization of grant. [Order 536, § 388-36-240, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-240, filed 12/31/69; Regulation 12.44, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-245 Noncontinuing general assistance—Notification to recipient. [Order 536, § 388-36-245, filed 3/31/71, effective 5/1/71; Order 417, § 388-36-245, filed 12/31/69; Regulation 12.441, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-255 Noncontinuing general assistance—Payment of grant. [Order 536, § 388-36-255, filed 3/31/71, effective 5/1/71; Order 450, § 388-36-255, filed 5/14/70, effective 6/15/70; Order 417, § 388-36-255, filed 12/31/69; Regulation 12.50, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-36-265 Noncontinuing general assistance—Vendor payment. [Order 536, § 388-36-265, filed 3/31/71, effective 5/1/71; Order 450, § 388-36-265, filed 5/14/70, effective 6/15/70; Order 417, § 388-36-265, filed 12/31/69; Regulation 12.51, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- Chapter 388-37**  
**GENERAL ASSISTANCE—ELIGIBILITY—STANDARDS OF ASSISTANCE—PAYMENT**
- 388-37-010 Continuing general assistance—Exclusions. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-010, filed 8/21/87. Statutory Authority: RCW 74.08.090. 86-11-021 (Order 2374), § 388-37-010, filed 5/14/86; 85-20-086 (Order 2289), § 388-37-010, filed 10/1/85; 84-19-046 (Order 2152), § 388-37-010, filed 9/17/84; 83-21-012 (Order 2034), § 388-37-010, filed 10/6/83; 83-08-025 (Order 1955), § 388-37-010, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-010, filed 10/26/82; 81-15-056 (Order 1681), § 388-37-010, filed 7/17/81; 81-10-010 (Order 1642), § 388-37-010, filed 4/27/81; 80-12-013 (Order 1536), § 388-37-010, filed 8/25/80; 79-06-026 (Order 1397), § 388-37-010, filed 5/16/79; 78-10-031 (Order 1337), § 388-37-010, filed 9/15/78; Order 1214, § 388-37-010, filed 6/23/77; Order 1102, § 388-37-010, filed 3/2/76; Order 939, § 388-37-010, filed 5/23/74; Order 904, § 388-37-010, filed 1/31/74; Order 841, § 388-37-010, filed 8/9/73.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-020 Continuing general assistance—Eligibility conditions—General. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-020, filed 8/21/87. Statutory Authority: RCW 74.08.090. 83-21-012 (Order 2034), § 388-37-020, filed 10/6/83; 81-12-045 (Order 1661), § 388-37-020, filed 6/3/81; 78-10-031 (Order 1337), § 388-37-020, filed 9/15/78; Order 1251, § 388-37-020, filed 11/10/77; Order 841, § 388-37-020, filed 8/9/73.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-021 Provision of Social Security numbers. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-021, filed 8/21/87.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-025 Earned income exemption. [Statutory Authority: RCW 74.08.090. 83-21-012 (Order 2034), § 388-37-025, filed 10/6/83; Order 1251, § 388-37-025, filed 11/10/77.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-029 General assistance retrospective budgeting supplement for AFDC or FIP recipients. [Statutory Authority: RCW 74.08.090. 91-21-124 (Order 3269), § 388-37-029, filed 10/23/91, effective 11/23/91.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-030 Continuing general assistance—Eligible persons. [Statutory Authority: 1991 c 10 and 126. 91-20-051 (Order 3249), § 388-37-030, filed 9/24/91, effective 10/25/91. Statutory Authority: 1990 c 285. 90-16-085 (Order 3045), § 388-37-030, filed 8/1/90, effective 9/1/90. Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-030, filed 8/21/87. Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-030, filed 7/24/85; 84-19-046 (Order 2152), § 388-37-030, filed 9/17/84; 83-21-012 (Order 2034), § 388-37-030, filed 10/6/83; 83-08-025 (Order 1955), § 388-37-030, filed 3/30/83; 81-10-010 (Order 1642), § 388-37-030, filed 4/27/81; 80-02-022 (Order 1471), § 388-37-030, filed 1/9/80; 78-06-021 (Order 1295), § 388-37-030, filed 5/16/78; Order 1214, § 388-37-030, filed 6/23/77; Order 1189, § 388-37-030, filed 2/18/77; Order 1173, § 388-37-030, filed 11/24/76; Order 1102, § 388-37-030, filed 3/2/76; Order 1083, § 388-37-030, filed 12/24/75; Order 976, § 388-37-030, filed 10/28/74; Order 973, § 388-37-030, filed 9/26/74; Order 939, § 388-37-030, filed 5/23/74; Order 904, § 388-37-030, filed 1/31/74; Order 841, § 388-37-030, filed 8/9/73.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-031 Continuing general assistance—Payment to employable spouse. [Statutory Authority: RCW 74.08.090. 81-12-045 (Order 1661), § 388-37-031, filed 6/3/81; Order 1102, § 388-37-031, filed 3/2/76.] Repealed by 92-10-049 (Order 3380), filed 5/5/92, effective 7/1/92. Statutory Authority: RCW 74.04.005.
- 388-37-032 Continuing general assistance—Determination of incapacity. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-032, filed 8/21/87. Statutory Authority: RCW 74.08.090. 85-22-020 (Order 2297), § 388-37-032, filed 10/30/85; 84-19-046 (Order 2152), § 388-37-032, filed 9/17/84; 83-08-025 (Order 1955), § 388-37-032, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-032, filed 10/26/82; 81-12-045 (Order 1661), § 388-37-032, filed 6/3/81; Order 1145, § 388-37-032, filed 8/26/76; Order 1102, § 388-37-032, filed 3/2/76; Order 1046, § 388-37-032, filed 8/14/75; Order 973, § 388-37-032, filed 9/26/74; Order 904, § 388-37-032, filed 1/31/74.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-034 Continuing general assistance—Local office review of incapacity. [Order 943, § 388-37-034, filed 6/28/74;



- Order 904, § 388-37-034, filed 1/31/74.] Repealed by Order 1102, filed 3/2/76.
- 388-37-035 Incapacity—Medical evidence. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-035, filed 8/21/87. Statutory Authority: RCW 74.08.090. 84-19-046 (Order 2152), § 388-37-035, filed 9/17/84; 83-21-012 (Order 2034), § 388-37-035, filed 10/6/83; 83-08-025 (Order 1955), § 388-37-035, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-035, filed 10/26/82; 82-12-067 (Order 1819), § 388-37-035, filed 6/2/82; 81-21-038 (Order 1709), § 388-37-035, filed 10/15/81; 81-10-010 (Order 1642), § 388-37-035, filed 4/27/81; 80-12-013 (Order 1536), § 388-37-035, filed 8/25/80; Order 1251, § 388-37-035, filed 11/10/77; Order 1214, § 388-37-035, filed 6/23/77; Order 1173, § 388-37-035, filed 11/24/76; Order 1145, § 388-37-035, filed 8/26/76; Order 1109, § 388-37-035, filed 4/15/76; Order 1102, § 388-37-035, filed 3/2/76; Order 973, § 388-37-035, filed 9/26/74; Order 904, § 388-37-035, filed 1/31/74.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-036 Incapacity—Functional, mental, and emotional disorders. [Statutory Authority: RCW 74.08.090. 83-08-025 (Order 1955), § 388-37-036, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-036, filed 10/26/82.] Repealed by 85-15-090 (Order 2259), filed 7/24/85. Statutory Authority: RCW 74.08.090.
- 388-37-037 Continuing general assistance—Refusal to accept available and required medical treatment. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-037, filed 8/21/87. Statutory Authority: RCW 74.08.090. 85-22-020 (Order 2297), § 388-37-037, filed 10/30/85; 84-19-046 (Order 2152), § 388-37-037, filed 9/17/84; 83-08-025 (Order 1955), § 388-37-037, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-037, filed 10/26/82; 81-12-045 (Order 1661), § 388-37-037, filed 6/3/81; Order 1102, § 388-37-037, filed 3/2/76; Order 904, § 388-37-037, filed 1/31/74.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-038 Incapacity—Waiver of medical documentation. [Statutory Authority: RCW 74.04.005. 92-08-036, § 388-37-038, filed 3/24/92, effective 4/24/92. Statutory Authority: 1991 c 10 and 126. 91-20-051 (Order 3249), § 388-37-038, filed 9/24/91, effective 10/25/91. Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-038, filed 8/21/87. Statutory Authority: RCW 74.08.090. 84-19-046 (Order 2152), § 388-37-038, filed 9/17/84; 83-08-025 (Order 1955), § 388-37-038, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-038, filed 10/26/82.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-039 Continuing general assistance—Assistance units. [Statutory Authority: RCW 74.04.005. 92-10-049 (Order 3380), § 388-37-039, filed 5/5/92, effective 7/1/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-040 Continuing general assistance—Standards for requirements—Authorization. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-040, filed 8/21/87. Statutory Authority: RCW 74.08.090. 84-19-046 (Order 2152), § 388-37-040, filed 9/17/84; 82-22-021 (Order 1894), § 388-37-040, filed 10/26/82; 81-12-045 (Order 1661), § 388-37-040, filed 6/3/81; 79-06-028 (Order 1398), § 388-37-040, filed 5/16/79; Order 1102, § 388-37-040, filed 3/2/76; Order 841, § 388-37-040, filed 8/9/73.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-045 General assistance-unemployable—Determination of capacity to engage in gainful employment. [Statutory Authority: RCW 74.04.005. 93-06-073 (Order 3520), § 388-37-045, filed 3/2/93, effective 4/2/93.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-050 General assistance-unemployable—Redetermination of eligibility. [Statutory Authority: RCW 74.04.005. 93-06-073 (Order 3520), § 388-37-050, filed 3/2/93, effective 4/2/93. Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-050, filed 8/21/87. Statutory Authority: RCW 74.08.090. 84-19-046 (Order 2152), § 388-37-050, filed 9/17/84; 83-08-025 (Order 1955), § 388-37-050, filed 3/30/83; 82-22-021 (Order 1894), § 388-37-050, filed 10/26/82; Order 1102, § 388-37-050, filed 3/2/76; Order 943, § 388-37-050, filed 6/28/74; Order 904, § 388-37-050, filed 1/31/74; Order 841, § 388-37-050, filed 8/9/73.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-060 Congregate care—Alcoholism treatment. [Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-060, filed 7/24/85; 84-19-046 (Order 2152), § 388-37-060, filed 9/17/84; 83-08-025 (Order 1955), § 388-37-060, filed 3/30/83. Statutory Authority: RCW 74.08.044. 82-04-076 (Order 1759), § 388-37-060, filed 2/3/82; Order 1173, § 388-37-060, filed 11/24/76.] Repealed by 87-18-005 (Order 2525), filed 8/21/87. Statutory Authority: 1987 c 406.
- 388-37-100 Progressive evaluation process. [Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-100, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-110 Determination of severity—General definitions. [Statutory Authority: RCW 74.08.090. 88-15-013 (Order 2652), § 388-37-110, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-110, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-115 Progressive evaluation process Step I—Review of medical documentation. [Statutory Authority: 1991 c 10 and 126. 91-20-051 (Order 3249), § 388-37-115, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-115, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-120 Progressive evaluation process Step II—Severity of mental impairments. [Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-120, filed 8/21/87. Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-120, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-130 Progressive evaluation process Step III—Severity of physical impairments. [Statutory Authority: RCW 74.08.090. 88-15-013 (Order 2652), § 388-37-130, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-130, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-135 Alcoholism/drug addiction. [Statutory Authority: RCW 74.04.050. 92-03-047 (Order 3306), § 388-37-135, filed 1/10/92, effective 2/10/92. Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-135, filed 8/21/87. Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-135, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-140 Progressive evaluation process Step IV—Multiple impairments. [Statutory Authority: RCW 74.08.090. 89-01-047 (Order 2733), § 388-37-140, filed 12/14/88; 88-15-013 (Order 2652), § 388-37-140, filed 7/8/88. Statutory Authority: 1987 c 406. 87-18-005 (Order 2525), § 388-37-140, filed 8/21/87. Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-140, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-150 Progressive evaluation process Step V—Functional capacities—Mental impairments. [Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-150, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed

- 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-160 Progressive evaluation process Step V—Functional capacities—Physical impairments. [Statutory Authority: RCW 74.08.090. 88-15-013 (Order 2652), § 388-37-160, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-160, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-170 Evaluation of vocational factors for Steps VI and VII. [Statutory Authority: RCW 74.08.090. 88-15-013 (Order 2652), § 388-37-170, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-170, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-180 Progressive evaluation process Step VI—Evaluation of capacity to perform past work. [Statutory Authority: RCW 74.08.090. 85-15-090 (Order 2259), § 388-37-180, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-190 Progressive evaluation process Step VII—Assessment of capacity to perform other work. [Statutory Authority: RCW 74.08.090. 88-15-013 (Order 2652), § 388-37-190, filed 7/8/88; 85-15-090 (Order 2259), § 388-37-190, filed 7/24/85.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-210 Noncontinuing general assistance—Eligible persons. [\*Order 1085, § 388-37-210, filed 1/15/76; Emergency Order 1073, § 388-37-210, filed 12/12/75 (Emergency Order 1073 repealed WAC 388-37-210, which was then readopted, as amended, by Order 1085, filed 1/15/76); Order 969, § 388-37-210, filed 9/13/74; Order 939, § 388-37-210, filed 5/23/74; Order 904, § 388-37-210, filed 1/31/74; Order 841, § 388-37-210, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-215 Noncontinuing general assistance—Specific eligibility conditions. [Order 1173, § 388-37-215, filed 11/24/76; Order 973, § 388-37-215, filed 9/26/74; Order 841, § 388-37-215, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-220 Noncontinuing general assistance—Requirements. [Order 1242, § 388-37-220, filed 9/23/77; Order 1145, § 388-37-220, filed 8/26/76; Order 1040, § 388-37-220, filed 8/7/75; Order 904, § 388-37-220, filed 1/31/74; Order 841, § 388-37-220, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-230 Noncontinuing general assistance—Exempt and nonexempt resources and income. [Statutory Authority: RCW 74.08.090. 78-06-022 (Order 1294), § 388-37-230, filed 5/16/78; Order 841, § 388-37-230, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-235 Noncontinuing general assistance—Computing income. [Order 841, § 388-37-235, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-240 Noncontinuing general assistance—Utilization of resources and income. [Order 841, § 388-37-240, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-245 Noncontinuing general assistance—Effective date of eligibility. [Order 841, § 388-37-245, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-250 Noncontinuing general assistance—Grant period. [Order 841, § 388-37-250, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-255 Noncontinuing general assistance—Authorization and reauthorization of grant. [Order 841, § 388-37-255, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-260 Noncontinuing general assistance—Notification to recipient. [Order 841, § 388-37-260, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-265 Noncontinuing general assistance—Payment of grant. [Order 841, § 388-37-265, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-270 Noncontinuing general assistance—Vendor payment. [Order 841, § 388-37-270, filed 8/9/73.] Repealed by 78-10-031 (Order 1337), filed 9/15/78. Statutory Authority: RCW 74.08.090.
- 388-37-300 GAU CWEP—Purpose. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-300, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-310 GAU CWEP—Definitions. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-310, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-320 GAU CWEP—Participation requirement. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-320, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-330 GAU CWEP—Exemptions. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-330, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-340 GAU CWEP—Placements. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-340, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-350 GAU CWEP—Placement agencies. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-350, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-360 GAU CWEP—Scope of services. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-360, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-370 GAU CWEP—Good cause for refusal or failure to participate. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-370, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.
- 388-37-380 GAU CWEP—Sanctions for refusal or failure to participate. [Statutory Authority: SHB 2983, 1992. 92-17-006 (Order 3433), § 388-37-380, filed 8/6/92, effective 9/6/92.] Repealed by 93-16-058 (Order 3559), filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 74.08.090.

#### Chapter 388-38 APPLICATION

- 388-38-010 Definitions. [Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-010, filed 5/21/86; 81-17-028 (Order 1693), § 388-38-010, filed 8/12/81; Order 1101, § 388-38-010, filed 2/25/76; Order 537, § 388-38-010, filed 3/31/71, effective 5/1/71; Regulation 13.01, filed 7/27/67; Regulation 13.01, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-020 Inquiry. [Regulation 13.10, filed 1/24/64.] Repealed by Order 537, filed 3/31/71, effective 5/1/71.
- 388-38-030 Application—Department responsibility. [Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-030, filed 5/21/86; Order 605, § 388-38-030, filed 9/22/71; Order 537, § 388-38-030, filed 3/31/71, effective

- 5/1/71; Regulation 13.20, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-035 Application registration. [Regulation 13.21, filed 1/24/64.] Repealed by Order 537, filed 3/31/71, effective 5/1/71.
- 388-38-040 Application—Recording and documenting. [Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-040, filed 5/21/86; Order 943, § 388-38-040, filed 6/28/74; Order 537, § 388-38-040, filed 3/31/71, effective 5/1/71; Regulation 13.22, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-045 Applicant responsibility for providing information. [Statutory Authority: RCW 74.08.090. 89-03-051 (Order 2755), § 388-38-045, filed 1/13/89; 86-11-060 (Order 2380), § 388-38-045, filed 5/21/86.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-050 Alteration or addition to forms. [Order 978, § 388-38-050, filed 10/28/74; Repealed by Order 943, filed 6/28/74; Order 537, § 388-38-050, filed 3/31/71, effective 5/1/71; Regulation 13.23, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-060 Application—Prior to specified events. [Order 537, § 388-38-060, filed 3/31/71, effective 5/1/71; Regulation 13.24, filed 1/24/64.] Repealed by Order 973, filed 9/26/74.
- 388-38-070 Person being paroled or released from state correctional institution. [Order 943, § 388-38-070, filed 6/28/74; Order 537, § 388-38-070, filed 3/31/71, effective 5/1/71; Regulation 13.25, filed 1/24/64.] Repealed by Order 1195, filed 3/3/77.
- 388-38-080 Person in state mental hospital or institution for mentally retarded. [Order 537, § 388-38-080, filed 3/31/71, effective 5/1/71; Regulation 13.26, filed 1/24/64.] Repealed by Order 1165, filed 10/27/76.
- 388-38-085 Applicant requiring placement in licensed and classified nursing home or at Oakhurst Infirmary. [Regulation 13.261, filed 1/24/64.] Repealed by Order 537, filed 3/31/71, effective 5/1/71.
- 388-38-08501 Trial visit. [Order 873, § 388-38-085 (codified as WAC 388-38-08501), filed 11/16/73.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-090 Applicant requiring other type of placement. [Regulation 13.262, filed 1/24/64.] Repealed by Order 537, filed 3/31/71, effective 5/1/71.
- 388-38-100 Disposal of application. [This reference only section is being repealed inasmuch as § 388-38-100 was deleted from Order 537, filed 3/31/71, effective 5/1/71.]
- 388-38-110 Time limit for disposal. [Statutory Authority: RCW 74.04.057. 88-07-118 (Order 2614), § 388-38-110, filed 3/23/88. Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-110, filed 5/21/86; 82-07-026 (Order 1779), § 388-38-110, filed 3/11/82; 81-17-028 (Order 1693), § 388-38-110, filed 8/12/81; Order 1165, § 388-38-110, filed 10/27/76; Order 943, § 388-38-110, filed 6/28/74; Order 537, § 388-38-110, filed 3/31/71, effective 5/1/71; Regulation 13.31, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-120 Disposal actions. [Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-120, filed 5/21/86; 81-12-045 (Order 1661), § 388-38-120, filed 6/3/81; Order 1241, § 388-38-120, filed 9/23/77; Order 1101, § 388-38-120, filed 2/25/76; Order 943, § 388-38-120, filed 6/28/74; Order 537, § 388-38-120, filed 3/31/71, effective 5/1/71; Order 354, § 388-38-120, filed 5/29/69; Order 313, § 388-38-120, filed 10/31/68; Regulation 13.32, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-140 Notification of decision. [Regulation 13.40, filed 1/24/64.] Repealed by Order 313, filed 10/31/68.
- 388-38-150 Application approved—Notice. [Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-150, filed 5/21/86; Order 537, § 388-38-150, filed 3/31/71, effective 5/1/71; Order 313, § 388-38-150, filed 10/31/68; Regulation 13.41, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-160 Withdrawn application. [Regulation 13.42, filed 1/24/64.] Repealed by Order 313, filed 10/31/68.
- 388-38-170 Denial of application. [Regulation 13.43, filed 1/24/64.] Repealed by Order 313, filed 10/31/68.
- 388-38-172 Application denied or withdrawn—Notice. [Statutory Authority: RCW 74.08.090. 89-03-051 (Order 2755), § 388-38-172, filed 1/13/89; 86-11-060 (Order 2380), § 388-38-172, filed 5/21/86; Order 537, § 388-38-172, filed 3/31/71, effective 5/1/71; Order 313, § 388-38-172, filed 10/31/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-180 Intercounty transfer of application. [Regulation 13.50, filed 1/24/64.] Repealed by Order 537, filed 3/31/71, effective 5/1/71.
- 388-38-200 Verifying eligibility and re-eligibility. [Statutory Authority: RCW 74.08.090. 86-11-060 (Order 2380), § 388-38-200, filed 5/21/86; 83-13-095 (Order 1971), § 388-38-200, filed 6/20/83; Order 1241, § 388-38-200, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-220 Verification of citizenship. [Order 1241, § 388-38-220, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-225 Verification of lawful admission for permanent residence in United States. [Order 1241, § 388-38-225, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-230 Verification of permanent residence in United States under color of law. [Order 1241, § 388-38-230, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-250 Responsibility for eligibility maintenance. [Order 1241, § 388-38-250, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-255 Responsibility for eligibility maintenance—Recipient. [Order 1241, § 388-38-255, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-260 Responsibility for eligibility maintenance—Local office. [Order 1241, § 388-38-260, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-265 Recipient's whereabouts unknown or failure to provide eligibility data. [Statutory Authority: RCW 74.08.090. 83-24-015 (Order 2051), § 388-38-265, filed 11/30/83; Order 1241, § 388-38-265, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-270 Redirection of warrant. [Statutory Authority: RCW 74.08.090. 86-07-002 (Order 2345), § 388-38-270, filed 3/6/86; Order 1241, § 388-38-270, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-280 Periodic review and redetermination of eligibility. [Statutory Authority: RCW 74.08.090. 86-21-051 (Order 2434), § 388-38-280, filed 10/13/86; 86-08-004 (Order 2350), § 388-38-280, filed 3/20/86; Order 1241, § 388-38-280, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-285 Content of review. [Order 1241, § 388-38-285, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-38-290 Action on review. [Order 1241, § 388-38-290, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-38-295 Changing and terminating grant. [Order 1241, § 388-38-295, filed 9/23/77.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

**Chapter 388-39**  
**MEDICAL CARE**

[Regulation 14.00 through 14.33, filed 1/24/64.] Repealed by Order 244, filed 10/20/67.

**Chapter 388-40**  
**ALCOHOL/DRUG PROGRAMS**

388-40-010 Alcoholism and drug detoxification program—Eligible persons. [Statutory Authority: RCW 74.50.080. 90-21-125 (Order 3089), § 388-40-010, filed 10/23/90, effective 11/23/90. Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-010, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-010, filed 8/21/87. Statutory Authority: RCW 74.08.090. 82-20-023 (Order 1884), § 388-40-010, filed 9/29/82; 81-10-011 (Order 1643), § 388-40-010, filed 4/27/81.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-020 Alcoholism and Drug Addiction Treatment and Support Act (ADATSA)—Program description. [Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-020, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-020, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-030 ADATSA services. [Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-030, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-030, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-040 Financial eligibility requirements. [Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-040, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.50.010. 88-13-110 (Order 2635), § 388-40-040, filed 6/21/88. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-040, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-050 Incapacity requirements for ADATSA treatment. [Statutory Authority: 1989 1st ex.s. c 18. 89-24-037 (Order 2908), § 388-40-050, filed 12/1/89, effective 1/1/90; 89-18-025 (Order 2851), § 388-40-050, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-050, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-055 Incapacity requirements for ADATSA shelter. [Statutory Authority: RCW 74.50.080. 90-21-125 (Order 3089), § 388-40-055, filed 10/23/90, effective 11/23/90. Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-055, filed 8/29/89, effective 9/29/89.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-060 Eligibility determination and review—Time frame. [Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-060, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-060, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-070 SSI referral requirements. [Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-070, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-080 ADATSA assessment centers—Role. [Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-

080, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090. 89-01-093 (Order 2740), § 388-40-080, filed 12/21/88. Statutory Authority: RCW 74.50.010. 88-13-110 (Order 2635), § 388-40-080, filed 6/21/88. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-080, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-090 ADATSA treatment modalities—Description of services, requirements, and limitations. [Statutory Authority: RCW 74.50.080. 90-21-125 (Order 3089), § 388-40-090, filed 10/23/90, effective 11/23/90. Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-090, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.50.010. 88-13-110 (Order 2635), § 388-40-090, filed 6/21/88. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-090, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-091 Availability of treatment—Priority groups. [Statutory Authority: RCW 74.50.080. 90-21-125 (Order 3089), § 388-40-091, filed 10/23/90, effective 11/23/90. Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-091, filed 8/29/89, effective 9/29/89.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-095 ADATSA treatment—Living allowance. [Statutory Authority: RCW 74.50.010. 88-13-110 (Order 2635), § 388-40-095, filed 6/21/88.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-100 ADATSA shelter services. [Statutory Authority: RCW 74.50.080. 90-21-125 (Order 3089), § 388-40-100, filed 10/23/90, effective 11/23/90. Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-100, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090. 89-01-093 (Order 2740), § 388-40-100, filed 12/21/88. Statutory Authority: RCW 74.50.010. 88-13-110 (Order 2635), § 388-40-100, filed 6/21/88. Statutory Authority: 1987 c 406. 87-18-006 (Order 2526), § 388-40-100, filed 8/21/87.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

388-40-110 ADATSA protective payee requirements. [Statutory Authority: 1989 1st ex.s. c 18. 89-18-025 (Order 2851), § 388-40-110, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.50.010. 88-23-020 (Order 2723), § 388-40-110, filed 11/7/88; 88-13-110 (Order 2635), § 388-40-110, filed 6/21/88.] Repealed by 93-19-039 (Order 3632), filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090.

**Chapter 388-42**  
**FUNERAL EXPENSE**

388-42-010 Funerals. [Regulation 15.00, filed 1/24/64.] Repealed by Order 538, filed 3/31/71, effective 5/1/71.

388-42-020 Funeral and interment assistance—Definitions. [Statutory Authority: RCW 74.08.120. 93-05-021 (Order 3513), § 388-42-020, filed 2/10/93, effective 3/13/93; 92-16-015 (Order 3422), § 388-42-020, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-020, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-020, filed 8/12/81; 81-10-011 (Order 1643), § 388-42-020, filed 4/27/81; 78-10-058 (Order 1340), § 388-42-020, filed 9/22/78; Order 612, § 388-42-020, filed 9/27/71; Order 538, § 388-42-020, filed 3/31/71, effective 5/1/71; Order 278, § 388-42-020, filed 2/14/68; Order 242, § 388-42-020, filed 10/20/67; Regulation 15.10, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.

388-42-025 Available services. [Statutory Authority: RCW 74.08.120. 93-05-021 (Order 3513), § 388-42-025, filed 2/10/93, effective 3/13/93; 92-16-015 (Order 3422), § 388-42-025, filed 7/23/92, effective 8/23/92. Statutory Authority:

- ity: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-025, filed 5/22/84, effective 7/1/84.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-030 General eligibility. [Statutory Authority: RCW 74.08.120. 92-16-015 (Order 3422), § 388-42-030, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-030, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-030, filed 8/12/81; 78-10-058 (Order 1340), § 388-42-030, filed 9/22/78; Order 612, § 388-42-030, filed 9/27/71; Order 538, § 388-42-030, filed 3/31/71, effective 5/1/71; Order 371, § 388-42-030, filed 8/7/69; Order 314, § 388-42-030, filed 10/31/68; Order 242, § 388-42-030, filed 10/20/67; Regulation 15.20, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-040 Resources. [Statutory Authority: RCW 74.08.090. 86-11-023 (Order 2376), § 388-42-040, filed 5/14/86; 84-11-071 (Order 2100), § 388-42-040, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-040, filed 8/12/81; Order 538, § 388-42-040, filed 3/31/71, effective 5/1/71; Order 242, § 388-42-040, filed 10/20/67; Regulation 15.30, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-050 Funeral expenses—Veterans' burial benefit. [Statutory Authority: RCW 74.08.090. 81-10-011 (Order 1643), § 388-42-050, filed 4/27/81; Order 538, § 388-42-050, filed 3/31/71, effective 5/1/71; Order 242, § 388-42-050, filed 10/20/67; Regulation 15.31, filed 1/24/64.] Repealed by 81-17-026 (Order 1691), filed 8/12/81. Statutory Authority: RCW 74.08.090.
- 388-42-060 Funeral expenses—Workmen's compensation. [Order 538, § 388-42-060, filed 3/31/71, effective 5/1/71.] Repealed by 81-17-026 (Order 1691), filed 8/12/81. Statutory Authority: RCW 74.08.090.
- 388-42-070 Funeral expenses—Social Security death benefit. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-42-070, filed 9/18/78; Order 538, § 388-42-070, filed 3/31/71, effective 5/1/71; Order 242, § 388-42-070, filed 10/20/67; Regulation 15.33, filed 3/31/66; Regulation 15.33, filed 1/24/64.] Repealed by 81-17-026 (Order 1691), filed 8/12/81. Statutory Authority: RCW 74.08.090.
- 388-42-080 Funeral expenses—Railroad retirement death benefit. [Order 538, § 388-42-080, filed 3/31/71, effective 5/1/71; Order 242, § 388-42-080, filed 10/20/67; Regulation 15.34, filed 1/24/64.] Repealed by 81-17-026 (Order 1691), filed 8/12/81. Statutory Authority: RCW 74.08.090.
- 388-42-090 Funeral expenses—Life insurance. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-42-090, filed 9/18/78; Order 538, § 388-42-090, filed 3/31/71, effective 5/1/71; Order 371, § 388-42-090, filed 8/7/69; Order 242, § 388-42-090, filed 10/20/67; Regulation 15.35, filed 1/24/64.] Repealed by 81-17-026 (Order 1691), filed 8/12/81. Statutory Authority: RCW 74.08.090.
- 388-42-100 Decedent's estate. [Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-100, filed 5/22/84, effective 7/1/84; Order 1176, § 388-42-100, filed 12/23/76; Order 538, § 388-42-100, filed 3/31/71, effective 5/1/71; Order 371, § 388-42-100, filed 8/1/69; Order 242, § 388-42-100, filed 10/20/67; Regulation 15.36, filed 12/31/65; Regulation 15.36, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-110 Interment of two or more bodies in one grave. [Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-110, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-110, filed 8/12/81; Order 612, § 388-42-110, filed 9/27/71; Order 538, § 388-42-110, filed 3/31/71, effective 5/1/71; Order 371, § 388-42-110, filed 8/1/69; Order 242, § 388-42-110, filed 10/20/67; Regulation 15.40, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-115 Application. [Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-115, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-115, filed 8/12/81; Order 612, § 388-42-115, filed 9/27/71.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-125 Fair hearing. [Statutory Authority: RCW 74.08.090. 84-11-071 (Order 2100), § 388-42-125, filed 5/22/84, effective 7/1/84; 81-17-026 (Order 1691), § 388-42-125, filed 8/12/81; Order 538, § 388-42-125, filed 3/31/71, effective 5/1/71; Order 242, § 388-42-125, filed 10/20/67; Regulation 15.50, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-150 Maximum cost standards. [Statutory Authority: RCW 74.08.120. 93-05-021 (Order 3513), § 388-42-150, filed 2/10/93, effective 3/13/93; 92-16-015 (Order 3422), § 388-42-150, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.08.090. 91-06-005 (Order 3142), § 388-42-150, filed 2/21/91, effective 3/24/91; 90-10-031 (Order 2973), § 388-42-150, filed 4/25/90, effective 5/26/90; 88-18-023 (Order 2682), § 388-42-150, filed 8/30/88. Statutory Authority: 1987 c 7. 87-24-073 (Order 2563), § 388-42-150, filed 12/2/87. Statutory Authority: RCW 74.08.090. 85-24-052 (Order 2310), § 388-42-150, filed 12/2/85; 84-11-071 (Order 2100), § 388-42-150, filed 5/22/84, effective 7/1/84; 82-06-050 (Order 1772), § 388-42-150, filed 3/3/82; 81-17-026 (Order 1691), § 388-42-150, filed 8/12/81; 80-11-055 (Order 1532), § 388-42-150, filed 8/20/80; 79-10-083 (Order 1434), § 388-42-150, filed 9/21/79; 78-10-058 (Order 1340), § 388-42-150, filed 9/22/78; Order 1247, § 388-42-150, filed 10/10/77; Order 1052, § 388-42-150, filed 9/10/75; Order 907, § 388-42-150, filed 2/14/74; Order 612, § 388-42-150, filed 9/27/71; Order 538, § 388-42-150, filed 3/31/71, effective 5/1/71; Order 378, § 388-42-150, filed 8/7/69; Order 255, § 388-42-150, filed 11/8/67; Regulation 15.60, filed 1/24/64.] Repealed by 93-13-134 (Order 3576), filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090 and 1993 1st sp. sess. c 24.
- 388-42-160 Agreements with funeral directors, cemetery and crematory operators. [Order 242, § 388-42-160, filed 10/20/67; Regulation 15.70, filed 1/24/64.] Repealed by Order 281, filed 2/14/68.
- 388-42-170 Lien against deceased person's assets exempted for use by spouse and/or minor children. [Regulation 15.80, filed 12/31/65.] Repealed by Order 245, filed 10/20/67.

**Chapter 388-44  
OVERPAYMENT—REPAYMENT**

- 388-44-010 Overpayment—Underpayment—Defined. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-010, filed 1/24/86. Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-010, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-010, filed 2/3/82; 81-09-045 (Order 1638), § 388-44-010, filed 4/15/81; Order 1058, § 388-44-010, filed 10/1/75; Order 800, § 388-44-010, filed 5/25/73; Order 539, § 388-44-010, filed 3/31/71, effective 5/1/71; Order 396, § 388-44-010, filed 10/15/69; Regulation 16.01, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-020 Intentional overpayment—Defined. [Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-020, filed 2/16/83; 81-09-045 (Order 1638), § 388-44-020, filed 4/15/81; Order 843, § 388-44-020, filed 8/9/73; Order 800, § 388-44-020, filed 5/25/73; Order 539, § 388-44-020, filed 3/31/71, effective 5/1/71; Regulation 16.02, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed

- 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-025 Overpayments—Effective dates. [Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-025, filed 2/16/83.] Repealed by 86-04-014 (Order 2335), filed 1/24/86. Statutory Authority: RCW 74.04.050.
- 388-44-035 Overpayment—Amount. [Statutory Authority: RCW 74.08.090. 88-19-070 (Order 2699), § 388-44-035, filed 9/16/88. Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-035, filed 1/24/86. Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-035, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-035, filed 2/3/82; 81-09-045 (Order 1638), § 388-44-035, filed 4/15/81; Order 539, § 388-44-035, filed 3/31/71, effective 5/1/71; Order 396, § 388-44-035, filed 10/15/69; Regulation 16.11, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-040 Overpayment—Due to need factor. [Order 539, § 388-44-040, filed 3/31/71, effective 5/1/71; Order 396, § 388-44-040, filed 10/15/69; Regulation 16.12, filed 1/24/64.] Repealed by 81-09-045 (Order 1638), filed 4/15/81. Statutory Authority: RCW 74.08.090.
- 388-44-045 Overpayment—During known period of ineligibility. [Regulation 16.13, filed 1/24/64.] Repealed by Order 396, filed 10/15/69.
- 388-44-046 Overpayment—Support payments not treated as overpayment. [Order 1054, § 388-44-046, filed 9/25/75.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-050 Overpayment—Relationship to underpayment. [Statutory Authority: RCW 74.08.090. 82-04-072 (Order 1755), § 388-44-050, filed 2/3/82; Order 539, § 388-44-050, filed 3/31/71, effective 5/1/71; Regulation 16.14, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-075 Establishing overpayment. [Order 396, § 388-44-075, filed 10/15/69; Regulation 16.20, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-085 Establishing overpayment—Person not available for interview. [Order 396, § 388-44-085, filed 10/15/69; Regulation 16.22, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-095 Establishing overpayment—Substantiation. [Order 396, § 388-44-095, filed 10/15/69; Regulation 16.23, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-110 Overpayment—Liability. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-110, filed 1/24/86. Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-110, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-110, filed 2/3/82; 80-14-061 (Order 1547), § 388-44-110, filed 10/1/80; Order 800, § 388-44-110, filed 5/25/73; Order 539, § 388-44-110, filed 3/31/71, effective 5/1/71; Regulation 16.24, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-115 Verification of overpayment. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-115, filed 1/24/86. Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-115, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-115, filed 2/3/82; 81-19-029 (Order 1698), § 388-44-115, filed 9/9/81; Order 800, § 388-44-115, filed 5/25/73.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-120 Invalid overpayment. [Order 800, § 388-44-120, filed 5/25/73.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-125 Repayment of overpayment from current recipients. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-125, filed 1/24/86. Statutory Authority: RCW 74.08.090. 84-21-079 (Order 2163), § 388-44-125, filed 10/18/84; 83-05-046 (Order 1947), § 388-44-125, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-125, filed 2/3/82; Order 965, § 388-44-125, filed 8/29/74; Order 897, § 388-44-125, filed 1/11/74; Order 800, § 388-44-125, filed 5/25/73; Order 539, § 388-44-125, filed 3/31/71, effective 5/1/71; Regulation 16.30, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-127 Repayment of overpayment occurring prior to April 3, 1982, and resulting from department error. [Statutory Authority: RCW 74.08.090. 84-21-079 (Order 2163), § 388-44-127, filed 10/18/84; 83-05-046 (Order 1947), § 388-44-127, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-127, filed 2/3/82; 81-05-002 (Order 1596), § 388-44-127, filed 2/5/81; 78-06-082 (Order 1298), § 388-44-127, filed 6/1/78; Order 897, § 388-44-127, filed 1/11/74; Order 800, § 388-44-127, filed 5/25/73; Order 539, § 388-44-127, filed 3/31/71, effective 5/1/71; Order 512, § 388-44-127, filed 1/14/71, effective 2/15/71; Order 396, § 388-44-127, filed 10/15/69.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-130 Repayment of overpayment from former recipients. [Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-130, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-130, filed 2/3/82; Order 965, § 388-44-130, filed 8/29/74; Order 897, § 388-44-130, filed 1/11/74; Order 800, § 388-44-130, filed 5/25/73; Order 539, § 388-44-130, filed 3/31/71, effective 5/1/71; Order 446, § 388-44-130, filed 4/28/70; Regulation 16.31, filed 1/24/64.] Repealed by 86-04-014 (Order 2335), filed 1/24/86. Statutory Authority: RCW 74.04.050.
- 388-44-140 Responsibility for recovery of overpayment. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-140, filed 1/24/86. Statutory Authority: RCW 74.08.090. 82-04-072 (Order 1755), § 388-44-140, filed 2/3/82; Order 897, § 388-44-140, filed 1/11/74; Order 800, § 388-44-140, filed 5/25/73; Order 539, § 388-44-140, filed 3/31/71, effective 5/1/71; Regulation 16.32, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-145 Involuntary repayment of overpayment—Mandatory grant deduction. [Statutory Authority: RCW 74.08.090. 91-09-070 (Order 3160), § 388-44-145, filed 4/17/91, effective 5/18/91. Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-145, filed 1/24/86. Statutory Authority: RCW 74.08.090. 84-21-079 (Order 2163), § 388-44-145, filed 10/18/84; 83-05-046 (Order 1947), § 388-44-145, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-145, filed 2/3/82; 81-09-045 (Order 1638), § 388-44-145, filed 4/15/81; Order 965, § 388-44-145, filed 8/29/74; Order 897, § 388-44-145, filed 1/11/74; Order 800, § 388-44-145, filed 5/25/73; Order 539, § 388-44-145, filed 3/31/71, effective 5/1/71; Order 401, § 388-44-145, filed 11/5/69; Order 324, § 388-44-145, filed 11/27/68; Emergency Order 310, filed 10/18/68; Regulation 16.321, filed 6/30/67; Regulation 16.321, filed 8/29/66, 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-150 Recovery of overpayments—Former recipients. [Statutory Authority: RCW 74.04.050. 86-04-014 (Order 2335), § 388-44-150, filed 1/24/86. Statutory Authority: RCW 74.08.090. 83-05-046 (Order 1947), § 388-44-150, filed 2/16/83; 82-04-072 (Order 1755), § 388-44-150, filed 2/3/82; Order 800, § 388-44-150, filed 5/25/73; Order 539, § 388-44-150, filed 3/31/71, effective 5/1/71; Regulation 16.322, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- 388-44-155 Involuntary repayment—Current or former recipient. [Regulation 16.323, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
- 388-44-160 Repayment from estate. [Order 539, § 388-44-160, filed 3/31/71, effective 5/1/71; Order 251, § 388-44-160, filed 11/1/67; Regulation 16.324, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.

- 388-44-200 Accounts receivable. [Reference section only.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
  - 388-44-205 Accounts receivable—Establishing. [Regulation 16.41, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
  - 388-44-210 Accounts receivable—Closures. [Regulation 16.42, filed 12/21/64, effective 2/1/65; Regulation 16.42, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
  - 388-44-215 Accounts receivable—Credit balances. [Regulation 16.43, filed 12/21/64, effective 2/1/65; Regulation 16.43, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
  - 388-44-220 Accounts receivable—Transfer. [Regulation 16.44, filed 12/21/64, effective 2/1/65; Regulation 16.44, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
  - 388-44-240 Cash repayment. [Regulation 16.50, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
  - 388-44-250 Gifts, bequests by will, contributions. [Statutory Authority: RCW 74.08.090. 82-04-072 (Order 1755), § 388-44-250, filed 2/3/82; Order 539, § 388-44-250, filed 3/31/71, effective 5/1/71; Regulation 16.60, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
  - 388-44-255 Preparation of will. [Regulation 16.61, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
  - 388-44-280 Subrogation. [Order 539, § 388-44-280, filed 3/31/71, effective 5/1/71; Regulation 16.70, filed 1/24/64.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
  - 388-44-285 Subrogation—Responsibility. [Regulation 16.71, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
  - 388-44-300 Subrogation—Other procedures for collection. [Regulation 16.74, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
  - 388-44-315 Adjustment of federal aid matching erroneously claimed. [Regulation 16.80, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
  - 388-44-320 Conditions requiring adjustment. [Regulation 16.81, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
  - 388-44-325 Method of reporting. [Regulation 16.82, filed 1/24/64.] Repealed by Order 539, filed 3/31/71, effective 5/1/71.
  - 388-44-330 Time limits, write-offs, and compromises. [Statutory Authority: RCW 43.20B.030. 88-13-059 (Order 2633), § 388-44-330, filed 6/14/88.] Repealed by 94-05-045 (Order 3704), filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 74.08.090.
- Chapter 388-48**  
**SAFEGUARDING INFORMATION**
- 388-48-010 Public assistance information confidential and privileged. [Order 541, § 388-48-010, filed 3/31/71, effective 5/1/71; Regulation 18.10, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-020 Information not confidential. [Statutory Authority: RCW 74.08.090. 78-08-047 (Order 1319), § 388-48-020, filed 7/19/78; Order 541, § 388-48-020, filed 3/31/71, effective 5/1/71; Regulation 18.11, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-025 Conditions and limitations on disclosing confidential information. [Reference section only] Repealed by Order 541, filed 3/31/71, effective 5/1/71.
  - 388-48-030 Conditions and limitations on disclosing confidential information—Inquiry whether individual receives assistance. [Order 1096, § 388-48-030, filed 2/13/76; Order 993, § 388-48-030, filed 12/31/74; Order 541, § 388-48-030, filed 3/31/71, effective 5/1/71; Regulation 18.21, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-033 Conditions and limitations on disclosing confidential information—Request from parent for address or location of child. [Order 1096, § 388-48-033, filed 2/13/76; Order 1030, § 388-48-033, filed 6/12/75; Order 843, § 388-48-033, filed 8/9/73.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-037 Conditions and limitations on disclosing confidential information—Request from law enforcement agency or United States Immigration Service for address or location of recipient. [Order 993, § 388-48-037, filed 12/31/74; Order 843, § 388-48-037, filed 8/9/73.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-040 Conditions and limitations on disclosing confidential information—Information related to administration of assistance. [Order 541, § 388-48-040, filed 3/31/71, effective 5/1/71; Regulation 18.22, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-050 Conditions and limitations on disclosing confidential information—Release of information to United States armed services. [Order 541, § 388-48-050, filed 3/31/71, effective 5/1/71; Regulation 18.23, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-060 Conditions and limitations on disclosing confidential information—Release of information to disability insurance unit. [Regulation 18.24, filed 1/24/64.] Repealed by Order 541, filed 3/31/71, effective 5/1/71.
  - 388-48-070 Conditions and limitations on disclosing confidential information—Release of information requested by applicant or recipient. [Order 541, § 388-48-070, filed 3/31/71, effective 5/1/71; Regulation 18.25, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-080 Conditions and limitations on disclosing confidential information—Release of information to applicant or recipient. [Order 541, § 388-48-080, filed 3/31/71, effective 5/1/71; Regulation 18.26, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-100 Employees authorized to disclose information. [Order 541, § 388-48-100, filed 3/31/71, effective 5/1/71; Regulation 18.30, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-110 Distribution of rules and regulations. [Order 541, § 388-48-110, filed 3/31/71, effective 5/1/71; Order 271, § 388-48-110, filed 12/5/67; Regulation 18.40, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-120 Solicitation or use of confidential information. [Order 541, § 388-48-120, filed 3/31/71, effective 5/1/71; Regulation 18.50, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-130 Prohibition against release of confidential and privileged information in judicial proceedings. [Order 541, § 388-48-130, filed 3/31/71, effective 5/1/71; Order 271, § 388-48-130, filed 12/5/67; Regulation 18.60, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.
  - 388-48-140 General. [Regulation 18.70, filed 1/24/64.] Repealed by Order 541, filed 3/31/71, effective 5/1/71.

**Chapter 388-50**  
**CASE RECORDS—CASE NUMBERING**

[Regulation 19.01 through 19.43, filed 1/24/64.] Repealed by Order 276, filed 1/29/68.

**Chapter 388-53**  
**INDIVIDUAL AND FAMILY GRANT PROGRAM—DISASTER RELIEF**

- 388-53-010 Purpose. [Statutory Authority: RCW 38.52.030. 91-06-006 (Order 3143), § 388-53-010, filed 2/21/91, effective 3/24/91; 87-12-053 (Order 2498), § 388-53-010, filed 6/1/87; 85-14-106 (Order 2256), § 388-53-010, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-010, filed 3/20/80; Order 1104, § 388-53-010, filed 3/11/76.] Repealed by 94-04-036 (Order 3699), filed 1/26/94, effective 2/26/94. Statutory Authority: Chapter 38.52 RCW.
- 388-53-020 Definitions. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-020, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-020, filed 3/20/80; Order 1104, § 388-53-020, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-030 Authorization of program. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-030, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-030, filed 3/20/80; Order 1104, § 388-53-030, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-040 Administrative procedures. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-040, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-040, filed 3/20/80; Order 1104, § 388-53-040, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-050 Eligibility for grants. [Statutory Authority: RCW 38.52.030. 91-06-006 (Order 3143), § 388-53-050, filed 2/21/91, effective 3/24/91; 87-12-053 (Order 2498), § 388-53-050, filed 6/1/87; 85-14-106 (Order 2256), § 388-53-050, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-050, filed 3/20/80; Order 1104, § 388-53-050, filed 3/11/76.] Repealed by 94-04-036 (Order 3699), filed 1/26/94, effective 2/26/94. Statutory Authority: Chapter 38.52 RCW.
- 388-53-060 Allocation of funds. [Order 1104, § 388-53-060, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-070 Expenditures and payments. [Statutory Authority: RCW 38.52.030. 80-04-039 (Order 1494), § 388-53-070, filed 3/20/80; Order 1104, § 388-53-070, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-080 Organization and functions. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-080, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-080, filed 3/20/80; Order 1104, § 388-53-080, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-090 Administrative panel. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-090, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-090, filed 3/20/80; Order 1104, § 388-53-090, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-100 Appeal process—GCO reconsideration. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-100, filed 7/3/85; 81-01-016 (Order 1575), § 388-53-100, filed 12/8/80; 80-04-039 (Order 1494), § 388-53-100, filed 3/20/80; Order 1104, § 388-53-100, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.
- 388-53-110 State appeal panel. [Order 1104, § 388-53-110, filed 3/11/76.] Repealed by 80-04-039 (Order 1494), filed 3/20/80. Statutory Authority: RCW 38.52.030.

- 388-53-120 Administrative plan review. [Statutory Authority: RCW 38.52.030. 85-14-106 (Order 2256), § 388-53-120, filed 7/3/85; 80-04-039 (Order 1494), § 388-53-120, filed 3/20/80; Order 1104, § 388-53-120, filed 3/11/76.] Repealed by 87-12-053 (Order 2498), filed 6/1/87. Statutory Authority: RCW 38.52.030.

**Chapter 388-53A**  
**TEMPORARY HOUSING PROGRAM—LIMITED TO GOVERNOR'S REQUEST FOR FEDERAL ASSISTANCE**

- 388-53A-010 Purpose. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-010, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-020 Definitions. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-020, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-030 Authorization of program. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-030, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-040 Administrative procedures. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-040, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-050 Program eligibility. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-050, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-060 Program eligibility review. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-060, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-070 Criteria for continued eligibility. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-070, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-080 Termination of temporary housing. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-080, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-090 Allocation of funds. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-090, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-100 Organization and functions. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-100, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-110 Eligibility determinations. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-110, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-120 Notification of approval or disapproval. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-120, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-130 Reconsideration process. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-130, filed 6/1/79.] Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.
- 388-53A-140 State appeal. [Statutory Authority: RCW 38.52.030. 79-06-082 (Order 1404), § 388-53A-140, filed 6/1/79.]



Repealed by 91-15-087 (Order 3208), filed 7/23/91, effective 8/23/91. Statutory Authority: RCW 38.52.030.

**Chapter 388-54  
FOOD ASSISTANCE PROGRAMS**

- 388-54-010 Eligibility and authorization. [Order 252, § 388-54-010, filed 11/1/67; Regulation 21.10, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-020 Eligible needy households—General. [Order 252, § 388-54-020, filed 11/1/67; Regulation 21.20, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-025 Eligible needy households—Recipients of public assistance grants. [Order 252, § 388-54-025, filed 11/1/67; Regulation 21.21, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-030 Eligible needy households—Nonrecipients of public assistance grants. [Order 252, § 388-54-030, filed 11/1/67; Regulation 21.22, filed 12/31/65, effective 2/1/66; Regulation 21.22, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-040 Student applicant. [Order 252, § 388-54-040, filed 11/1/67; Regulation 21.221, filed 12/31/65, effective 2/1/66; Regulation 21.221, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-045 Treatment of allowances provided under U.S. Department of Labor and other government-sponsored training programs. [Order 252, § 388-54-045, filed 11/1/67; Regulation 21.222, filed 12/31/65, effective 2/1/66.] Repealed by Order 350, filed 5/28/69.
- 388-54-060 Certification of eligibility—Recipient of continuing assistance or recipient in suspended grant status. [Order 252, § 388-54-060, filed 11/1/67; Regulation 21.31, filed 12/31/65, effective 2/1/66; Regulation 21.31, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-070 Recipient of noncontinuing assistance. [Order 252, § 388-54-070, filed 11/1/67; Regulation 21.32, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-080 Nonrecipient of assistance. [Order 252, § 388-54-080, filed 11/1/67; Regulation 21.33, filed 12/31/65, effective 2/1/66; Regulation 21.33, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-110 Authorization process—Recipient of continuing public assistance grant. [Order 252, § 388-54-110, filed 11/1/67; Regulation 21.41, filed 12/31/65, effective 2/1/66; Regulation 21.41, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-120 Authorization process—Recipient of noncontinuing assistance. [Order 252, § 388-54-120, filed 11/1/67; Regulation 21.42, filed 12/31/65, effective 2/1/66; Regulation 21.42, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-130 Authorization process—Persons not receiving assistance. [Order 252, § 388-54-130, filed 11/1/67; Regulation 21.43, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-140 Authorization process—Exceptions. [Order 252, § 388-54-140, filed 11/1/67; Regulation 21.44, filed 1/24/64.] Repealed by Order 350, filed 5/28/69.
- 388-54-150 Civil rights. [Order 252, § 388-54-150, filed 11/1/67; Regulation 21.50, effective 2/1/66, filed 12/31/65.] Repealed by Order 350, filed 5/28/69.
- 388-54-300 Food stamp program. [Order 429, § 388-54-300, filed 3/17/70; Order 252, § 388-54-300, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 543, filed 3/31/71, effective 5/1/71.
- 388-54-305 Food stamp program—General terms and conditions. [Order 429, § 388-54-305, filed 3/17/70; Order 343, § 388-54-305, filed 3/20/69; Order 252, § 388-54-305, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 543, filed 3/31/71, effective 5/1/71.
- 388-54-310 Food stamp program—Administration. [Order 429, § 388-54-310, filed 3/17/70; Order 315, § 388-54-310, filed 10/31/68; Order 252, § 388-54-310, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 543, filed 3/31/71, effective 5/1/71.
- 388-54-315 Food stamp program—Eligibility standards. [Order 543, § 388-54-315, filed 3/31/71, effective 5/1/71; Order 515,

- § 388-54-315, filed 1/22/71; Order 498, § 388-54-315, filed 12/2/70; Order 470, § 388-54-315, filed 8/19/70; Order 451, § 388-54-315, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-315, filed 3/17/70; Order 315, § 388-54-315, filed 10/31/68; Order 252, § 388-54-315, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-320 Food stamp program—Application—Certification—Review—Recertification—Cancellation. [Order 600, § 388-54-320, filed 9/8/71; Order 588, § 388-54-320, filed 8/18/71; Order 568, § 388-54-320, filed 5/19/71; Order 543, § 388-54-320, filed 3/31/71, effective 5/1/71; Order 515, § 388-54-320, filed 1/22/71; Order 478, § 388-54-320, filed 9/8/70; Order 470, § 388-54-320, filed 8/19/70; Order 451, § 388-54-320, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-320, filed 3/17/70; Order 315, § 388-54-320, filed 10/31/68; Order 252, § 388-54-320, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-325 Food stamp program—Basis of coupon issuance. [Order 543, § 388-54-325, filed 3/31/71, effective 5/1/71; Order 451, § 388-54-325, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-325, filed 3/17/70; Order 252, § 388-54-325, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-330 Food stamp program—Issuance and sales of coupons. [Order 543, § 388-54-330, filed 3/31/71, effective 5/1/71; Order 491, § 388-54-330, filed 10/30/70, effective 12/1/70; Order 451, § 388-54-330, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-330, filed 3/17/70; Order 252, § 388-54-330, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-335 Food stamp program—Payment of certain certification costs. [Order 252, § 388-54-335, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 429, filed 3/17/70.
- 388-54-340 Food stamp program—Civil rights assurance. [Order 543, § 388-54-340, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-340, filed 3/17/70; Order 252, § 388-54-340, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-345 Food stamp program—Nonassistance household—Income and resources standard. [Order 543, § 388-54-345, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-345, filed 3/17/70; Order 413, § 388-54-345, filed 12/23/69. Order 252, § 388-54-345, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-350 Food stamp program—Nonassistance household—Definitions. [Order 588, § 388-54-350, filed 8/18/71; Order 543, § 388-54-350, filed 3/31/71, effective 5/1/71; Order 470, § 388-54-350, filed 8/19/70; Order 429, § 388-54-350, filed 3/17/70; Order 252, § 388-54-350, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-355 Food stamp program—Hardship provisions. [Order 543, § 388-54-355, filed 3/31/71, effective 5/1/71; Order 515, § 388-54-355, filed 1/22/71; Order 451, § 388-54-355, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-355, filed 3/17/70; Order 252, § 388-54-355, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-360 Food stamp program—Nonassistance household—Student applicant. [Order 600, § 388-54-360, filed 9/8/71; Order 568, § 388-54-360, filed 5/19/71; Order 543, § 388-54-360, filed 3/31/71, effective 5/1/71; Order 515, § 388-54-360, filed 1/22/71; Order 429, § 388-54-360, filed 3/17/70; Order 349, § 388-54-360, filed 5/28/69; Order 252, § 388-54-360, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-365 Food stamp program—Nonassistance household—Treatment of allowances from department of labor and other government sponsored training programs. [Order

- 543, § 388-54-365, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-365, filed 3/17/70; Order 379, § 388-54-365, filed 8/7/69; Order 325, § 388-54-365, filed 11/27/68; Order 315, § 388-54-365, filed 10/31/68; Order 252, § 388-54-365, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-370 Food stamp program—Nonassistance household—Treatment of earned income under Title 1 of Elementary and Secondary Education Act, amendments of 1966. [Order 543, § 388-54-370, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-370, filed 3/17/70; Order 325, § 388-54-370, filed 11/27/68; Order 315, § 388-54-370, filed 10/31/68; Order 252, § 388-54-370, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-375 Food stamp program—Nonassistance household—Treatment of income from certain programs authorized or financed by Economic Opportunity Act of 1964. [Order 543, § 388-54-375, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-375, filed 3/17/70; Order 325, § 388-54-375, filed 11/27/68; Order 315, § 388-54-375, filed 10/31/68; Order 252, § 388-54-375, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-376 Food stamp program—Nonassistance household—Treatment of earned income—Child or adult AFDC recipient. [Order 600, § 388-54-376, filed 9/8/71; Order 543, § 388-54-376, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-376, filed 3/17/70.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-377 Food stamp program—Ineligible receipt of food coupons. [Order 543, § 388-54-377, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-377, filed 3/17/70; Order 349, § 388-54-377, filed 5/28/69; Order 325, § 388-54-377, filed 11/27/68; Order 283, § 388-54-377, filed 3/6/68.] Repealed by Order 568, filed 5/19/71.
- 388-54-378 Food stamp program—Unused coupons—Disposition. [Order 543, § 388-54-378, filed 3/31/71, effective 5/1/71; Order 429, § 388-54-378, filed 3/17/70; Order 330, § 388-54-378, filed 1/8/69; Order 283, § 388-54-378, filed 3/6/68.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-380 Food stamp program—Monthly basis of issuance—Continuing and noncontinuing assistance households. [Order 252, § 388-54-380, filed 11/1/67; Supp. food stamp plan (part), filed 12/31/65.] Repealed by Order 451, filed 5/20/70, effective 6/15/70.
- 388-54-385 Food stamp program—Net monthly income basis of coupon issuance table. [Order 543, § 388-54-385, filed 3/31/71, effective 5/1/71; Order 451, § 388-54-385, filed 5/20/70, effective 6/15/70; Order 429, § 388-54-385, filed 3/17/70; Order 343, § 388-54-385, filed 3/20/69; Order 252, § 388-54-385, filed 11/1/67.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-390 Food stamp program—Ineligible receipt of food coupons. [Order 568, § 388-54-390, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-393 Food stamp program—Ineligible receipt of food coupons—Liability for repayment. [Order 568, § 388-54-393, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-396 Food stamp program—Ineligible receipt of food coupons—Collection of claims. [Order 568, § 388-54-396, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-399 Food stamp program—Ineligible receipt of food coupons—Eligibility-claim unpaid. [Order 568, § 388-54-399, filed 5/19/71.] Repealed by Order 660, filed 2/23/72, effective 4/1/72.
- 388-54-405 Food stamp program—General provisions. [Order 1021, § 388-54-405, filed 4/29/75; Order 992, § 388-54-405, filed 12/31/74; Order 660, § 388-54-405, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-410 Application—Assistance household. [Order 931, § 388-54-410, filed 4/25/74; Order 660, § 388-54-410, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-415 Nonassistance household. [Order 660, § 388-54-415, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-420 Authorized representative. [Order 992, § 388-54-420, filed 12/31/74; Order 660, § 388-54-420, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-425 Eligibility standards—General. [Order 931, § 388-54-425, filed 4/25/74; Order 660, § 388-54-425, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-430 Eligibility standards—Residence. [Order 992, § 388-54-430, filed 12/31/74; Order 660, § 388-54-430, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-432 Eligibility standards—Boarding house—Institution. [Order 992, § 388-54-432, filed 12/31/74; Order 660, § 388-54-432, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-435 Eligibility standards—Cooking facilities. [Order 992, § 388-54-435, filed 12/31/74; Order 660, § 388-54-435, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-440 Eligibility standards—Household determination. [Order 1063, § 388-54-440, filed 10/23/75; Order 1021, § 388-54-440, filed 4/29/75; Order 992, § 388-54-440, filed 12/31/74; Order 809, § 388-54-440, filed 6/15/73; Order 704, § 388-54-440, filed 8/11/72; Order 685, § 388-54-440, filed 5/25/72; Order 704, § 388-54-440, filed 8/11/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-442 Student tax dependents. [Order 1030, § 388-54-442, filed 6/12/75.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-445 Eligibility standards—Delivered meals. [Order 660, § 388-54-445, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-448 Eligibility standards—Communal dining. [Order 992, § 388-54-448, filed 12/31/74.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-450 Eligibility standards—Tax dependents. [Order 660, § 388-54-450, filed 2/23/72, effective 4/1/72.] Repealed by Order 734, filed 11/9/72.
- 388-54-452 Eligibility standards—Drug-alcohol treatment programs. [Order 992, § 388-54-452, filed 12/31/74.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-455 Eligibility standards—Work registration requirement. [Order 992, § 388-54-455, filed 12/31/74; Order 660, § 388-54-455, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-460 Nonassistance household—Resources—Standards—Exemptions. [Order 1136, § 388-54-460, filed 7/29/76; Order 1030, § 388-54-460, filed 6/12/75; Order 1021, § 388-54-460, filed 4/29/75; Order 992, § 388-54-460, filed 12/31/74; Order 660, § 388-54-460, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-462 Earned income tax credit disregarded. [Order 1175, § 388-54-462, filed 12/8/76; Order 1121, § 388-54-462, filed 5/26/76.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-465 Nonassistance household—Nonrecurring lump-sum payments. [Order 992, § 388-54-465, filed 12/31/74; Order 660, § 388-54-465, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-470 Monthly net income. [Statutory Authority: RCW 74.04.510. 78-10-056 (Order 1342), § 388-54-470, filed 9/22/78; Statutory Authority: RCW 74.04.510 and

- 74.08.090. 78-06-086 (Order 1303), § 388-54-470, filed 6/2/78; Order 1249, § 388-54-470, filed 10/28/77; Order 1153, § 388-54-470, filed 9/22/76; Order 1091, § 388-54-470, filed 1/28/76; Order 1039, § 388-54-470, filed 8/7/75; Order 1030, § 388-54-470, filed 6/12/75; Order 1007, § 388-54-470, filed 2/13/75; Order 992, § 388-54-470, filed 12/31/74; Order 966, § 388-54-470, filed 8/29/74; Order 889, § 388-54-470, filed 12/27/73; Order 803, § 388-54-470, filed 5/31/73; Order 687, § 388-54-470, filed 6/1/72; Order 660, § 388-54-470, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-475 Definitions of income. [Order 1153, § 388-54-475, filed 9/22/76; Order 992, § 388-54-475, filed 12/31/74; Order 704, § 388-54-475, filed 8/11/72; Order 685, § 388-54-475, filed 5/25/72; Order 660, § 388-54-475, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-480 Income exclusions. [Statutory Authority: RCW 74.04.510. 78-10-056 (Order 1342), § 388-54-480, filed 9/22/78; 78-02-050 (Order 1266), § 388-54-480, filed 1/19/78; Order 1194, § 388-54-480, filed 3/3/77; Order 1136, § 388-54-480, filed 7/29/76; Order 1021, § 388-54-480, filed 4/29/75; Order 992, § 388-54-480, filed 12/31/74; Order 966, § 388-54-480, filed 8/29/74; Order 871, § 388-54-480, filed 11/20/73; Order 660, § 388-54-480, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-482 Tax Reduction Act of 1975 payments disregarded. [Order 1028, § 388-54-482, filed 5/29/75.] Repealed by Order 1121, filed 5/26/76. Later promulgation, see WAC 388-54-462.
- 388-54-485 Income deductions. [Statutory Authority: RCW 74.04.510. 79-01-068 (Order 1363), § 388-54-485, filed 12/29/78; 78-10-056 (Order 1342), § 388-54-485, filed 9/22/78; Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-54-485, filed 6/2/78; Order 1245, § 388-54-485, filed 10/10/77; Order 1092, § 388-54-485, filed 1/28/76; Order 1063, § 388-54-485, filed 10/23/75; Order 1021, § 388-54-485, filed 4/29/75; Order 992, § 388-54-485, filed 12/31/74; Order 771, § 388-54-485, filed 1/26/73; Order 660, § 388-54-485, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-490 Income computation. [Order 660, § 388-54-490, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-495 Self-employment income. [Order 992, § 388-54-495, filed 12/31/74; Order 660, § 388-54-495, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-500 Farm employment income. [Statutory Authority: RCW 74.04.510. 78-12-004 (Order 1356), § 388-54-500, filed 11/6/78; Order 660, § 388-54-500, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-505 Nonassistance household—Verification of eligibility. [Statutory Authority: RCW 74.04.510. 78-12-004 (Order 1356), § 388-54-505, filed 11/6/78; Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-54-505, filed 6/2/78; Order 1030, § 388-54-505, filed 6/12/75; Order 992, § 388-54-505, filed 12/31/74; Order 660, § 388-54-505, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-507 Preliminary certification. [Statutory Authority: RCW 74.04.510. 78-12-004 (Order 1356), § 388-54-507, filed 11/6/78.] Repealed by 80-10-043 (Order 1529), filed 8/6/80. Statutory Authority: RCW 74.04.510.
- 388-54-509 Special certification for migrant farm laborers. [Statutory Authority: RCW 74.04.510. 78-12-004 (Order 1356), § 388-54-509, filed 11/6/78.] Repealed by 80-10-043 (Order 1529), filed 8/6/80. Statutory Authority: RCW 74.04.510.
- 388-54-510 Certification. [Statutory Authority: RCW 74.04.510. 79-01-085 (Order 1364), § 388-54-510, filed 1/3/79; Order 992, § 388-54-510, filed 12/31/74; Order 660, § 388-54-510, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-515 Certification—Changes during certification period—Reporting. [Order 1080, § 388-54-515, filed 12/24/75; Order 992, § 388-54-515, filed 12/31/74; Order 734, § 388-54-515, filed 11/9/72; Order 660, § 388-54-515, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-520 Certification—Effecting changes during certification period. [Order 1080, § 388-54-520, filed 12/24/75; Order 992, § 388-54-520, filed 12/31/74; Order 660, § 388-54-520, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-525 Advance notice—Expiration or adverse action. [Statutory Authority: RCW 74.04.510. 78-11-046 (Order 1352), § 388-54-525, filed 10/20/78; Order 992, § 388-54-525, filed 12/31/74; Order 660, § 388-54-525, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-526 Conference procedure. [Order 869, § 388-54-526, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-527 Participation during appeals. [Order 992, § 388-54-527, filed 12/31/74; Order 869, § 388-54-527, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-528 Adjustments after hearing decision. [Order 924, § 388-54-528, filed 4/15/74; Order 869, § 388-54-528, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-530 Recertification. [Order 660, § 388-54-530, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-535 Transfer of certification and lost benefits. [Statutory Authority: RCW 74.04.510. 78-05-064 (Order 1291), § 388-54-535, filed 4/27/78; Order 660, § 388-54-535, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-540 Basis of coupon issuance. [Statutory Authority: RCW 74.04.510. 78-10-056 (Order 1342), § 388-54-540, filed 9/22/78; Statutory Authority: RCW 74.04.510 and 74.08.090. 78-06-086 (Order 1303), § 388-54-540, filed 6/2/78; Order 1249, § 388-54-540, filed 10/28/77; Order 1153, § 388-54-540, filed 9/22/76; Order 1091, § 388-54-540, filed 1/28/76; Order 1039, § 388-54-540, filed 8/7/75; Order 1007, § 388-54-540, filed 2/13/75; Order 966, § 388-54-540, filed 8/29/74; Order 889, § 388-54-540, filed 12/27/73; Order 803, § 388-54-540, filed 5/31/73; Order 687, § 388-54-540, filed 6/1/72; Order 660, § 388-54-540, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-545 Identification card. [Order 660, § 388-54-545, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-550 Authorization to purchase. [Order 660, § 388-54-550, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-555 Food coupon issuance and sales—Variable purchase. [Order 803, § 388-54-555, filed 5/31/73; Order 702, § 388-54-555, filed 7/27/72; Order 660, § 388-54-555, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-560 Food coupon use or redemption. [Order 992, § 388-54-560, filed 12/31/74; Order 660, § 388-54-560, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-565 Ineligible receipt of food coupons. [Order 925, § 388-54-565, filed 4/15/74; Order 660, § 388-54-565, filed 2/23/72,

- effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-570 Ineligible receipt of food coupons—Liability for repayment. [Order 1021, § 388-54-570, filed 4/29/75; Order 660, § 388-54-570, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-575 Ineligible receipt of food coupons—Collection of claim. [Order 869, § 388-54-575, filed 11/1/73; Order 660, § 388-54-575, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-580 Ineligible receipt of food coupons—Claim unpaid—Eligibility for food coupons. [Order 660, § 388-54-580, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-585 Replacement purchase. [Order 660, § 388-54-585, filed 2/23/72, effective 4/1/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-590 Cash refunds. [Order 1136, § 388-54-590, filed 7/29/76; Order 869, § 388-54-590, filed 11/1/73.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-595 Retroactive benefits. [Statutory Authority: RCW 74.04.510. 78-05-064 (Order 1291), § 388-54-595, filed 4/27/78; Order 1136, § 388-54-595, filed 7/29/76; Order 1063, § 388-54-595, filed 10/23/75; Order 924, § 388-54-595, filed 4/15/74.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-598 Offsetting unpaid claims. [Order 1136, § 388-54-598, filed 7/29/76.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-600 Purpose of program. [Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-600, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-601 Definitions. [Statutory Authority: RCW 74.04.510. 87-15-055 (Order 2512), § 388-54-601, filed 7/14/87; 86-08-032 (Order 2356), § 388-54-601, filed 3/26/86; 85-20-030 (Order 2286), § 388-54-601, filed 9/24/85; 84-06-015 (Order 2078), § 388-54-601, filed 2/28/84.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-605 General food stamp provisions. [Statutory Authority: RCW 74.04.510. 85-11-033 (Order 2232), § 388-54-605, filed 5/15/85; 82-24-005 (Order 1905), § 388-54-605, filed 11/18/82; 80-09-076 (Order 1525), § 388-54-605, filed 7/18/80; 79-03-033 (Order 1374), § 388-54-605, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-610 Application and participation—Initiating the application. [Statutory Authority: RCW 74.04.510. 86-21-050 (Order 2432), § 388-54-610, filed 10/13/86; 80-14-060 (Order 1548), § 388-54-610, filed 10/1/80; 79-03-033 (Order 1374), § 388-54-610, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-615 Application and participation—Applications processed by the Social Security Administration district offices (SSADO). [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-615, filed 4/6/83; 81-22-082 (Order 1713), § 388-54-615, filed 11/4/81; 80-14-060 (Order 1548), § 388-54-615, filed 10/1/80.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-620 Application and participation—Interview. [Statutory Authority: RCW 74.08.510 [74.04.510]. 84-06-014 (Order 2077), § 388-54-620, filed 2/28/84. Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-620, filed 11/18/82; 80-14-060 (Order 1548), § 388-54-620, filed 10/1/80; 79-03-033 (Order 1374), § 388-54-620, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-625 Application and participation—Time limits. [Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-625, filed 11/18/82; 79-03-033 (Order 1374), § 388-54-625, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-630 Application and participation—Verification. [Statutory Authority: RCW 74.04.510. 87-09-028 (Order 2482), § 388-54-630, filed 4/9/87; 85-20-030 (Order 2286), § 388-54-630, filed 9/24/85; 83-22-002 (Order 2041), § 388-54-630, filed 10/20/83; 83-08-071 (Order 1956), § 388-54-630, filed 4/6/83; 82-24-005 (Order 1905), § 388-54-630, filed 11/18/82; 81-11-045 (Order 1653), § 388-54-630, filed 5/20/81; 80-10-043 (Order 1529), § 388-54-630, filed 8/6/80; 79-03-033 (Order 1374), § 388-54-630, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-635 Application and participation—Authorized representative. [Statutory Authority: RCW 74.04.510. 87-15-054 (Order 2491), § 388-54-635, filed 7/14/87; 82-24-005 (Order 1905), § 388-54-635, filed 11/18/82; 79-03-033 (Order 1374), § 388-54-635, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-640 Application and participation—Opportunity to participate. [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-640, filed 4/6/83; 81-23-044 (Order 1720), § 388-54-640, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-640, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-645 Application and participation—Expedited service. [Statutory Authority: RCW 74.04.510. 87-12-052 (Order 2497), § 388-54-645, filed 6/1/87; 83-08-071 (Order 1956), § 388-54-645, filed 4/6/83; 82-06-002 (Order 1765), § 388-54-645, filed 2/18/82; 81-23-044 (Order 1720), § 388-54-645, filed 11/18/81; 81-11-045 (Order 1653), § 388-54-645, filed 5/20/81; 80-10-043 (Order 1529), § 388-54-645, filed 8/6/80; 79-03-033 (Order 1374), § 388-54-645, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-650 Application and participation—Participation of public assistance households. [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-650, filed 4/6/83; 81-23-044 (Order 1720), § 388-54-650, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-650, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-655 Application and participation—Destitute households. [Statutory Authority: RCW 74.04.510. 86-08-032 (Order 2356), § 388-54-655, filed 3/26/86; 83-08-071 (Order 1956), § 388-54-655, filed 4/6/83; 81-23-044 (Order 1720), § 388-54-655, filed 11/18/81; 80-01-056 (Order 1466), § 388-54-655, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-655, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-660 Application and participation—Special circumstances for participation. [Statutory Authority: RCW 74.04.510. 87-15-054 (Order 2491), § 388-54-660, filed 7/14/87; 85-06-064 (Order 2214), § 388-54-660, filed 3/6/85; 83-10-078 (Order 1959), § 388-54-660, filed 5/4/83; 82-24-005 (Order 1905), § 388-54-660, filed 11/18/82; 82-11-092 (Order 1814), § 388-54-660, filed 5/19/82; 81-23-044 (Order 1720), § 388-54-660, filed 11/18/81; 80-10-043 (Order 1529), § 388-54-660, filed 8/6/80; 80-01-056 (Order 1466), § 388-54-660, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-660, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-662 Categorical eligibility. [Statutory Authority: RCW 74.04.510. 87-06-003 (Order 2470), § 388-54-662, filed 2/19/87.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.

- 388-54-665 Household determination. [Statutory Authority: RCW 74.04.510. 87-15-054 (Order 2491), § 388-54-665, filed 7/14/87; 87-01-009 (Order 2448), § 388-54-665, filed 12/8/86; 85-20-030 (Order 2286), § 388-54-665, filed 9/24/85; 83-08-071 (Order 1956), § 388-54-665, filed 4/6/83; 82-11-092 (Order 1814), § 388-54-665, filed 5/19/82; 81-23-044 (Order 1720), § 388-54-665, filed 11/18/81; 80-15-080 (Order 1558), § 388-54-665, filed 10/20/80; 80-10-043 (Order 1529), § 388-54-665, filed 8/6/80; 79-03-033 (Order 1374), § 388-54-665, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-670 Students. [Statutory Authority: RCW 74.04.510. 87-03-019 (Order 2462), § 388-54-670, filed 1/13/87; 86-18-060 (Order 2421), § 388-54-670, filed 9/2/86; 83-08-071 (Order 1956), § 388-54-670, filed 4/6/83; 83-03-015 (Order 1934), § 388-54-670, filed 1/12/83; 80-15-080 (Order 1558), § 388-54-670, filed 10/20/80; 79-07-057 (Order 1408), § 388-54-670, filed 6/25/79; 79-03-033 (Order 1374), § 388-54-670, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-675 Work registration and job search. [Statutory Authority: RCW 74.04.510. 87-15-055 (Order 2512), § 388-54-675, filed 7/14/87; 85-09-013 (Order 2222), § 388-54-675, filed 4/8/85; 83-08-071 (Order 1956), § 388-54-675, filed 4/6/83; 81-23-044 (Order 1720), § 388-54-675, filed 11/18/81; 81-11-045 (Order 1653), § 388-54-675, filed 5/20/81; 80-15-080 (Order 1558), § 388-54-675, filed 10/20/80; 79-03-033 (Order 1374), § 388-54-675, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-676 Workfare. [Statutory Authority: RCW 74.04.510. 84-06-029 (Order 2080), § 388-54-676, filed 2/29/84. Statutory Authority: 1983 1st ex.s. c 41. 83-21-082 (Order 2040), § 388-54-676, filed 10/19/83.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-677 Voluntary quit. [Statutory Authority: RCW 74.04.510. 87-15-055 (Order 2512), § 388-54-677, filed 7/14/87; 86-08-084 (Order 2360), § 388-54-677, filed 4/2/86; 85-09-013 (Order 2222), § 388-54-677, filed 4/8/85; 80-15-080 (Order 1558), § 388-54-677, filed 10/20/80; 79-07-056 (Order 1409), § 388-54-677, filed 6/25/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-678 Job search requirement. [Statutory Authority: RCW 74.04.510. 81-23-044 (Order 1720), § 388-54-678, filed 11/18/81; 81-11-045 (Order 1653), § 388-54-678, filed 5/20/81.] Repealed by 85-09-013 (Order 2222), filed 4/8/85. Statutory Authority: RCW 74.04.510.
- 388-54-679 Strikers. [Statutory Authority: RCW 74.04.510. 85-09-013 (Order 2222), § 388-54-679, filed 4/8/85.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-680 Citizenship and alien status. [Statutory Authority: RCW 74.04.510. 87-22-011 (Order 2548), § 388-54-680, filed 10/26/87; 83-10-078 (Order 1959), § 388-54-680, filed 5/4/83; 82-24-005 (Order 1905), § 388-54-680, filed 11/18/82; 79-03-033 (Order 1374), § 388-54-680, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-685 Residency. [Statutory Authority: RCW 74.04.510. 82-11-092 (Order 1814), § 388-54-685, filed 5/19/82; 79-03-033 (Order 1374), § 388-54-685, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-687 Social Security number (SSN). [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-687, filed 4/6/83; 80-10-043 (Order 1529), § 388-54-687, filed 8/6/80.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-690 Resources—Allowable maximums. [Statutory Authority: RCW 74.04.510. 86-17-013 (Order 2408), § 388-54-690, filed 8/8/86; 82-24-005 (Order 1905), § 388-54-690, filed 11/18/82; 81-01-015 (Order 1574), § 388-54-690, filed 12/8/80; 79-03-033 (Order 1374), § 388-54-690, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-695 Resources—Exempt. [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-695, filed 4/6/83; 82-24-005 (Order 1905), § 388-54-695, filed 11/18/82; 82-11-092 (Order 1814), § 388-54-695, filed 5/19/82; 82-06-004 (Order 1767), § 388-54-695, filed 2/18/82; 81-01-015 (Order 1574), § 388-54-695, filed 12/8/80; 80-05-044 (Order 1498), § 388-54-695, filed 4/16/80; 80-01-056 (Order 1466), § 388-54-695, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-695, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-700 Food distribution program—General provisions and coverage. [Order 665, § 388-54-700, filed 3/23/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-705 Food distribution program—Participation. [Order 665, § 388-54-705, filed 3/23/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-710 Food distribution program—Issuance of commodities. [Order 665, § 388-54-710, filed 3/23/72.] Repealed by 79-03-033 (Order 1374), filed 3/1/79. Statutory Authority: RCW 74.04.510.
- 388-54-715 Resources—Nonexempt. [Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-715, filed 4/6/83; 82-24-005 (Order 1905), § 388-54-715, filed 11/18/82; 80-01-056 (Order 1466), § 388-54-715, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-715, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-717 Resources—Vehicles. [Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-717, filed 11/18/82; 81-01-015 (Order 1574), § 388-54-717, filed 12/8/80; 79-03-033 (Order 1374), § 388-54-717, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-720 Resources—Transfer of property. [Statutory Authority: RCW 74.04.510. 86-17-013 (Order 2408), § 388-54-720, filed 8/8/86; 82-24-005 (Order 1905), § 388-54-720, filed 11/18/82; 79-03-033 (Order 1374), § 388-54-720, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-725 Income—Definitions. [Statutory Authority: RCW 74.04.510. 86-17-013 (Order 2408), § 388-54-725, filed 8/8/86; 86-01-009 (Order 2315), § 388-54-725, filed 12/5/85; 85-11-035 (Order 2235), § 388-54-725, filed 5/15/85; 82-24-005 (Order 1905), § 388-54-725, filed 11/18/82; 81-08-021 (Order 1628), § 388-54-725, filed 3/25/81. Statutory Authority: RCW 74.08.090. 80-04-051 (Order 1496), § 388-54-725, filed 3/21/80. Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-725, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-728 Income eligibility. [Statutory Authority: RCW 74.04.510. 85-20-030 (Order 2286), § 388-54-728, filed 9/24/85; 84-06-015 (Order 2078), § 388-54-728, filed 2/28/84.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-730 Income—Eligibility standards. [Statutory Authority: RCW 74.04.510. 87-14-071 (Order 2511), § 388-54-730, filed 7/1/87; 86-20-019 (Order 2428), § 388-54-730, filed 9/22/86; 85-16-048 (Order 2264), § 388-54-730, filed 7/31/85; 84-17-070 (Order 2140), § 388-54-730, filed 8/15/84; 83-17-072 (Order 2010), § 388-54-730, filed 8/19/83; 83-08-071 (Order 1956), § 388-54-730, filed 4/6/83; 82-15-027 (Order 1846), § 388-54-730, filed 7/14/82; 81-23-044 (Order 1720), § 388-54-730, filed 11/18/81; 80-13-059 (Order 1543), § 388-54-730, filed 9/17/80; 79-09-033 (Order 1423), § 388-54-730, filed 8/15/79; 79-03-033 (Order 1374), § 388-54-730, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.

- 388-54-735 Income—Exclusions. [Statutory Authority: RCW 74.04.510. 87-03-019 (Order 2462), § 388-54-735, filed 1/13/87; 86-17-013 (Order 2408), § 388-54-735, filed 8/8/86; 82-24-005 (Order 1905), § 388-54-735, filed 11/18/82; 82-11-092 (Order 1814), § 388-54-735, filed 5/19/82; 82-06-004 (Order 1767), § 388-54-735, filed 2/18/82; 81-08-021 (Order 1628), § 388-54-735, filed 3/25/81; 80-04-006 (Order 1492), § 388-54-735, filed 3/7/80; 80-01-056 (Order 1466), § 388-54-735, filed 12/19/79; 79-08-126 (Order 1421), § 388-54-735, filed 8/1/79; 79-03-033 (Order 1374), § 388-54-735, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-737 Income—Energy allowance. [Statutory Authority: RCW 74.04.510. 86-01-078 (Order 2318), § 388-54-737, filed 12/18/85; 84-04-067 (Order 2072), § 388-54-737, filed 2/1/84; 82-11-092 (Order 1814), § 388-54-737, filed 5/19/82.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-740 Income—Deductions. [Statutory Authority: RCW 74.04.050. 87-22-095 (Order 2556), § 388-54-740, filed 11/4/87. Statutory Authority: RCW 74.04.510. 87-17-044 (Order 2523), § 388-54-740, filed 8/17/87; 87-12-051 (Order 2496), § 388-54-740, filed 6/1/87; 87-03-054 (Order 2467), § 388-54-740, filed 1/21/87; 86-23-019 (Order 2440), § 388-54-740, filed 11/10/86; 86-17-013 (Order 2408), § 388-54-740, filed 8/8/86; 85-20-030 (Order 2286), § 388-54-740, filed 9/24/85; 85-05-013 (Order 2203), § 388-54-740, filed 2/13/85; 84-04-067 (Order 2072), § 388-54-740, filed 2/1/84; 83-19-034 (Order 2023), § 388-54-740, filed 9/14/83; 83-08-071 (Order 1956), § 388-54-740, filed 4/6/83; 83-03-015 (Order 1934), § 388-54-740, filed 1/12/83; 81-23-044 (Order 1720), § 388-54-740, filed 11/18/81; 81-08-019 (Order 1625), § 388-54-740, filed 3/25/81; 81-02-005 (Order 1584), § 388-54-740, filed 12/30/80; 80-04-006 (Order 1492), § 388-54-740, filed 3/7/80; 80-01-056 (Order 1466), § 388-54-740, filed 12/19/79; 79-09-033 (Order 1423), § 388-54-740, filed 8/15/79; 79-03-033 (Order 1374), § 388-54-740, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-745 Income—Budgeting. [Statutory Authority: RCW 74.04.510. 87-03-054 (Order 2467), § 388-54-745, filed 1/21/87; 85-20-030 (Order 2286), § 388-54-745, filed 9/24/85; 84-06-015 (Order 2078), § 388-54-745, filed 2/28/84; 79-03-033 (Order 1374), § 388-54-745, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-750 Income—Self-employment. [Statutory Authority: RCW 74.04.510. 86-11-026 (Order 2379), § 388-54-750, filed 5/14/86; 85-20-030 (Order 2286), § 388-54-750, filed 9/24/85; 83-08-071 (Order 1956), § 388-54-750, filed 4/6/83; 82-24-005 (Order 1905), § 388-54-750, filed 11/18/82; 81-23-044 (Order 1720), § 388-54-750, filed 11/18/81; 80-01-056 (Order 1466), § 388-54-750, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-750, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-755 Income—Boarders. [Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-755, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-760 Certification periods. [Statutory Authority: RCW 74.04.510. 85-20-030 (Order 2286), § 388-54-760, filed 9/24/85; 84-06-014 (Order 2077), § 388-54-760, filed 2/28/84; 83-08-071 (Order 1956), § 388-54-760, filed 4/6/83; 83-01-055 (Order 1922), § 388-54-760, filed 12/15/82; 81-23-044 (Order 1720), § 388-54-760, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-760, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-765 Certification periods—Notices to households. [Statutory Authority: RCW 74.04.510. 87-06-003 (Order 2470), § 388-54-765, filed 2/19/87; 84-06-014 (Order 2077), § 388-54-765, filed 2/28/84; 81-23-044 (Order 1720), § 388-54-765, filed 11/18/81; 79-07-057 (Order 1408), § 388-54-765, filed 6/25/79; 79-03-033 (Order 1374), § 388-54-765, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-768 Food stamp monthly reporting. [Statutory Authority: RCW 74.04.510. 86-18-058 (Order 2419), § 388-54-768, filed 9/2/86; 85-20-030 (Order 2286), § 388-54-768, filed 9/24/85; 84-06-014 (Order 2077), § 388-54-768, filed 2/28/84.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-770 Certification periods—Households responsibility to report. [Statutory Authority: RCW 74.08.510 [74.04.510]. 84-06-014 (Order 2077), § 388-54-770, filed 2/28/84. Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-770, filed 11/18/82; 81-23-044 (Order 1720), § 388-54-770, filed 11/18/81; 81-11-045 (Order 1653), § 388-54-770, filed 5/20/81; 80-13-058 (Order 1545), § 388-54-770, filed 9/17/80; 80-01-056 (Order 1466), § 388-54-770, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-770, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-775 Certification periods—Effecting changes under prospective budgeting. [Statutory Authority: RCW 74.04.510. 87-12-057 (Order 2502), § 388-54-775, filed 6/1/87; 85-20-030 (Order 2286), § 388-54-775, filed 9/24/85; 84-06-014 (Order 2077), § 388-54-775, filed 2/28/84; 81-11-045 (Order 1653), § 388-54-775, filed 5/20/81; 80-01-056 (Order 1466), § 388-54-775, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-775, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-776 Certification periods—Effecting changes during the certification period under retrospective budgeting. [Statutory Authority: RCW 74.04.510. 85-20-030 (Order 2286), § 388-54-776, filed 9/24/85; 84-06-014 (Order 2077), § 388-54-776, filed 2/28/84.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-780 Recertification process. [Statutory Authority: RCW 74.08.510 [74.04.510]. 84-06-014 (Order 2077), § 388-54-780, filed 2/28/84. Statutory Authority: RCW 74.04.510. 83-08-071 (Order 1956), § 388-54-780, filed 4/6/83; 80-13-058 (Order 1545), § 388-54-780, filed 9/17/80; 79-03-033 (Order 1374), § 388-54-780, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-785 Issuance—Monthly allotments. [Statutory Authority: RCW 74.04.050. 87-22-095 (Order 2556), § 388-54-785, filed 11/4/87. Statutory Authority: RCW 74.04.510. 86-23-019 (Order 2440), § 388-54-785, filed 11/10/86; 85-05-013 (Order 2203), § 388-54-785, filed 2/13/85; 84-04-067 (Order 2072), § 388-54-785, filed 2/1/84; 83-08-071 (Order 1956), § 388-54-785, filed 4/6/83; 83-03-015 (Order 1934), § 388-54-785, filed 1/12/83; 81-23-044 (Order 1720), § 388-54-785, filed 11/18/81; 81-06-059 (Order 1620), § 388-54-785, filed 3/4/81; 80-13-059 (Order 1543), § 388-54-785, filed 9/17/80; 80-04-006 (Order 1492), § 388-54-785, filed 3/7/80; 79-09-033 (Order 1423), § 388-54-785, filed 8/15/79; 79-03-033 (Order 1374), § 388-54-785, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-790 Issuance—Use and redemption. [Statutory Authority: RCW 74.04.510. 82-06-002 (Order 1765), § 388-54-790, filed 2/18/82; 81-23-044 (Order 1720), § 388-54-790, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-790, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-795 Issuance—Identification cards. [Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-795, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-800 Issuance—Replacement allotments. [Statutory Authority: RCW 74.04.510. 85-06-061 (Order 2211), § 388-54-800, filed 3/6/85; 83-12-003 (Order 1962), § 388-54-800, filed 12/31/87. Statutory Authority: RCW 74.04.050.]

- 5/19/83; 82-06-002 (Order 1765), § 388-54-800, filed 2/18/82; 79-03-033 (Order 1374), § 388-54-800, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-805 Issuance—Restoration of lost benefits. [Statutory Authority: RCW 74.04.510. 87-06-003 (Order 2470), § 388-54-805, filed 2/19/87; 83-21-009 (Order 2030), § 388-54-805, filed 10/6/83; 81-23-044 (Order 1720), § 388-54-805, filed 11/18/81; 80-04-006 (Order 1492), § 388-54-805, filed 3/7/80; 79-03-033 (Order 1374), § 388-54-805, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-810 Issuance—Sixty day continuation of benefits. [Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-810, filed 3/1/79.] Repealed by 83-03-015 (Order 1934), filed 1/12/83. Statutory Authority: RCW 74.04.510.
- 388-54-815 Conference. [Statutory Authority: RCW 74.04.510. 83-21-011 (Order 2032), § 388-54-815, filed 10/6/83; 80-01-056 (Order 1466), § 388-54-815, filed 12/19/79; 79-03-033 (Order 1374), § 388-54-815, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-817 Administrative hearings. [Statutory Authority: RCW 74.04.510. 85-06-062 (Order 2212), § 388-54-817, filed 3/6/85; 83-21-011 (Order 2032), § 388-54-817, filed 10/6/83.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-820 Fair hearings—Continuation of benefits pending. [Statutory Authority: RCW 74.04.510. 85-20-030 (Order 2286), § 388-54-820, filed 9/24/85; 83-21-011 (Order 2032), § 388-54-820, filed 10/6/83; 82-06-051 (Order 1773), § 388-54-820, filed 3/3/82; 79-07-057 (Order 1408), § 388-54-820, filed 6/25/79; 79-03-033 (Order 1374), § 388-54-820, filed 3/1/79.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-821 Complaints. [Statutory Authority: RCW 74.04.510. 81-17-023 (Order 1688), § 388-54-821, filed 8/12/81.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-825 Fraud disqualification. [Statutory Authority: RCW 74.04.510. 79-03-033 (Order 1374), § 388-54-825, filed 3/1/79.] Repealed by 79-10-084 (Order 1435), filed 9/21/79. Statutory Authority: RCW 74.04.510. Later promulgation, see WAC 388-54-826, 388-54-827, and 388-54-828.
- 388-54-826 Fraud disqualification—Administrative fraud hearing determined. [Statutory Authority: RCW 74.04.510. 81-23-044 (Order 1720), § 388-54-826, filed 11/18/81; 80-10-043 (Order 1529), § 388-54-826, filed 8/6/80; 79-10-084 (Order 1435), § 388-54-826, filed 9/21/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-82650 Intentional program violation disqualification penalties. [Statutory Authority: RCW 74.04.510. 83-21-011 (Order 2032), § 388-54-82650, filed 10/6/83.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-827 Fraud administrative hearing—Decision rendering process. [Statutory Authority: RCW 74.04.510. 79-10-084 (Order 1435), § 388-54-827, filed 9/21/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-828 Fraud disqualification—Court imposed. [Statutory Authority: RCW 74.04.510. 80-10-043 (Order 1529), § 388-54-828, filed 8/6/80; 79-10-084 (Order 1435), § 388-54-828, filed 9/21/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-829 Administrative disqualification hearing waiver. [Statutory Authority: RCW 74.04.510. 83-21-011 (Order 2032), § 388-54-829, filed 10/6/83.] Repealed by 84-20-099 (Order 2156), filed 10/3/84. Statutory Authority: RCW 74.04.510.
- 388-54-830 Treatment of income and resources of disqualified members. [Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-830, filed 11/18/82; 81-23-044 (Order 1720), § 388-54-830, filed 11/18/81; 79-03-033 (Order 1374), § 388-54-830, filed 3/1/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-83050 Treatment of income and resources of excluded members. [Statutory Authority: RCW 74.04.510. 83-21-011 (Order 2032), § 388-54-83050, filed 10/6/83.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.
- 388-54-835 Claims against households—Nonfraud. [Statutory Authority: RCW 74.04.510. 82-24-005 (Order 1905), § 388-54-835, filed 11/18/82; 80-04-006 (Order 1492), § 388-54-835, filed 3/7/80; 79-03-033 (Order 1374), § 388-54-835, filed 3/1/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-840 Claims against households—Fraud. [Statutory Authority: RCW 74.04.510. 81-22-083 (Order 1714), § 388-54-840, filed 11/4/81; 80-10-043 (Order 1529), § 388-54-840, filed 8/6/80; 79-03-033 (Order 1374), § 388-54-840, filed 3/1/79.] Repealed by 83-21-011 (Order 2032), filed 10/6/83. Statutory Authority: RCW 74.04.510.
- 388-54-850 Overpayments. [Statutory Authority: RCW 74.04.510. 87-07-032 (Order 2475), § 388-54-850, filed 3/13/87; 86-18-059 (Order 2420), § 388-54-850, filed 9/2/86; 85-07-047 (Order 2216), § 388-54-850, filed 3/20/85; 83-21-011 (Order 2032), § 388-54-850, filed 10/6/83.] Repealed by 88-02-031 (Order 2575), filed 12/31/87. Statutory Authority: RCW 74.04.050.

Reviser's note: Later promulgation, see chapter 388-49 WAC.

Chapter 388-56

COMMUNITY WORK AND TRAINING

- 388-56-010, 388-56-020, 388-56-030, 388-56-050, 388-56-060, 388-56-070, 388-56-080, 388-56-090, 388-56-150, 388-56-160, 388-56-170, 388-56-180, 388-56-190, 388-56-220, 388-56-230, 388-56-240, 388-56-260, 388-56-270, 388-56-280, 388-56-290, 388-56-300, 388-56-310, 388-56-315, 388-56-320, 388-56-340, 388-56-360, 388-56-370, 388-56-380, 388-56-390. [Regulation 22.00 through 22.63, filed 6/30/67.] Repealed by Order 326, filed 11/27/68.
- 388-56-040 [Order 279, § 388-56-040, filed 2/14/68; Regulation 22.02, filed 6/30/67.] Repealed by Order 326, filed 11/27/68.
- 388-56-330 [Regulation 22.58, filed 6/30/67.] Repealed by Order 277, filed 1/29/68 and Order 282, filed 2/14/68.

Chapter 388-57

EMPLOYMENT AND TRAINING—WORK INCENTIVE

- 388-57-010 Utilization of employment security department. [Order 832, § 388-57-010, filed 7/26/73; Order 544, § 388-57-010, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-010, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-011 Washington employment opportunities program (OPPORTUNITIES). [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-011, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-015 Utilization of employment security department DES—Registration. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-015, filed 10/6/83. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-015, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-015, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-015, filed 2/15/79; Order 1101, § 388-57-015, filed 2/25/76; Order 832, § 388-57-015, filed 7/26/73; Order 610, § 388-57-015, filed 9/22/71; Order 544, § 388-57-015, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-015, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-015, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-020 Unemployment compensation status—Verification. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order

- 2035), § 388-57-020, filed 10/6/83. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-020, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-020, filed 10/23/79; Order 1189, § 388-57-020, filed 2/18/77; Order 1051, § 388-57-020, filed 9/10/75; Order 832, § 388-57-020, filed 7/26/73; Order 610, § 388-57-020, filed 9/22/71; Order 544, § 388-57-020, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-020, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-025 Acceptance of full or part-time employment—Effect of refusal on eligibility. [Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-025, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-025, filed 2/15/79. Order 1101, § 388-57-025, filed 2/25/76; Order 906, § 388-57-025, filed 2/14/74; Order 750, § 388-57-025, filed 12/7/72; Order 610, § 388-57-025, filed 9/22/71; Order 544, § 388-57-025, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-025, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-025, filed 2/14/69.] Repealed by 81-10-010 (Order 1642), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-57-028 Vocational training. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-028, filed 10/6/83. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-028, filed 10/23/79; Order 1199, § 388-57-028, filed 3/18/77; Order 1101, § 388-57-028, filed 2/25/76; Order 976, § 388-57-028, filed 10/28/74; Order 832, § 388-57-028, filed 7/26/73; Order 610, § 388-57-028, filed 9/22/71; Order 544, § 388-57-028, filed 3/31/71, effective 5/1/71; Order 355, § 388-57-028, filed 5/29/60.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-029 Person attending post-high school education or training. [Order 750, § 388-57-029, filed 12/7/72; Order 610, § 388-57-029, filed 9/22/71; Order 544, § 388-57-029, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-029, filed 5/14/70, effective 6/15/70.] Repealed by Order 858, filed 9/27/73.
- 388-57-030 Acceptance of training for employment—Effect of refusal on eligibility. [Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-030, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-030, filed 2/15/79; Order 1165, § 388-57-030, filed 10/27/76; Order 906, § 388-57-030, filed 2/14/74; Order 750, § 388-57-030, filed 12/7/72; Order 610, § 388-57-030, filed 9/22/71; Order 544, § 388-57-030, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-030, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-030, filed 2/14/69.] Repealed by 81-14-063 (Order 1670), filed 7/1/81. Statutory Authority: RCW 74.08.090.
- 388-57-032 Employment and training (E&T) program. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-032, filed 10/6/83. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-032, filed 4/27/81; 80-02-023 (Order 1472), § 388-57-032, filed 1/9/80.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-035 Referral of employable applicant or recipient to division of vocational rehabilitation. [Order 544, § 388-57-035, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-035, filed 2/14/69.] Repealed by Order 610, filed 9/22/71.
- 388-57-036 Employment and training (E&T)—Definitions. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-036, filed 10/6/83; 82-01-041 (Order 1733), § 388-57-036, filed 12/16/81. Statutory Authority: RCW 74.08.090. 81-19-110 (Order 1700), § 388-57-036, filed 9/22/81; 81-10-010 (Order 1642), § 388-57-036, filed 4/27/81; 80-02-023 (Order 1472), § 388-57-036, filed 1/9/80.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-040 Work incentive program (WIN)—Authority. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-040, filed 3/14/88; Order 750, § 388-57-040, filed 12/7/72; Order 544, § 388-57-040, filed 3/31/71, effective 5/1/71; Order 397, § 388-57-040, filed 10/15/69; Order 340, § 388-57-040, filed 2/14/69.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-045 Work incentive program—Definitions. [Order 1165, § 388-57-045, filed 10/27/76; Order 1101, § 388-57-045, filed 2/25/76; Order 872, § 388-57-045, filed 11/16/73; Order 750, § 388-57-045, filed 12/7/72.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-050 Work incentive program—Objective. [Order 340, § 388-57-050, filed 2/14/69.] Repealed by Order 544, filed 3/31/71, effective 5/1/71.
- 388-57-055 Work incentive program—Referral of AFDC recipient to state employment service. [Order 544, § 388-57-055, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-055, filed 5/14/70, effective 6/15/70; Order 414, § 388-57-055, filed 12/23/69; Order 340, § 388-57-055, filed 2/14/69.] Repealed by Order 750, filed 12/7/72.
- 388-57-056 Refusal to cooperate in appraisal prior to certification. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-056, filed 10/6/83. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-056, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-056, filed 10/23/79; Order 1118, § 388-57-056, filed 5/13/76.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-057 Work incentive program—Certification and supportive services. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-057, filed 3/14/88. Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-057, filed 10/6/83; 82-13-081 (Order 1830), § 388-57-057, filed 6/21/82. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-057, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-057, filed 10/23/79; Order 1165, § 388-57-057, filed 10/27/76; Order 1118, § 388-57-057, filed 5/13/76; Order 1101, § 388-57-057, filed 2/25/76; Order 872, § 388-57-057, filed 11/16/73; Order 832, § 388-57-057, filed 7/26/73; Order 750, § 388-57-057, filed 12/7/72.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-059 WIN program—Grievances. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-059, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-060 Work incentive program—Mandatory participation by certified AFDC recipient. [Order 750, § 388-57-060, filed 12/7/72; Order 544, § 388-57-060, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-060, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-060, filed 2/14/69.] Repealed by Order 832, filed 7/26/73.
- 388-57-061 Refusal of training or employment under WIN/E&T without good cause. [Statutory Authority: RCW 74.22.110. 84-22-018 (Order 2166), § 388-57-061, filed 10/31/84. Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-061, filed 10/6/83; 82-01-041 (Order 1733), § 388-57-061, filed 12/16/81. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-061, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-57-061, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-061, filed 2/15/79; Order 832, § 388-57-061, filed 7/26/73.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-062 Refusal of training or employment under WIN without good cause—Counseling period. [Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-57-062, filed 2/15/79; Order 1165, § 388-57-062, filed 10/27/76; Order 832, § 388-57-062, filed 7/26/73.] Repealed by 82-



- 177-041 (Order 1733), filed 12/16/81. Statutory Authority: RCW 74.23.120.
- 388-57-063 WIN program—Failure to participate. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-063, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-064 Refusal of training or employment or reduction of earnings under WIN without good cause—Deregistration sanction and reacceptance to WIN. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-064, filed 10/6/83. Statutory Authority: RCW 74.22.110 and 74.23.120. 83-01-057 (Order 1924), § 388-57-064, filed 12/15/82. Statutory Authority: RCW 74.22.110. 82-05-005 (Order 1762), § 388-57-064, filed 2/4/82. Statutory Authority: RCW 74.23.120. 82-01-041 (Order 1733), § 388-57-064, filed 12/16/81. Statutory Authority: RCW 74.22.110. 79-10-082 (Order 1433), § 388-57-064, filed 9/21/79; Order 1165, § 388-57-064, filed 10/27/76; Order 1118, § 388-57-064, filed 5/13/76; Order 832, § 388-57-064, filed 7/26/73.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-065 County office screening unit—Composition—Duties. [Order 414, § 388-57-065, filed 12/23/69; Order 340, § 388-57-065, filed 2/14/69.] Repealed by Order 452, filed 5/14/70, effective 6/15/70.
- 388-57-066 WIN program—Notice of intended deregistration. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-066, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-067 WIN program—Sanction. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-067, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-070 Community services office—State employment service joint case responsibility. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-070, filed 10/6/83; Order 1165, § 388-57-070, filed 10/27/76; Order 750, § 388-57-070, filed 12/7/72; Order 544, § 388-57-070, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-070, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-071 Work incentive program—Good cause. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-071, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-074 OPPORTUNITIES program—Exemption and hearings. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-074, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-075 Work incentive program—Child care plan—Standards—Payment. [Order 544, § 388-57-075, filed 3/31/71, effective 5/1/71; Order 414, § 388-57-075, filed 12/23/69; Order 340, § 388-57-075, filed 2/14/69.] Repealed by Order 750, filed 12/7/72.
- 388-57-079 Work incentive program—Supplemental payments for trainees—Special authorization for clothing. [Order 544, § 388-57-079, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-079, filed 5/14/70, effective 6/15/70.] Repealed by Order 750, filed 12/7/72.
- 388-57-080 Work incentive program—Special authorization for transportation. [Order 544, § 388-57-080, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-080, filed 5/14/70, effective 6/15/70; Order 340, § 388-57-080, filed 2/14/69.] Repealed by Order 750, filed 12/7/72.
- 388-57-083 Work incentive program—Special authorization for supplementary medical care. [Order 544, § 388-57-083, filed 3/31/71, effective 5/1/71; Order 452, § 388-57-083, filed 5/14/70, effective 6/15/70.] Repealed by Order 750, filed 12/7/72.
- 388-57-084 Work incentive program—Prereferral physical examination. [Order 544, § 388-57-084, filed 3/31/71, effective 5/1/71; Order 476, § 388-57-084, filed 9/8/70.] Repealed by Order 750, filed 12/7/72.
- 388-57-090 Refusal of training or employment under WIN/employment and training without good cause—Fair hearings. [Statutory Authority: RCW 74.04.400. 84-18-024 (Order 2147), § 388-57-090, filed 8/29/84, effective 10/1/84. Statutory Authority: RCW 74.08.090. 81-10-010 (Order 1642), § 388-57-090, filed 4/27/81; 80-02-023 (Order 1472), § 388-57-090, filed 1/9/80; Order 1118, § 388-57-090, filed 5/13/76; Order 832, § 388-57-090, filed 7/26/73; Order 750, § 388-57-090, filed 12/7/72; Order 544, § 388-57-090, filed 3/31/71, effective 5/1/71; Order 340, § 388-57-090, filed 2/14/69.] Repealed by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-095 Intensive applicant employment services—Departmental authority. [Statutory Authority: RCW 74.23.120. 83-21-013 (Order 2035), § 388-57-095, filed 10/6/83. Statutory Authority: RCW 74.22.110 and 74.23.120. 83-01-057 (Order 1924), § 388-57-095, filed 12/15/82. Statutory Authority: RCW 74.08.090. 82-07-026 (Order 1779), § 388-57-095, filed 3/11/82.] Repealed by 84-18-024 (Order 2147), filed 8/29/84, effective 10/1/84. Statutory Authority: RCW 74.04.400.
- 388-57-097 Community work experience program (CWEP). [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-097, filed 3/14/88. Statutory Authority: RCW 74.04.400. 84-13-005 (Order 2102), § 388-57-097, filed 6/7/84; 83-23-010 (Order 2047), § 388-57-097, filed 11/4/83. Statutory Authority: RCW 74.22.110 and 74.23.120. 83-01-057 (Order 1924), § 388-57-097, filed 12/15/82. Statutory Authority: RCW 74.08.390. 82-11-018 (Order 1807), § 388-57-097, filed 5/10/82.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-100 Employment search program (ESP). [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-100, filed 3/14/88. Statutory Authority: RCW 74.04.400. 84-18-024 (Order 2147), § 388-57-100, filed 8/29/84, effective 10/1/84.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-105 Title IV-A employment programs—Complaints and grievances. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-105, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-110 Work incentive program—Special work projects. [Order 544, § 388-57-110, filed 3/31/71, effective 5/1/71; Order 397, § 388-57-110, filed 10/15/69.] Repealed by Order 750, filed 12/7/72.
- 388-57-112 Title IV-A employment programs—Failure to participate without good cause. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-112, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-115 Title IV-A employment programs—Sanction. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-115, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-117 OPPORTUNITIES program—Effect of sanction on AFDC. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-117, filed 3/14/88.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-120 Employment partnership program (EPP)—Authority. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-120, filed 3/14/88. Statutory Authority: RCW 74.08.090. 86-16-047 (Order 2403), § 388-57-120, filed 8/1/86.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-121 Purpose. [Statutory Authority: RCW 74.08.090. 86-16-047 (Order 2403), § 388-57-121, filed 8/1/86.] Repealed

- by 88-07-055 (Order 2607), filed 3/14/88. Statutory Authority: RCW 74.04.050.
- 388-57-122 Eligible participants. [Statutory Authority: RCW 74.08.090. 86-16-047 (Order 2403), § 388-57-122, filed 8/1/86.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-123 Employment partnership program—Eligible employers. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-123, filed 3/14/88. Statutory Authority: RCW 74.08.090. 86-16-047 (Order 2403), § 388-57-123, filed 8/1/86.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-124 Employment partnership program—Conditions of employment. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-124, filed 3/14/88. Statutory Authority: RCW 74.08.090. 86-16-047 (Order 2403), § 388-57-124, filed 8/1/86.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-57-125 Employment partnership program—Funding and payment. [Statutory Authority: RCW 74.04.050. 88-07-055 (Order 2607), § 388-57-125, filed 3/14/88. Statutory Authority: RCW 74.08.090. 86-16-047 (Order 2403), § 388-57-125, filed 8/1/86.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- Chapter 388-58**  
**CUBAN REFUGEE ASSISTANCE**
- 388-58-010 Cuban refugee assistance. [Regulation 24.00, filed 12/21/64, effective 2/1/65; Regulation 24.00, filed 1/24/64.] Repealed by Order 545, filed 3/31/71, effective 5/1/71.
- 388-58-020 Scope of program—Federal auspices. [Regulation 24.11, filed 12/21/64, effective 2/1/65; Regulation 24.11, filed 1/24/64.] Repealed by Order 545, filed 3/31/71, effective 5/1/71.
- 388-58-025 Scope of program—Organization in Florida. [Regulation 24.12, filed 12/21/64, effective 2/1/65; Regulation 24.12, filed 1/24/64.] Repealed by Order 545, filed 3/31/71, effective 5/1/71.
- 388-58-030 Scope of program—Transition allowances. [Regulation 24.13, filed 12/21/64, effective 2/1/65; Regulation 24.13, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-040 Cuban refugee assistance—Administration—Federal-state-local relationships. [Order 969, § 388-58-040, filed 9/13/74; Order 804, § 388-58-040, filed 5/31/73; Order 545, § 388-58-040, filed 3/31/71, effective 5/1/71; Regulation 24.21, filed 3/31/66; Regulation 24.21, filed 12/21/64, effective 2/1/65; Regulation 24.21, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-050 Cuban refugee assistance—Refugee status defined. [Order 969, § 388-58-050, filed 9/13/74; Order 804, § 388-58-050, filed 5/31/73; Order 545, § 388-58-050, filed 3/31/71, effective 5/1/71; Regulation 24.22, filed 12/21/64, effective 2/1/65; Regulation 24.22, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-060 Cuban refugee assistance—Eligibility conditions. [Order 969, § 388-58-060, filed 9/13/74; Order 804, § 388-58-060, filed 5/31/73; Order 545, § 388-58-060, filed 3/31/71, effective 5/1/71; Regulation 24.30, filed 12/21/64, effective 2/1/65; Regulation 24.30, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-065 Cuban refugee assistance—Relatives joining resettled refugee. [Order 545, § 388-58-065, filed 3/31/71, effective 5/1/71; Regulation 24.31, filed 12/21/64, effective 2/1/65; Regulation 24.31, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-070 Cuban refugee assistance—Financial need. [Order 545, § 388-58-070, filed 3/31/71, effective 5/1/71; Regulation 24.32, filed 12/21/64, effective 2/1/65; Regulation 24.32, filed 6/17/64, effective 8/1/64; Regulation 24.32, filed 1/24/64, effective 8/1/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-075 Cuban refugee assistance—Other eligibility considerations. [Order 545, § 388-58-075, filed 3/31/71, effective 5/1/71; Regulation 24.33, filed 12/21/64, effective 2/1/65; Regulations 24.33, 24.34, 24.35, 24.36, 24.37, and 24.38, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-080 Records. [Regulation 24.34, filed 12/21/64, effective 2/1/65; Regulation 24.39, filed 1/24/64.] Repealed by Order 545, filed 3/31/71, effective 5/1/71.
- 388-58-090 Cuban refugee assistance—Payment of grant or foster care. [Order 545, § 388-58-090, filed 3/31/71, effective 5/1/71; Regulation 24.41, filed 12/21/64, effective 2/1/65; Regulation 24.41, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- 388-58-100 Payment—Medical care. [Regulation 24.42, filed 12/21/64, effective 2/1/65; Regulation 24.34, filed 1/24/64.] Repealed by Order 545, filed 3/31/71, effective 5/1/71.
- 388-58-120 Reporting. [Regulation 24.50, filed 12/21/64, effective 2/1/65; Regulation 24.50, filed 1/24/64.] Repealed by Order 545, filed 3/31/71, effective 5/1/71.
- 388-58-130 Cuban refugee assistance—Unaccompanied children. [Order 969, § 388-58-130, filed 9/13/74; Order 545, § 388-58-130, filed 3/31/71, effective 5/1/71; Regulation 24.60, filed 12/21/64, effective 2/1/65; Regulation 24.60, filed 6/17/64, effective 8/1/64, filed 1/24/64.] Repealed by Order 1177, filed 12/23/76.
- Chapter 388-59**  
**SUPPLEMENTAL SECURITY INCOME**
- 388-59-010 State supplementary payments—Definitions. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-010, filed 12/12/90, effective 1/12/91; 82-06-052 (Order 1774), § 388-59-010, filed 3/3/82; 79-04-036 (Order 1379), § 388-59-010, filed 3/22/79; Order 910, § 388-59-010, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-020 State supplementary payments—General provisions. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-020, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-020, filed 3/22/79; Order 910, § 388-59-020, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-030 State supplementary payments—Establishing eligibility. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-030, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-030, filed 3/22/79; Order 910, § 388-59-030, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-040 State supplementary payments—Amount. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-040, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-040, filed 3/22/79; Order 910, § 388-59-040, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-045 Separation of income and resources. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-045, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-045, filed 3/22/79.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-048 Termination of optional state supplement. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-048, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-048, filed 3/22/79.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-050 State supplementary payments—Additional requirements under specified circumstances—Chore services. [Statutory

- Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-050, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-050, filed 3/22/79; Order 910, § 388-59-050, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-060 State supplementary payments—Overpayment and underpayment. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-060, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-060, filed 3/22/79; Order 910, § 388-59-060, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-070 Mandatory state supplementary payments—Determining amount. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-070, filed 12/12/90, effective 1/12/91; Order 910, § 388-59-070, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-080 Mandatory state supplementary payments—Reduction. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-080, filed 12/12/90, effective 1/12/91; Order 910, § 388-59-080, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-090 Mandatory state supplementary payments—Termination of eligibility. [Statutory Authority: RCW 74.08.090. 91-01-046 (Order 3110), § 388-59-090, filed 12/12/90, effective 1/12/91; 79-04-036 (Order 1379), § 388-59-090, filed 3/22/79; Order 910, § 388-59-090, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-100 Representative payee. [Order 1194, § 388-59-100, filed 3/3/77; Order 910, § 388-59-100, filed 3/1/74.] Repealed by 94-04-033 (Order 3695), filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.08.090 and 74.04.600 through 74.04.650.
- 388-59-120 Representative payee—Immediate hardship. [Order 910, § 388-59-120, filed 3/1/74.] Repealed by Order 940, filed 6/10/74 before publication in WAC.
- 388-59-130 Representative payee—Monthly standards for emergency payments. [Order 910, § 388-59-130, filed 3/1/74.] Repealed by Order 940, filed 6/10/74 before publication in WAC.
- 388-59-140 Representative payee—Application—Verification—Payment. [Order 910, § 388-59-140, filed 3/1/74.] Repealed by Order 940, filed 6/10/74 before publication in WAC.
- 388-62-050 Persons served. [Regulation 26.30, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-055 Referral and identification of persons. [Regulation 26.31, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-060 Referral procedure. [Regulation 26.32, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-070 United States (U.S.) repatriates—Eligibility. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-070, filed 8/20/91, effective 9/20/91; Order 1082, § 388-62-070, filed 12/24/75; Order 546, § 388-62-070, filed 3/31/71, effective 5/1/71; Regulation 26.40, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-075 United States (U.S.) repatriates—Standards of assistance. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-075, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-075, filed 9/13/74; Order 546, § 388-62-075, filed 3/31/71, effective 5/1/71; Regulation 26.41, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-080 United States (U.S.) repatriates—Resources. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-080, filed 8/20/91, effective 9/20/91; Order 546, § 388-62-080, filed 3/31/71, effective 5/1/71; Regulation 26.42, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-095 United States (U.S.) repatriates—Assistance payments—Types of grants. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-095, filed 8/20/91, effective 9/20/91; Order 546, § 388-62-095, filed 3/31/71, effective 5/1/71; Regulation 26.51, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-100 Payments of assistance—Grants. [Regulation 26.52, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-105 Payments of assistance—Medical care. [Regulation 26.53, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-115 Repatriated United States citizens—Duration of assistance. [Order 546, § 388-62-115, filed 3/31/71, effective 5/1/71; Regulation 26.55, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-130 Repatriated United States citizens—Welfare services. [Order 546, § 388-62-130, filed 3/31/71, effective 5/1/71; Regulation 26.60, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-135 United States (U.S.) repatriates—Care and protection of children. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-135, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-135, filed 9/13/74; Order 546, § 388-62-135, filed 3/31/71, effective 5/1/71; Regulation 26.61, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-155 Repatriated United States citizens—Food stamps. [Order 546, § 388-62-155, filed 3/31/71, effective 5/1/71; Regulation 26.71, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-160 Repatriated United States citizens—Work incentive program. [Order 546, § 388-62-160, filed 3/31/71, effective 5/1/71; Regulation 26.72, filed 1/24/64.] Re-

**Chapter 388-62**

**REPATRIATED UNITED STATES CITIZENS—ASSISTANCE**

- 388-62-010 Assistance for United States citizens returned from foreign countries. [Regulation 26.00, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-020 United States (U.S.) repatriates—Program objectives. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-020, filed 8/20/91, effective 9/20/91; Order 546, § 388-62-020, filed 3/31/71, effective 5/1/71; Regulation 26.10, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-025 United States (U.S.) repatriates—Definitions. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-025, filed 8/20/91, effective 9/20/91.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-030 Administration—General. [Regulation 26.20, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-035 United States (U.S.) repatriates—Department responsibilities. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-035, filed 8/20/91, effective

- pealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-165 Repatriated United States citizens—Funeral-burial expenses. [Order 969, § 388-62-165, filed 9/13/74; Order 546, § 388-62-165, filed 3/31/71, effective 5/1/71; Regulation 26.73, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-170 Repatriated United States citizens—Related social services. [Order 546, § 388-62-170, filed 3/31/71, effective 5/1/71; Regulation 26.74, filed 1/24/64.] Repealed by 91-17-060 (Order 3231), filed 8/20/91, effective 9/20/91. Statutory Authority: RCW 74.08.090.
- 388-62-180 Recording. [Regulation 26.80, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-185 Reporting. [Regulation 26.81, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- 388-62-190 United States (U.S.) repatriates—Safeguarding information. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-190, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-190, filed 9/13/74; Order 546, § 388-62-190, filed 3/31/71, effective 5/1/71; Regulation 26.82, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-200 United States (U.S.) repatriates—Reimbursement and assignment of claims. [Statutory Authority: RCW 74.08.090. 91-17-060 (Order 3231), § 388-62-200, filed 8/20/91, effective 9/20/91; Order 969, § 388-62-200, filed 9/13/74; Order 546, § 388-62-200, filed 3/31/71, effective 5/1/71; Regulation 26.90, filed 1/24/64.] Repealed by 93-12-054 (Order 3560), filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.08.090.
- 388-62-205 Form for assignment of claim to United States for assistance received under Section 1113 of the Social Security Act. [Regulation 26.91, filed 1/24/64.] Repealed by Order 546, filed 3/31/71, effective 5/1/71.
- Chapter 388-63**  
**FAMILY HOME FOR RETARDED ADULTS**
- 388-63-005 Family home for adults—Definitions and exceptions. [Order 1159, § 388-63-005, filed 10/6/76; Order 752, § 388-63-005, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-010 Capacity of home—Limitations on ages and numbers. [Order 1159, § 388-63-010, filed 10/6/76; Order 752, § 388-63-010, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-015 Application for license. [Order 1159, § 388-63-015, filed 10/6/76; Order 752, § 388-63-015, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-020 Duration and provisions of license. [Order 1159, § 388-63-020, filed 10/6/76; Order 752, § 388-63-020, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-025 Family home for retarded adults—Periodic visits—Consultation. [Order 752, § 388-63-025, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-030 Family home for retarded adults—Administrative hearing. [Order 752, § 388-63-030, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-035 Family home for retarded adults—Register. [Order 752, § 388-63-035, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-040 Family home for retarded adults—Reporting illness, injuries and death. [Order 752, § 388-63-040, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-045 Family home for retarded adults—First aid—Medical care. [Order 752, § 388-63-045, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-050 Family home for retarded adults—Characteristics of family. [Order 1159, § 388-63-050, filed 10/6/76; Order 752, § 388-63-050, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-055 Family home for retarded adults—Discipline. [Order 752, § 388-63-055, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-060 Family home for retarded adults—Physical aspects of home. [Order 752, § 388-63-060, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-065 Family home for retarded adults—Other requirements in providing care. [Order 1159, § 388-63-065, filed 10/6/76; Order 752, § 388-63-065, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-070 Family home for retarded adults—Discrimination prohibited. [Order 752, § 388-63-070, filed 12/14/72.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-110 Adult family home—Placement—Care defined. [Order 1159, § 388-63-110, filed 10/6/76; Order 954, § 388-63-110, filed 7/26/74; Order 813, § 388-63-110, filed 6/28/73.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-120 Determination of need for care and placement. [Order 1159, § 388-63-120, filed 10/6/76; Order 954, § 388-63-120, filed 7/26/74; Order 813, § 388-63-120, filed 6/28/73.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-125 Exceptions to rules. [Order 1159, § 388-63-125, filed 10/6/76.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-63-130 Adult family home—Standards for approval for placement. [Order 954, § 388-63-130, filed 7/26/74; Order 813, § 388-63-130, filed 6/28/73.] Repealed by Order 1159, filed 10/6/76.
- 388-63-140 Adult family home—Standards for home and sponsor. [Order 813, § 388-63-140, filed 6/28/73.] Repealed by Order 1159, filed 10/6/76.
- 388-63-150 Adult family home—Services to be provided. [Order 813, § 388-63-150, filed 6/28/73.] Repealed by Order 1159, filed 10/6/76.
- 388-63-160 Adult family home—Application for approval for placement—Home study. [Order 954, § 388-63-160, filed 7/26/74; Order 813, § 388-63-160, filed 6/28/73.] Repealed by Order 1159, filed 10/6/76.
- Chapter 388-64**  
**MINIMUM LICENSING REQUIREMENTS FOR GROUP HOMES**
- 388-64-005, 388-64-010, 388-64-015, 388-64-020, 388-64-025, 388-64-030, 388-64-035, 388-64-040, 388-64-045, 388-64-050, 388-64-055, 388-64-060, 388-64-065, 388-64-105, 388-64-110, 388-64-115, 388-64-120, 388-64-125, 388-64-130, 388-64-135, 388-64-140, 388-64-145, 388-64-200, 388-64-205, 388-64-210, 388-64-215, 388-64-220, 388-64-225, 388-64-230, 388-64-235, 388-64-240, 388-64-245, 388-64-300, 388-64-305, 388-64-310, 388-64-400, 388-64-410, 388-64-500, 388-64-510, 388-64-515. [Order 347, filed 5/29/69.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-64-100 [Order 420, § 388-64-100, filed 1/21/70; Order 347, § 388-64-100, filed 5/29/69.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-64-525 [Order 504, § 388-64-525, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.

**Chapter 388-65**

**FOSTER FAMILY HOMES—FAMILY DAY CARE HOMES—  
LICENSING—MINIMUM REQUIREMENTS**

- 388-65-010 Foster family homes—Definitions and exceptions. [Order 753, § 388-65-010, filed 12/14/72; Order 257, § 388-65-010, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-020 Foster family homes—Capacity of home—Limitations on ages and numbers. [Order 753, § 388-65-020, filed 12/14/72; Order 421, § 388-65-020, filed 1/21/70; Order 257, § 388-65-020, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-030 Foster family homes—Application for license. [Order 753, § 388-65-030, filed 12/14/72; Order 257, § 388-65-030, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-035 Duration and provisions of license. [Order 257, § 388-65-035, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-038 Duration and provisions of license—Limitation on licensing. [Order 753, § 388-65-038, filed 12/14/72.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-040 Periodic visits—Consultation. [Order 257, § 388-65-040, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-045 Administrative hearings. [Order 257, § 388-65-045, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-050 Register. [Order 257, § 388-65-050, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-055 Daily attendance record. [Order 257, § 388-65-055, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-060 Reporting of injuries and death. [Order 257, § 388-65-060, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-065 First aid—Medical care. [Order 257, § 388-65-065, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-070 First aid—Characteristics of foster family. [Order 753, § 388-65-070, filed 12/14/72; Order 421, § 388-65-070, filed 1/21/70; Order 308, § 388-65-070, filed 9/20/68; Order 257, § 388-65-070, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-080 Discipline. [Order 257, § 388-65-080, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-090 Physical aspects of home. [Order 421, § 388-65-090, filed 1/21/70; Order 257, § 388-65-090, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-100 Physical aspects of home—Additional requirements for full-time foster care. [Order 753, § 388-65-100, filed 12/14/72; Order 257, § 388-65-100, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-200 Additional requirements for family day care homes for children. [Order 257, § 388-65-200, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-210 Additional requirements for family day care homes for children—Additional requirements for homes for expectant mothers. [Order 753, § 388-65-210, filed 12/14/72; Order 257, § 388-65-210, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-65-300 Additional requirements for the care of mentally retarded adults. [Order 257, § 388-65-300, filed 11/24/67.] Repealed by Order 753, filed 12/14/72.
- 388-65-310 Additional requirements for the care of mentally retarded adults—Discrimination prohibited. [Order 505, § 388-65-310, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.

**Chapter 388-66**

**DAY CARE CENTERS—  
LICENSING—MINIMUM REQUIREMENTS**

- 388-66-005, 388-66-010, 388-66-015, 388-66-020, 388-66-025, 388-66-030, 388-66-035, 388-66-040, 388-66-045, 388-66-050, 388-66-055, 388-66-060, 388-66-065, 388-66-070, 388-66-095, 388-66-110, 388-66-120, 388-66-125, 388-66-135, 388-66-150, 388-66-155, 388-66-165, 388-66-170, 388-66-175, 388-66-180, 388-66-185, 388-66-190, 388-66-195, 388-66-200, 388-66-230, 388-66-245, 388-66-250. [Order 258, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-66-090, 388-66-115, 388-66-130, 388-66-160, 388-66-220, 388-66-225, 388-66-235, 388-66-240, 388-66-255, 388-66-300. [Order 422, filed 1/21/70; Order 258, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-66-310 [Order 506, § 388-66-310, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.

**Chapter 388-67**

**MATERNITY HOMES—  
LICENSING—MINIMUM REQUIREMENTS**

- 388-67-005, 388-67-010, 388-67-020, 388-67-025, 388-67-030, 388-67-035, 388-67-040, 388-67-045, 388-67-050, 388-67-055, 388-67-060, 388-67-065, 388-67-070, 388-67-100, 388-67-105, 388-67-150, 388-67-155, 388-67-160, 388-67-165, 388-67-170, 388-67-175, 388-67-200, 388-67-205, 388-67-250, 388-67-255, 388-67-260, 388-67-265, 388-67-270, 388-67-275, 388-67-280, 388-67-300, 388-67-305, 388-67-310, 388-67-315, 388-67-325, and 388-67-335. [Order 259, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-67-210, 388-67-320, 388-67-330. [Order 423, filed 1/21/70; Order 259, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-67-345 [Order 507, § 388-67-345, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.

**Chapter 388-68**

**CHILD CARE INSTITUTIONS—LICENSING—  
MINIMUM LICENSING REQUIREMENTS**

- 388-68-005, 388-68-010, 388-68-020, 388-68-025, 388-68-030, 388-68-035, 388-68-040, 388-68-045, 388-68-050, 388-68-055, 388-68-060, 388-68-065, 388-68-070, 388-68-100, 388-68-150, 388-68-155, 388-68-160, 388-68-165, 388-68-170, 388-68-175, 388-68-180, 388-68-200, 388-68-205, 388-68-250, 388-68-255, 388-68-260, 388-68-265, 388-68-270, 388-68-275, 388-68-280, and 388-68-300. [Order 260, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-68-105, 388-68-210, 388-68-305, 388-68-315, 388-68-320, 388-68-325. [Order 424, filed 1/21/70; Order 260, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-68-110 [Order 424, § 388-68-110, filed 1/21/70.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-68-310 [Order 428, § 388-68-310, filed 3/3/70; Order 260, § 388-68-310, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- 388-68-345 [Order 508, § 388-68-345, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.

**Chapter 388-69**

**CHILD PLACING AGENCIES—  
LICENSING—MINIMUM REQUIREMENTS**

- 388-69-005, 388-69-010, 388-69-020, 388-69-025, 388-69-030, 388-69-035, 388-69-040, 388-69-045, 388-69-050, 388-69-055, 388-69-060, 388-69-100, 388-69-105, 388-69-150, 388-69-155, 388-69-160, 388-69-165, 388-69-170, 388-69-175. [Order 261, filed 11/24/67.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.

- 388-69-185 [Order 509, § 388-69-185, filed 12/30/70, effective 2/1/71.] Repealed by Order 936, filed 5/23/74. See chapter 388-75 WAC.
- Chapter 388-72**  
**SERVICES FOR THE BLIND**
- 388-72-010 Services for the blind—Organization. [Manual VII, Regulation 1.00 and chart, filed 1/24/64, effective 3/1/64.] Repealed by Order 867, filed 10/26/73.
- 388-72-020 Advisory committee for the blind. [Manual VII, Regulation 1.11, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090. Later promulgation, see Title 67 WAC.
- 388-72-025 Physicians' eye advisory committee. [Manual VII, Regulation 1.12, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-030 Aid to blind. [Manual VII, Regulation 1.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-035 County office responsibility. [Manual VII, Regulation 1.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-040 Mail address of services for the blind. [Manual VII, Regulation 1.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-045 Abbreviations. [Manual VII, Regulation 1.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-050 Eligibility. [Statutory Authority: RCW 74.08.090. 80-02-051 (Order 1475), § 388-72-050, filed 1/16/80.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-060 Exempt resources. [Statutory Authority: RCW 74.08.090. 80-02-051 (Order 1475), § 388-72-060, filed 1/16/80.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-070 Eligibility determination. [Statutory Authority: RCW 74.08.090. 80-02-051 (Order 1475), § 388-72-070, filed 1/16/80.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-080 Residence—State of Washington. [Statutory Authority: RCW 74.08.090. 80-02-051 (Order 1475), § 388-72-080, filed 1/16/80.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-090 Application review. [Statutory Authority: RCW 74.08.090. 80-02-051 (Order 1475), § 388-72-090, filed 1/16/80.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-100 Allotment for blind student attending college or university—General. [Manual VII, Regulation 2.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-105 Allotment for blind student attending college or university—Application for allotment. [Manual VII, Regulation 2.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-110 Allotment for blind student attending college or university—Administrative relationship between state department of public assistance and superintendent of public instruction. [Manual VII, Regulation 2.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-115 Allotment for blind student attending college or university—Application from blind person interested in attending college or university. [Manual VII, Regulation 2.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-120 Allotment for blind student attending college or university—Responsibility of college or university. [Manual VII, Regulation 2.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-125 Allotment for blind student attending college or university—Use of allotment from state board of education. [Manual VII, Regulation 2.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-150 Home teaching services for adult blind—Purpose. [Manual VII, Regulation 3.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-155 Home teaching services for adult blind—Teaching plan. [Manual VII, Regulation 3.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-160 Home teaching services for adult blind—Personal adjustment services. [Manual VII, Regulation 3.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-165 Home teaching services for adult blind—Relationship with staff, other agencies and community. [Manual VII, Regulation 3.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-170 Home teaching services for adult blind—Case record. [Manual VII, Regulation 3.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-175 Supervision and consultation. [Manual VII, Regulation 3.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-180 Termination of service. [Manual VII, Regulation 3.70, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-200 Prevention of blindness and restoration of vision—Legal basis—Objective. [Order 867, § 388-72-200, filed 10/26/73; Manual VII, Regulation 4.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-205 Prevention of blindness and restoration of vision—Physicians eligible to render services. [Order 867, § 388-72-205, filed 10/26/73; Manual VII, Regulation 4.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-207 Prevention of blindness and restoration of vision—Staff ophthalmologist. [Order 867, § 388-72-207, filed 10/26/73.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-210 Prevention of blindness and restoration of vision—Services provided. [Order 867, § 388-72-210, filed 10/26/73; Manual VII, Regulation 4.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-215 Prevention of blindness and restoration of vision—Services excluded. [Order 867, § 388-72-215, filed 10/26/73.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-220 Prevention of blindness and restoration of vision—Persons eligible. [Order 867, § 388-72-220, filed 10/26/73; Manual VII, Regulation 4.31, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-225 Prevention of blindness and restoration of vision—Resources. [Order 867, § 388-72-225, filed 10/26/73; Manual VII, Regulation 4.32, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-230 Prevention of blindness and restoration of vision—Requirements. [Order 867, § 388-72-230, filed 10/26/73; Manual VII, Regulation 4.33, filed 1/24/64, effective

<p>388-72-235</p> <p>388-72-240</p> <p>388-72-250</p> <p>388-72-255</p> <p>388-72-260</p> <p>388-72-265</p> <p>388-72-270</p> <p>388-72-275</p> <p>388-72-280</p> <p>388-72-285</p> <p>388-72-290</p> <p>388-72-300</p> <p>388-72-305</p> <p>388-72-310</p> <p>388-72-315</p> <p>388-72-350</p> <p>388-72-355</p>	<p>3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Prevention of blindness and restoration of vision—Residence. [Order 867, § 388-72-235, filed 10/26/73; Manual VII, Regulation 4.34, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Prevention of blindness and restoration of vision—Application. [Order 867, § 388-72-240, filed 10/26/73; Manual VII, Regulation 4.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Prevention of blindness and restoration of vision—Authorization of services. [Manual VII, Regulation 4.51, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Prevention of blindness and restoration of vision—Consultation services. [Manual VII, Regulation 4.52, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Prevention of blindness and restoration of vision—Social summary. [Manual VII, Regulation 4.53, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Prevention of blindness and restoration of vision—Physical examination. [Manual VII, Regulation 4.54, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Prevention of blindness and restoration of vision—Glasses. [Manual VII, Regulation 4.56, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Prevention of blindness and restoration of vision—Prostheses. [Manual VII, Regulation 4.57, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Prevention of blindness and restoration of vision—Drugs. [Manual VII, Regulation 4.58, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Prevention of blindness and restoration of vision—Reports. [Manual VII, Regulation 4.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Prevention of blindness and restoration of vision—Participating ophthalmologists. [Manual VII, Regulation 4.70, filed 1/24/64, effective 3/1/64.] Repealed by Order 867, filed 10/26/73.</p> <p>Rehabilitation center for the blind. [Manual VII, Regulation 5.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Rehabilitation center for the blind—Application. [Manual VII, Regulation 5.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Rehabilitation center for the blind—Eligibility. [Manual VII, Regulation 5.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Rehabilitation center for the blind—Maintenance while attending the rehabilitation center. [Manual VII, Regulation 5.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Services for blind children—State department of public assistance responsibilities. [Manual VII, Regulation 7.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Services for blind children—State school for the blind. [Manual VII, Regulation 7.20, filed 1/24/64, effective</p>	<p>388-72-400</p> <p>388-72-405</p> <p>388-72-410</p> <p>388-72-415</p> <p>388-72-425</p> <p>388-72-435</p> <p>388-72-445</p> <p>388-72-500</p> <p>388-72-505</p> <p>388-72-510</p> <p>388-72-515</p> <p>388-72-520</p> <p>388-72-550</p> <p>388-72-555</p> <p>388-72-560</p> <p>388-72-565</p> <p>388-72-570</p> <p>388-72-575</p>	<p>3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Talking book machines—General. [Manual VII, Regulation 8.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Talking book machines—Distribution. [Manual VII, Regulation 8.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Talking book machines—Application procedure. [Manual VII, Regulation 8.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Talking book machines—Eligibility for talking book machines. [Manual VII, Regulation 8.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Talking book machines—County office responsibility for talking book machine. [Manual VII, Regulation 8.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Talking book machines—Issuance of machine. [Manual VII, Regulation 8.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Talking book machines—Return of machine. [Manual VII, Regulation 8.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Training center for the blind—General. [Manual VII, Regulation 9.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Training center for the blind—Application. [Manual VII, Regulation 9.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Training center for the blind—Eligibility. [Manual VII, Regulation 9.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Training center for the blind—Maintenance while attending training center. [Manual VII, Regulation 9.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Training center for the blind—Placement. [Manual VII, Regulation 9.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Vending stands—General. [Manual VII, Regulation 10.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Vending stands—Application. [Manual VII, Regulation 10.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Vending stands—Eligibility. [Manual VII, Regulation 10.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Vending stands—Selection. [Manual VII, Regulation 10.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Vending stands—Training and placement. [Manual VII, Regulation 10.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p> <p>Vending stands—Maintenance during vending stand training. [Manual VII, Regulation 10.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.</p>
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- 388-72-580 Vending stands—Equipment and stock. [Manual VII, Regulation 10.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-585 Vending stands—Supervision. [Manual VII, Regulation 10.70, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-590 Vending stands—Fair hearing. [Manual VII, Regulation 10.80, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-600 Vocational rehabilitation services for the blind—General. [Manual VII, Regulation 11.00, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-605 Vocational rehabilitation services for the blind—Eligibility for vocational rehabilitation services for the blind. [Manual VII, Regulation 11.10, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-610 Vocational rehabilitation services for the blind—Referral for vocational rehabilitation services for the blind. [Manual VII, Regulation 11.20, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-615 Vocational rehabilitation services for the blind—Services provided. [Manual VII, Regulation 11.30, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-620 Vocational rehabilitation services for the blind—Exchange of case information. [Manual VII, Regulation 11.40, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-625 Vocational rehabilitation services for the blind—County office responsibility. [Manual VII, Regulation 11.50, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-630 Vocational rehabilitation services for the blind—Costs incidental to vocational rehabilitation. [Manual VII, Regulation 11.60, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- 388-72-635 Vocational rehabilitation services for the blind—Vending stands. [Manual VII, Regulation 11.70, filed 1/24/64, effective 3/1/64.] Repealed by 83-08-023 (Order 1952), filed 3/30/83. Statutory Authority: RCW 74.08.090.
- Chapter 388-75**  
**MINIMUM REQUIREMENTS FOR**  
**LICENSING CHILD CARE AGENCIES**  
**AND MATERNITY SERVICES**
- 388-75-003 Definitions. [Order 936, § 388-75-003, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-006 Nonlicensed facilities unlawful. [Order 936, § 388-75-006, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-009 Action against agency. [Order 936, § 388-75-009, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-012 Exceptions to rules. [Order 936, § 388-75-012, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-015 Agencies to be licensed—Definitions—Categories. [Order 936, § 388-75-015, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-018 Exemptions—Facilities not subject to licensing. [Order 1010, § 388-75-018, filed 2/19/75; Order 985, § 388-75-018, filed 11/29/74; Order 936, § 388-75-018, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-021 Certification of exempt program or facility. [Order 936, § 388-75-021, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-024 Certification of drug treatment center. [Order 936, § 388-75-024, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-027 Application for license. [Order 936, § 388-75-027, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-030 Licenses for homes under supervision of licensed agency. [Order 936, § 388-75-030, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-031 Licensure of staff members. [Order 1146, § 388-75-031, filed 8/26/76.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-033 Fire marshal's approval. [Order 936, § 388-75-033, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-036 Health approval. [Order 936, § 388-75-036, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-039 Local ordinances—Effect of. [Order 936, § 388-75-039, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-042 Character references. [Order 936, § 388-75-042, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-045 Duration and provisions of license. [Order 936, § 388-75-045, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-048 Renewal of license. [Order 936, § 388-75-048, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-051 Provisional license. [Order 936, § 388-75-051, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-054 Denial, revocation, suspension of license. [Order 936, § 388-75-054, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-057 Administrative hearing. [Order 936, § 388-75-057, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-060 Operation following suspension or revocation of license. [Order 936, § 388-75-060, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-063 Periodic review of licensing requirements. [Order 936, § 388-75-063, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-066 Review by advisory committee. [Order 936, § 388-75-066, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-069 Periodic visits and consultation. [Order 936, § 388-75-069, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-072 Reporting of injury, death, epidemic, or child abuse. [Order 936, § 388-75-072, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-075 Records and reports. [Order 936, § 388-75-075, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-078 Discrimination prohibited. [Order 985, § 388-75-078, filed 11/29/74; Order 936, § 388-75-078, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-081 Agency conducted by religious organization. [Order 936, § 388-75-081, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-084 Transportation. [Order 936, § 388-75-084, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.



- 388-75-087 Care and administration of medications. [Order 936, § 388-75-087, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-090 Personnel policies. [Order 936, § 388-75-090, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-093 Special requirements regarding American Indians. [Order 985, § 388-75-093, filed 11/29/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-103 Child placing agency. [Order 936, § 388-75-103, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-106 Child placing agency—Governing or advisory board. [Order 936, § 388-75-106, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-109 Child placing agency—Out-of-state agencies. [Order 936, § 388-75-109, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-112 Child placing agency—Personnel. [Order 936, § 388-75-112, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-115 Child placing agency—Office space. [Order 936, § 388-75-115, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-118 Child placing agency—Records. [Order 936, § 388-75-118, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-121 Child placing agency—Medical care. [Order 936, § 388-75-121, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-124 Child placing agency—Legal consultation. [Order 936, § 388-75-124, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-127 Child placing agency—Foster care placements. [Order 936, § 388-75-127, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-130 Child placing agency—Adoptive placements. [Order 936, § 388-75-130, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-153 Foster family home. [Order 936, § 388-75-153, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-156 Foster family home—Capacity—Limitations on ages and numbers. [Order 936, § 388-75-156, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-157 Foster family home—Limitation on licensing. [Order 1018, § 388-75-157, filed 4/23/75.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-159 Foster family home—Characteristics of family. [Order 936, § 388-75-159, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-162 Foster family home—Care of child and expectant mother. [Order 936, § 388-75-162, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-165 Foster family home—Register. [Order 936, § 388-75-165, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-168 Foster family home—First aid—Health care. [Order 936, § 388-75-168, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-171 Foster family home—Responsibility of placing agency—Absence from home. [Order 936, § 388-75-171, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-174 Foster family home—Physical aspects of home. [Order 936, § 388-75-174, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-177 Foster family home—Fire safety. [Order 936, § 388-75-177, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-203 Family day care home. [Order 936, § 388-75-203, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-206 Family day care home—Capacity—Limitations on ages and numbers. [Order 936, § 388-75-206, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-209 Family day care home—Characteristics of family. [Order 936, § 388-75-209, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-212 Family day care home—Program and equipment. [Order 936, § 388-75-212, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-215 Family day care home—Nutrition. [Order 936, § 388-75-215, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-218 Family day care home—Discipline. [Order 936, § 388-75-218, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-221 Family day care home—Records. [Order 936, § 388-75-221, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-224 Family day care home—Health care. [Order 936, § 388-75-224, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-227 Family day care home—Physical aspects of home. [Order 936, § 388-75-227, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-230 Family day care home—Fire safety. [Order 936, § 388-75-230, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-253 Mini-day care center. [Order 936, § 388-75-253, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-256 Mini-day care center—Capacity—Limitations on ages and numbers. [Order 936, § 388-75-256, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-259 Mini-day care center—Staffing. [Order 936, § 388-75-259, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-262 Mini-day care center—Qualifications of licensee and staff. [Order 936, § 388-75-262, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-265 Mini-day care center—Program and equipment. [Order 936, § 388-75-265, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-268 Mini-day care center—Nutrition. [Order 936, § 388-75-268, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-271 Mini-day care center—Discipline. [Order 936, § 388-75-271, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-274 Mini-day care center—Records. [Order 936, § 388-75-274, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-277 Mini-day care center—Health care. [Order 936, § 388-75-277, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-280 Mini-day care center—Physical facilities. [Order 936, § 388-75-280, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-283 Mini-day care center—Fire safety. [Order 936, § 388-75-283, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

- 388-75-303 Day care center. [Order 936, § 388-75-303, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-306 Day care center—Required personnel. [Order 936, § 388-75-306, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-309 Day care center—Staff training. [Order 936, § 388-75-309, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-312 Day care center—Program. [Order 936, § 388-75-312, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-315 Day care center—Maximum hours—Rest periods. [Order 936, § 388-75-315, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-318 Day care center—Discipline. [Order 936, § 388-75-318, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-321 Day care center—Infant care. [Order 936, § 388-75-321, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-324 Day care center—Toddlers and preschool children. [Order 936, § 388-75-324, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-327 Day care center—School-age children. [Order 936, § 388-75-327, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-330 Day care center—Handicapped children. [Order 936, § 388-75-330, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-333 Day care center—Drop-in care. [Order 936, § 388-75-333, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-336 Day care center—Evening and nighttime care. [Order 936, § 388-75-336, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-339 Day care center—Furnishings and equipment. [Order 936, § 388-75-339, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-342 Day care center—Children's records. [Order 936, § 388-75-342, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-345 Day care center—Parent-center relationships. [Order 936, § 388-75-345, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-348 Day care center—Nutrition. [Order 936, § 388-75-348, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-351 Day care center—Tuberculosis tests for staff. [Order 936, § 388-75-351, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-354 Day care center—Medical policies. [Order 936, § 388-75-354, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-357 Day care center—First aid. [Order 936, § 388-75-357, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-360 Day care center—Health history—Physical exam. [Order 936, § 388-75-360, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-363 Day care center—Immunizations. [Order 936, § 388-75-363, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-366 Day care center—Ill children—Illness and accident report. [Order 936, § 388-75-366, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-369 Day care center—Site and communications—Outdoor play area. [Order 936, § 388-75-369, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-372 Day care center—Safety and maintenance. [Order 936, § 388-75-372, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-375 Day care center—Required rooms, area, equipment. [Order 936, § 388-75-375, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-378 Day care center—Sewage and liquid wastes. [Order 936, § 388-75-378, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-381 Day care center—Pest control. [Order 936, § 388-75-381, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-384 Day care center—Laundry. [Order 936, § 388-75-384, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-387 Day care center—Water supply and plumbing. [Order 936, § 388-75-387, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-390 Day care center—Floors, walls, ceilings, windows. [Order 936, § 388-75-390, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-393 Day care center—Ventilation—Room temperature—Lighting. [Order 936, § 388-75-393, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-396 Day care center—Fire safety. [Order 936, § 388-75-396, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-403 Day treatment center. [Order 936, § 388-75-403, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-406 Day treatment center—Function of day treatment program. [Order 936, § 388-75-406, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-409 Day treatment center—Governing or advisory board. [Order 936, § 388-75-409, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-412 Day treatment center—Personnel. [Order 936, § 388-75-412, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-415 Day treatment center—Ratio of counselor and teaching staff to children. [Order 936, § 388-75-415, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-418 Day treatment center—Personnel—General qualifications. [Order 936, § 388-75-418, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-421 Day treatment center—Tuberculosis tests for staff. [Order 936, § 388-75-421, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-424 Day treatment center—Program. [Order 936, § 388-75-424, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-428 Day treatment center—Social study—Case plan. [Order 936, § 388-75-428, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-430 Day treatment center—Discipline. [Order 936, § 388-75-430, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-433 Day treatment center—Education. [Order 936, § 388-75-433, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
- 388-75-436 Day treatment center—Health. [Order 936, § 388-75-436, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

<p>388-75-439 Day treatment center—Nutrition. [Order 936, § 388-75-439, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-442 Day treatment center—Site and communications—Outdoor play area. [Order 936, § 388-75-442, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-445 Day treatment center—Safety and maintenance. [Order 936, § 388-75-445, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-448 Day treatment center—Required rooms, area, equipment. [Order 936, § 388-75-448, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-451 Day treatment center—Sewage and liquid wastes. [Order 936, § 388-75-451, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-454 Day treatment center—Pest control. [Order 936, § 388-75-454, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-457 Day treatment center—Laundry. [Order 936, § 388-75-457, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-460 Day treatment center—Water supply and plumbing. [Order 936, § 388-75-460, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-463 Day treatment center—Floors, walls, ceilings, windows. [Order 936, § 388-75-463, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-466 Day treatment center—Ventilation—Room temperature—Lighting. [Order 936, § 388-75-466, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-469 Day treatment center—Fire safety. [Order 936, § 388-75-469, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-503 Group home. [Order 936, § 388-75-503, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-506 Group home—Description. [Order 936, § 388-75-506, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-509 Group home—Function. [Order 936, § 388-75-509, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-512 Group home—Governing or advisory board. [Order 936, § 388-75-512, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-515 Group home—Personnel—General qualifications. [Order 936, § 388-75-515, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-518 Group home—Tuberculosis tests for staff. [Order 936, § 388-75-518, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-521 Group home—Required positions. [Order 936, § 388-75-521, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-524 Group home—Social service. [Order 936, § 388-75-524, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-527 Group home—Education. [Order 936, § 388-75-527, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-530 Group home—Economic experiences. [Order 936, § 388-75-530, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-533 Group home—Spiritual training. [Order 936, § 388-75-533, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p>	<p>388-75-536 Group home—Community contacts. [Order 936, § 388-75-536, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-539 Group home—Discipline. [Order 936, § 388-75-539, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-542 Group home—Clothing. [Order 936, § 388-75-542, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-545 Group home—Required rooms, areas and equipment. [Order 936, § 388-75-545, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-548 Group home—Site and communication. [Order 936, § 388-75-548, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-551 Group home—Safety and maintenance. [Order 936, § 388-75-551, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-554 Group home—Sewage and liquid wastes. [Order 936, § 388-75-554, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-557 Group home—Pest control. [Order 936, § 388-75-557, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-560 Group home—Water supply and plumbing. [Order 936, § 388-75-560, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-563 Group home—Floors, walls, and ceilings. [Order 936, § 388-75-563, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-566 Group home—Ventilation. [Order 936, § 388-75-566, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-569 Group home—Room temperature. [Order 936, § 388-75-569, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-572 Group home—Lighting. [Order 936, § 388-75-572, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-575 Group home—Food and food services. [Order 936, § 388-75-575, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-578 Group home—Health program—Medical service for children. [Order 936, § 388-75-578, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-581 Group home—Health records for children. [Order 936, § 388-75-581, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-584 Group home—Fire safety. [Order 936, § 388-75-584, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-603 Child care institution. [Order 936, § 388-75-603, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-606 Child care institution—Governing or advisory board. [Order 936, § 388-75-606, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-609 Child care institution—Personnel—General qualifications. [Order 936, § 388-75-609, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-612 Child care institution—Tuberculosis tests for staff. [Order 936, § 388-75-612, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-615 Child care institution—Personnel—Required positions. [Order 936, § 388-75-615, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p> <p>388-75-618 Child care institution—Staff training. [Order 936, § 388-75-618, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.</p>
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388-75-621	Child care institution—Discipline. [Order 936, § 388-75-621, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-706	Maternity services—Definition. [Order 936, § 388-75-706, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-624	Child care institution—Social service. [Order 936, § 388-75-624, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-709	Maternity services—Eligibility for service—Required services. [Order 936, § 388-75-709, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-627	Child care institution—Education. [Order 936, § 388-75-627, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-712	Governing or advisory board. [Order 936, § 388-75-712, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-630	Child care institution—Economic experiences. [Order 936, § 388-75-630, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-715	Governing or advisory board—Personnel—General qualifications. [Order 936, § 388-75-715, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-633	Child care institution—Clothing. [Order 936, § 388-75-633, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-718	Governing or advisory board—Staff training. [Order 936, § 388-75-718, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-636	Child care institution—Community contacts. [Order 936, § 388-75-636, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-721	Governing or advisory board—Tuberculosis tests for staff. [Order 936, § 388-75-721, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-639	Child care institution—Spiritual training. [Order 936, § 388-75-639, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-724	Governing or advisory board—Required personnel. [Order 936, § 388-75-724, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-642	Child care institution—Food and food services. [Order 936, § 388-75-642, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-727	Governing or advisory board—Guidance and counseling. [Order 936, § 388-75-727, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-645	Child care institution—Health service. [Order 936, § 388-75-645, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-730	Governing or advisory board—Health education. [Order 936, § 388-75-730, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-648	Child care institution—Health records. [Order 936, § 388-75-648, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-733	Governing or advisory board—Family life education. [Order 936, § 388-75-733, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-651	Child care institution—Nursing service. [Order 936, § 388-75-651, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-736	Governing or advisory board—Religious activities. [Order 936, § 388-75-736, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-654	Child care institution—Site and communication. [Order 936, § 388-75-654, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-739	Governing or advisory board—Work assignments. [Order 936, § 388-75-739, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-657	Child care institution—Safety and maintenance. [Order 936, § 388-75-657, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-742	Governing or advisory board—Leisure time activities. [Order 936, § 388-75-742, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-660	Child care institution—Required rooms, areas and equipment. [Order 936, § 388-75-660, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-745	Governing or advisory board—Academic and vocational instruction. [Order 936, § 388-75-745, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-663	Child care institution—Sewage and liquid wastes. [Order 936, § 388-75-663, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-748	Governing or advisory board—Child care. [Order 936, § 388-75-748, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-666	Child care institution—Pest control. [Order 936, § 388-75-666, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-751	Governing or advisory board—Economic experiences. [Order 936, § 388-75-751, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-669	Water supply and plumbing. [Order 936, § 388-75-669, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-754	Governing or advisory board—Medical service. [Order 936, § 388-75-754, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-672	Water supply and plumbing—Floors, walls, and ceilings. [Order 936, § 388-75-672, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-757	Governing or advisory board—Records—Recordkeeping. [Order 936, § 388-75-757, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-675	Water supply and plumbing—Ventilation. [Order 936, § 388-75-675, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-760	Governing or advisory board—Medical records. [Order 936, § 388-75-760, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.
388-75-678	Water supply and plumbing—Room temperature and lighting. [Order 936, § 388-75-678, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.	388-75-763	Governing or advisory board—Site and communication. [Order 936, § 388-75-763, filed 5/23/74.] Repealed by
388-75-681	Water supply and plumbing—Fire safety. [Order 936, § 388-75-681, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		
388-75-703	Maternity services. [Order 936, § 388-75-703, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.		

78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-766 Governing or advisory board—Safety and maintenance. [Order 936, § 388-75-766, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-769 Governing or advisory board—Water supply—Plumbing. [Order 936, § 388-75-769, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-772 Governing or advisory board—Floors, walls and ceilings. [Order 936, § 388-75-772, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-775 Governing or advisory board—Ventilation—Room temperature. [Order 936, § 388-75-775, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-778 Governing or advisory board—Lighting. [Order 936, § 388-75-778, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-781 Governing or advisory board—Sewage and liquid wastes. [Order 936, § 388-75-781, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-784 Governing or advisory board—Pest control. [Order 936, § 388-75-784, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-787 Governing or advisory board—Required rooms, areas, equipment. [Order 936, § 388-75-787, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-790 Governing or advisory board—Food and food service. [Order 936, § 388-75-790, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

388-75-793 Governing or advisory board—Fire safety. [Order 936, § 388-75-793, filed 5/23/74.] Repealed by 78-10-006 (Order 1336), filed 9/8/78. Statutory Authority: RCW 74.15.030.

**Chapter 388-80**

**MEDICAL CARE—DEFINITIONS**

388-80-002 Applicability. [Statutory Authority: RCW 74.08.090. 81-16-033 (Order 1685), § 388-80-002, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-80-005 Definitions. [Statutory Authority: RCW 74.08.090. 92-16-043 (Order 3429), § 388-80-005, filed 7/31/92, effective 8/31/92; 83-17-006 (Order 1996), § 388-80-005, filed 8/5/83; 82-10-062 (Order 1801), § 388-80-005, filed 5/5/82; 82-06-003 (Order 1766), § 388-80-005, filed 2/18/82; 82-01-001 (Order 1725), § 388-80-005, filed 12/3/81; 81-16-033 (Order 1685), § 388-80-005, filed 7/29/81; 81-11-046 (Order 1655), § 388-80-005, filed 5/20/81; 80-13-020 (Order 1542), § 388-80-005, filed 9/9/80; 80-02-001 (Order 1470), § 388-80-005, filed 1/3/80; 78-06-081 (Order 1299), § 388-80-005, filed 6/1/78; Order 1196, § 388-80-005, filed 3/3/77; Order 1112, § 388-80-005, filed 4/15/76; Order 1061, § 388-80-005, filed 10/8/75; Order 922, § 388-80-005, filed 4/15/74; Order 761, § 388-80-005, filed 1/2/73; Order 735, § 388-80-005, filed 11/22/72; Order 676, § 388-80-005, filed 5/10/72; Order 615, § 388-80-005, filed 10/7/71; Order 564, § 388-80-005, filed 5/19/71; Order 577, § 388-80-005, filed 7/20/71; Order 471, § 388-80-005, filed 8/19/70; Order 381, § 388-80-005, filed 8/27/69; Order 298, § 388-80-005, filed 9/6/68; Order 264 (part), § 388-80-005, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

**Chapter 388-82**

**MEDICAL CARE—PROGRAM DESCRIBED—LIMITATIONS**

388-82-005 Medical care—General description of programs. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-82-005, filed 9/9/80; 78-02-024 (Order 1265), § 388-82-005, filed 1/13/78; Order 952, § 388-82-005, filed 7/16/74; Order 264 (part), § 388-82-005, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.

388-82-006 Medical assistance. [Statutory Authority: RCW 74.08.090. 81-10-014 (Order 1646), § 388-82-006, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-82-008 Family independence program (FIP). [Statutory Authority: RCW 74.08.090. 88-17-062 (Order 2672), § 388-82-008, filed 8/17/88.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-82-010 Persons eligible for medical assistance. [Statutory Authority: RCW 74.08.090. 93-04-033 (Order 3508), § 388-82-010, filed 1/27/93, effective 2/27/93; 91-15-014 (Order 3203), § 388-82-010, filed 7/9/91, effective 8/9/91; 91-06-003 (Order 3140), § 388-82-010, filed 2/21/91, effective 3/24/91; 90-04-013 (Order 2932), § 388-82-010, filed 1/29/90, effective 3/1/90; 88-09-037 (Order 2620), § 388-82-010, filed 4/15/88; 86-11-025 (Order 2378), § 388-82-010, filed 5/14/86; 82-21-024 (Order 1891), § 388-82-010, filed 10/13/82; 82-06-003 (Order 1766), § 388-82-010, filed 2/18/82; 82-01-001 (Order 1725), § 388-82-010, filed 12/3/81; 81-16-033 (Order 1685), § 388-82-010, filed 7/29/81; 81-11-046 (Order 1655), § 388-82-010, filed 5/20/81; 80-13-020 (Order 1542), § 388-82-010, filed 9/9/80; 78-10-077 (Order 1346), § 388-82-010, filed 9/27/78; Order 1202, § 388-82-010, filed 4/1/77; Order 1137, § 388-82-010, filed 7/29/76; Order 1044, § 388-82-010, filed 8/14/75; Order 995, § 388-82-010, filed 12/31/74; Order 952, § 388-82-010, filed 7/16/74; Order 911, § 388-82-010, filed 3/1/74; Order 382, § 388-82-010, filed 8/27/69; Order 300, § 388-82-010, filed 9/6/68; Order 264 (part), § 388-82-010, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-82-015 "H" category (federal aid). [Statutory Authority: RCW 74.08.090. 78-02-024 (Order 1265), § 388-82-015, filed 1/13/78; Order 1097, § 388-82-015, filed 2/13/76; Order 995, § 388-82-015, filed 12/31/74; Order 911, § 388-82-015, filed 3/1/74; Order 765, § 388-82-015, filed 1/10/73; Order 518, § 388-82-015, filed 2/24/71; Order 382, § 388-82-015, filed 8/27/69; Order 300, § 388-82-015, filed 9/6/68; Order 264 (part), § 388-82-015, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.

388-82-020 Medical care services. [Statutory Authority: RCW 74.08.090. 80-15-034 (Order 1554), § 388-82-020, filed 10/9/80; 79-06-034 (Order 1402), § 388-82-020, filed 5/16/79; 79-01-002 (Order 1359), § 388-82-020, filed 12/8/78; Order 1203, § 388-82-020, filed 4/1/77; Order 1196, § 388-82-020, filed 3/3/77; Order 995, § 388-82-020, filed 12/31/74; Order 911, § 388-82-020, filed 3/1/74; Order 765, § 388-82-020, filed 1/10/73; Order 677, § 388-82-020, filed 5/10/72; Order 547, § 388-82-020, filed 3/31/71, effective 5/1/71; Order 382, § 388-82-020, filed 8/27/69; Order 300, § 388-82-020, filed 9/6/68; Order 264 (part), § 388-82-020, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.

388-82-025 Institutional status. [Order 1097, § 388-82-025, filed 2/13/76; Order 518, § 388-82-025, filed 2/24/71; Order 264 (part), § 388-82-025, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.

388-82-030 State of Washington resident requiring care out-of-state. [Statutory Authority: RCW 74.08.090. 79-01-002 (Order 1359), § 388-82-030, filed 12/8/78; Order 1203, § 388-82-

- 030, filed 4/1/77; Order 1166, § 388-82-030, filed 10/27/76; Order 1112, § 388-82-030, filed 4/15/76; Order 709, § 388-82-030, filed 9/14/72; Order 462, § 388-82-030, filed 6/23/70; Order 332, § 388-82-030, filed 2/3/69; Order 300, § 388-82-030, filed 9/6/68; Order 264 (part), § 388-82-030, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-035 Out-of-state resident requiring medical care in Washington state. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-82-035, filed 9/9/80; Order 1203, § 388-82-035, filed 4/1/77; Order 1158, § 388-82-035, filed 10/6/76; Order 995, § 388-82-035, filed 12/31/74; Order 879, § 388-82-035, filed 11/29/73; Order 404, § 388-82-035, filed 11/24/69; Order 382, § 388-82-035, filed 8/27/69; Order 300, § 388-82-035, filed 9/6/68; Order 264 (part), § 388-82-035, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-040 Medical care for Cuban refugees. [Order 995, § 388-82-040, filed 12/31/74; Order 834, § 388-82-040, filed 7/26/73; Order 300, § 388-82-040, filed 9/6/68.] Repealed by 78-02-024 (Order 1265), filed 1/13/78. Statutory Authority: RCW 74.08.090.
- 388-82-045 Medical care for United States citizen returned from foreign country. [Order 300, § 388-82-045, filed 9/6/68.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-82-115 Categorically needy medical assistance eligibility. [Statutory Authority: RCW 74.08.090, CFR 435.712 and 435.724. 93-06-037 (Order 3516), § 388-82-115, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090. 92-03-046 (Order 3307), § 388-82-115, filed 1/10/92, effective 2/10/92; 90-06-033 (Order 2945), § 388-82-115, filed 3/1/90, effective 4/1/90; 88-24-024 (Order 2734), § 388-82-115, filed 12/2/88; 88-17-063 (Order 2673), § 388-82-115, filed 8/17/88; 88-09-037 (Order 2620), § 388-82-115, filed 4/15/88; 87-01-097 (Order 2453), § 388-82-115, filed 12/22/86; 86-11-025 (Order 2378), § 388-82-115, filed 5/14/86; 85-16-046 (Order 2262), § 388-82-115, filed 7/31/85; 85-11-032 (Order 2231), § 388-82-115, filed 5/15/85; 85-05-015 (Order 2205), § 388-82-115, filed 2/13/85; 84-04-069 (Order 2074), § 388-82-115, filed 2/1/84; 83-17-005 (Order 1995), § 388-82-115, filed 8/5/83; 81-23-046 (Order 1721), § 388-82-115, filed 11/18/81; 81-10-014 (Order 1646), § 388-82-115, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-82-125 Recipients in medical institutions eligible under Title XIX. [Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-82-125, filed 12/3/81; 81-10-014 (Order 1646), § 388-82-125, filed 4/27/81.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-95-300.
- 388-82-126 Medical care services (GAU). [Statutory Authority: RCW 74.08.090. 83-17-006 (Order 1996), § 388-82-126, filed 8/5/83; 81-16-033 (Order 1685), § 388-82-126, filed 7/29/81; 81-10-014 (Order 1646), § 388-82-126, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-82-130 Medical care provided in bordering cities. [Statutory Authority: RCW 74.08.090. 90-17-121 (Order 3055), § 388-82-130, filed 8/21/90, effective 9/21/90; 84-02-055 (Order 2063), § 388-82-130, filed 1/4/84; 81-16-033 (Order 1685), § 388-82-130, filed 7/29/81; 81-10-014 (Order 1646), § 388-82-130, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-82-135 Out-of-state medical care. [Statutory Authority: RCW 74.08.090. 81-16-033 (Order 1685), § 388-82-135, filed 7/29/81; 81-10-014 (Order 1646), § 388-82-135, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28. 93-11-049 (Order 3548), § 388-82-140, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090 and 42 CFR 124.505(b). 92-11-057 (Order 3389), § 388-82-140, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 91-07-011 (Order 3150), § 388-82-140, filed 3/11/91, effective 4/11/91; 90-12-045 (Order 2987), § 388-82-140, filed 5/31/90, effective 7/1/90; 89-24-039 (Order 2910), § 388-82-140, filed 12/1/89, effective 1/1/90; 89-11-057 (Order 2798), § 388-82-140, filed 5/17/89; 89-05-029 (Order 2758), § 388-82-140, filed 2/13/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-82-150 Special low-income Medicare beneficiaries (SLMB) eligible for Medicare cost sharing. [Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28. 93-11-049 (Order 3548), § 388-82-150, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090 and House—Congressional Record Section 4501(b) of OBRA. 93-04-024 (Order 3502), § 388-82-150, filed 1/27/93, effective 2/27/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-82-160 Hospital premium insurance enrollment for the working disabled. [Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28. 93-11-049 (Order 3548), § 388-82-160, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090 and 42 CFR 124.505(b). 92-11-057 (Order 3389), § 388-82-160, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 91-11-086 (Order 3180), § 388-82-160, filed 5/21/91, effective 6/21/91; 90-18-006 (Order 3060), § 388-82-160, filed 8/23/90, effective 9/23/90.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

#### Chapter 388-83 MEDICAL CARE—ELIGIBILITY

- 388-83-005 Medical assistance eligibility. [Statutory Authority: RCW 74.08.090. 81-16-033 (Order 1685), § 388-83-005, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-005, filed 4/27/81; Order 1203, § 388-83-005, filed 4/1/77; Order 922, § 388-83-005, filed 4/15/74; Order 483, § 388-83-005, filed 10/13/70; Order 264 (part), § 388-83-005, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-006 Medical care services. [Statutory Authority: RCW 74.08.090. 93-17-038 (Order 3620), § 388-83-006, filed 8/11/93, effective 9/11/93. Statutory Authority: 1987 c 406. 87-19-091 (Order 2539), § 388-83-006, filed 9/17/87. Statutory Authority: RCW 74.08.090. 83-17-006 (Order 1996), § 388-83-006, filed 8/5/83; 81-16-033 (Order 1685), § 388-83-006, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-006, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-010 Alternative sources for medical care. [Statutory Authority: RCW 74.08.090. 92-18-036 (Order 3444), § 388-83-010, filed 8/27/92, effective 9/27/92; 84-15-060 (Order 2126), § 388-83-010, filed 7/18/84; 81-10-014 (Order 1646), § 388-83-010, filed 4/27/81; 80-13-020 (Order 1542), § 388-83-010, filed 9/9/80; Order 1061 § 388-83-010, filed 10/8/75; Order 780, § 388-83-010, filed 3/16/73; Order 405, § 388-83-010, filed 11/24/69; Order 264 (part), § 388-83-010, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-012 Assignment of rights. [Statutory Authority: RCW 74.08.090. 93-22-030 (Order 3658), § 388-83-012, filed 10/27/93, effective 11/27/93; 92-11-061 (Order 3385), §

- 388-83-012, filed 5/19/92, effective 6/19/92; 89-12-080 (Order 2809), § 388-83-012, filed 6/7/89; 84-23-027 (Order 2168), § 388-83-012, filed 11/14/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-013 Cooperation in securing medical support. [Statutory Authority: RCW 74.08.090. 92-18-036 (Order 3444), § 388-83-013, filed 8/27/92, effective 9/27/92; 92-03-087 (Order 3312), § 388-83-013, filed 1/15/92, effective 2/15/92; 91-10-101 (Order 3175), § 388-83-013, filed 5/1/91, effective 6/1/91; 90-04-012 (Order 2937), § 388-83-013, filed 1/29/90, effective 3/1/90; 89-12-080 (Order 2809), § 388-83-013, filed 6/7/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-014 Good cause not to cooperate in securing medical care support. [Statutory Authority: RCW 74.08.090. 92-18-036 (Order 3444), § 388-83-014, filed 8/27/92, effective 9/27/92; 89-12-080 (Order 2809), § 388-83-014, filed 6/7/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-015 Citizenship and alien status. [Statutory Authority: RCW 74.08.090. 93-16-042 (Order 3603), § 388-83-015, filed 7/28/93, effective 8/28/93. Statutory Authority: RCW 74.08.090 and Section 301 - Family Unity of Immigration Act of 1990, P.L. 101-649. 93-08-111 (Order 3532), § 388-83-015, filed 4/7/93, effective 5/8/93. Statutory Authority: RCW 74.08.090. 89-11-057 (Order 2798), § 388-83-015, filed 5/17/89; 87-06-005 (Order 2472), § 388-83-015, filed 2/19/87; 81-10-014 (Order 1646), § 388-83-015, filed 4/27/81; Order 967, § 388-83-015, filed 8/29/74; Order 264 (part), § 388-83-015, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-017 Social Security number. [Statutory Authority: RCW 74.08.090. 93-18-025 (Order 3627), § 388-83-017, filed 8/25/93, effective 9/25/93; 85-03-072 (Order 2194), § 388-83-017, filed 1/17/85; 81-10-014 (Order 1646), § 388-83-017, filed 4/27/81; Order 1056, § 388-83-017, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-020 Age. [Statutory Authority: RCW 74.08.090. 93-18-025 (Order 3627), § 388-83-020, filed 8/25/93, effective 9/25/93; 81-16-033 (Order 1685), § 388-83-020, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-020, filed 4/27/81; Order 264 (part), § 388-83-020, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-025 Residence. [Statutory Authority: RCW 74.08.090. 90-02-047 (Order 2926), § 388-83-025, filed 12/29/89, effective 2/1/90; 81-10-014 (Order 1646), § 388-83-025, filed 4/27/81; 80-02-001 (Order 1470), § 388-83-025, filed 1/3/80; Order 264 (part), § 388-83-025, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-026 Availability of resources—General. [Statutory Authority: RCW 74.08.090. 93-06-038 (Order 3518), § 388-83-026, filed 2/24/93, effective 3/27/93; 90-23-068 (Order 3093), § 388-83-026, filed 11/20/90, effective 12/21/90.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-027 Medical need. [Order 1196, § 388-83-027, filed 3/3/77; Order 1061, § 388-83-027, filed 10/8/75; Order 964, § 388-83-027, filed 8/19/74; Order 922, § 388-83-027, filed 4/15/74; Order 911, § 388-83-027, filed 3/1/74; Order 879, § 388-83-027, filed 11/29/73; Order 787, § 388-83-027, filed 4/12/73; Order 736, § 388-83-027, filed 11/22/72; Order 419, § 388-83-027, filed 12/31/69.] Repealed by 78-02-024 (Order 1265), filed 1/13/78. Statutory Authority: RCW 74.08.090.
- 388-83-028 Eligibility factors for special categories. [Statutory Authority: RCW 74.08.090. 85-16-046 (Order 2262), § 388-83-028, filed 7/31/85; 84-04-069 (Order 2074), § 388-83-028, filed 2/1/84; 83-17-005 (Order 1995), § 388-83-028, filed 8/5/83; 82-01-001 (Order 1725), § 388-83-028, filed 12/3/81; 81-10-014 (Order 1646), § 388-83-028, filed 4/27/81; 79-06-034 (Order 1402), § 388-83-028, filed 5/16/79; 78-02-024 (Order 1265), § 388-83-028, filed 1/13/78.] Repealed by 90-12-060 (Order 3018), filed 5/31/90, effective 7/1/90. Statutory Authority: RCW 74.08.090.
- 388-83-029 Medical extensions. [Statutory Authority: RCW 74.08.090. 93-13-131 (Order 3573), § 388-83-029, filed 6/23/93, effective 7/24/93; 93-01-034 (Order 3488), § 388-83-029, filed 12/9/92, effective 1/9/93; 90-12-060 (Order 3018), § 388-83-029, filed 5/31/90, effective 7/1/90.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-030 Computation of available income and resources. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-83-030, filed 9/9/80; 79-09-053 (Order 1427), § 388-83-030, filed 8/24/79; 78-10-077 (Order 1346), § 388-83-030, filed 9/27/78; Order 1203, § 388-83-030, filed 4/1/77; Order 1196, § 388-83-030, filed 3/3/77; Order 1158, § 388-83-030, filed 10/6/76; Order 1112, § 388-83-030, filed 4/15/76; Order 922, § 388-83-030, filed 4/15/74; Order 780, § 388-83-030, filed 3/16/73; Order 710, § 388-83-030, filed 9/14/72; Order 655, § 388-83-030, filed 2/9/72; Order 466, § 388-83-030, filed 6/23/70; Order 264 (part), § 388-83-030, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-031 Continuation of eligibility for pregnant women. [Statutory Authority: RCW 74.08.090. 93-17-035 (Order 3617), § 388-83-031, filed 8/11/93, effective 9/11/93; 86-21-002 (Order 2430), § 388-83-031, filed 10/2/86.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-03101 Postpregnancy family planning extension. [Statutory Authority: RCW 74.08.090. 93-16-035 (Order 3595), § 388-83-03101, filed 7/28/93, effective 9/1/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-032 Pregnant women. [Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28. 93-11-049 (Order 3548), § 388-83-032, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090 and 42 CFR 124.505(b). 92-11-057 (Order 3389), § 388-83-032, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 91-10-100 (Order 3174), § 388-83-032, filed 5/1/91, effective 6/1/91; 90-24-027 (Order 3105), § 388-83-032, filed 11/30/90, effective 12/31/90; 90-12-052 (Order 3010), § 388-83-032, filed 5/31/90, effective 7/1/90; 89-22-034 (Order 2884), § 388-83-032, filed 10/27/89, effective 11/27/89; 89-11-057 (Order 2798), § 388-83-032, filed 5/17/89; 88-23-084 (Order 2730), § 388-83-032, filed 11/18/88; 88-19-033 (Order 2695), § 388-83-032, filed 9/12/88; 88-11-063 (Order 2626), § 388-83-032, filed 5/17/88; 87-17-042 (Order 2521), § 388-83-032, filed 8/17/87.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-033 Children—Eligible to nineteen years of age. [Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28. 93-11-049 (Order 3548), § 388-83-033, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090 and CFR 435.712 and 435.724. 93-06-037 (Order 3516), § 388-83-033, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090 and 42 CFR 124.505(b). 92-11-057 (Order 3389), § 388-83-033, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 92-03-083 (Order 3308), § 388-83-033, filed 1/15/92, effective 2/15/92; 91-11-085 (Order 3179), § 388-83-033, filed 5/21/91, effective 6/21/91; 90-24-027 (Order 3105), § 388-83-033, filed 11/30/90, effective 12/31/90; 90-12-043 (Order 2985), § 388-83-033, filed 5/31/90, effective 7/1/90; 89-22-034 (Order 2884), § 388-83-033, filed 10/27/89, effective 11/27/89.] Repealed by

- 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-035 Monthly maintenance standard—Applicant living in own home. [Statutory Authority: RCW 74.08.090. 80-12-012 (Order 1537), § 388-83-035, filed 8/25/80; 79-09-032 (Order 1424), § 388-83-035, filed 8/15/79; 78-10-059 (Order 1339), § 388-83-035, filed 9/22/78; Order 1246, § 388-83-035, filed 10/11/77; Order 1144, § 388-83-035, filed 8/26/76; Order 1061, § 388-83-035, filed 10/8/75; Order 1040, § 388-83-035, filed 8/7/75; Order 1015, § 388-83-035, filed 3/27/75; Order 995, § 388-83-035, filed 12/31/75; Order 952, § 388-83-035, filed 7/16/74; Order 922, § 388-83-035, filed 4/15/74; Order 911, § 388-83-035, filed 3/1/74; Order 879, § 388-83-035, filed 11/29/73; Order 787, § 388-83-035, filed 4/12/73; Order 655, § 388-83-035, filed 2/9/72; Order 555, § 388-83-035, filed 4/1/71; Order 466, § 388-83-035, filed 6/23/70; Order 383, § 388-83-035, filed 8/27/69; Order 264 (part), § 388-83-035, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-036 Monthly maintenance standard—Client not in own home. [Statutory Authority: RCW 74.08.090. 92-14-052 (Order 3410), § 388-83-036, filed 6/25/92, effective 7/26/92; 88-17-062 (Order 2672), § 388-83-036, filed 8/17/88; 84-17-072 (Order 2142), § 388-83-036, filed 8/15/84; 84-07-016 (Order 2085), § 388-83-036, filed 3/14/84; 81-16-033 (Order 1685), § 388-83-036, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-040 Monthly personal needs allowance—Applicant in institution. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-83-040, filed 9/9/80; 80-02-062 (Order 1478), § 388-83-040, filed 1/18/80; 79-01-002 (Order 1359), § 388-83-040, filed 12/8/78; Order 1061, § 388-83-040, filed 10/8/75; Order 922, § 388-83-040, filed 4/15/74; Order 383, § 388-83-040, filed 8/27/69; Order 264 (part), § 388-83-040, filed 11/24/67.] Repealed by 81-16-033 (Order 1685), filed 7/29/81. Statutory Authority: 74.08.090.
- 388-83-041 Income—Eligibility. [Statutory Authority: RCW 74.08.090 and OBRA 1993. 93-23-031 (Order 3665), § 388-83-041, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.08.090. 93-06-038 (Order 3518), § 388-83-041, filed 2/24/93, effective 3/27/93; 92-09-030 (Order 3366), § 388-83-041, filed 4/7/92, effective 5/8/92; 91-09-017 (Order 3132), § 388-83-041, filed 4/9/91, effective 5/10/91.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-045 Allocation of available income and nonexempt resources. [Statutory Authority: RCW 74.08.090. 80-15-034 (Order 1554), § 388-83-045, filed 10/9/80; 80-02-061 (Order 1479), § 388-83-045, filed 1/18/80; 79-01-002 (Order 1359), § 388-83-045, filed 12/8/78; Order 1233, § 388-83-045, filed 8/31/77; Order 1196, § 388-83-045, filed 3/3/77; Order 1151, § 388-83-045, filed 9/8/76; Order 1061, § 388-83-045, filed 10/8/75; Order 994, § 388-83-045, filed 12/31/74; Order 922, § 388-83-045, filed 4/15/74; Order 911, § 388-83-045, filed 3/1/74; Order 879, § 388-83-045, filed 11/29/73; Order 835, § 388-83-045, filed 7/26/73; Order 787, § 388-83-045, filed 4/12/73; Order 678, § 388-83-045, filed 5/10/72; Order 628, § 388-83-045, filed 11/24/71; Order 579, § 388-83-045, filed 7/20/71; Order 548, § 388-83-045, filed 3/31/71, effective 5/1/71; Order 497, § 388-83-045, filed 11/25/70, effective 1/1/71; Order 419, § 388-83-045, filed 12/31/69; Order 405, § 388-83-045, filed 11/24/69; Order 301, § 388-83-045, filed 9/6/68; Order 264 (part), § 388-83-045, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-046 Relative financial responsibility for AFDC-related programs. [Statutory Authority: RCW 74.08.090 and Sneeve vs. Kizer, 9th Circuit Court decision, United States Court of Appeals D.C. #CV-89-1932-TEH. 93-19-037 (Order 3630), § 388-83-046, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090. 93-11-045 (Order 3546), § 388-83-046, filed 5/12/93, effective 6/12/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-050 Availability of resources. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-83-050, filed 9/9/80; 79-09-053 (Order 1427), § 388-83-050, filed 8/24/79; Order 1202, § 388-83-050, filed 4/1/77; Order 1097, § 388-83-050, filed 2/13/76; Order 879, § 388-83-050, filed 11/29/73; Order 333, § 388-83-050, filed 2/3/69; Order 264 (part), § 388-83-050, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-055 Exempt resources. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-83-055, filed 9/9/80; Order 1233, § 388-83-055, filed 8/31/77; Order 1158, § 388-83-055, filed 10/6/76; Order 780, § 388-83-055, filed 3/16/73; Order 710, § 388-83-055, filed 9/14/72; Order 419, § 388-83-055, filed 12/31/69; Order 400, § 388-83-055, filed 11/5/69; Order 301, § 388-83-055, filed 9/6/68; Order 264 (part), § 388-83-055, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-060 Nonexempt resources. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-83-060, filed 9/9/80; Order 400, § 388-83-060, filed 11/5/69; Order 264 (part), § 388-83-060, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-065 Transfer of resources within two years prior to application. [Statutory Authority: RCW 74.08.090. 79-06-034 (Order 1402), § 388-83-065, filed 5/16/79; Order 1233, § 388-83-065, filed 8/31/77; Order 930, § 388-83-065, filed 4/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-83-130 Eligibility—Special situations. [Statutory Authority: RCW 74.08.090 and Sneeve vs. Kizer, 9th Circuit Court decision, United States Court of Appeals D.C. #CV-89-1932-TEH. 93-19-037 and 93-19-083 (Orders 3630 and 3630A), § 388-83-130, filed 9/8/93 and 9/15/93, effective 10/9/93 and 10/16/93. Statutory Authority: RCW 74.08.090, CFR 435.712 and 435.724. 93-06-037 (Order 3516), § 388-83-130, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090. 91-10-100 (Order 3174), § 388-83-130, filed 5/1/91, effective 6/1/91; 90-12-060 (Order 3018), § 388-83-130, filed 5/31/90, effective 7/1/90; 88-17-062 (Order 2672), § 388-83-130, filed 8/17/88; 86-20-015 (Order 2424), § 388-83-130, filed 9/22/86; 84-02-055 (Order 2063), § 388-83-130, filed 1/4/84; 82-10-062 (Order 1801), § 388-83-130, filed 5/5/82; 81-23-046 (Order 1721), § 388-83-130, filed 11/18/81; 81-16-033 (Order 1685), § 388-83-130, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-130, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-135 Eligibility determination—Institutional. [Statutory Authority: RCW 74.08.090. 82-10-062 (Order 1801), § 388-83-135, filed 5/5/82; 82-01-001 (Order 1725), § 388-83-135, filed 12/3/81; 81-16-033 (Order 1685), § 388-83-135, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-135, filed 4/27/81.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-95-320.
- 388-83-140 Allocation of income—Institutionalized recipient. [Statutory Authority: RCW 74.08.090. 83-02-027 (Order 1930), § 388-83-140, filed 12/29/82; 82-10-062 (Order 1801), § 388-83-140, filed 5/5/82; 81-16-033 (Order 1685), § 388-83-140, filed 7/29/81; 81-10-014 (Order 1646), § 388-83-140, filed 4/27/81.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-95-360.
- 388-83-200 Community options program entry system (COPES). [Statutory Authority: RCW 74.08.090. 93-11-044 (Order 3547), § 388-83-200, filed 5/12/93, effective 6/12/93; 92-



- 24-039 (Order 3481), § 388-83-200, filed 11/25/92, effective 12/26/92; 91-16-059 (Order 3220), § 388-83-200, filed 8/1/91, effective 9/1/91; 90-12-050 (Order 3008), § 388-83-200, filed 5/31/90, effective 7/1/90; 85-13-063 (Order 2243), § 388-83-200, filed 6/18/85. Statutory Authority: RCW 74.08.044. 84-12-033 (Order 2103), § 388-83-200, filed 5/30/84. Statutory Authority: RCW 74.08.090. 83-18-030 (Order 2020), § 388-83-200, filed 8/31/83; 83-08-024 (Order 1954), § 388-83-200, filed 3/30/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-210 Community alternatives program (CAP) and outward bound residential alternatives (OBRA) program. [Statutory Authority: RCW 74.08.090. 93-11-044 (Order 3547), § 388-83-210, filed 5/12/93, effective 6/12/93; 92-24-039 (Order 3481), § 388-83-210, filed 11/25/92, effective 12/26/92; 90-12-050 (Order 3008), § 388-83-210, filed 5/31/90, effective 7/1/90; 85-13-063 (Order 2243), § 388-83-210, filed 6/18/85; 84-04-066 (Order 2071), § 388-83-210, filed 2/1/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-83-220 Coordinated community AIDS service alternatives (CASA) program. [Statutory Authority: RCW 74.08.090. 93-11-044 (Order 3547), § 388-83-220, filed 5/12/93, effective 6/12/93; 92-24-039 (Order 3481), § 388-83-220, filed 11/25/92, effective 12/26/92; 90-17-118 (Order 3052), § 388-83-220, filed 8/21/90, effective 9/21/90.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

**Chapter 388-84  
MEDICAL CARE—APPLICATION**

- 388-84-005 Right to apply. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-84-005, filed 9/9/80; 79-06-034 (Order 1402), § 388-84-005, filed 5/16/79; Order 1233, § 388-84-005, filed 8/31/77; Order 995, § 388-84-005, filed 12/31/74; Order 879, § 388-84-005, filed 11/29/73; Order 793, § 388-84-005, filed 4/26/73; Order 764, § 388-84-005, filed 1/10/73; Order 629, § 388-84-005, filed 11/24/71; Order 473, § 388-84-005, filed 8/19/70; Order 302, § 388-84-005, filed 9/6/68; Order 264 (part), § 388-84-005, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-84-010 Disposition of application. [Order 1111, § 388-84-010, filed 4/15/76; Order 995, § 388-84-010, filed 12/31/74; Order 938, § 388-84-010, filed 5/23/74; Order 302, § 388-84-010, filed 9/6/68; Order 264 (part), § 388-84-010, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-84-015 Approval of application. [Statutory Authority: RCW 74.08.090. 81-06-003 (Order 1610), § 388-84-015, filed 2/19/81; Order 1203, § 388-84-015, filed 4/1/77; Order 938, § 388-84-015, filed 5/23/74; Order 879, § 388-84-015, filed 11/29/73; Order 711, § 388-84-015, filed 9/14/72; Order 695, § 388-84-015, filed 6/29/72; Order 591, § 388-84-015, filed 8/25/71; Order 435, § 388-84-015, filed 3/31/70; Order 302, § 388-84-015, filed 9/6/68; Order 264 (part), § 388-84-015, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-84-020 Denial of application. [Statutory Authority: RCW 74.08.090. 80-15-034 (Order 1554), § 388-84-020, filed 10/9/80; 79-01-002 (Order 1359), § 388-84-020, filed 12/8/78; Order 1203, § 388-84-020, filed 4/1/77; Order 788, § 388-84-020, filed 4/12/73; Order 737, § 388-84-020, filed 11/22/72; Order 695, § 388-84-020, filed 6/29/72; Order 629, § 388-84-020, filed 11/24/71; Order 580, § 388-84-020, filed 7/20/71; Order 419, § 388-84-020, filed 12/31/69; Order 264 (part), § 388-84-020, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-84-025 Withdrawal. [Order 695, § 388-84-025, filed 6/29/72; Order 264 (part), § 388-84-025, filed 11/24/67.] Repealed

- by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-84-105 Medical application. [Statutory Authority: RCW 74.08.090. 93-21-001 (Order 3649), § 388-84-105, filed 10/6/93, effective 11/6/93. Statutory Authority: RCW 74.08.090 and CFR 435.712 and 435.724. 93-06-037 (Order 3516), § 388-84-105, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090. 91-23-083 (Order 3285), § 388-84-105, filed 11/19/91, effective 12/20/91; 91-05-011 (Order 3138), § 388-84-105, filed 2/7/91, effective 3/10/91; 88-17-062 (Order 2672), § 388-84-105, filed 8/17/88; 81-16-033 (Order 1685), § 388-84-105, filed 7/29/81; 81-10-014 (Order 1646), § 388-84-105, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-84-110 Application—Disposition. [Statutory Authority: RCW 74.08.090. 93-21-001 (Order 3649), § 388-84-110, filed 10/6/93, effective 11/6/93; 89-24-035 (Order 2906), § 388-84-110, filed 12/1/89, effective 1/1/90; 86-17-022 (Order 2409), § 388-84-110, filed 8/12/86; 86-11-022 (Order 2375), § 388-84-110, filed 5/14/86; 86-01-002 (Order 2314), § 388-84-110, filed 12/5/85; 82-01-001 (Order 1725), § 388-84-110, filed 12/3/81; 81-10-014 (Order 1646), § 388-84-110, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-84-115 Effective date of eligibility. [Statutory Authority: RCW 74.08.090. 94-07-132 (Order 3715), § 388-84-115, filed 3/23/94, effective 4/23/94; 93-16-041 (Order 3602), § 388-84-115, filed 7/28/93, effective 8/28/93; 89-11-002 (Order 2791), § 388-84-115, filed 5/4/89; 82-01-001 (Order 1725), § 388-84-115, filed 12/3/81; 81-10-014 (Order 1646), § 388-84-115, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-84-120 Effective date of eligibility for medical care services. [Statutory Authority: 1987 c 406. 87-19-091 (Order 2539), § 388-84-120, filed 9/17/87. Statutory Authority: RCW 74.08.090. 83-17-006 (Order 1996), § 388-84-120, filed 8/5/83; 82-17-072 (Order 1868), § 388-84-120, filed 8/18/82; 82-01-001 (Order 1725), § 388-84-120, filed 12/3/81; 81-16-033 (Order 1685), § 388-84-120, filed 7/29/81; 81-10-014 (Order 1646), § 388-84-120, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

**Chapter 388-85  
MEDICAL CARE—CERTIFICATION**

- 388-85-005 Certification document. [Order 952, § 388-85-005, filed 7/16/74; Order 264 (part), § 388-85-005, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-85-010 Authorization procedure. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-85-010, filed 9/9/80; Order 1196, § 388-85-010, filed 3/3/77; Order 952, § 388-85-010, filed 7/16/74; Order 789, § 388-85-010, filed 4/12/73; Order 419, § 388-85-010, filed 12/31/69; Order 384, § 388-85-010, filed 8/27/69; Order 264 (part), § 388-85-010, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-85-015 Period of certification. [Statutory Authority: RCW 74.08.090. 80-15-034 (Order 1554), § 388-85-015, filed 10/9/80; Order 1233, § 388-85-015, filed 8/31/77; Order 952, § 388-85-015, filed 7/16/74; Order 776, § 388-85-015, filed 3/1/73; Order 679, § 388-85-015, filed 5/10/72; Order 565, § 388-85-015, filed 5/19/71; Order 384, § 388-85-015, filed 8/27/69; Order 264 (part), § 388-85-015, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-85-020 Redetermination of eligibility. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-85-020, filed 9/9/80; 78-10-077 (Order 1346), § 388-85-020, filed 9/27/78; Order 952, § 388-85-020, filed 7/16/74; Order

- 776, § 388-85-020, filed 3/1/73; Order 712, § 388-85-020, filed 9/14/72; Order 565, § 388-85-020, filed 5/19/71; Order 334, § 388-85-020, filed 2/3/69; Order 264 (part), § 388-85-020, filed 11/24/67.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-85-025 Notification—Initial certification, redetermination of eligibility and change of circumstances. [Order 712, § 388-85-025, filed 9/14/72.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-85-027 Effective date of change in eligibility. [Order 1137, § 388-85-027, filed 7/29/76.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-85-105 Certification of eligibility. [Statutory Authority: RCW 74.08.090. 92-24-040 (Order 3482), § 388-85-105, filed 11/25/92, effective 12/26/92; 90-12-044 (Order 2986), § 388-85-105, filed 5/31/90, effective 7/1/90; 88-17-062 (Order 2672), § 388-85-105, filed 8/17/88; 88-01-044 (Order 2569), § 388-85-105, filed 12/11/87; 86-20-016 (Order 2425), § 388-85-105, filed 9/22/86; 84-23-027 (Order 2168), § 388-85-105, filed 11/14/84; 83-02-027 (Order 1930), § 388-85-105, filed 12/29/82; 82-01-001 (Order 1725), § 388-85-105, filed 12/3/81; 81-16-033 (Order 1685), § 388-85-105, filed 7/29/81; 81-10-014 (Order 1646), § 388-85-105, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-85-110 SSI/state supplement termination. [Statutory Authority: RCW 74.08.090. 84-02-055 (Order 2063), § 388-85-110, filed 1/4/84; 82-01-001 (Order 1725), § 388-85-110, filed 12/3/81; 81-16-033 (Order 1685), § 388-85-110, filed 7/29/81; 81-10-014 (Order 1646), § 388-85-110, filed 4/27/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-85-115 Denied Title II and Title XVI applicants. [Statutory Authority: RCW 74.08.090. 91-16-024 (Order 3215), § 388-85-115, filed 7/26/91, effective 8/26/91; 86-07-004 (Order 2347), § 388-85-115, filed 3/6/86; 84-02-055 (Order 2063), § 388-85-115, filed 1/4/84; 82-01-001 (Order 1725), § 388-85-115, filed 12/3/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-85-125 Continuing eligibility of grandfathered recipient of federal aid medical care only—Criteria. [Order 952, § 388-85-125, filed 7/16/74.] Repealed by Order 996, filed 12/31/74. See chapter 388-93 WAC.
- 388-85-130 Continuing eligibility of grandfathered recipient of federal aid medical care only—Blindness defined. [Order 952, § 388-85-130, filed 7/16/74.] Repealed by Order 996, filed 12/31/74. See chapter 388-93 WAC.
- 388-85-135 Continuing eligibility of grandfathered recipient of federal aid medical care only—Permanently and totally disabled defined. [Order 952, § 388-85-135, filed 7/16/74.] Repealed by Order 996, filed 12/31/74. See chapter 388-93 WAC.
- 388-85-140 Continuing eligibility of grandfathered recipient of federal aid medical care only—Refusal of disabled recipient to accept available and recommended medical treatment—Effect on eligibility. [Order 952, § 388-85-140, filed 7/16/74.] Repealed by Order 996, filed 12/31/74. See chapter 388-93 WAC.
- 388-85-145 Continuing eligibility of grandfathered recipient of federal aid medical care only—Annual review. [Order 952, § 388-85-145, filed 7/16/74.] Repealed by Order 996, filed 12/31/74. See chapter 388-93 WAC.
- 388-85-150 Continuing eligibility of grandfathered recipient of federal aid medical care only—Application following termination of eligibility. [Order 952, § 388-85-150, filed 7/16/74.] Repealed by Order 996, filed 12/31/74. See chapter 388-93 WAC.
- Chapter 388-88**  
**MEDICAL CARE—NURSING HOME CARE**
- 388-88-001 Nursing home care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-001, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-001, filed 9/1/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-001, filed 6/1/78; Order 1257, § 388-88-001, filed 12/21/77.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-005 Nursing home care. [Order 342, § 388-88-005, filed 3/20/69; Order 264 (part), § 388-88-005, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-007 IMR facilities. [Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-007, filed 6/1/78.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-010 Name of nursing home. [Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-010, filed 9/1/82; Order 342, § 388-88-010, filed 3/20/69; Order 264 (part), § 388-88-010, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-015 Classification of nursing home. [Order 342, § 388-88-015, filed 3/20/69; Order 264 (part), § 388-88-015, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-020 Application for classification. [Order 342, § 388-88-020, filed 3/20/69; Order 264 (part), § 388-88-020, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-025 Change in authorized manager. [Order 342, § 388-88-025, filed 3/20/69; Order 264 (part), § 388-88-025, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-030 Change in business organization of home. [Order 342, § 388-88-030, filed 3/20/69; Order 264 (part), § 388-88-030, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-035 Classification of nursing home—Change of ownership. [Order 342, § 388-88-035, filed 3/20/69; Order 264 (part), § 388-88-035, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-040 Change in classification of nursing home—Application. [Order 342, § 388-88-040, filed 3/20/69; Order 264 (part), § 388-88-040, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.
- 388-88-045 Closure of nursing home. [Order 1257, § 388-88-045, filed 12/21/77; Order 1168, § 388-88-045, filed 11/3/76; Order 342, § 388-88-045, filed 3/20/69; Order 264 (part), § 388-88-045, filed 11/24/67.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-050 Adequate nursing home care. [Statutory Authority: RCW 74.42.620. 88-04-041 (Order 2592), § 388-88-050, filed 1/28/88. Statutory Authority: RCW 74.42.620 and 74.46.800. 85-17-070 (Order 2275), § 388-88-050, filed 8/21/85. Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-050, filed 9/1/82. Statutory Authority: RCW 74.08.090. 81-01-012 (Order 1571), § 388-88-050, filed 12/8/80; Order 1257, § 388-88-050, filed 12/21/77; Order 1168, § 388-88-050, filed 11/3/76; Order 342, § 388-88-050, filed 3/20/69; Order 264 (part), § 388-88-050, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-051 Additional services required for IMR residents. [Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-051, filed 6/1/78.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-055 Grant for clothing and incidentals—Record keeping—Patient's money. [Order 930, § 388-88-055, filed 4/25/74; Order 342, § 388-88-055, filed 3/20/69; Order 264 (part), § 388-88-055, filed 11/24/67.] Repealed by Order 1168, filed 11/3/76.

- 388-88-060 Skilled nursing facility services in hospitals. [Order 1168, § 388-88-060, filed 11/3/76; Order 964, § 388-88-060, filed 8/19/74; Order 930, § 388-88-060, filed 4/25/74; Order 342, § 388-88-060, filed 3/20/69; Order 264 (part), § 388-88-060, filed 11/24/67.] Repealed by Order 1257, filed 12/21/77.
- 388-88-065 Continuity of patient care. [Order 342, § 388-88-065, filed 3/20/69; Order 264 (part), § 388-88-065, filed 11/24/67.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-070 Justification of rate payment. [Order 1168, § 388-88-070, filed 11/3/76; Order 342, § 388-88-070, filed 3/20/69; Order 264 (part), § 388-88-070, filed 11/24/67.] Repealed by Order 1262, filed 12/30/77.
- 388-88-075 Nursing facility contract—Noncompliance. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-075, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-075, filed 9/1/82; Order 1257, § 388-88-075, filed 12/21/77; Order 1168, § 388-88-075, filed 11/3/76; Order 342, § 388-88-075, filed 3/20/69; Order 264 (part), § 388-88-075, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-080 Utilization review. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-080, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-11-017 (Order 2797), § 388-88-080, filed 5/10/89; 82-18-064 (Order 1871), § 388-88-080, filed 9/1/82; Order 1257, § 388-88-080, filed 12/21/77; Order 1168, § 388-88-080, filed 11/3/76; Order 342, § 388-88-080, filed 3/20/69; Order 264 (part), § 388-88-080, filed 11/24/67.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-081 Nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-081, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 83-01-016 (Order 1921), § 388-88-081, filed 12/6/82; 82-18-064 (Order 1871), § 388-88-081, filed 9/1/82; Order 1257, § 388-88-081, filed 12/21/77.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-082 Minimum licensed personnel requirements for nursing facilities. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-082, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-082, filed 9/1/82; Order 1257, § 388-88-082, filed 12/21/77.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-083 Intermediate nursing care residents. [Statutory Authority: RCW 74.42.620. 83-01-016 (Order 1921), § 388-88-083, filed 12/6/82; 82-18-064 (Order 1871), § 388-88-083, filed 9/1/82; Order 1257, § 388-88-083, filed 12/21/77.] Repealed by 92-08-074, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-084 Minimum licensed personnel requirements for intermediate care facilities. [Order 1257, § 388-88-084, filed 12/21/77.] Repealed by 92-08-074, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-085 Payment standards—Rates—Procedures. [Order 1168, § 388-88-085, filed 11/3/76; Order 879, § 388-88-085, filed 11/29/73; Order 342, § 388-88-085, filed 3/20/69; Order 264 (part), § 388-88-085, filed 11/24/67.] Repealed by Order 1262, filed 12/30/77.
- 388-88-086 Minimum staffing requirements—IMR. [Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-086, filed 6/1/78.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-088 Classification of IMR clients. [Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-88-088, filed 6/1/78.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-090 Receipt of supplemental compensation for nursing home care. [Order 1168, § 388-88-090, filed 11/3/76; Order 631, § 388-88-090, filed 11/24/71; Order 342, § 388-88-090, filed 3/20/69; Order 264 (part), § 388-88-090, filed 11/24/67.] Repealed by Order 1262, filed 12/30/77.
- 388-88-095 Nursing facility placement. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-095, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-095, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-06-050 (Order 2768), § 388-88-095, filed 2/28/89; Order 1257, § 388-88-095, filed 12/21/77; Order 1168, § 388-88-095, filed 11/3/76; Order 631, § 388-88-095, filed 11/24/71; Order 342, § 388-88-095, filed 3/20/69; Order 264 (part), § 388-88-095, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-096 Preadmission screening and annual resident review (PASARR). [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-096, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-097 Preadmission screening. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-097, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-097, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-06-050 (Order 2768), § 388-88-097, filed 2/28/89.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-098 Identification screening for current residents. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-098, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-098, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-11-017 (Order 2797), § 388-88-098, filed 5/10/89.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-099 Specialized service assessments for current residents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-099, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 74.42.620. 89-11-017 (Order 2797), § 388-88-099, filed 5/10/89.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-100 Transfer or relocation. [Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-100, filed 9/1/82; Order 1257, § 388-88-100, filed 12/21/77; Order 1197, § 388-88-100, filed 3/17/77; Order 631, § 388-88-100, filed 11/24/71; Order 342, § 388-88-100, filed 3/20/69; Order 264 (part), § 388-88-100, filed 11/24/67.] Repealed by 92-08-074, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-101 Residents' rights. [Statutory Authority: RCW 74.42.620. 89-11-017 (Order 2797), § 388-88-101, filed 5/10/89; 88-04-041 (Order 2592), § 388-88-101, filed 1/28/88; 83-21-081 (Order 2039), § 388-88-101, filed 10/19/83; 82-18-064 (Order 1871), § 388-88-101, filed 9/1/82; Order 1257, § 388-88-101, filed 12/21/77; Order 1197, § 388-88-101, filed 3/17/77.] Repealed by 92-08-074, filed 3/30/92, effective 4/30/92. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-102 Discharge planning and resident relocation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-102, filed 3/30/92, effective 4/30/92. Statutory

- Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-102, filed 9/1/82; Order 1257, § 388-88-102, filed 12/21/77; Order 1197, § 388-88-102, filed 3/17/77.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-105 Patient transfer from state hospital or school for retarded to nursing home. [Order 631, § 388-88-105, filed 11/24/71; Order 342, § 388-88-105, filed 3/20/69; Order 264 (part), § 388-88-105, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-110 Nursing home placement of public assistance recipient referred from Alaska. [Order 342, § 388-88-110, filed 3/20/69; Order 264 (part), § 388-88-110, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-115 Discharge or leave of nursing home resident. [Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-115, filed 9/1/82; Order 1237, § 388-88-115, filed 8/31/77; Order 1168, § 388-88-115, filed 11/3/76; Order 879, § 388-88-115, filed 11/29/73; Order 631, § 388-88-115, filed 11/24/71; Order 342, § 388-88-115, filed 3/20/69; Order 264 (part), § 388-88-115, filed 11/24/67.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-117 Social leave for IMR clients. [Statutory Authority: RCW 74.08.044. 79-01-084 (Order 1365), § 388-88-117, filed 1/3/79.] Repealed by 82-18-064 (Order 1871), filed 9/1/82. Statutory Authority: RCW 74.42.620.
- 388-88-119 Provider report of a disturbance. [Statutory Authority: RCW 74.42.620. 82-18-064 (Order 1871), § 388-88-119, filed 9/1/82.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-120 Extended care facility—Payment for co-insurance. [Order 631, § 388-88-120, filed 11/24/71; Order 342, § 388-88-120, filed 3/20/69; Order 264 (part), § 388-88-120, filed 11/24/67.] Repealed by Order 1257, filed 12/21/77.
- 388-88-125 Resident assessment instrument. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-125, filed 3/30/92, effective 4/30/92.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-130 Completion of resident assessment instrument. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-130, filed 3/30/92, effective 4/30/92.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-135 Use of independent assessors. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-135, filed 3/30/92, effective 4/30/92.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-145 Notice of relocation determination and appeal rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 92-08-074, § 388-88-145, filed 3/30/92, effective 4/30/92.] Repealed by 93-23-041 (Order 3669), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138.
- 388-88-150 PASARR determination and appeal rights. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-150, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-155 Utilization review. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-155, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-170 Discharge planning and coordination. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-170, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-180 Transfer and discharge rights, procedures, and appeals. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-180, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.
- 388-88-190 Relocation due to decertification, license revocation, closure. [Statutory Authority: RCW 18.51.070, 74.42.620 and 42 CFR 431, 483.12 and 483.100 through 483.138. 93-23-041 (Order 3669), § 388-88-190, filed 11/10/93, effective 12/11/93.] Repealed by 94-21-037 (Order 3794), filed 10/11/94, effective 11/11/94. Statutory Authority: RCW 18.51.070 and 74.42.620.

## Chapter 388-89

## MEDICAL CARE—AGED PERSON IN MENTAL INSTITUTION

- 388-89-005 Definitions. [Order 938, § 388-89-005, filed 5/23/74; Order 331, § 388-89-005, filed 1/8/69; Order 264 (part), § 388-89-005, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-010 Initial eligibility. [Order 938, § 388-89-010, filed 5/23/74; Order 435, § 388-89-010, filed 3/31/70; Order 331, § 388-89-010, filed 1/8/69; Order 264 (part), § 388-89-010, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-015 Applicant not receiving grant prior to admission. [Order 331, § 388-89-015, filed 1/8/69; Order 264 (part), § 388-89-015, filed 11/24/67.] Repealed by Order 952, filed 7/16/74.
- 388-89-020 Person receiving grant prior to admission. [Order 331, § 388-89-020, filed 1/8/69; Order 264 (part), § 388-89-020, filed 11/24/67.] Repealed by Order 952, filed 7/16/74.
- 388-89-025 Application process. [Order 938, § 388-89-025, filed 5/23/74; Order 331, § 388-89-025, filed 1/8/69; Order 264 (part), § 388-89-025, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-030 Certification of eligibility. [Order 938, § 388-89-030, filed 5/23/74; Order 331, § 388-89-030, filed 1/8/69; Order 264 (part), § 388-89-030, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-035 Certification of eligibility—Effective date of authorization. [Order 938, § 388-89-035, filed 5/23/74; Order 331, § 388-89-035, filed 1/8/69; Order 264 (part), § 388-89-035, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-040 Certification of eligibility—Duration of certification. [Order 938, § 388-89-040, filed 5/23/74; Order 331, § 388-89-040, filed 1/8/69; Order 264 (part), § 388-89-040, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-045 Medical consultant approval for hospitalization or medical care—When required. [Order 938, § 388-89-045, filed 5/23/74; Order 331, § 388-89-045, filed 1/8/69; Order 264 (part), § 388-89-045, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-050 Time-limited visit. [Order 938, § 388-89-050, filed 5/23/74; Order 331, § 388-89-050, filed 1/8/69; Order 264 (part), § 388-89-050, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-055 Department responsibilities for patient/recipient entering psychiatric facility. [Order 938, § 388-89-055, filed 5/23/74; Order 331, § 388-89-055, filed 1/8/69; Order 264 (part), § 388-89-055, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.

- 388-89-060 Services to patient/recipient in psychiatric facility. [Order 938, § 388-89-060, filed 5/23/74; Order 331, § 388-89-060, filed 1/8/69; Order 264 (part), § 388-89-060, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-065 Coordination of services for patient/recipient. [Order 938, § 388-89-065, filed 5/23/74; Order 331, § 388-89-065, filed 1/8/69; Order 264 (part), § 388-89-065, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-070 Department responsibilities—Patient/recipient scheduled for release. [Order 938, § 388-89-070, filed 5/23/74; Order 331, § 388-89-070, filed 1/8/69; Order 264 (part), § 388-89-070, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-075 Local office responsibility for social services—Recipient accepted for sixty caseload. [Order 938, § 388-89-075, filed 5/23/74; Order 331, § 388-89-075, filed 1/8/69; Order 264 (part), § 388-89-075, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-080 Payment for care. [Order 938, § 388-89-080, filed 5/23/74; Order 331, § 388-89-080, filed 1/8/69; Order 264 (part), § 388-89-080, filed 11/24/67.] Repealed by Order 1044, filed 8/14/75. See chapter 388-95 WAC.
- 388-89-085 Caseload administration. [Order 264 (part), § 388-89-085, filed 11/24/67.] Repealed by Order 331, filed 1/8/69.

**Chapter 388-92  
MEDICAL CARE FOR PERSONS RECEIVING  
BENEFITS UNDER TITLE XVI OF SOCIAL  
SECURITY ACT—ELIGIBILITY—INCOME AND  
RESOURCE STANDARDS FOR APPLICANTS IN  
OWN HOME**

- 388-92-005 Definitions. [Statutory Authority: RCW 74.08.090. 84-02-051 (Order 2059), § 388-92-005, filed 1/4/84; 82-10-062 (Order 1801), § 388-92-005, filed 5/5/82; 81-10-014 (Order 1646), § 388-92-005, filed 4/27/81; 79-06-034 (Order 1402), § 388-92-005, filed 5/16/79; Order 996, § 388-92-005, filed 12/31/74; Order 930, § 388-92-005, filed 4/25/74; Order 898, § 388-92-005, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-92-010 Description of program. [Order 996, § 388-92-010, filed 12/31/74; Order 898, § 388-92-010, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-015 Eligibility determination—SSI. [Statutory Authority: RCW 74.08.090. 90-06-036 (Order 2948), § 388-92-015, filed 3/1/90, effective 4/1/90; 86-03-045 (Order 2326), § 388-92-015, filed 1/15/86; 85-07-049 (Order 2218), § 388-92-015, filed 3/20/85; 84-04-068 (Order 2073), § 388-92-015, filed 2/1/84; 83-02-026 (Order 1929), § 388-92-015, filed 12/29/82; 82-21-024 (Order 1891), § 388-92-015, filed 10/13/82; 81-10-014 (Order 1646), § 388-92-015, filed 4/27/81; 80-02-050 (Order 1476), § 388-92-015, filed 1/16/80; 78-02-024 (Order 1265), § 388-92-015, filed 1/13/78; Order 1196, § 388-92-015, filed 3/3/77; Order 967, § 388-92-015, filed 8/29/74; Order 898, § 388-92-015, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-92-020 Application for medical care. [Statutory Authority: RCW 74.08.090. 80-02-050 (Order 1476), § 388-92-020, filed 1/16/80; Order 1111, § 388-92-020, filed 4/15/76; Order 898, § 388-92-020, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-025 Relative financial responsibility for SSI-related clients. [Statutory Authority: RCW 74.08.090. 93-11-045 (Order 3546), § 388-92-025, filed 5/12/93, effective 6/12/93; 92-14-051 (Order 3411), § 388-92-025, filed 6/25/92, effective 7/26/92; 89-24-036 (Order 2907), § 388-92-025, filed 12/1/89, effective 1/1/90; 84-17-012 (Order 2132), § 388-92-025, filed 8/3/84; 84-02-056 (Order 2064), § 388-92-025, filed 1/4/84; 82-10-062 (Order 1801), § 388-92-025, filed 5/5/82; 82-01-001 (Order 1725), § 388-92-025, filed 12/3/81; 81-16-032 (Order 1684), § 388-92-025, filed 7/29/81; 81-10-014 (Order 1646), § 388-92-025, filed 4/27/81; 80-13-020 (Order 1542), § 388-92-025, filed 9/9/80; 79-09-053 (Order 1427), § 388-92-025, filed 8/24/79; 79-06-034 (Order 1402), § 388-92-025, filed 5/16/79; 78-10-077 (Order 1346), § 388-92-025, filed 9/27/78; Order 1227, § 388-92-025, filed 8/8/77; Order 1158, § 388-92-025, filed 10/6/76; Order 1112, § 388-92-025, filed 4/15/76; Order 1067, § 388-92-025, filed 11/17/75; Order 1061, § 388-92-025, filed 10/8/75; Order 996, § 388-92-025, filed 12/31/74; Order 967, § 388-92-025, filed 8/29/74; Order 960, § 388-92-025, filed 8/13/74; Order 898, § 388-92-025, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-92-027 SSI-related income deeming. [Statutory Authority: RCW 74.08.090. 93-11-045 (Order 3546), § 388-92-027, filed 5/12/93, effective 6/12/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-92-030 Monthly standard. [Statutory Authority: RCW 74.08.090. 84-02-055 (Order 2063), § 388-92-030, filed 1/4/84; 83-12-059 (Order 1964), § 388-92-030, filed 6/1/83; 82-01-001 (Order 1725), § 388-92-030, filed 12/3/81; 81-16-032 (Order 1684), § 388-92-030, filed 7/29/81; 81-10-014 (Order 1646), § 388-92-030, filed 4/27/81; 80-12-012 (Order 1537), § 388-92-030, filed 8/25/80; 79-09-032 (Order 1424), § 388-92-030, filed 8/15/79; 78-10-059 (Order 1339), § 388-92-030, filed 9/22/78; Order 1246, § 388-92-030, filed 10/11/77; Order 1144, § 388-92-030, filed 8/26/76; Order 1040, § 388-92-030, filed 8/7/75; Order 996, § 388-92-030, filed 12/31/74; Order 952, § 388-92-030, filed 7/16/74; Order 930, § 388-92-030, filed 4/25/74; Order 898, § 388-92-030, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-92-034 Availability of income. [Statutory Authority: RCW 74.08.090 and 42 CFR Ch. IV, 435.603. 92-11-060 (Order 3386), § 388-92-034, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 90-24-089 (Order 3108), § 388-92-034, filed 12/5/90, effective 1/5/91.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-92-035 Monthly personal needs allowance—Person in institution. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-92-035, filed 9/9/80; 80-02-062 (Order 1478), § 388-92-035, filed 1/18/80; 78-10-077 (Order 1346), § 388-92-035, filed 9/27/78; Order 898, § 388-92-035, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-92-036 SSI-related income exemptions. [Statutory Authority: RCW 74.08.090. 94-02-005 (Order 3689), § 388-92-036, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 74.08.090, POMS 830.660, 830.710, 830.715, 830.730, 830.740 and Federal Register change to CFR 20 Part 416. 93-08-112 (Order 3533), § 388-92-036, filed 4/7/93, effective 5/8/93. Statutory Authority: RCW 74.08.090. 89-24-036 (Order 2907), § 388-92-036, filed 12/1/89, effective 1/1/90.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-92-040 Availability of resources. [Statutory Authority: RCW 74.08.090. 91-01-121 (Order 3119), § 388-92-040, filed 12/19/90, effective 1/19/91; 81-16-032 (Order 1684), § 388-92-040, filed 7/29/81; 81-10-014 (Order 1646), § 388-92-040, filed 4/27/81; Order 1233, § 388-92-040, filed 8/31/77; Order 930, § 388-92-040, filed 4/25/74; Order 898, § 388-92-040, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-92-041 Trusts. [Statutory Authority: RCW 74.08.090. 94-07-131 (Order 3717), § 388-92-041, filed 3/23/94, effective 4/23/94. Statutory Authority: RCW 74.08.090 and OBRA 1993. 93-23-031 (Order 3665), § 388-92-041, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW

	74.08.090. 92-22-053 (Order 3476), § 388-92-041, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.08.090 and chapter 74.09 RCW. 87-10-022 (Order 2486), § 388-92-041, filed 5/1/87.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.	388-93-015	Eligibility—General. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-93-015, filed 5/4/83; Order 996, § 388-93-015, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-92-043	Transfer of resources without adequate consideration. [Statutory Authority: 1989 c 87, 89-18-032 (Order 2859), § 388-92-043, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090. 84-04-068 (Order 2073), § 388-92-043, filed 2/1/84; 82-23-002 (Order 1897), § 388-92-043, filed 11/4/82; 82-10-017 (Order 1776), § 388-92-043, filed 4/28/82.] Repealed by 93-23-032 (Order 3664), filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.08.090 and OBRA 1993.	388-93-020	Eligibility—Blindness defined. [Order 996, § 388-93-020, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-92-045	Exempt resources. [Statutory Authority: RCW 74.08.090. 94-02-007 (Order 3687), § 388-92-045, filed 12/22/93, effective 1/22/94; 93-06-038 (Order 3518), § 388-92-045, filed 2/24/93, effective 3/27/93; 92-08-037, § 388-92-045, filed 3/24/92, effective 4/24/92; 91-09-017 (Order 3132), § 388-92-045, filed 4/9/91, effective 5/10/91; 89-24-036 (Order 2907), § 388-92-045, filed 12/1/89, effective 1/1/90; 88-06-087 (Order 2604), § 388-92-045, filed 3/2/88; 85-05-014 (Order 2204), § 388-92-045, filed 2/13/85; 84-17-069 (Order 2139), § 388-92-045, filed 8/15/84; 84-02-055 (Order 2063), § 388-92-045, filed 1/4/84; 83-10-077 (Order 1958), § 388-92-045, filed 5/4/83; 82-24-069 (Order 1916), § 388-92-045, filed 12/1/82; 82-10-062 (Order 1801), § 388-92-045, filed 5/5/82; 82-01-001 (Order 1725), § 388-92-045, filed 12/3/81; 81-10-014 (Order 1646), § 388-92-045, filed 4/27/81; 79-10-095 (Order 1439), § 388-92-045, filed 9/25/79; Order 1015, § 388-92-045, filed 3/27/75; Order 898, § 388-92-045, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.	388-93-025	Eligibility—Permanently and totally disabled defined. [Order 996, § 388-93-025, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-92-050	Limitation of resources. [Statutory Authority: RCW 74.08.090. 85-03-072 (Order 2194), § 388-92-050, filed 1/17/85; 81-10-014 (Order 1646), § 388-92-050, filed 4/27/81; Order 898, § 388-92-050, filed 1/25/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.	388-93-030	Refusal of disabled recipient to accept available and recommended medical treatment—Effect on eligibility. [Order 996, § 388-93-030, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-92-055	Allocation of income and resources. [Statutory Authority: RCW 74.08.090. 80-02-061 (Order 1479), § 388-92-055, filed 1/18/80; Order 1227, § 388-92-055, filed 8/8/77; Order 996, § 388-92-055, filed 12/31/74; Order 960, § 388-92-055, filed 8/31/74; Order 898, § 388-92-055, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.	388-93-035	Refusal of disabled recipient to accept available and recommended medical treatment—Review for disability or blindness. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-93-035, filed 5/4/83; Order 996, § 388-93-035, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-92-060	Authorization. [Statutory Authority: RCW 74.08.090. 78-10-077 (Order 1346), § 388-92-060, filed 9/27/78; Order 1111, § 388-92-060, filed 4/15/76; Order 898, § 388-92-060, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.	388-93-040	Computation of available income. [Statutory Authority: RCW 74.08.090. 78-02-024 (Order 1265), § 388-93-040, filed 1/13/78; Order 1067, § 388-93-040, filed 11/17/75; Order 996, § 388-93-040, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-92-065	Termination of SSI beneficiary. [Order 898, § 388-92-065, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.	388-93-045	Monthly maintenance standard—Individual living in own home. [Order 996, § 388-93-045, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-92-070	Person converted into Title XVI. [Statutory Authority: RCW 74.08.090. 78-02-024 (Order 1265), § 388-92-070, filed 1/13/78; Order 1196, § 388-92-070, filed 3/3/77; Order 996, § 388-92-070, filed 12/31/74; Order 960, § 388-92-070, filed 8/13/74; Order 898, § 388-92-070, filed 1/25/74.] Repealed by 81-10-014 (Order 1646), filed 4/27/81. Statutory Authority: RCW 74.08.090.	388-93-050	Monthly maintenance standard—Individual in institution. [Order 996, § 388-93-050, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
		388-93-055	Allocation of available income and nonexempt resources. [Order 1061, § 388-93-055, filed 10/8/75; Order 996, § 388-93-055, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
		388-93-060	Exempt resources. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-93-060, filed 5/4/83; Order 996, § 388-93-060, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
		388-93-065	Nonexempt resources. [Order 996, § 388-93-065, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
		388-93-070	Transfer of resources within two years prior to application. [Statutory Authority: RCW 74.08.090. 79-06-034 (Order 1402), § 388-93-070, filed 5/16/79; Order 996, § 388-93-070, filed 12/31/74.] Repealed by 89-18-032 (Order 2859), filed 8/29/89, effective 9/29/89. Statutory Authority: 1989 c 87.
		388-93-075	Continuing certification. [Order 996, § 388-93-075, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
		388-93-080	Application following termination of eligibility. [Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-93-080, filed 5/4/83; Order 996, § 388-93-080, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
<b>Chapter 388-93</b>			
<b>MEDICAL CARE FOR GRANDFATHERED RECIPIENTS</b>			
388-93-005	Definitions. [Order 996, § 388-93-005, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.		
388-93-010	Description of program. [Order 996, § 388-93-010, filed 12/31/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.		

Chapter 388-94

**MEDICAL CARE COST SHARING—MONTHLY PREMIUM  
IMPOSED—PAYMENT BY CERTAIN RECIPIENTS—  
FEDERAL AID MEDICAL CARE ONLY—  
ASSESSMENT OF COST SHARING PREMIUM**

- 388-94-005 Definitions. [Order 940, § 388-94-005, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.
- 388-94-010 Description of program. [Order 940, § 388-94-010, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.
- 388-94-015 Persons obligated to pay premium. [Order 940, § 388-94-015, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.
- 388-94-020 Cost-sharing premium—Standard for computing. [Order 940, § 388-94-020, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.
- 388-94-025 Cost-sharing premium—Payment—Notice of amount due. [Order 940, § 388-94-025, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.
- 388-94-030 Local office responsibility. [Order 940, § 388-94-030, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.
- 388-94-035 Penalty for nonpayment of premium. [Order 940, § 388-94-035, filed 6/10/74.] Repealed by Order 977, filed 10/28/74.

Chapter 388-95

**INSTITUTIONAL—MEDICAL ASSISTANCE—ELIGIBILITY**

- 388-95-005 Definitions. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-005, filed 8/22/78; Order 1233, § 388-95-005, filed 8/31/77; Order 1044, § 388-95-005, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-010 Eligibility for aged person. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-010, filed 8/22/78; Order 1044, § 388-95-010, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-025 Notification and application process. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-025, filed 8/22/78; Order 1044, § 388-95-025, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-030 Certification of eligibility. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-030, filed 8/22/78; Order 1044, § 388-95-030, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-035 Effective date of authorization. [Order 1044, § 388-95-035, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-040 Duration of certification. [Order 1044, § 388-95-040, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-045 Medical consultant approval for hospitalization or medical care—When required. [Order 1044, § 388-95-045, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-050 Time-limited visit. [Order 1044, § 388-95-050, filed 8/14/75.] Repealed by 78-09-052 (Order 1328), filed 8/22/78. Statutory Authority: RCW 74.08.090.
- 388-95-055 Department responsibilities for patient/recipient entering psychiatric facility. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-055, filed 8/22/78; Order 1044, § 388-95-055, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-060 Services to patient/recipient in psychiatric facility. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-060, filed 8/22/78; Order 1044, § 388-95-060, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-065 Coordination of services for patient/recipient. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-065, filed 8/22/78; Order 1044, § 388-95-065, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.

- 388-95-070 Department responsibilities—Patient/recipient scheduled for release. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-070, filed 8/22/78; Order 1044, § 388-95-070, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-075 ESSO responsibility for social services. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-075, filed 8/22/78; Order 1044, § 388-95-075, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-080 Payment for care. [Order 1044, § 388-95-080, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-210 Eligibility for person under age 21. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-210, filed 8/22/78; Order 1044, § 388-95-210, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-215 Scope of care. [Order 1044, § 388-95-215, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-225 Notification process. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-225, filed 8/22/78; Order 1044, § 388-95-225, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-235 Effective date of Title XIX coverage. [Order 1044, § 388-95-235, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-250 Therapeutic visit. [Order 1044, § 388-95-250, filed 8/14/75.] Repealed by 78-09-052 (Order 1328), filed 8/22/78. Statutory Authority: RCW 74.08.090.
- 388-95-255 Department responsibility—Admission. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-255, filed 8/22/78; Order 1044, § 388-95-255, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-260 Services in facility. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-260, filed 8/22/78; Order 1044, § 388-95-260, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-265 Coordination of services. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-265, filed 8/22/78; Order 1044, § 388-95-265, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-270 Department responsibilities—Release. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-270, filed 8/22/78; Order 1044, § 388-95-270, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-275 Supportive social service by ESSO. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-275, filed 8/22/78; Order 1044, § 388-95-275, filed 8/14/75.] Repealed by 82-01-042 (Order 1734), filed 12/16/81. Statutory Authority: RCW 74.08.090.
- 388-95-280 Conditions for payment. [Statutory Authority: RCW 74.08.090. 78-09-052 (Order 1328), § 388-95-280, filed 8/22/78; Order 1044, § 388-95-280, filed 8/14/75.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090.
- 388-95-300 Recipients in medical institutions eligible under Title XIX. [Statutory Authority: RCW 74.08.090. 83-12-059 (Order 1964), § 388-95-300, filed 6/1/83. Formerly WAC 388-82-125.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-95-310 Fraternal, religious, or benevolent nursing facility. [Statutory Authority: RCW 74.08.090. 93-19-134 (Order 3641), § 388-95-310, filed 9/22/93, effective 10/23/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-95-320 Eligibility determination—Institutional. [Statutory Authority: RCW 74.08.090. 92-20-015 (Order 3462), § 388-95-

- 320, filed 9/24/92, effective 10/25/92; 91-09-019 (Order 3134), § 388-95-320, filed 4/9/91, effective 5/10/91; 90-12-062 (Order 3020), § 388-95-320, filed 5/31/90, effective 7/1/90; 86-08-005 (Order 2351), § 388-95-320, filed 3/20/86; 83-12-059 (Order 1964), § 388-95-320, filed 6/1/83. Formerly WAC 388-83-135.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-95-335 Availability of income. [Statutory Authority: RCW 74.08.090. 93-01-037 (Order 3485), § 388-95-335, filed 12/9/92, effective 1/9/93; 90-24-089 (Order 3108), § 388-95-335, filed 12/5/90, effective 1/5/91; 89-23-080 (Order 2898), § 388-95-335, filed 11/17/89, effective 12/18/89. Statutory Authority: 1989 [1st ex.s.]c 5352 [19]. 89-18-056 (Order 2864), § 388-95-335, filed 9/1/89, effective 10/2/89. Statutory Authority: RCW 74.08.090. 86-18-005 (Order 2411), § 388-95-335, filed 8/21/86; 85-09-024 (Order 2224), § 388-95-335, filed 4/10/85.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-95-337 Availability of resources. [Statutory Authority: RCW 74.08.090. 94-07-130 (Order 3716), § 388-95-337, filed 3/23/94, effective 4/23/94. Statutory Authority: RCW 74.08.090 and State Agency Letter 93-03. 93-07-029 (Order 3523), § 388-95-337, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 74.08.090. 92-03-088 (Order 3313), § 388-95-337, filed 1/15/92, effective 2/15/92; 91-07-011 (Order 3150), § 388-95-337, filed 3/11/91, effective 4/11/91; 90-12-049 (Order 3007), § 388-95-337, filed 5/31/90, effective 7/1/90; 89-23-080 (Order 2898), § 388-95-337, filed 11/17/89, effective 12/18/89. Statutory Authority: 1989 [1st ex.s.] c 5352 [19]. 89-18-056 (Order 2864), § 388-95-337, filed 9/1/89, effective 10/2/89. Statutory Authority: RCW 74.08.090. 88-01-042 (Order 2567), § 388-95-337, filed 12/11/87.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-95-340 Computation of available income and resources. [Statutory Authority: RCW 74.08.090 and Social Security Act Section 1924(c) and 42 USC 1396r-5 Sec. 1924(c). 93-19-136 (Order 3642), § 388-95-340, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090. 93-06-041 (Order 3517), § 388-95-340, filed 2/24/93, effective 3/27/93; 86-18-005 (Order 2411), § 388-95-340, filed 8/21/86; 84-17-012 (Order 2132), § 388-95-340, filed 8/3/84; 84-02-056 (Order 2064), § 388-95-340, filed 1/4/84; 83-12-059 (Order 1964), § 388-95-340, filed 6/1/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-95-360 Allocation of income and resources—Institutionalized client. [Statutory Authority: RCW 74.08.090. 94-02-006 (Order 3688), § 388-95-360, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 74.08.090 and Federal Register Volume 58, Number 28. 93-11-049 (Order 3548), § 388-95-360, filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090. 93-06-041 (Order 3517), § 388-95-360, filed 2/24/93, effective 3/27/93; 92-08-082 and 92-10-046 (Order 3356A), § 388-95-360, filed 3/31/92 and 5/5/92, effective 5/5/92 and 6/5/92; 91-17-061 (Order 3232), § 388-95-360, filed 8/20/91, effective 9/20/91; 91-07-011 (Order 3150), § 388-95-360, filed 3/11/91, effective 4/11/91; 90-12-049 (Order 3007), § 388-95-360, filed 5/31/90, effective 7/1/90; 89-23-080 (Order 2898), § 388-95-360, filed 11/17/89, effective 12/18/89. Statutory Authority: 1989 [1st ex.s.] c 5352 [19]. 89-18-056 (Order 2864), § 388-95-360, filed 9/1/89, effective 10/2/89. Statutory Authority: RCW 74.08.090. 88-23-022 (Order 2721), § 388-95-360, filed 11/7/88; 83-17-093 (Order 2005), § 388-95-360, filed 8/23/83; 83-12-059 (Order 1964), § 388-95-360, filed 6/1/83. Formerly WAC 388-83-140.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-95-380 Excluded resources. [Statutory Authority: RCW 74.08.090. 91-09-017 (Order 3132), § 388-95-380, filed 4/9/91, effective 5/10/91; 88-06-087 (Order 2604), § 388-95-380, filed 3/2/88; 85-05-014 (Order 2204), § 388-95-380, filed 2/13/85; 84-17-069 (Order 2139), § 388-95-380, filed 8/15/84; 84-02-055 (Order 2063), § 388-95-380, filed 1/4/84; 83-12-059 (Order 1964), § 388-95-380, filed 6/1/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-95-390 Limitation of resources. [Statutory Authority: RCW 74.08.090. 85-03-072 (Order 2194), § 388-95-390, filed 1/17/85; 83-12-059 (Order 1964), § 388-95-390, filed 6/1/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-95-395 Transfer of assets. [Statutory Authority: RCW 74.08.090 and OBRA 1993. 93-23-032 (Order 3664), § 388-95-395, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.08.090. 91-15-085 (Order 3206), § 388-95-395, filed 7/23/91, effective 8/23/91; 89-12-037 (Order 2806), § 388-95-395, filed 6/1/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-95-400 Medically needy—Eligibility determination—Institutional. [Statutory Authority: RCW 74.08.090. 92-20-015 (Order 3462), § 388-95-400, filed 9/24/92, effective 10/25/92; 90-06-037 (Order 2949), § 388-95-400, filed 3/1/90, effective 4/1/90; 88-17-062 (Order 2672), § 388-95-400, filed 8/17/88; 83-12-059 (Order 1964), § 388-95-400, filed 6/1/83. Formerly WAC 388-99-045.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

## Chapter 388-99

## LIMITED CASUALTY PROGRAM—MEDICALLY NEEDY

- 388-99-005 Limited casualty program—Medically needy. [Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-99-005, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-005, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-99-010 Persons eligible for medically needy assistance. [Statutory Authority: RCW 74.08.090 and CFR 435.712 and 435.724. 93-06-037 (Order 3516), § 388-99-010, filed 2/24/93, effective 3/27/93. Statutory Authority: RCW 74.08.090. 90-24-027 (Order 3105), § 388-99-010, filed 11/30/90, effective 1/1/91; 90-04-033 (Order 2938), § 388-99-010, filed 1/31/90, effective 3/3/90; 88-23-023 (Order 2722), § 388-99-010, filed 11/7/88; 88-09-037 (Order 2620), § 388-99-010, filed 4/15/88; 86-11-025 (Order 2378), § 388-99-010, filed 5/14/86; 86-08-005 (Order 2351), § 388-99-010, filed 3/20/86; 85-17-036 (Order 2269), § 388-99-010, filed 8/15/85; 85-07-049 (Order 2218), § 388-99-010, filed 3/20/85; 85-03-070 (Order 2191), § 388-99-010, filed 1/17/85; 82-01-001 (Order 1725), § 388-99-010, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-010, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-99-011 Continuation of eligibility for pregnant women. [Statutory Authority: RCW 74.08.090. 93-17-035 (Order 3617), § 388-99-011, filed 8/11/93, effective 9/11/93; 88-23-023 (Order 2722), § 388-99-011, filed 11/7/88; 86-21-002 (Order 2430), § 388-99-011, filed 10/2/86.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-99-015 Eligibility—General. [Statutory Authority: RCW 74.08.090. 81-16-032 (Order 1684), § 388-99-015, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-99-020 Eligibility determination—Medically needy in own home. [Statutory Authority: RCW 74.08.090 and Sneed vs. Kizer, 9th Circuit Court decision, United States Court of Appeals D.C. #CV-89-1932-TEH. 93-19-037 (Order 3630), § 388-99-020, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090 and 1902(r) of the



- 388-99-020 Social Security Act. 93-07-028 (Order 3522), § 388-99-020, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 74.08.090. 92-20-118 (Order 3467), § 388-99-020, filed 10/7/92, effective 11/7/92; 91-07-011 (Order 3150), § 388-99-020, filed 3/11/91, effective 4/11/91; 90-06-034 (Order 2946), § 388-99-020, filed 3/1/90, effective 4/1/90; 89-05-029 (Order 2758), § 388-99-020, filed 2/13/89; 88-23-081 (Order 2727), § 388-99-020, filed 11/18/88. Statutory Authority: 1987 1st ex.s. c 7. 88-05-056 (Order 2599), § 388-99-020, filed 2/17/88. Statutory Authority: RCW 74.08.090. 87-17-043 (Order 2522), § 388-99-020, filed 8/17/87; 87-06-006 (Order 2473), § 388-99-020, filed 2/19/87; 86-07-003 (Order 2346), § 388-99-020, filed 3/6/86; 85-16-047 (Order 2263), § 388-99-020, filed 7/31/85; 85-05-016 (Order 2206), § 388-99-020, filed 2/13/85; 84-17-013 (Order 2133), § 388-99-020, filed 8/3/84; 84-05-039 (Order 2075), § 388-99-020, filed 2/17/84; 83-17-094 (Order 2006), § 388-99-020, filed 8/23/83; 83-01-058 (Order 1925), § 388-99-020, filed 12/15/82; 82-17-072 (Order 1868), § 388-99-020, filed 8/18/82; 82-10-062 (Order 1801), § 388-99-020, filed 5/5/82; 82-01-001 (Order 1725), § 388-99-020, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-020, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-99-030 Allocation of excess income—Spendeddown. [Statutory Authority: RCW 74.08.090. 93-19-137 (Order 3640), § 388-99-030, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 74.08.090 and Omnibus Budget Reconciliation Act 4118(h). 92-07-027 (Order 3335), § 388-99-030, filed 3/10/92, effective 4/10/92. Statutory Authority: RCW 74.08.090. 90-04-034 (Order 2929), § 388-99-030, filed 1/31/90, effective 3/3/90; 89-11-057 (Order 2798), § 388-99-030, filed 5/17/89; 88-24-025 (Order 2735), § 388-99-030, filed 12/2/88; 86-17-022 (Order 2409), § 388-99-030, filed 8/12/86; 85-05-016 (Order 2206), § 388-99-030, filed 2/13/85; 84-07-017 (Order 2083), § 388-99-030, filed 3/14/84; 82-01-001 (Order 1725), § 388-99-030, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-030, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-99-035 Resource standards. [Statutory Authority: RCW 74.08.090 and OBRA 1993. 93-23-032 (Order 3664), § 388-99-035, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.08.090. 92-22-049 (Order 3472), § 388-99-035, filed 10/28/92, effective 11/28/92; 85-03-072 (Order 2194), § 388-99-035, filed 1/17/85; 83-13-071 (Order 1972), § 388-99-035, filed 6/16/83; 82-10-062 (Order 1801) and 82-11-034 (Order 1809), § 388-99-035, filed 5/5/82 and 5/11/82; 82-10-017 (Order 1776), § 388-99-035, filed 4/28/82; 81-16-032 (Order 1684), § 388-99-035, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-99-036 Monthly maintenance standard—Client not in own home. [Statutory Authority: RCW 74.08.090. 92-20-007 (Order 3458), § 388-99-036, filed 9/23/92, effective 10/24/92.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-99-040 Availability of resources. [Statutory Authority: RCW 74.08.090. 91-09-017 (Order 3132), § 388-99-040, filed 4/9/91, effective 5/10/91; 88-23-081 (Order 2727), § 388-99-040, filed 1/4/84; 84-02-054 (Order 2062), § 388-99-040, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-99-045 Medically needy—Eligibility determination—Institutional. [Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-99-045, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-045, filed 7/29/81.] Repealed by 83-12-059 (Order 1964), filed 6/1/83. Statutory Authority: RCW 74.08.090. Later promulgation, see WAC 388-95-400.
- 388-99-050 Limited casualty program—Medically needy—Application process. [Statutory Authority: RCW 74.08.090. 86-17-022 (Order 2409), § 388-99-050, filed 8/12/86; 81-16-032 (Order 1684), § 388-99-050, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-99-055 Base period. [Statutory Authority: RCW 74.08.090. 93-19-135 (Order 3643), § 388-99-055, filed 9/22/93, effective 10/23/93; 93-07-125 (Order 3528), § 388-99-055, filed 3/24/93, effective 4/24/93; 85-05-016 (Order 2206), § 388-99-055, filed 2/13/85; 83-01-058 (Order 1925), § 388-99-055, filed 12/15/82; 82-14-050 (Order 1841), § 388-99-055, filed 6/30/82; 82-01-001 (Order 1725), § 388-99-055, filed 12/3/81; 81-16-032 (Order 1684), § 388-99-055, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-99-060 Scope of care for medically needy. [Statutory Authority: RCW 74.08.090. 93-16-040 (Order 3601), § 388-99-060, filed 7/28/93, effective 8/28/93; 93-01-044 (Order 3489), § 388-99-060, filed 12/10/92, effective 1/10/93; 92-17-005 (Order 3435), § 388-99-060, filed 8/6/92, effective 9/6/92. Statutory Authority: 1987 1st ex.s. c 7. 88-02-034 (Order 2580), § 388-99-060, filed 12/31/87. Statutory Authority: RCW 74.08.090. 87-22-092 (Order 2553), § 388-99-060, filed 11/4/87; 85-17-035 (Order 2268), § 388-99-060, filed 8/15/85; 83-03-016 (Order 1937), § 388-99-060, filed 1/12/83; 81-16-032 (Order 1684), § 388-99-060, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

Chapter 388-100

LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT

- 388-100-001 Effective dates. [Statutory Authority: RCW 74.08.090. 85-17-034 (Order 2267), § 388-100-001, filed 8/15/85.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-100-005 Limited casualty program—Medically indigent. [Statutory Authority: RCW 74.08.090. 91-17-062 (Order 3233), § 388-100-005, filed 8/20/91, effective 9/20/91; 89-22-037 (Order 2887), § 388-100-005, filed 10/27/89, effective 11/27/89; 87-12-054 (Order 2499), § 388-100-005, filed 6/1/87; 86-09-007 (Order 2364), § 388-100-005, filed 4/4/86; 84-02-054 (Order 2062), § 388-100-005, filed 1/4/84; 83-13-071 (Order 1972), § 388-100-005, filed 6/16/83; 82-01-001 (Order 1725), § 388-100-005, filed 12/3/81; 81-16-032 (Order 1684), § 388-100-005, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-100-010 Limited casualty program—Medically indigent—Eligibility determination. [Statutory Authority: RCW 74.08.090. 91-17-062 (Order 3233), § 388-100-010, filed 8/20/91, effective 9/20/91; 90-24-027 (Order 3105), § 388-100-010, filed 11/30/90, effective 1/1/91; 90-12-053 (Order 3011), § 388-100-010, filed 5/31/90, effective 7/1/90; 86-11-025 (Order 2378), § 388-100-010, filed 5/14/86; 84-02-054 (Order 2062), § 388-100-010, filed 1/4/84; 82-17-072 (Order 1868), § 388-100-010, filed 8/18/82; 82-01-001 (Order 1725), § 388-100-010, filed 12/3/81; 81-16-032 (Order 1684), § 388-100-010, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-100-015 Allocation of excess income and nonexempted resource. [Statutory Authority: RCW 74.08.090. 91-17-062 (Order 3233), § 388-100-015, filed 8/20/91, effective 9/20/91; 82-01-001 (Order 1725), § 388-100-015, filed 12/3/81; 81-16-032 (Order 1684), § 388-100-015, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-100-020 Limited casualty program—Medically indigent—Application process. [Statutory Authority: RCW 74.08.090. 91-17-062 (Order 3233), § 388-100-020, filed 8/20/91, effective 9/20/91; 81-16-032 (Order 1684), § 388-100-020, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-100-025 Certification. [Statutory Authority: RCW 74.08.090. 91-17-062 (Order 3233), § 388-100-025, filed 8/20/91, effective 9/20/91; 85-17-034 (Order 2267), § 388-100-025, filed 8/15/85; 83-13-071 (Order 1972), § 388-100-025, filed 6/16/83; 82-17-072 (Order 1868), § 388-100-025, filed 8/18/82; 82-10-062 (Order 1801), § 388-100-025, filed 5/5/82; 81-16-032 (Order 1684), § 388-100-025, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-100-030 Emergency medical expense requirement. [Statutory Authority: RCW 74.08.090. 91-17-062 (Order 3233), § 388-100-030, filed 8/20/91, effective 9/20/91; 83-17-071 (Order 2009), § 388-100-030, filed 8/19/83; 82-20-039 (Order 1880), § 388-100-030, filed 10/1/82; 82-13-079 (Order 1828), § 388-100-030, filed 6/21/82; 81-16-032 (Order 1684), § 388-100-030, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

388-100-035 Scope of care for medically indigent. [Statutory Authority: RCW 74.08.090. 92-17-005 (Order 3435), § 388-100-035, filed 8/6/92, effective 9/6/92; 91-17-062 (Order 3233), § 388-100-035, filed 8/20/91, effective 9/20/91; 86-02-031 (Order 2321), § 388-100-035, filed 12/27/85; 85-17-035 (Order 2268), § 388-100-035, filed 8/15/85; 84-02-054 (Order 2062), § 388-100-035, filed 1/4/84; 83-17-071 (Order 2009), § 388-100-035, filed 8/19/83; 82-17-072 (Order 1868), § 388-100-035, filed 8/18/82; 82-04-071 (Order 1754), § 388-100-035, filed 2/3/82; 81-16-032 (Order 1684), § 388-100-035, filed 7/29/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

**Chapter 388-104  
PERSONNEL**

388-104-100 Dismissal for cause. [Regulation 388-104-04 (Exhibit C), filed 10/31/63; Regulation 388-104-04, filed 11/15/62.] Repealed by Order 626, filed 11/11/71.

**Chapter 388-07 WAC  
ABBREVIATIONS**

**WAC**

388-07-005 Acronyms.

**WAC 388-07-005 Acronyms.**

AB Aid to the blind

ADATSA Alcohol and Drug Addiction Treatment and Support Act

AFDC Aid to families with dependent children (includes both regular and employable)

AFDC-FC Aid to families with dependent children-foster care

AICPA American Institute of Certified Public Accountants

AJE Adjusting journal entries

ALJ Administrative law judge

APTD Aid to the permanently and totally disabled

ARTF Adult residential treatment facility

ATP Authorization to participate

BEOG Basic education opportunity grant

BNHA Bureau of nursing home affairs

CAP Community alternative program

CCF Congregate care facility

CCS Crisis counseling services

CEAP Consolidated emergency assistance program

CETA Comprehensive Employment and Training Act

CFR Code of Federal Regulations

Ch Chapter

CO County office (now CSO)

COPEX Community options program entry system

COSMOS Community services management and operations system

CPI Clothing, personal incidentals

CPR Cardio-pulmonary resuscitation

CRN Certified registered nurse

CSO Community services office

CWEP Community work experience program

CWS Child welfare services

DA Disability assistance

DAC Disaster assistance center

DCFS Division of children and family services

DD Developmental disabilities

DES Department of employment security

DFO Disaster field offices

DOE Department of education

DSHS Department of social and health services

DVR Division of vocational rehabilitation

EIC Earned income tax credit

EITC Earned income tax credits

EPP Employment partnership program

EPSDT Early and periodic screening, diagnosis and treatment

ESSO Economic and social services office (now CSO)

E&T Employment and training

FAMCO Federal aid medical care only

FASB Financial accounting standards board

FCA Food coupon authorization

FCO Federal coordinating officer

FDAA Federal disaster assistance administration

FEMA Federal emergency management agency

FHA Farmers Home Administration

FICA Federal Insurance Contributions Act

FIP Family independence program

FMHA Farmers Home Administration

FNS Food and nutrition service

GA General assistance

GAN General assistance-noncontinuing

GA-S General assistance for pregnant women

GAU General assistance-continuing

GA-U General assistance-unemployable

GCO Grant coordinating officer

GED General education equivalency degree

HEW United States Department of Health, Education and Welfare (now HHS)

HHS United States Department of Health and Human Services

HIO Health insuring organization

HMO Health maintenance organization

HUD United States Department of Housing and Urban Development

IAS Intake/assessment services

ICD Internal classification of diseases

ICF Intermediate care facility



<b>DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER</b>			
388-08-001	Complaint. [Regulation 23.10, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.	388-08-050	Fair hearing—Appearance by former employee of department. [Order 768, § 388-08-050, filed 1/10/73; Order 524, § 388-08-050, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-050, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-00101	Fair hearing—Definitions. [Order 768, § 388-08-00101, filed 1/10/73.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-055	Fair hearing—Attendance at hearing—Reporting. [Order 768, § 388-08-055, filed 1/10/73; Order 524, § 388-08-055, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-055, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-002	Fair hearing—Statutory basis. [Statutory Authority: RCW 34.04.020 and 74.08.090. 81-17-069 (Order 1695), § 388-08-002, filed 8/19/81; Order 768, § 388-08-002, filed 1/10/73; Order 524, § 388-08-002, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-002, filed 4/1/68; Regulation 23.20, filed 10/13/66, effective 11/13/66; Regulation 23.20, filed 1/24/64.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.	388-08-080	Notice and opportunity for hearing. [Statutory Authority: RCW 34.04.020. 80-06-090 (Order 1505), § 388-08-080, filed 5/28/80; Order 768, § 388-08-080, filed 1/10/73; Order 524, § 388-08-080, filed 3/31/71, effective 5/1/71; Order 374, § 388-08-080, filed 8/7/69; Order 284, § 388-08-080, filed 4/1/68; Regulation 23.34, filed 6/16/67; Regulation 23.34, filed 10/13/66; effective 11/13/66; Regulation 23.53, filed 1/24/64.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-00201	Scope of chapter 388-08 WAC. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-00201, filed 2/17/84.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).	388-08-083	Notice and opportunity for hearing—Computation of time. [Order 768, § 388-08-083, filed 1/10/73; Order 524, § 388-08-083, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-083, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-003	Prerequisites. [Regulation 23.21, filed 10/13/66, effective 11/13/66; Regulation 23.21, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.	388-08-150	Subpoenas—Where provided by law—Form. [Order 768, § 388-08-150, filed 1/10/73; Order 524, § 388-08-150, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-150, filed 4/1/68; Regulation 23.35, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-004	County office organization for fair hearing. [Regulation 23.22, filed 10/13/66, effective 11/13/66; Regulation 23.30, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.	388-08-160	Subpoenas—Issuance to parties—Issuance by department. [Order 524, § 388-08-160, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-160, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-00401	Authority to adjudicate. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-00401, filed 2/17/84; 81-12-015 (Order 1657), § 388-08-00401, filed 5/29/81, effective 7/1/81.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).	388-08-170	Subpoenas—Service. [Order 524, § 388-08-170, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-170, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-005	County office responsibility. [Order 265, § 388-08-005, filed 12/5/67; Regulation 23.23, filed 10/13/66, effective 11/13/66; Regulation 23.51, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.	388-08-180	Subpoenas—Fees. [Order 768, § 388-08-180, filed 1/10/73; Order 524, § 388-08-180, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-180, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-006	Administrative hearing—Form of request. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-006, filed 2/17/84; Order 768, § 388-08-006, filed 1/10/73; Order 524, § 388-08-006, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-006, filed 4/1/68; Regulation 23.31, filed 10/13/66, effective 11/13/66; Regulation 23.40, filed 1/24/64.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).	388-08-190	Subpoenas—Proof of service. [Order 524, § 388-08-190, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-190, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-00601	Administrative hearing—Group hearing. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-00601, filed 2/17/84; Order 768, § 388-08-00601, filed 1/10/73.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).	388-08-200	Subpoenas—Quashing. [Order 524, § 388-08-200, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-200, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-007	Fair hearing—Access to records. [Order 768, § 388-08-007, filed 1/10/73; Order 524, § 388-08-007, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-007, filed 4/1/68; Regulation 23.33, filed 6/16/67; Regulation 23.33, filed 10/13/66, effective 11/13/66; Regulation 23.52, filed 1/24/64.] Repealed by 81-06-001 (Order 1609), filed 2/19/81. Statutory Authority: RCW 42.17.250 through 42.17.340.	388-08-210	Subpoenas—Enforcement. [Order 524, § 388-08-210, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-210, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-010	Administrative hearing—Who may appear as a representative. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-010, filed 2/17/84; Order 952, § 388-08-010, filed 7/16/74; Order 768, § 388-08-010, filed 1/10/73; Order 524, § 388-08-010, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-010, filed 4/1/68; Regulation 23.32, filed 6/16/67; Regulation 23.32, filed 10/13/66, effective 11/13/66; Regulation 23.63, filed 1/24/64.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).	388-08-220	Subpoenas—Geographical scope. [Order 524, § 388-08-220, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-220, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
388-08-015	Attendance at hearing—Procedure. [Regulation 23.39, filed 10/13/66, effective 11/13/66.] Repealed by Order 286, filed 4/1/68.	388-08-230	Depositions and interrogatories. [Order 768, § 388-08-230, filed 1/10/73; Order 524, § 388-08-230, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-230, filed 4/1/68; Regulation 23.36, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
		388-08-235	Questionnaires—Petitioner or witness out of state. [Order 524, § 388-08-235, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-235, filed 4/1/68; Regulation 23.44, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.

- 388-08-375 Official notice—Matters of law—Material facts. [Order 768, § 388-08-375, filed 1/10/73; Order 524, § 388-08-375, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-375, filed 4/1/68; Regulation 23.42, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-390 Presumptions. [Order 768, § 388-08-390, filed 1/10/73; Order 524, § 388-08-390, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-390, filed 4/1/68; Regulation 23.43, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-400 Stipulations and admissions of record. [Order 768, § 388-08-400, filed 1/10/73; Order 524, § 388-08-400, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-400, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-405 Withdrawal—Dismissal—Settlement. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-405, filed 2/17/84. Statutory Authority: RCW 34.04.020 and 74.08.090. 81-17-069 (Order 1695), § 388-08-405, filed 8/19/81; Order 768, § 388-08-405, filed 1/10/73; Order 524, § 388-08-405, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-405, filed 4/1/68; Regulation 23.38, filed 10/13/66, effective 11/13/66.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-08-406 Decision-rendering procedure—Proposal for decision. [Statutory Authority: RCW 34.04.020. 85-07-048 (Order 2217), § 388-08-406, filed 3/20/85; 84-05-040 (Order 2076), § 388-08-406, filed 2/17/84; 79-09-054 (Order 1426), § 388-08-406, filed 8/24/79.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-08-407 Time limit for rendering decision. [Statutory Authority: RCW 34.04.020. 79-09-054 (Order 1426), § 388-08-407, filed 8/24/79.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-408 Initial decision. [Statutory Authority: RCW 34.04.020. 79-09-054 (Order 1426), § 388-08-408, filed 8/24/79.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-409 Petition for review by review judge. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-409, filed 2/17/84; 79-09-054 (Order 1426), § 388-08-409, filed 8/24/79.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-08-410 Form and content of decision. [Order 768, § 388-08-410, filed 1/10/73; Order 524, § 388-08-410, filed 3/31/71, effective 5/1/71; Order 514, § 388-08-410, filed 1/20/71; Order 374, § 388-08-410, filed 8/7/69; Order 317, § 388-08-410, filed 11/27/68; Order 284, § 388-08-410, filed 4/1/68; Regulation 23.51, filed 10/13/66, effective 11/13/66; Regulation 23.70, filed 1/24/64.] Repealed by 79-09-054 (Order 1426), filed 8/24/79. Statutory Authority: RCW 34.04.020.
- 388-08-411 Decision by state department of public assistance director. [Regulation 23.50, filed 6/16/67; Regulation 23.50, filed 10/13/66, effective 11/13/66; Regulation 23.70, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.
- 388-08-412 Procedure following decision. [Order 265, § 388-08-412, filed 12/5/67; Regulation 23.60, filed 10/13/66, effective 11/13/66; Regulation 23.80, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.
- 388-08-414 Form, content, and effective date of decision. [Statutory Authority: RCW 34.04.020. 79-09-054 (Order 1426), § 388-08-414, filed 8/24/79.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-416 Selected final decisions as precedent. [Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-416, filed 2/17/84; 81-12-015 (Order 1657), § 388-08-416, filed 5/29/81, effective 7/1/81.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-08-420 Definition of issues before hearing. [Order 524, § 388-08-420, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-420, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-430 Prehearing conference rule—Authorized. [Order 524, § 388-08-430, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-430, filed 4/1/68; Regulation 23.40, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-435 Separate hearing regarding disclosure of investigative and intelligence files. [Statutory Authority: RCW 34.04.020. 83-03-021 (Order 1938), § 388-08-435, filed 1/13/83.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-08-440 Prehearing conference rule—Record of conference action. [Order 524, § 388-08-440, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-440, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-450 Submission of documentary evidence in advance. [Order 524, § 388-08-450, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-450, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-455 Rules of evidence. [Regulation 23.41, filed 10/13/66, effective 11/13/66; Regulation 23.64, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.
- 388-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Order 524, § 388-08-470, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-470, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Order 524, § 388-08-480, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-480, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Order 524, § 388-08-490, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-490, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance. [Order 524, § 388-08-500, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-500, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-503 Expert opinion or written testimony—Medical assessment. [Order 768, § 388-08-503, filed 1/10/73; Order 524, § 388-08-503, filed 3/31/71, effective 5/1/71; Order 317, § 388-08-503, filed 11/27/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-510 Continuances. [Order 768, § 388-08-510, filed 1/10/73; Order 524, § 388-08-510, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-510, filed 4/1/68; Regulation 23.37, filed 10/13/66, effective 11/13/66.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-520 Rules of evidence—Admissibility criteria. [Order 768, § 388-08-520, filed 1/10/73; Order 524, § 388-08-520, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-520, filed 4/1/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-540 Petitions for rule-making amendment or repeal—Who may petition. [Order 768, § 388-08-540, filed 1/10/73; Order 524, § 388-08-540, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-540, filed 4/1/68.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-08-550 Updating mailing lists. [Statutory Authority: RCW 34.04.020. 80-13-057 (Order 1544), § 388-08-550, filed

- 9/17/80.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-08-560 Delegation of authority by secretary. [Statutory Authority: RCW 34.04.020. 80-13-057 (Order 1544), § 388-08-560, filed 9/17/80.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-08-580 Declaratory rulings. [Order 524, § 388-08-580, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-580, filed 4/1/68.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-08-590 Forms. [Order 768, § 388-08-590, filed 1/10/73; Order 524, § 388-08-590, filed 3/31/71, effective 5/1/71; Order 284, § 388-08-590, filed 4/1/68.] Repealed by 90-04-076 (Order 2999), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a).
- 388-08-600 Court appeal. [Order 265, § 388-08-600, filed 12/5/67; Regulation 23.70, filed 10/13/66, effective 11/13/66; Regulation 23.90, filed 1/24/64.] Repealed by Order 286, filed 4/1/68.
- 388-08-600 Judicial review. [Order 768, § 388-08-600, filed 1/10/73; Order 524, § 388-08-600, filed 3/31/71, effective 5/1/71; Order 317, § 388-08-600, filed 11/27/68.] Repealed by 84-05-040 (Order 2076), filed 2/17/84. Statutory Authority: RCW 34.04.020.
- 388-08-610 Publication of fair hearing decisions. [Order 524, § 388-08-610, filed 3/31/71, effective 5/1/71; Order 317, § 388-08-610, filed 11/27/68.] Repealed by 80-06-089 (Order 1506), filed 5/28/80. Statutory Authority: RCW 34.04.020.

**WAC 388-08-410 Application of chapter 388-08 WAC.** (1) Scope. This chapter applies to adjudicative proceedings begun on or after July 1, 1989, in programs administered by the department of social and health services (DSHS). The definition of the word "begun" is receipt of the application for an adjudication proceeding at the DSHS's office of appeals. Proceedings begun before July 1, 1989, are governed by the procedural rules in effect on July 30, 1989. Legal authority for adopting this chapter is RCW 34.05.220 (1)(a).

(2) Conflict of rules. If a provision in this chapter conflicts with a provision in the chapter containing the program's substantive rules, the provision in the chapter containing the program's substantive rules governs.

(3) Presiding officer. The presiding officer shall be either an administrative law judge (ALJ) from the office of administrative hearings or a review judge from the DSHS office of appeals. References to ALJ in this chapter apply to a review judge when a review judge is the presiding officer.

(4) Reviewing officer. The reviewing officer shall be the secretary or a review judge from the DSHS office of appeals.

(5) Physical and mailing addresses. ALJ administrative and field office addresses are listed under WAC 10-04-020. The office of appeals is located in the DSHS Headquarters, Office Building Number 2, Twelfth and Franklin, Olympia, and the mailing address is Office of Appeals, P.O. Box 2465, Olympia, WA 98504-2465.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-410, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-413 Application for an adjudicative proceeding.** (1) Who may apply. Any person or authorized

representative may file an oral or written application for an adjudicative proceeding.

(2) Form of application. The application need not be in any particular form but should specify the decision being appealed and the reasons the appellant is dissatisfied with the decision.

(3) Application.

(a) An oral application shall be made to a responsible department employee.

(b) A written application should be filed at the office of appeals. However, the application can be filed with any responsible department employee.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-413, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-08-413, filed 2/17/84; 79-09-054 (Order 1426), § 388-08-413, filed 8/24/79.]

**WAC 388-08-425 Administrative law judge (ALJ)—Authority—Application of law—Assignment—Disqualification.** (1) Authority. The ALJ shall:

(a) Hear and decide the issue anew (de novo);

(b) Determine the order of presentation of evidence;

(c) Administer oaths and affirmations;

(d) Issue subpoenas;

(e) Rule on procedural matters, objections, and motions;

(f) Rule on offers of proof and receive relevant evidence;

(g) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(h) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;

(i) Take any appropriate action necessary to maintain order during the hearing;

(j) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(k) Permit photographic and recording equipment at hearings subject to conditions the ALJ imposes to preserve confidentiality or to prevent disruption;

(l) Permit a person to waive any right conferred upon that person by chapters 34.05 RCW or 388-08 WAC, except to the extent precluded by another provision of law; and

(m) Take any other action necessary and authorized by any applicable rule.

(2) Application of law. The ALJ shall:

(a) Apply as the first source of law governing an issue the department rules adopted in the Washington Administrative Code (WAC);

(b) If there is no department rule governing the issue, resolve the issue on the basis of the best legal authority and reasoning available, including that found in federal and Washington constitutions, statutes and regulations, and court decisions;

(c) Not declare any department rule invalid;

(d) If the validity of any department rule is raised as an issue at any proceeding, permit arguments concerning that issue for subsequent review purposes; and

(e) If the sole issue is one of federal or state law requiring automatic assistance, benefit, scope of program, or fee or regulation adjustments for classes of people the

department serves or regulates, dismiss the application without permitting argument on the validity of the law.

(3) Assignment of ALJ. If the notice of hearing does not state the name of the presiding ALJ, the chief ALJ of the office of administrative hearings shall:

(a) Make such assignment five days or more before the hearing; and

(b) Disclose the assignment to any party or representative making inquiry.

(4) Motion of prejudice.

(a) A motion of prejudice with a supporting affidavit under RCW 34.12.050 shall be filed at least three days before the hearing or any earlier stage of the adjudicative proceeding when the ALJ may be required to issue a discretionary ruling.

(b) The chief ALJ or designee shall rule upon subsequent motions of prejudice filed by the same party in the same proceeding.

(5) Petition for disqualification. An individual petitioning to disqualify an ALJ under RCW 34.05.425 shall file such petition with the ALJ assigned to preside over the proceeding.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-425, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-428 Representation.** (1) Appellant representation.

(a) The appellant may represent himself or herself, or the appellant may be represented by a lawyer or paralegal or by a relative, friend, or other person.

(b) The appellant may not be represented in an adjudicative proceeding by an employee of the department.

(c) Nothing in this regulation shall be construed as prohibiting an employee of the department from:

(i) Acting as a witness on behalf of an appellant;

(ii) Referring an appellant to legal resources in the community;

(iii) Assisting the appellant in obtaining nonconfidential information available to the appellant; or

(iv) Advising the appellant of possible arguments made against the contested decision.

(2) Department representation. The department may be represented by a department employee or by the office of the attorney general.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-428, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-431 Prehearing conference.** (1) Request, purpose, order, and objection. Upon the administrative law judge's (ALJ's) own motion or upon request of a party, the ALJ may direct the parties or the parties' representatives to engage in a prehearing conference.

(a) The purpose of a prehearing conference is to consider:

(i) Simplification of issues;

(ii) The necessity or desirability of amendments to the pleadings;

(iii) The possibility of obtaining stipulations, admissions of fact, and admissions of the authenticity of documents to avoid unnecessary proof;

(iv) Limitations on the number and consolidation of the examination of witnesses;

(v) Procedural matters;

(vi) Distribution of written testimony and exhibits to the parties before the hearing; and

(vii) Such other matters as may aid in the disposition or settlement of the proceeding.

(b) The ALJ may conduct a prehearing conference by telephone conference call, in person, or other manner.

(c) Following the prehearing conference, the ALJ shall issue an order reciting the:

(i) Action taken at the conference;

(ii) Amendments allowed to the pleadings; and

(iii) Agreements the parties made concerning all of the matters considered.

(d) If no objection to such order is filed with the ALJ within ten days after the date such order is served, the order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(2) Conference on hearing day. Nothing in this rule shall limit the ALJ during any proceeding from conducting a conference before the taking of testimony or recessing the hearing and conducting a conference. The ALJ shall state on the record the results of such conference.

(3) Not a limit to informal settlement. Nothing in this rule shall limit the parties' right to informally settle a matter to make an adjudicative proceeding unnecessary.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-431, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-434 Notice of hearing.** (1) Served by. The department or the office of administrative hearings shall serve a notice of hearing on the parties and representatives.

(2) Contents.

(a) If the hearing is conducted by teleconference call, the notice shall so state.

(b) The notice shall state that:

(i) If a limited English-speaking or hearing impaired party or witness needs an interpreter, a qualified interpreter shall be appointed; and

(ii) There shall be no cost to the party or witness for the interpreter.

(c) The notice shall include a form for a party to:

(i) Indicate the need for an interpreter; and

(ii) Identify the primary language or hearing impaired status of the person.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-434, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-437 Filing and service of papers.** (1) Service required when filing. A party filing a pleading, brief, or other paper, except an application for an adjudicative proceeding, with the office of appeals or the administrative law judge (ALJ) shall serve a copy of the paper upon:

(a) Every other party; or

(b) If the other party is represented or has an agent, the other party's representative or agent.

(2) Filing and service made by. Unless otherwise provided by law, filing and service shall be made by:

(a) Personal service;

(b) First class, registered, or certified mail;

- (c) Telegraph;
  - (d) Electronic telefacsimile transmission and same-day mailing of copies; or
  - (e) Commercial parcel delivery company.
- (3) Filing complete. Filing with the department shall be complete upon actual receipt during office hours at the office of appeals. Filing with the ALJ shall be complete upon actual receipt during office hours at the office of the ALJ.
- (4) Service complete. Service shall be complete when:
- (a) Personal service is made;
  - (b) Mail is properly stamped and addressed and is deposited in the United States mail;
  - (c) A properly addressed telegram is deposited with a telegraph company with charges prepaid;
  - (d) An electronic telefacsimile transmission produces proof of transmission; or
  - (e) A commercial parcel is delivered to the parcel delivery company with charges prepaid.
- (5) Proof of service. Where proof of service is required by statute or rule, filing the papers with the department or ALJ, together with one of the following, shall constitute proof of service:
- (a) An acknowledgement of service;
  - (b) A certificate of service including the date the papers were served upon all parties and the signature of the serving party indicating service was completed by:
    - (i) Personal service;
    - (ii) Mailing a copy properly addressed with postage prepaid to each party to the proceeding, or the party's representative or authorized agent;
    - (iii) Telegraphing a copy properly addressed with charges prepaid to each party to the proceeding, or the party's representative or authorized agent;
    - (iv) Transmitting a copy by electronic telefacsimile device and, on the same day, mailing a copy to each party to the proceeding, or the party's representative or authorized agent; or
    - (v) Depositing a copy properly addressed with charges prepaid with a commercial parcel delivery company.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-437, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-440 Vacating an order of dismissal for reason of default or withdrawal.** (1) Right to request. The parties shall have the right to file a written request to vacate an order of dismissal for reason of default or withdrawal.

- (2) Contents. The request shall state the grounds relied upon.
- (3) Time limits.
- (a) The period to file a request shall be twenty-one days from the date the party serves the order of dismissal.
  - (b) The administrative law judge (ALJ) shall waive the twenty-one day limit for filing a request when a person:
    - (i) Files a request within thirty days of the date the order becomes final; and
    - (ii) Demonstrates good cause for failure to file a timely request. Good cause means one of the grounds enumerated in Court Rule 60 and includes:
      - (A) A person's mistake, inadvertence, or excusable neglect preventing the person from timely filing a request; or

(B) An unavoidable casualty or misfortune preventing the person from timely filing a request.

(4) Filing. The person shall file the request at the office of appeals.

(5) Grounds to vacate an order of dismissal. When, in the reasoned opinion of the ALJ, good cause to grant the relief is shown, the ALJ shall vacate the order of dismissal and reinstate the application.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-440, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-446 Subpoenas.** (1) Statutory requirements. The administrative law judge (ALJ), the department, and attorneys for parties may issue a subpoena. A subpoena shall be issued and enforced and witness fees paid, as provided under RCW 34.05.446.

(2) Contents. Every subpoena shall:

- (a) Identify the party causing issuance of the subpoena;
- (b) State the name of the agency as the department of social and health services;
- (c) State the title of the proceeding; and
- (d) Command the person to whom the subpoena is directed to attend and give testimony or produce designated books, documents, or things under the person's control at the time and place set for the hearing.

(3) Service. A subpoena may be served by any suitable person eighteen years of age or older by:

- (a) Exhibiting and reading the subpoena to the witness;
- (b) Giving the witness a copy; or
- (c) Leaving a copy at the place of the witness' residence.

(4) Proof of service. When a subpoena is served by other than an officer authorized to serve process, proof of service shall be made by affidavit.

(5) Quashing, modifying, conditioning. The administrative law judge, upon request made promptly and in any event at or before the time specified for compliance in the subpoena, may:

- (a) Quash or modify the subpoena if the subpoena is unreasonable or oppressive; or
- (b) Condition denial of the request upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-446, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-449 Teleconference hearing.** (1) When authorized.

(a) The administrative law judge (ALJ) may conduct all or part of the hearing by telephone, television, or other electronic means if each party in the hearing has an opportunity to participate in, to hear, and, if technically and economically feasible, to see the entire proceeding while it is taking place.

(b) Conducting a hearing by electronic means is subject to the following conditions:

(i) In the aid to families with dependent children program under Title IV-A and adult categories under Titles I, X, XIV, or XVI of the Social Security Act and in the food stamp disqualification program under 7 CFR § 273.16, a



teleconference hearing may be scheduled only if the notice of hearing informs the appellant the hearing will be converted to an in-person hearing upon request filed with the ALJ at least one week before the hearing. The appellant does not have to show good cause to convert the hearing;

(ii) In a program not described under subsection (1)(a) of this section, or in such a program when a party requests to convert a telephone hearing to an in-person hearing a week or less before the hearing, the ALJ shall grant the request upon a party showing good cause. The ALJ may reschedule the in-person hearing to a different date and time.

(2) Documentary evidence. When the hearing is conducted by electronic means, documentary evidence shall be submitted in advance as provided under WAC 388-08-452(2).

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-449, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-452 Rules of evidence.** (1) Objections. The administrative law judge (ALJ) shall rule upon objections to the admissibility of evidence under RCW 34.05.452.

(2) Submission in advance. The ALJ may order:

(a) A party to submit documentary evidence to the ALJ and to the other parties sufficiently in advance of the hearing to permit study and preparation of cross-examination and rebuttal evidence;

(b) Documentary evidence not submitted in advance as required in subsection (2)(a) of this section, shall not be received in evidence in the absence of a clear showing the offering party had good cause for failure to produce the evidence sooner, unless the evidence is submitted for impeachment purposes; and

(c) The authenticity of all documents submitted in advance in a proceeding, when such submission is required, to be deemed admitted unless written objection is filed before the hearing. However, a party shall be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to file such written objection.

(3) Portions of a document. When portions only of a document are relied upon, the offering party shall identify the pertinent excerpts and state the purpose for which the materials are offered. Only the excerpts, in the form of copies, shall be received in the record. However, the whole of the original documents, except any portions containing confidential material protected by law, shall be made available for examination and for use by all parties.

(4) Expert witness limitation. No former employee of the department shall, except with the permission of the department, appear as an expert witness on behalf of other parties in a proceeding where the expert witness previously took an active part in the investigation as a department representative.

(5) Witness refusal to answer. The refusal of a witness to answer any question ruled proper shall, in the discretion of the ALJ, be grounds for striking all testimony previously given by such witness on the related matter.

(6) Stipulation, admission. A party bound by a stipulation or an admission of record may, at any time during the proceeding, withdraw it in whole or in part by showing to the satisfaction of the ALJ that:

(a) Such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact; and

(b) The party's withdrawal, at the time proposed, will not unjustly prejudice the rights of other parties to the proceeding.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-452, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-461 Contents of orders.** Every order shall correctly caption both the name of the agency and the proceeding and shall designate the parties and representatives participating in the proceeding.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-461, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-464 Petition for review—Response to petition—Disqualification of review judge.** (1) Initial orders that may become final orders.

(a) If a petition for review is not filed within twenty-one days from service of the initial order, the initial order shall, subject to the provisions of this section, become the final order.

(b) An initial order shall not become the final order after a food stamp administrative disqualification hearing. Each party shall have the right to file a petition for review of the administrative law judge's order. Whether a petition for review is or is not filed, the review judge shall enter the final order on behalf of the secretary.

(2) Who may petition. Each party has the right to file a petition for review of an order entered by an administrative law judge.

(3) Petition contents. The petition for review shall:

(a) Specify the portions of the order to which exception is taken; and

(b) Refer to the evidence of record relied upon to support the petition.

(4) Petition time limits.

(a) The period to timely file a petition for review is twenty-one days from the date the initial decision was served.

(b) A review judge shall extend the twenty-one-day period to file a petition for review upon request of a party when:

(i) The request is made during the twenty-one-day period; and

(ii) Good cause for the extension is shown.

(c) The review judge shall waive the twenty-one-day limit for filing a petition for review when a person:

(i) Files a petition for review within thirty days of the date the initial order becomes final; and

(ii) Demonstrates good cause for failure to file a timely petition. Good cause means one of the grounds enumerated in Court Rule 60 and includes:

(A) A petitioner's mistake, inadvertence, or excusable neglect preventing the petitioner from timely filing a petition; or

(B) An unavoidable casualty or misfortune preventing the petitioner from timely filing a petition for review.

(5) Petition filing and service. The petition for review shall be in writing and filed with the office of appeals. The

petitioning party is encouraged to serve a copy of the petition upon the other party or the other party's representative at the time the petition is filed. The office of appeals shall serve a copy on the other party or representative.

(6) Notice of petition. When a petition for review is filed, the office of appeals shall send a copy of the petition to the nonpetitioning party or, if represented, to the representative with a notice of the right to file a response.

(7) Response time limit, filing, service.

(a) The nonpetitioning party shall file any response with the office of appeals within seven days of the date that office served a copy of the petition on the nonpetitioning party or representative.

(b) The nonpetitioning party shall serve a copy of the response on the petitioner and any other party or, if represented, on the representative at the time the response is filed.

(c) A review judge may extend the period to file a response upon request of a party showing good cause.

(d) A review judge may, in the review judge's discretion, accept a late filed response and consider the response when ruling on a petition for review.

(8) Disqualification. The chief review judge shall disclose the name of the review judge assigned to rule on a petition to any party or representative making inquiry. An individual petitioning to disqualify a review judge under RCW 34.05.425 shall file the petition with the review judge assigned to the proceeding.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-464, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-470 Reconsideration.** Within ten days of service of a review order, any party may file a petition for reconsideration. A review judge shall extend the period to file a petition upon request of a party made during the ten-day filing period when good cause for the extension is shown. The petition shall state the specific grounds upon which relief is requested. A petition for reconsideration shall be filed at the office of appeals.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-470, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-515 Notice to limited-English-speaking parties.** This section applies when the office of appeals or the administrative law judge is notified or otherwise made aware that a limited-English-speaking person is a party in an adjudicative proceeding. All notices concerning the proceedings, including notices of hearing, continuance, and dismissal shall:

(1) Be written in the primary language of the party; or

(2) Include a notice in the primary language of the party describing:

(a) The significance of the notice; and

(b) How the party may receive assistance in understanding the notice and, if necessary, responding to the notice.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-515, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-525 Interpreters.** (1) A "hearing impaired person" means a person who, because of a hearing impairment or speech defects, cannot readily understand or communicate in spoken language. A "hearing impaired

person" includes a person who is deaf, deaf and blind, or hard of hearing.

(2) An "impaired person" means a person involved in an adjudicative proceeding and is a:

(a) Hearing impaired person; or

(b) Limited-English-speaking person.

(3) An "intermediary interpreter" means a hearing impaired interpreter:

(a) The registry of interpreters for the deaf certifies with a reverse skills certificate;

(b) Meeting the requirements under subsection (9) of this section; and

(c) Able to assist by:

(i) Providing an accurate interpretation between spoken and sign language or between variants of sign language; and

(ii) Acting as an intermediary between a hearing impaired person and a qualified interpreter for the hearing impaired.

(4) A "limited-English-speaking person" means a person who because of a non-English-speaking cultural background cannot readily speak or understand the English language.

(5) A "qualified interpreter" means a person:

(a) Readily able to interpret spoken English and translate written English to and for an impaired person; and

(b) Readily able to interpret or translate statements of an impaired person into spoken English; and

(c) Meeting the requirements of subsection (9) of this section provided, for hearing impaired persons, a qualified interpreter shall be certified by the registry of interpreters for the deaf with a:

(i) Specialist certificate-legal;

(ii) Master's comprehensive skills certificate; or

(iii) Comprehensive skills certificate.

(6) When an impaired person is a party to any adjudicative proceeding or witness therein, the administrative law judge (ALJ) shall, in the absence of a written waiver signed by the impaired person, appoint a qualified interpreter to assist the impaired person throughout the proceedings. The right to a qualified interpreter may not be waived except when:

(a) The impaired person requests a waiver through the use of a qualified interpreter;

(b) The impaired person's representative, if any, consents; and

(c) The ALJ determines the waiver is knowingly, voluntarily, and intelligently complete.

(7) Waiver of a qualified interpreter shall not preclude the impaired person from claiming the right to a qualified interpreter at a later time during the proceeding.

(8) In a proceeding, both the participant's relatives and the involved agency employees shall not be appointed as interpreters. Subsection (8) of this section shall not prohibit the office of administrative hearings from hiring an employee whose sole function is to interpret in an adjudicative proceeding.

(9) The ALJ shall make a preliminary determination that an interpreter is able in the particular proceeding to accurately interpret communication to and from the impaired person. The ALJ's determination shall be based on the:

(a) Testimony or stated needs of the impaired person;

(b) Interpreter's education, certifications, and experience in interpreting for contested cases and/or adjudicative proceedings;

(c) Interpreter's understanding of the basic vocabulary and procedure involved in the proceeding; and

(d) Interpreter's impartiality.

The parties or the parties' representative may question the interpreter as to the interpreter's qualifications and impartiality.

(10) The ALJ shall appoint another qualified interpreter if during the proceeding, in the opinion of the impaired person, the ALJ, or a qualified observer, the interpreter does not provide accurate and effective communication with the impaired person.

(11) If the communication mode or language of a hearing impaired person is not readily interpretable, the interpreter or hearing impaired person shall notify the ALJ who shall appoint and pay an intermediary interpreter to assist the qualified interpreter.

(12) An interpreter shall, before beginning to interpret, take an oath that:

(a) A true interpretation will be made to the examined person of all the proceedings in a language or in a manner the person understands; and

(b) The interpreter will repeat the statements of the person being examined to the ALJ, in the English language, to the best of the interpreter's skill and judgment.

(13) Mode of interpretation. Interpreters for:

(a) Limited-English-speaking persons shall use a simultaneous mode of interpretation where the ALJ and interpreter agree simultaneous interpretation advances fairness and efficiency; otherwise, the interpreter shall use the consecutive mode of foreign language interpretation; and

(b) Hearing impaired persons shall use the simultaneous mode of interpretation unless an intermediary interpreter is needed. If an intermediary interpreter is needed, interpreters shall use the mode the qualified interpreter considers to provide the most accurate and effective communication with the hearing impaired person.

(c) When an impaired person is a party to a proceeding, the:

(i) Interpreter shall translate all statements made by other hearing participants;

(ii) ALJ shall ensure sufficient, extra time is provided to permit translation; and

(iii) ALJ shall ensure the interpreter translates the entire proceeding to the party to the extent the party has the same opportunity to understand the statements made during the proceedings as a nonimpaired party has when listening to uninterpreted statements.

(14) An examiner shall not examine a qualified interpreter, without the written consent of the parties to the communication, as to the:

(a) Communication the interpreter interprets under circumstances where the communication is privileged by law; and

(b) Information the interpreter obtains while interpreting a pending proceeding.

(15) The ALJ shall explain to the impaired party:

(a) A written decision or order is issued in English; and

(b) The party may contact the interpreter for a translation of the decision at no cost to the party; and

(c) If the party has a right to review the order, the party is orally informed during the hearing of the right and of the time limits to request a review.

(16) At the hearing, the interpreter for a limited-English-speaking party shall provide to the ALJ the interpreter's telephone number written in the primary language of the impaired party. The interpreter's telephone number shall be attached to the order mailed to the impaired party. A copy of the order shall also be mailed to the interpreter for use in translation.

(17) In any proceeding involving a hearing impaired person, the ALJ may, with the consent of the agency involved in the hearing, order the testimony of the hearing impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use as the official transcript of the proceeding. Where simultaneous translation is used for interpreting statements of limited-English-speaking persons, the foreign language statements shall be recorded simultaneously with the English language statements by means of a separate tape recorder.

(18) A qualified interpreter appointed under this section shall be entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The agency involved in the hearing shall pay the interpreter fee and expenses. The interpreter services fee for a hearing impaired person shall be under the standards established by the department of social and health services, office of deaf services.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-525, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-535 Group hearing.** (1) When applicable. When two or more appellants file applications contesting a similar issue, the applications may be consolidated by the department or the administrative law judge (ALJ) and heard as a group. The ALJ may consolidate on the ALJ's own motion or on a party's request.

(2) Withdrawal from group.

(a) An appellant scheduled for a group hearing may request to withdraw from the group hearing in favor of an individual hearing. An appellant's request to withdraw shall be granted if the request is filed before the:

(i) ALJ has made a discretionary ruling; and

(ii) Date of the hearing.

(b) The ALJ may grant a party's request to withdraw from a group hearing at any time when good cause is shown.

(3) Right to representation. Each appellant in a group hearing shall retain the right to representation of the appellant's choice.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-535, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-545 Continuance.** (1) Authority to grant. The administrative law judge (ALJ) may:

(a) Order postponements, continuances, extensions of time, and adjournments on the ALJ's own motion; or

(b) Grant postponements, continuances, extensions of time, and adjournments upon the request of any party, with notice to all other parties, showing good and sufficient cause.

(2) When, how requested. A request for a continuance made before the hearing date may be either oral or in writing. The party seeking the continuance shall:

(a) Notify the other parties before presenting the request to the ALJ; and

(b) Inform the ALJ whether the other parties agreed to the continuance.

If the other parties did not agree to the continuance, the ALJ shall promptly schedule a prehearing conference to receive evidence and/or argument and to rule on the request.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-545, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-555 Separate hearing regarding disclosure of investigative and intelligence files.** (1) Applicability and request to office of special investigation (OSI). When the appellant seeks disclosure of a record maintained by the OSI subject to the exemption under WAC 388-320-220, the following process shall determine whether, on a case-by-case basis, disclosure shall be ordered:

(a) The appellant or the appellant's representative shall file a written request with the office of appeals or the administrative law judge (ALJ), if one is appointed, no later than fourteen days before the hearing;

(b) The request shall identify the record sought;

(c) The request shall state the reasons why the appellant believes disclosure is necessary;

(d) The request shall identify the local community service office or the OSI field office where the appellant wishes to review the record;

(e) The office of appeals or ALJ shall forward a request copy to the OSI at the main office of special investigation in Olympia; and

(f) Upon the appellant's showing of good cause, the ALJ may shorten the fourteen-day notice period.

(2) OSI action.

(a) Within ten days of receipt of a properly filed request, the OSI shall determine whether the record sought is within an exemption to disclosure.

(b) Any exempt record shall be:

(i) Sealed in an envelope clearly designated as an exempt or confidential record of the OSI;

(ii) Placed in the OSI file;

(c) The OSI shall then notify the appellant or representative, in writing, of the:

(i) OSI's action; and

(ii) Appellant's or representative's right to a disclosure hearing.

(iii) If any information is placed in a sealed envelope and excluded from disclosure, the notice shall state the specific exemption relied upon for this action. The notice shall provide the appellant a ten-day opportunity to inspect the OSI file by the person, or the person's representative, at the community service office or OSI field office designated by the appellant. In no event shall the investigative file leave the physical control of the designated OSI records custodian, provided the appellant may copy all documents not sealed in an envelope designated as exempt or confidential.

(d) If no amended disclosure request under subsection (3) of this section is filed, the issue of disclosure shall be regarded as moot.

(3) ALJ action. If the appellant wants further disclosure, the appellant shall file an amended disclosure request with the ALJ. The ALJ shall schedule a separate, *in camera* hearing to determine whether, and to what extent, to allow the disclosure of an exempted record.

(a) The department shall have the burden of proving, by a preponderance of the credible evidence, the necessity to protect an exempt record or confidential information clearly outweighs the disclosure interests.

(b) Either party may offer witnesses to testify on the disclosure issue. When the appellant calls witnesses from the state, investigative, law enforcement, or penology agencies as adverse witnesses, the appellant may ask leading questions.

(c) Attendance shall be limited to the parties, the parties' representatives, the ALJ, and any witnesses to be called provided, upon the request of either party or upon the ALJ's own motion, the ALJ may exclude nontestifying witnesses from the hearing.

(d) In determining whether to disclose information to the appellant, the ALJ shall review the information, but shall not disclose the information to the appellant.

(e) The ALJ shall enter an initial order.

(i) If the information sought is pertinent to any ongoing criminal investigation, disclosure shall only be ordered by a superior court of this state.

(ii) The ALJ shall order nondisclosure of specific information consistent with law after making findings of fact showing:

(A) The information sought to be disclosed is inadmissible and immaterial to establishing a defense; or

(B) Specific investigative or intelligence information, which cannot be deleted from any specific records sought, is clearly necessary to protect any vital governmental function, ongoing criminal investigation, or an individual's right of privacy; or

(C) After weighing the public interest in protecting the flow of information against the individual's right to prepare the individual's defense, the evidence demonstrates it is not necessary to disclose particular intelligence or investigative information.

(iii) An order for disclosure shall state the times and methods for record inspection. In no event shall such order compel the release of an original record but, where release is ordered, copies shall be provided. Copying a record shall be governed by WAC 388-320-140.

(f) Each party has the right to file a petition for review for initial order. There shall be no disclosure under an initial order until exhausting all review proceedings.

(4) Assignment of new ALJ. When the ALJ conducts the *in camera* review under subsection (3) of this section and determines information should not be disclosed to the appellant, the chief ALJ or the chief ALJ's designee shall assign another ALJ to preside over the adjudicative proceeding.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-555, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-565 Computation of time.** (1) Period's beginning. When computing a period of time prescribed or allowed by an applicable statute or rule, the day of the act, event, or default after which the designated period of time begins to run shall not be included.

(2) Period's ending. The last day of the computed period shall be included unless the last day is a Saturday, Sunday, or a legal holiday. When the last day is a Saturday, Sunday, or a legal holiday, the period shall run until the end of the next day which is neither a Saturday, Sunday, nor a holiday.

(3) Period of a week or less. When the period of time prescribed or allowed is seven days or less, the intermediate Saturday and Sunday, and any legal holiday, shall be excluded in the computation.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-565, filed 2/5/90, effective 3/1/90.]

**WAC 388-08-575 Judicial review of final adjudicative order.** (1) Right to judicial review; exclusive remedy. An appellant or intervener aggrieved, as described under RCW 34.05.530, by the final decision or order in a department of social and health services (DSHS) adjudicative proceeding may appeal the decision or order to court. Judicial review shall only be obtained under chapter 34.05 RCW. Judicial review may not be obtained through any other procedure.

(a) Chapter 34.05 RCW contains the pertinent provisions of the law.

(b) RCW 74.08.080(3) contains additional provisions about public assistance proceedings.

(2) Instituting judicial review; filing and serving the petition. As described in RCW 34.05.542(2), within thirty days after the department mails the final decision, the petitioner shall file the petition for judicial review with the court and serve a copy of the petition on DSHS, the office of the attorney general, and all parties of record.

(a) A petition shall be filed in the Superior Court at the petitioner's option for:

(i) Thurston County;

(ii) The county of the petitioner's residence or principal place of business; or

(iii) Any county where property affected by the decision is located.

(b) Service of a copy of the petition for judicial review on DSHS may be had by personally serving a copy of the petition on the office of appeals.

(c) Service of a copy of the petition for judicial review on the office of the attorney general may be had by mailing a copy of the petition, postage prepaid, to the Office of the Attorney General, Highway-Licenses Building, PB-71, Olympia, WA 98504.

(d) Service of a copy of the petition for judicial review on other parties of record may be had by mailing a copy of the petition to the other parties, properly addressed and postage prepaid.

[Statutory Authority: RCW 34.05.220 (1)(a). 90-04-076 (Order 2999), § 388-08-575, filed 2/5/90, effective 3/1/90.]

## Chapter 388-10 WAC

### PROTECTION OF HUMAN RESEARCH SUBJECTS

#### WAC

388-10-010	Purpose.
388-10-020	Definitions.
388-10-030	Statement of policy.
388-10-040	Implementation.
388-10-050	General applicability.
388-10-060	Documentation of research proposals and review dispositions.
388-10-070	Human research review guidelines.

**WAC 388-10-010 Purpose.** The purpose of this chapter shall be to establish rules implementing the department's policy for the protection of departmental wards, clients, and employees who serve as human subjects in research and related activities. These rules do not supersede or limit the applicability of other state and federal laws and regulations. For example, see Title 45, Part 46 of the Code of Federal Regulations.

[Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-010, filed 8/12/81.]

**WAC 388-10-020 Definitions.** (1) "Research" means a systematic investigation designed to develop or contribute to generalizable knowledge. Activities which meet this definition constitute "research" for purposes of these rules, whether or not they are supported or conducted under this label.

(2) "Related activities" means demonstration, service, development, and other projects that contain a research component.

(3) "Human subject" means a person about whom an investigator (whether professional or student) conducting research obtains data (a) through intervention or interaction with the person, (b) through observation of the person's behavior, or (c) from personal records and other private information sources.

[Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-020, filed 8/12/81.]

**WAC 388-10-030 Statement of policy.** (1) No service unit or administrative unit within the department's jurisdiction shall allow, or shall participate in, the conduct of research and related activities unless the plans or protocols for such activities have been reviewed and approved by the department of social and health services human research review board or have been specifically exempted from this review requirement by published departmental guidelines.

(2) It is the intent of the department's human subjects protection policy that review of research and related activities by the review board determine that the rights and welfare of clients, wards, and employees are adequately protected; that risks to individuals are minimized, are not unreasonable and are outweighed by the potential benefits to them or by the knowledge to be gained; and that the proposed project design and methods are adequate and appropriate in the light of stated project purposes.

[Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-030, filed 8/12/81.]

**WAC 388-10-040 Implementation.** (1) The department shall maintain a human research review board which shall have primary responsibility for the ethical and technical review of the use of human subjects in research and related projects conducted within the department's jurisdiction. Unfavorable review dispositions by this review board, including disapproval of proposed research, research restrictions, or special approval conditions, cannot, by federal regulation (45 CFR 46.112) be removed except by the review board. Favorable review decisions by the board shall be subject to review and concurrence by appropriate departmental officials.

(2) To assure continued protection of human subjects in on-going research at the activity site, departmental service units involved in a significant number of research and related activities shall establish their own research oversight committees. These local committees shall function as extensions of the human research review board. They shall be responsible for providing ethical and procedural oversight in accordance with the review board's directions.

(3) Review of proposals requiring professional competencies beyond those represented on the human research review board shall require prior and written review consultation with at least four research experts who are competent to judge the scientific merit, benefits, and risks of the proposed research.

[Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-040, filed 8/12/81.]

**WAC 388-10-050 General applicability.** The department's human research review rules shall apply to all organizational units of the department. They shall apply to all research and related activities that involve departmental clients, wards, or employees as human subjects or that require disclosure of their personal records, regardless of funding source, and regardless of whether the research is conducted by a departmental employee or by a nondepartmental investigator. The rules shall apply to all research and related activities subcontracted by the department under state and federal grants and contracts to nondepartmental organizations and individuals, regardless of whether the research or related activity involves departmental clients or a nondepartmental subject population.

[Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-050, filed 8/12/81.]

**WAC 388-10-060 Documentation of research proposals and review dispositions.** (1) All research and related activity proposals subject to review under WAC 388-10-050 shall be submitted in writing and such proposals shall conform to the format and content guidelines published by the department.

(2) The director of the departmental unit responsible for human research review policy administration shall document in writing all review dispositions affecting research and related activity proposals submitted to the department. In the case of unfavorable dispositions, such documentation shall contain a statement of the reasons for the negative disposition.

[Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-060, filed 8/12/81.]

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**WAC 388-10-070 Human research review guidelines.** (1) The department shall develop and publish a comprehensive set of procedural guidelines for the protection of human research subjects within its jurisdiction. These guidelines shall be at least as restrictive as the minimum requirements set forth in Title 45, Part 46 of the Code of Federal Regulations, but may be more restrictive if necessary to satisfy the protective purposes of the department's human subjects protection policy.

(2) The published guidelines shall speak at least to the following topics:

- (a) Applicability;
- (b) Responsibility for policy and rule implementation;
- (c) Basic definitions;
- (d) Proposal format and content;
- (e) Review and certification requirements;
- (f) Activities exempt from review requirements;
- (g) Approval and disapproval authority; appeals;
- (h) Qualification requirements for investigators;
- (i) Review board composition and functions;
- (j) Review of ongoing research projects;
- (k) Informed consent requirements;
- (l) Disclosure of personal records for research purposes;
- (m) Publication conditions;
- (n) Provisions for adapting guidelines to the changing requirements of state and federal laws and regulations.

[Statutory Authority: RCW 43.20A.550. 81-17-022 (Order 1687), § 388-10-070, filed 8/12/81.]

## Chapter 388-11 WAC

### CHILD SUPPORT—OBLIGATIONS

#### WAC

388-11-010	Statutory basis.
388-11-011	Definitions.
388-11-015	Credits allowed—Debt satisfaction.
388-11-030	Notice and finding of financial responsibility.
388-11-032	Notice and finding of parental responsibility.
388-11-035	Notice and finding of medical responsibility.
388-11-040	Service of notice and finding of financial or parental responsibility.
388-11-045	Service requirements—Tolling.
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388-11-055	Petition for hearing after twenty days—Stay.
388-11-060	Request for hearing.
388-11-065	Defenses to liability.
388-11-067	Equitable estoppel.
388-11-100	Duty of the administrative law judge.
388-11-120	Default—Vacate.
388-11-135	Service.
388-11-140	Modification.
388-11-143	Department review of support orders.
388-11-145	Notice to parties.
388-11-150	Consent order and agreed settlement.
388-11-155	Duration of obligation.
388-11-170	Collection of debts determined.
388-11-180	Procedural reference.
388-11-205	Assessing support.
388-11-210	Administrative orders.
388-11-215	Health insurance.
388-11-220	Liability for birth costs.

DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER

- 388-11-020 Original determinations. [Order 1054, § 388-11-020, filed 9/25/75; Order 875, § 388-11-020, filed 11/16/73.] Repealed by 80-01-026 (Order 1465), filed 12/14/79. Statutory Authority: RCW 74.08.090.
- 388-11-050 Failure to make request for hearing. [Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-050, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-050, filed 6/15/78; Order 1054, § 388-11-050, filed 9/25/75; Order 875, § 388-11-050, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-070 Continuance of cases. [Order 1054, § 388-11-070, filed 9/25/75; Order 875, § 388-11-070, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-080 Requests for admission. [Order 1054, § 388-11-080, filed 9/25/75; Order 875, § 388-11-080, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-090 Hearings examiner. [Statutory Authority: RCW 34.04.020. 80-06-090 (Order 1505), § 388-11-090, filed 5/28/80. Statutory Authority: RCW 74.08.090. 78-07-015 (Order 1305), § 388-11-090, filed 6/15/78; Order 875, § 388-11-090, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-105 Review of initial decision. [Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-105, filed 8/30/88. Statutory Authority: RCW 74.08.090. 81-05-021 (Order 1605), § 388-11-105, filed 2/11/81; 80-01-026 (Order 1465), § 388-11-105, filed 12/14/79.] Repealed by 90-04-077 (Order 3005), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090 and 34.05.220 (1)(a).
- 388-11-110 Determination of future liability. [Order 875, § 388-11-110, filed 11/16/73.] Repealed by 80-01-026 (Order 1465), filed 12/14/79. Statutory Authority: RCW 74.08.090.
- 388-11-115 Fraud—Vacation of decision. [Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-115, filed 8/30/88. Statutory Authority: RCW 74.08.090. 81-05-021 (Order 1605), § 388-11-115, filed 2/11/81; 80-01-026 (Order 1465), § 388-11-115, filed 12/14/79.] Repealed by 93-17-060 (Order 3622), filed 8/16/93, effective 9/16/93. Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5).
- 388-11-130 Decision and order after hearing. [Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-130, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-130, filed 6/15/78; Order 875, § 388-11-130, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-160 Procedure for reconsideration of decision, clarification of decision or for rehearing. [Order 1054, § 388-11-160, filed 9/25/75; Order 875, § 388-11-160, filed 11/16/73.] Repealed by 78-07-015 (Order 1305), filed 6/15/78. Statutory Authority: RCW 74.08.090.
- 388-11-185 Discovery. [Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-185, filed 8/30/88; Order 1054, § 388-11-185, filed 9/25/75.] Repealed by 90-04-077 (Order 3005), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090 and 34.05.220 (1)(a).
- 388-11-190 Scale of minimum contributions. [Statutory Authority: RCW 74.08.090. 78-07-015 (Order 1305), § 388-11-190, filed 6/15/78; Order 1119, § 388-11-190, filed 5/13/76; Order 875, § 388-11-190, filed 11/16/73.] Repealed by 88-18-031 (Order 2689), filed 8/30/88. Statutory Authority: 1988 c 275.
- 388-11-195 Washington state child support schedule. [Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-195, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-195, filed 8/30/88.] Repealed by 92-08-034 (Order

- 388-11-200 Financial worksheet calculations. [Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-200, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-200, filed 8/30/88.] Repealed by 92-08-034 (Order 3344), filed 3/24/92, effective 4/24/92. Statutory Authority: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23.050 and E2SSB 5120 and ESSB 5996.

**WAC 388-11-010 Statutory basis.** RCW 74.20A.055 is the administrative process for establishing support obligations when there is no superior court order and the office of support enforcement has served a notice and finding of financial responsibility on the responsible parent. The department may only serve a notice and finding of financial responsibility on a responsible parent for a support debt or current support obligation established or to be established under RCW 74.20A.057, specifically including cases eligible for nonassistance support enforcement services under WAC 388-14-300.

[Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-11-010, filed 2/10/93, effective 3/13/93. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-010, filed 8/30/88. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-010, filed 12/14/79; Order 1054, § 388-11-010, filed 9/25/75; Order 875, § 388-11-010, filed 11/16/73.]

**WAC 388-11-011 Definitions.** For purposes of this chapter and chapters 388-13 and 388-14 WAC, the following definitions shall apply:

(1) "Accrued debt" means a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including birth costs, of a dependent child owed by a person having signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics.

(2) "Administrative order" means a determination, finding, decree, or order for support issued under RCW 74.20A.055 or by another state agency under a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support money to satisfy current support or a support debt. Administrative orders include:

(a) An agreed settlement or consent order entered under WAC 388-11-150; or

(b) A notice and finding of financial responsibility or a notice and finding of parental responsibility that has become final by operation of law.

(3) "Agreed settlement" means the informal disposition of a contested case by written agreement between a responsible parent and OSE establishing a support obligation and ordering payment. The agreement shall be effective without the presiding officer's approval.

(4) "Arrears," "delinquency," and "past support" means the amount owed for a period of time before the instant month.

(5) "Birth costs" mean the reasonable and necessary costs associated with the birth of a child, including costs of the mother's pregnancy and confinement.

(6) "Consent order" means the disposition of a contested case by written agreed order between a responsible parent

and OSE establishing a support obligation and ordering payment. The agreed order shall require the presiding officer's approval.

(7) "Current support" or "current and future support" means support money paid to satisfy the support obligation for the present month as opposed to satisfaction of a support debt. Current and future support also means the prospective obligation to make monthly support payments.

(8) "Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date payment of an AFDC-R, AFDC-E, AFDC-FC, a state only foster care, or a family independence program grant is authorized. For purposes of this chapter, the state shall continue to be responsible for the support of a dependent child until public assistance or family independence program payments terminate, or support enforcement services terminate, whichever occurs later.

(9) "Department" means the Washington state department of social and health services.

(10) "Dependent child" means a person:

(a) Seventeen years of age or younger who is not self-supporting, married, or a member of the United States armed forces;

(b) Eighteen years of age or older for whom a court order requires support payments past eighteen years of age or older; or

(c) Eighteen years of age or older, but under nineteen years of age, for whom an administrative support order exists if the child is:

(i) A full-time student; and

(ii) Reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the end of the month in which the child becomes nineteen years of age.

(11) "Fraud" means, for the purposes of WAC 388-11-115:

(a) The representation of the existence or nonexistence of a fact;

(b) The representation's materiality;

(c) The representation's falsity;

(d) The speaker's knowledge of the falsity;

(e) The speaker's intent that the representation should be acted on by the person to whom it is made;

(f) Ignorance of the falsity on the part of the person to whom it is made;

(g) The latter's:

(i) Reliance on the truth of the representation;

(ii) Right to rely upon it; and

(iii) Subsequent damage.

(12) "Good cause for failure to make a timely request for an adjudicative proceeding" means there is substantial reason or legal justification for delay, including a showing of those grounds enumerated in Civil Rule 60.

(13) "Health care costs," for the purpose of:

(a) Establishing support obligations under RCW 74.20A.055 and 74.20A.056 means medical, dental, and optometrical costs and expenses; and

(b) Enforcement action under Titles 26.23, 74.20, and 74.20A RCW, including a notice of support owed and a notice of support debt, means medical, dental, optometrical costs stated as a fixed dollar amount by a support order.

(14) "Locate" means service of the notice and finding of financial responsibility or the notice and finding of parental responsibility in a manner prescribed by WAC 388-11-040.

(15) "Medical support" means health care costs stated as a fixed dollar amount in a support order and health insurance coverage for a dependent child's benefit.

(16) "Other ordinary expense" means an expense incurred by a responsible parent:

(a) Directly benefiting a dependent child; and

(b) Relating to the parent's residential time or visitation with a child.

(17) "Reasonable efforts to locate" means any of the following actions taken by the office of support enforcement (OSE):

(a) Mailing the notice and finding of financial responsibility or the notice and finding of parental responsibility by certified mail, return receipt requested, to the responsible parent;

(b) Referral to a sheriff, other server of process or locate service, or department employee for locate activities;

(c) Tracing activity as follows:

(i) Checking local telephone directories and attempts by telephone or mail to contact the applicant/recipient, applicant/custodian, relatives of the responsible parent, past or present employers, or the postal authorities;

(ii) Contacting state agencies, union, financial, or fraternal organizations;

(iii) Periodic searches for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record keeping agencies or entities;

(iv) Case maintenance in OSE's automated locate program.

(d) Referral to state or federal parent locator service;

(e) Referral to the attorney general, a prosecuting attorney, the IV-D agency of another state, or the Internal Revenue Service for specific legal or collection action; or

(f) Attempts to confirm the existence of and to obtain a copy of a paternity acknowledgment.

(18) "Residential parent" means a parent with whom a child resides a majority of the time, or who is designated as or deemed to be the child's custodian under RCW 26.09.285.

(19) "Responsible parent" means the natural parent, adoptive parent, responsible stepparent, or a person having signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics, from whom the department seeks support for a dependent child.

(20) "Responsible stepparent" means a stepparent having established an in loco parentis relationship with the dependent child or children.

(a) The status shall continue until the relationship is terminated by death, dissolution of marriage, or by superior court order as provided under RCW 26.16.205.

(b) A rebuttable presumption of an in loco parentis relationship is created when the stepparent;

(i) Lives with the child and the parent; or

(ii) Provides care, support, or guidance for the child.

(21) "Secretary" means the secretary of the department of social and health services or the secretary's designee.

(22) "State" means a state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, a federally recognized Indian tribe, or a foreign country.



(23) "Superior court order" means a judgment, decree, or order of a Washington state superior court or another state's court of comparable jurisdiction:

(a) Establishing a support obligation and ordering payment thereon of a set or determinable amount; or

(b) Specifically relieving a responsible parent of a support obligation.

(24) "Support debt" means:

(a) A delinquent amount of support money due, owing, and unpaid under a superior court order or an administrative order;

(b) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance, including health care costs as defined in this section, birth costs, child care, special child rearing expenses, and an accrued debt under RCW 74.20A.056, of a dependent child or other person for whom a support obligation is owed;

(c) A debt under RCW 74.20A.100 or 74.20A.270; or

(d) Accrued interest, fees, or penalties charged on a support debt, and attorneys' fees and other costs of litigation awarded in an action under Title IV-D of the Social Security Act establishing and enforcing a support obligation or support debt.

(25) "Support money" means money paid to satisfy a support obligation whether named child support, spousal support, alimony, maintenance, medical support, birth costs, or other money intended to satisfy a support obligation for a person or satisfy wholly or partly a support debt.

(26) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including health care costs as defined in this section, birth costs, child care and special child rearing expenses of a dependent child or other person as required by law.

[Statutory Authority: RCW 74.08.090, 93-05-020 (Order 3512), § 388-11-011, filed 2/10/93, effective 3/13/93. Statutory Authority: 1990 1st ex.s. c 2, 90-20-072 (Order 3081), § 388-11-011, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-011, filed 8/30/88. Statutory Authority: RCW 74.08.090, 85-23-019 (Order 2304), § 388-11-011, filed 11/13/85; 83-21-014 (Order 2036), § 388-11-011, filed 10/6/83; 81-05-021 (Order 1605), § 388-11-011, filed 2/11/81; 80-01-026 (Order 1465), § 388-11-011, filed 12/14/79.]

**WAC 388-11-015 Credits allowed—Debt satisfaction.** (1) After the responsible parent has been advised of the obligation to make payments to the Washington state support registry (WSSR) by service of a notice under WAC 388-11-030, 388-11-032, 388-14-415, or 388-14-435, or by entry of a support order requiring payments to WSSR, the responsible parent may only obtain credit against the parent's support obligation:

(a) By cash, check, electronic funds transfer, or money order payments through WSSR or payment of health insurance premiums; or

(b) As provided under subsections (3) and (6) of this section.

(2) OSE shall only allow credit against a responsible parent's support debt for family needs provided directly to a caretaker/custodian, a child, or provided through a vendor or third party when the:

(a) Items are provided before service of the notice on a responsible parent;

(b) Responsible parent proves the items provided were intended to satisfy the responsible parent's support obligation; and

(c) Items are food, clothing, shelter, or medical attendance directly related to the care, support, and maintenance of a child.

(3) After service of the notice, a parent may only obtain credit against the parent's current support obligation when the responsible parent proves that the payments were made and:

(a) The department determines there:

(i) Is no prejudice to:

(A) A custodial parent, a child, or other person; or

(B) An agency entitled to receive the support payments.

(ii) Are special circumstances of an equitable nature justifying credit for payments; or

(b) A court of competent jurisdiction determines credit should be granted after a hearing where all interested parties were given an opportunity to be heard.

(4) The department shall not allow credit for shelter payments made before service of the notice in an amount more than the greater of the:

(a) Shelter allocation in the public assistance standards for the period when payments were made; or

(b) One-half of the actual shelter payment.

(5) The department shall not allow credit for shelter payments made after service of the notice.

(6) Effective with benefits paid on or after July 1, 1990, the department shall give credit for disability benefits paid on behalf of the responsible parent's child as a result of the responsible parent's injury or illness, by:

(a) Labor and industries or a self-insurer under chapter 51.32 RCW; or

(b) The Social Security Administration.

(7) The department shall credit disability payments under subsection (6) of this section:

(a) First against the current support obligation for the month in which the benefit is paid for the dependant child to whom the benefit was paid; and

(b) Second to the responsible parent's support debt for the child and physical custodian to whom the benefit was paid. In crediting the benefit amount against the support debt, the department shall credit:

(i) First against any support debt owned to the nonassistance support enforcement services recipient to whom the benefit was paid; and

(ii) Any remaining benefit amount against the responsible parent's support debt to the department for the dependent child and/or physical custodian to whom the benefit was paid.

(8) A responsible parent must prove payment of these benefits and has no right to:

(a) Reimbursement because of a credit allowed under this subsection;

(b) Credit for benefits actually paid prior to July 1, 1990.

(9) The department shall mail a notice of credit to the custodial parent if the department agrees to credit the responsible parent for disability benefits under this section unless the agreement to credit occurred during a negotiation or an adjudicative proceeding in which the custodial parent was present and a party. The department shall:

- (a) Include in the notice the amount of the credit; and
- (b) Advise the custodial parent that:

(i) The parent may request an adjudicative proceeding to contest the credit by filing a written application for an adjudicative proceeding with the office of support enforcement within twenty-three days of the date of mailing of the notice; and

(ii) If the custodial parent files an application for an adjudicative proceeding, the department shall give the responsible parent notice of and an opportunity to participate in the proceeding.

[Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-015, filed 8/16/93, effective 9/16/93. Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-015, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-015, filed 8/30/88. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-015, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-015, filed 6/15/78; Order 1054, § 388-11-015, filed 9/25/75.]

**WAC 388-11-030 Notice and finding of financial responsibility.** (1) The office of support enforcement's (OSE) notice and finding of financial responsibility shall include the:

- (a) Amount the responsible parent owes as a support debt, and a demand for payment;
- (b) Amount the responsible parent should pay for current and future support using:
  - (i) Actual income, if known;
  - (ii) Estimated income, if OSE has:
    - (A) Incomplete information;
    - (B) Information based on prevailing wages in the responsible parent's trade or profession; or
    - (C) Information that is not current.
  - (iii) Imputed income under RCW 26.19.071(6).
- (c) Responsible parent's responsibility for medical support under WAC 388-11-215.

(2) OSE's notice and finding of financial responsibility shall also include the following information, when known:

- (a) The residential parent's name and Social Security number;
- (b) Each child's name, birthdate, and Social Security number on whose behalf support is sought;
- (c) The responsible parent's name, address, and Social Security number;
- (d) The responsible parent's employer; and
- (e) A statement that:

(i) If the responsible parent objects to all or part of the notice and finding of financial responsibility, the responsible parent shall have a right, for not more than twenty days from date of service, to request a hearing to show cause why the finding of responsibility or the amounts stated are incorrect;

(ii) The responsible parent shall serve a written objection on the OSE field office issuing the notice and finding of financial responsibility;

(iii) The support debt or current support amount become final and subject to collection action without further action or notice if the responsible parent fails to object in writing, within twenty days;

(iv) OSE may issue a notice of payroll deduction under chapter 26.23 RCW or take other income withholding action

under chapters 26.18 or 74.20A RCW, without further notice to the responsible parent, at any time;

(v) After service of the notice, the responsible parent shall make all payments intended to satisfy a current support obligation or support debt alleged in the notice directly to the Washington state support registry (WSSR). The WSSR shall not credit payments made to any other party against the support obligation whether or not the payment is in cash, check, money order, in-kind services, merchandise, or anything else of value, except as provided under WAC 388-11-015.

[Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-030, filed 8/16/93, effective 9/16/93. Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-030, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-030, filed 8/30/88. Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-11-030, filed 2/12/86; 80-01-026 (Order 1465), § 388-11-030, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-030, filed 6/15/78; Order 1054, § 388-11-030, filed 9/25/75; Order 875, § 388-11-030, filed 11/16/73.]

**WAC 388-11-032 Notice and finding of parental responsibility.** (1) The office of support enforcement (OSE) may issue a notice and finding of parental responsibility when:

(a) There is an affidavit acknowledging paternity filed with the state center for health statistics or with the vital records agency of a state which by statute allows the establishment of a support obligation based on an affidavit acknowledging paternity;

(b) The mother and person who signed the acknowledgement are eighteen years of age or older; and

(c) If the mother is married and the person signing the affidavit or acknowledgment is not the husband, the mother's husband has signed a denial of paternity or release to allow the person to acknowledge paternity of the child.

(2) The amounts in the notice and finding of parental responsibility shall become final and be subject to collection action unless the responsible parent, within twenty days after service of the notice:

(a) Contacts OSE and executes an agreed settlement;

(b) Files a written application for an adjudicative proceeding, under WAC 388-11-060, to contest the amounts stated in the notice; or

(c) Requests, and cooperates to obtain, paternity blood tests to determine whether or not he is the natural father of the dependent child named in the notice.

(3) OSE shall attach a copy of the acknowledgement of paternity to the notice and finding of parental responsibility served on the responsible parent.

(4) The notice and finding of parental responsibility shall contain:

(a) A statement that OSE is providing support enforcement services on behalf of the responsible parent's dependent child;

(b) An initial finding of the amount the responsible parent should pay for current support and as an accrued support debt;

(c) A statement that OSE computed the support obligation based on either:

(i) The responsible parent's actual income;

(ii) Income imputed to the responsible parent, when the actual income is unknown; or

(iii) The Approximate Median Net Income Chart, when there is no income information available.

(d) A statement explaining how the responsible parent may respond to or contest the notice, including the right to request an adjudicative proceeding, blood tests, or both;

(e) A notice that if the responsible parent does not request blood tests or an adjudicative proceeding within twenty days, OSE will not refund money collected under this notice if the responsible parent is later:

(i) Excluded from being the father by paternity blood tests; or

(ii) Found not to be the father by a court of competent jurisdiction.

(f) A statement that any adjudicative proceeding to contest this notice shall be convened for the limited purpose of resolving issues related to the amount of current support, the amount of accrued support debt, or reimbursement for any blood test costs advanced by the department;

(g) A notice that the responsible parent has the burden of proving any defenses to liability;

(h) A notice that OSE will take income withholding action under chapters 26.18, 26.23, or 74.20A RCW, at any time, without further notice unless the responsible parent requests relief under subsection (2) of this section within twenty days of the date of service of the notice;

(i) A notice of the responsible parent's obligation to provide health insurance coverage for the dependent child if such coverage is available according to WAC 388-11-215;

(j) A statement that OSE will seek direct enforcement of the requirement to provide health insurance coverage without further notice if:

(i) Health insurance coverage is required under WAC 388-11-215; and

(ii) The responsible parent fails to provide health insurance coverage.

(k) A statement that until further notice the responsible parent:

(i) Must make all support payments to the Washington state support registry; and

(ii) Will not receive credit for any support payments that are made to any other person or agency.

(l) A statement that the responsible parent must reimburse the department for the cost of paternity blood tests if the tests do not exclude the responsible parent; and

(m) A statement that the responsible parent may be liable for birth costs under WAC 388-11-220.

(5) If birth costs are charged under WAC 388-11-220, and the actual birth costs are unknown when OSE serves the notice and finding of parental responsibility, the notice shall state that:

(a) OSE will mail proof of the actual birth costs, in the form of an affidavit, to the responsible parent's last known address, when such costs are known;

(b) OSE may take action under chapters 26.23 and 74.20A RCW to collect reimbursement for the birth costs twenty days after the date of service of the affidavit of birth costs; and

(c) The amounts stated on the notice of birth costs will become final and subject to collection action twenty days after the date of the notice unless the responsible parent requests an adjudicative proceeding under WAC 388-11-220(4) within twenty days of the date of the notice.

(6) The department may not assess an accrued support debt for a period greater than five years before the service of a notice and finding of parental responsibility.

(7) The limitation in subsection (6) of this section shall be tolled if the responsible parent has concealed himself or left the state of Washington for the purpose of avoiding service.

(8) If paternity blood tests requested by the responsible parent do not exclude the responsible parent as the father of the dependent child, the responsible parent shall have twenty days from the date of service of the blood test results to request:

(a) An adjudicative proceeding under subsection (2)(b) of this section; or

(b) That OSE initiate a parentage action in superior court under chapter 26.26 RCW.

(9) The department shall mail notice of any adjudicative proceeding scheduled under this section to the custodial parent at the custodial parent's last known address. The department's notice shall advise the custodial parent of the right to participate in the proceeding by giving testimony and being present for, and listening to, all other testimony.

[Statutory Authority: RCW 74.20A.056. 92-13-026 (Order 3403), § 388-11-032, filed 6/9/92, effective 7/10/92.]

**WAC 388-11-035 Notice and finding of medical responsibility.** (1) The office of support enforcement (OSE) may serve a notice and finding of medical responsibility on the responsible parent when:

(a) The physical custodian or dependent child is receiving or is certified to be eligible to receive medical assistance and is not receiving AFDC benefits;

(b) The physical custodian has chosen medical support enforcement activity only, and has asked OSE in writing not to collect monetary child support; and

(c) There is no court order governing child support.

(2) OSE shall serve the notice and finding of medical responsibility like a summons in a civil action, or by certified mail, return receipt requested.

(3) The department shall include in the notice and finding of medical responsibility:

(a) A statement of the:

(i) Responsible parent's obligation to provide health insurance coverage for the dependant children under WAC 388-11-215;

(ii) Maximum premium amount the responsible parent is obligated to pay; and

(iii) Income basis for the maximum premium amount, based on the basic child support obligation according to the Washington state child support schedule.

(b) Notice that:

(i) OSE is not seeking a cash child support award;

(ii) The physical custodian may seek a cash child support award at any time;

(iii) The responsible parent may request a hearing under subsection (7) of this section;

(iv) The income stated in the notice, or in any subsequent order based on the notice, shall not be binding in any later action to set a cash child support award;

(v) Twenty days from the date of service, the notice and finding of medical responsibility will become an order, and

OSE will take direct enforcement action under RCW 26.18.170, if the responsible parent fails to:

(A) Sign an agreed settlement with OSE establishing the obligation to provide medical insurance and authorizing the department to enroll the children in a medical insurance plan when a plan becomes available;

(B) Start a proceeding to contest the notice in superior court; or

(C) Request an adjudicative proceeding under subsection (7) of this section.

(vi) The responsible parent keep OSE informed of the availability of health insurance and of the policy numbers and extent of the health insurance coverage.

(4) OSE shall:

(a) Compute the basic support obligation under chapter 26.19 RCW;

(b) Compute the maximum premium amount under chapter 26.19 RCW; and

(c) Attach worksheets completed through the basic support obligation to the notice and finding of medical responsibility.

(5) The notice and finding of medical responsibility will become an order, and OSE shall take direct enforcement action under RCW 26.18.170, if the responsible parent fails to:

(a) Provide policy information for existing coverage for the dependent children;

(b) Sign an agreed settlement with OSE establishing the obligation and authorizing OSE to enroll the children in a medical insurance plan when a plan becomes available;

(c) Start a proceeding to contest the notice in superior court; or

(d) Request an adjudicative proceeding under subsection (7) of this section, within twenty days of the date OSE serves the notice.

(6) The responsible parent may request an adjudicative proceeding to contest the notice and finding of medical responsibility.

(a) The responsible parent shall:

(i) Request an adjudicative proceeding within twenty days of the date OSE serves the notice and finding of medical responsibility; and

(ii) Make the request in writing, and serve the request on OSE like a summons in a civil action, or by any form of mail requiring a return receipt.

(b) The department shall:

(i) Schedule an adjudicative proceeding to consider the responsible parent's objections to the notice and finding of medical responsibility; and

(ii) Notify the responsible parent and the physical custodian of the time and place of the adjudicative proceeding.

(c) A physical custodian who appears for an adjudicative proceeding shall be allowed to participate. Participation includes:

(i) Giving testimony;

(ii) Presenting evidence;

(iii) Being present for or listening to other evidence in the proceeding; and

(iv) Offering rebuttal to other evidence in the proceeding.

(7) If the responsible parent starts a proceeding in superior court, the responsible parent shall serve OSE and the office of the attorney general with notice of the proceeding.

(8) The responsible parent may petition for a late hearing under WAC 388-11-055.

(9) The responsible parent, the department, or a physical custodian may petition for a prospective modification of the maximum premium amount under WAC 388-11-140.

(10) In any adjudicative proceeding to consider the merits of an objection to a notice and finding of medical responsibility, or a petition for prospective modification of medical responsibility, the presiding officer shall determine:

(a) The basic support obligation, without deviations;

(b) The maximum premium amount under chapter 26.19 RCW and WAC 388-11-215; and

(c) Whether or not any order entered under this subsection by the presiding officer in a prior proceeding should be modified under WAC 388-11-140.

(11) In any adjudicative proceeding under this section, the responsible parent shall show cause why the:

(a) Presiding officer should not enter an order requiring the responsible parent to provide medical support; or

(b) Maximum premium amount is incorrect under RCW 26.09.105.

(12) OSE and the presiding officer shall include in agreed settlements and administrative orders for medical responsibility:

(a) Findings of fact regarding the:

(i) Basic support obligation; and

(ii) Maximum premium amount.

(b) Notice that:

(i) The responsible parent shall:

(A) Keep OSE informed of the availability of health insurance and of the policy numbers and extent of the health insurance coverage;

(B) Enroll the children in a health insurance plan under WAC 388-11-215(2) and (3).

(ii) The department will take direct action under WAC 388-14-480, if the responsible parent fails to comply with WAC 388-11-215, or upon the next open enrollment date if the responsible parent agrees to allow OSE to enroll the children in the health insurance plan.

(c) The name, address, employment information, and social security number of the responsible parent;

(d) Policy information of any health insurance coverage currently in effect, covering the dependent children;

(e) Names, Social Security Number, and dates of birth of the dependent children;

(f) Each parent shall notify OSE of a change in residence address; and

(g) A medical support obligation established under this chapter shall continue until:

(i) Modified under WAC 388-11-140;

(ii) Superseded by a superior court order; or

(iii) The child for whom support is assessed reaches the age of majority or is emancipated, unless the child is a full-time student in high school or its vocational equivalent, and is reasonably expected to graduate before turning nineteen years of age, in which case the support obligation will continue until earlier of the child's graduation from high school or the child's nineteenth birthday.

(13) Upon receipt of a request for full support enforcement services, OSE may, at any time before the entry of the initial decision and order, in an adjudicative proceeding requested under subsection (7) of this section, convert the proceeding to a proceeding on a notice and finding of financial responsibility under WAC 388-11-030. To convert the proceeding, OSE shall:

(a) File a copy of the notice and finding of financial responsibility with the presiding officer, and serve the notice on the responsible parent; and

(b) Agree to one continuance, if a party requests additional time to respond to the claim for monetary child support.

(14) The administrative law judge shall allow the office of support enforcement to orally amend the notice at the hearing to conform to the evidence. The administrative law judge may grant a continuance, when deemed necessary, to allow the parties additional time to present rebutting evidence or argument as to the amendment.

(15) The administrative law judge shall not require the office of support enforcement to produce or obtain information, documents, or witnesses to assist the responsible parent in proof of defenses to liability. However, this rule shall not apply to relevant, nonconfidential information or documents that the office of support enforcement has in its possession.

[Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-035, filed 8/16/93, effective 9/16/93.]

**WAC 388-11-040 Service of notice and finding of financial or parental responsibility.** (1) The office of support enforcement shall serve a notice and finding of financial responsibility, or a notice and finding of parental responsibility on a responsible parent:

(a) In a manner prescribed for the service of a summons in a civil action; or

(b) By certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

(2) This regulation does not require OSE to reserve the notice when there has been a break in the payment of public assistance or in the provision of family independence program services.

[Statutory Authority: RCW 74.20A.056. 92-13-026 (Order 3403), § 388-11-040, filed 6/9/92, effective 7/10/92. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-040, filed 8/30/88. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-040, filed 12/14/79; Order 1054, § 388-11-040, filed 9/25/75; Order 875, § 388-11-040, filed 11/16/73.]

**WAC 388-11-045 Service requirements—Tolling.**

(1) For support obligations owed for months on or after September 1, 1979, the department shall exercise reasonable efforts to locate the responsible parent. The department shall serve a notice and finding of financial or parental responsibility within sixty days of the date the state assumes responsibility for the support of a dependent child on whose behalf support is sought. If service is not timely, the department shall lose the right to reimbursement of public assistance payments made after the sixtieth day and before the notice is served. However, the department shall not lose the right to reimbursement of public assistance payments for any period of time:

(a) During which it exercised reasonable efforts to locate the responsible parent; or

(b) For sixty days after the date on which the center for health statistics received an acknowledgement of paternity for the child for whom the state has assumed responsibility, and paternity has not been established.

(2) The department shall not apply this rule to:

(a) Nonassistance cases;

(b) Cases where the residential parent lives out of state;

(c) Cases in which the custodial parent is claiming good cause for not cooperating with the department; and

(d) Cases where parentage is in issue and:

(i) Has not been established by superior court order; or

(ii) Is not the subject of a presumption under RCW 26.26.040 (1)(a) or (e).

(3) The department shall consider a prorated share of each monthly public assistance payment as paid on each day of the month.

(4) For support obligations owed for months before September 1, 1979, and for which a final determination was issued on or after September 1, 1979, the department shall exercise reasonable efforts to locate the responsible parent. The department shall serve a notice and finding of financial responsibility within six months of the date the state assumes responsibility for the support of a dependent child on whose behalf support is sought. If service is not timely, the department shall lose the right to reimbursement of public assistance payments made after the sixth month and before the notice is served. However, the department shall:

(a) Not lose the right to reimbursement of public assistance payments for any period of time during which it exercised reasonable efforts to locate the responsible parent. Reasonable efforts to locate shall be supported by contemporaneous recordings in the department's files;

(b) Not apply this rule to nonassistance cases, cases where the residential parent lives out of state, or cases where parentage is in issue and has not been established by superior court order;

(c) Consider a prorated share of each monthly public assistance payment as paid on each day of the month.

[Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-11-045, filed 2/10/93, effective 3/13/93. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-045, filed 8/30/88. Statutory Authority: RCW 74.08.090. 83-17-007 (Order 1997), § 388-11-045, filed 8/5/83; 80-06-088 (Order 1507), § 388-11-045, filed 5/28/80; 80-01-026 (Order 1465), § 388-11-045, filed 12/14/79.]

**WAC 388-11-048 Request for blood tests—Liability for costs.** (1) At any time after the service of a notice and finding of parental responsibility, the responsible parent may request paternity blood tests. The responsible parent shall make the request in writing and serve the request on the office of support enforcement (OSE) by registered or certified mail or like a summons in a civil action.

(2) Upon receipt of a request for blood tests, OSE shall:

(a) Arrange and pay for the blood test, except as provided in subsection (6) of this section, with a laboratory under contract with the department to perform paternity blood testing; and

(b) Notify the responsible and custodial parents of the time and place to appear to give blood samples.

(3) After OSE receives the blood test results, OSE shall:

- (a) Mail a notice of the blood test results to the:
  - (i) Responsible parent's last known address by certified mail, return receipt requested; and
  - (ii) Custodial parent's last known address by first class mail.
- (b) Notify the responsible parent:
  - (i) Of the costs of the blood tests;
  - (ii) That an administrative order entered as a result of the notice and finding of parental responsibility will include the cost of the blood tests; and
  - (iii) That OSE may take collection action to collect the blood test costs twenty days after the date the responsible parent receives notice of the blood test results if the responsible parent fails to:
    - (A) Request either an adjudicative proceeding or the initiation of a parentage action in superior court; or
    - (B) Negotiate an agreed settlement.
- (4) When the blood tests do not exclude the responsible parent from being the natural parent, the responsible parent shall reimburse the department for the costs of the blood tests.
- (5) When the blood tests exclude the responsible parent from being the natural parent, OSE shall:
  - (a) File a copy of the results with the state center for health statistics;
  - (b) Withdraw the notice and finding of parental responsibility; and
  - (c) Request the dismissal of any pending action based on the notice and finding of parental responsibility.
- (6) RCW 74.20A.056 does not require OSE to arrange for or pay for paternity blood testing when:
  - (a) Such tests were previously conducted; or
  - (b) A court order establishing paternity has been entered.

[Statutory Authority: RCW 74.20A.056. 92-13-026 (Order 3403), § 388-11-048, filed 6/9/92, effective 7/10/92.]

**WAC 388-11-055 Petition for hearing after twenty days—Stay.** (1) Any party expressly entitled to an adjudicative proceeding under provisions of chapters 388-11, 388-13, or 388-14 WAC may, at any time after the designated time period for filing a timely request for an adjudicative proceeding has expired, petition the secretary or the secretary's designee for a late adjudicative proceeding. The department shall schedule adjudicative proceedings to make findings and determinations as outlined in subsections (4) and (6) of this section. "Petitioner" means the individual petitioning for a late hearing.

(2) The petitioner shall also serve a copy of the petition by certified mail, return receipt requested, or like a summons in a civil action on the office of support enforcement.

(3) The filing of a petition for a late adjudicative proceeding shall not stay:

(a) Any collection action taken under chapters 26.18, 26.23, or 74.20A RCW;

(b) The effect of any qualified domestic relations order; or

(c) Certification of the support debt to the Internal Revenue Service for income tax refund offset.

(4) The department shall schedule an adjudicative proceeding to determine whether or not the petitioner has

good cause for failing to file a timely adjudicative proceeding request when the petitioner files the petition more than:

(a) Twenty days after the date of service of the notice the petitioner is objecting to, and the notice the petitioner is objecting to is a:

- (i) Notice of proposed settlement;
- (ii) Notice and finding of financial responsibility served before September 1, 1991;
- (iii) Notice to payee;
- (iv) Notice of support owed.

(b) Ninety days from the date of a notice described under WAC 388-14-270(11); or

(c) One year after the date of service of a:

- (i) Notice and finding of parental responsibility;
- (ii) Notice and finding of financial responsibility served after September 1, 1991;
- (iii) Debt adjustment notice; or
- (iv) Notice and finding of medical responsibility.

(5) If in any proceeding under subsection (4) of this section, the presiding officer finds that the petitioner has good cause for failing to make a timely adjudicative proceeding request:

(a) The presiding officer shall conduct an adjudicative proceeding on the merits of the petitioner's objection to the notice served; and

(b) If the petitioner is the responsible parent, any further collection or enforcement based on the notice served shall be stayed, except for any amounts exempted from a stay on collections by the regulations authorizing the notice when a timely request is filed.

(6) The department shall schedule an adjudicative proceeding to hear the merits of the petitioner's objection to the notice served if the petitioner:

(a) Files the petition for a late adjudicative proceeding more than twenty days, but one year or less from the date of service of the notice; and

(b) The petitioner is objecting to a:

- (i) Notice and finding of financial responsibility served after September 1, 1991;
- (ii) Debt adjustment notice;
- (iii) Notice and finding of parental responsibility; or
- (iv) Notice and finding of medical responsibility.

(7) If the responsible parent fails to make a timely request for an adjudicative proceeding, after proper service of a notice and finding of financial or parental responsibility, the department shall retain or distribute and shall not refund moneys withheld as a result of collection action taken more than twenty days after the date of service of a notice and finding of parental responsibility, or notice and finding of financial responsibility served after September 1, 1991. OSE shall disburse temporary current and future support paid, or collected during the pendency of the hearing or appeal when OSE receives such support.

[Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-055, filed 8/16/93, effective 9/16/93. Statutory Authority: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23.050 and E2SSB 5120 and ESSB 5996. 92-08-034 (Order 3344), § 388-11-055, filed 3/24/92, effective 4/24/92. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-055, filed 8/30/88. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-055, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-055, filed 6/15/78.]

**WAC 388-11-060 Request for hearing.** (1) Any responsible parent who objects to all or any part of the notice and finding of parental or financial responsibility may, within twenty days from the date of service of the notice and finding of parental or financial responsibility, make a written request for a hearing.

(2) The responsible parent shall serve a request for an adjudicative proceeding upon the office of support enforcement by registered or certified mail or like a summons in a civil action.

(3) The department shall only stay collection action under the notice until the administrative order becomes final.

(4) If the responsible parent fails to object, within twenty days, to the notice and finding of parental or financial responsibility, the findings stated in the notice shall become final, subject to the provisions of WAC 388-11-055. Any support debt stated and/or any future periodic support obligation shall be subject to collection action initiated by the department.

[Statutory Authority: RCW 74.20A.056, 92-13-026 (Order 3403), § 388-11-060, filed 6/9/92, effective 7/10/92. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-060, filed 8/30/88. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-11-060, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-060, filed 6/15/78; Order 1054, § 388-11-060, filed 9/25/75; Order 875, § 388-11-060, filed 11/16/73.]

**WAC 388-11-065 Defenses to liability.** (1) A responsible parent who objects to a notice and finding of parental or financial responsibility shall have the burden of establishing defenses to liability. Defenses include, but are not limited to:

- (a) Payment;
- (b) Superior court order;
- (c) He or she is not a responsible parent;
- (d) The amount requested in the notice is inconsistent with the amount assessed under WAC 388-11-205;
- (e) Equitable estoppel, subject to WAC 388-11-067; or
- (f) Any other matter constituting an avoidance or affirmative defense.

(2) A dependent child's or a residential parent's ineligibility to receive public assistance is not a defense to the assessment of a support obligation.

(3) A responsible parent may be excused from providing support for a dependent child receiving public assistance if the responsible parent is the legal custodian of the child and has been wrongfully deprived of physical custody of the child. The responsible parent may only be excused for any period during which such parent was wrongfully deprived of custody. The responsible parent shall establish that:

- (a) A court of competent jurisdiction of any state has entered an order giving legal and physical custody of the child to the responsible parent;
- (b) The custody order has not been modified, superseded, or dismissed;
- (c) The child was taken or enticed from the responsible parent's physical custody and such parent has not subsequently assented to deprivation. Proof of enticement shall require more than a showing that the child is allowed to live without certain restrictions the responsible parent would impose; and

(d) Within a reasonable time after deprivation, the responsible parent exerted and continues to exert reasonable efforts to regain physical custody of the child.

[Statutory Authority: RCW 74.08.090, 94-10-033 (Order 3731), § 388-11-065, filed 4/28/94, effective 5/29/94. Statutory Authority: RCW 74.20A.056, 92-13-026 (Order 3403), § 388-11-065, filed 6/9/92, effective 7/10/92. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-065, filed 8/30/88. Statutory Authority: RCW 74.08.090, 86-05-009 (Order 2340), § 388-11-065, filed 2/12/86; 83-21-014 (Order 2036), § 388-11-065, filed 10/6/83; 80-01-026 (Order 1465), § 388-11-065, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-065, filed 6/15/78; Order 1054, § 388-11-065, filed 9/25/75.]

**WAC 388-11-067 Equitable estoppel.** (1) Equitable estoppel is available in adjudicative proceedings conducted under chapters 388-11, 388-13 and 388-14 WAC.

(2) When a party raises, or the facts indicate, a claim that equitable estoppel applies to a party to the proceeding, the presiding officer shall:

(a) Consider equitable estoppel according to the precedents set by reported Washington state appellate case law, where not contrary to public policy; and

(b) Enter findings of fact and conclusions of law sufficient to determine if the elements of equitable estoppel are met and apply.

(3) The party asserting, or benefiting from, equitable estoppel must prove each element of that defense by clear, cogent and convincing evidence.

(4) The presiding officer shall consider in the record whether a continuance is necessary to allow the parties to prepare to argue equitable estoppel when:

- (a) A party raises equitable estoppel; or
- (b) The facts presented require consideration of equitable estoppel.

(5) When the presiding officer orders a continuance under subsection (4) of this section, the presiding officer shall enter an initial decision and order for current support if:

- (a) Current support is an issue in the proceeding; and
- (b) The claim for current support is unaffected by the equitable estoppel defense.

(6) The defense of equitable estoppel is not available to a party to the extent that the:

- (a) Party raises the defense against the department's claim for reimbursement of public assistance; and
- (b) Act or representation forming the basis for an estoppel claim:

(i) Was made by a current or former public assistance recipient;

(ii) Was made on or after the effective date of the assignment of support rights; and

(iii) Purported to waive, satisfy, or discharge a support obligation assigned to the department.

[Statutory Authority: RCW 74.08.090, 94-10-033 (Order 3731), § 388-11-067, filed 4/28/94, effective 5/29/94.]

**WAC 388-11-100 Duty of the administrative law judge.** (1) In hearings held under this chapter to contest a notice and finding of financial responsibility or a notice and finding of parental responsibility, the administrative law judge shall determine:

(a) The responsible parent's obligation to provide support under RCW 74.20A.057;

(b) The net monthly income of the responsible parent and any residential parent;

(c) The responsible parent's share of the basic support obligation and any adjustments to that share, as warranted by his or her circumstances;

(d) If requested by a party, the responsible parent's share of any special child-rearing expenses;

(e) The responsible parent's obligation to provide medical support under WAC 388-11-215;

(f) The responsible parent's accrued debt and order payments thereon; and

(g) The responsible parent's total current and future support obligation as a sum certain and order payments thereon.

(2) The administrative law judge shall allow the office of support enforcement to orally amend the notice at the hearing to conform to the evidence. The administrative law judge may grant a continuance, when deemed necessary, to allow the responsible parent additional time to present rebutting evidence and/or argument as to the amendment.

(3) The administrative law judge shall not require the office of support enforcement to produce or obtain information, documents, or witnesses to assist the responsible parent in proof of defenses to liability. However, this rule shall not apply to relevant, nonconfidential information or documents that the office of support enforcement has in its possession.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-11-100, filed 2/5/90, effective 3/1/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-100, filed 8/30/88. Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-11-100, filed 2/12/86; 80-01-026 (Order 1465), § 388-11-100, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-100, filed 6/15/78; Order 1054, § 388-11-100, filed 9/25/75; Order 875, § 388-11-100, filed 11/16/73.]

**WAC 388-11-120 Default—Vacate.** (1) If the responsible parent fails to appear at a hearing, the administrative law judge shall, upon a showing of valid service, enter an initial decision and default order. The administrative law judge shall state in the decision that the:

(a) Support debt and the current support obligation stated in the notice and finding of financial or parental responsibility are assessed, determined, and subject to collection action; or

(b) Health insurance provisions of the notice and finding of medical responsibility are subject to direct enforcement action.

(2) Decisions and orders on default become final twenty-one days from the date of mailing under WAC 388-08-464.

(3) Any party against whom the administrative law judge has entered an initial decision and order on default may petition the secretary or the secretary's designee for vacation of the default order.

(4) The petitioning party shall:

(a) File the petition within one year from the:

(i) Effective date of this subsection; or

(ii) Date of notice of default.

(b) Serve a copy of the petition on the office of support enforcement like a summons in a civil action, or by any form of mail requiring a return receipt.

(5) The department shall:

(a) Schedule an adjudicative proceeding to determine whether or not the petitioner has good cause for vacating the default order; and

(b) Give any other parties to the proceeding notice of the time and date of the proceeding.

(6) If, in any proceeding under subsection (3) of this section, the presiding officer finds that the petitioner has good cause for vacating the default order, the presiding officer shall:

(a) Conduct an adjudicative proceeding on the merits of the petitioner's objection to the notice that was the basis for the proceeding at which the petitioner failed to appear; and

(b) Stay any further collection to the extent provided for under the regulations authorizing the notice the responsible parent originally objected to.

(7) "Good cause" is the same standard as that prescribed for failure to make a timely hearing request under WAC 388-11-011(12).

[Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-120, filed 8/16/93, effective 9/16/93. Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-11-120, filed 2/10/93, effective 3/13/93. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-120, filed 8/30/88. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-120, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-120, filed 6/15/78; Order 1054, § 388-11-120, filed 9/25/75; Order 875, § 388-11-120, filed 11/16/73.]

**WAC 388-11-135 Service.** Service of the decision and order or notice of hearing pursuant to WAC 388-11-100 or 388-11-120 shall be by mailing a copy of the decision and order or notice of hearing to the last known address of the:

(1) Appellant by certified mail; and

(2) Appellant's attorney or other representative at the hearing, if any.

[Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-135, filed 8/16/93, effective 9/16/93. Statutory Authority: RCW 74.08.090. 81-05-021 (Order 1605), § 388-11-135, filed 2/11/81; 78-07-015 (Order 1305), § 388-11-135, filed 6/15/78.]

**WAC 388-11-140 Modification.** (1) A party to an administrative order for support, including the department, may request an adjudicative proceeding to prospectively modify the parent's obligation. A party shall make such a request in declaration form and shall state:

(a) Any circumstances that have changed; and

(b) The amount of support the circumstances now warrant.

(2) The petitioning party shall serve the request for modification on the department like a summons in a civil action or by certified mail, return receipt requested.

(3) The department shall serve copies of the petition on all other parties like a summons in a civil action or by certified mail return receipt requested.

(4) OSE, the presiding officer or the department review judge shall prospectively modify orders according to the terms of chapter 26.19 RCW and RCW 74.20A.059.

(5) If the responding party fails to appear at the hearing, the presiding officer shall issue a default order based on the Washington state child support schedule, and worksheets submitted by the parties, and considering the terms set out in the request for modification. If the petitioning party fails



to appear at the hearing, the presiding officer shall enter an order dismissing the request for modification.

(6) The presiding officer may set the effective date of modification as the date the order is issued, the date the request was made, or any time in between. If an effective date is not set, the effective date shall be the date the modification order is entered.

[Statutory Authority: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23.050 and E2SSB 5120 and ESSB 5996. 92-08-034 (Order 3344), § 388-11-140, filed 3/24/92, effective 4/24/92. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-140, filed 8/30/88. Statutory Authority: RCW 74.08.090. 81-05-021 (Order 1605), § 388-11-140, filed 2/11/81; 80-01-026 (Order 1465), § 388-11-140, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-140, filed 6/15/78; Order 1054, § 388-11-140, filed 9/25/75; Order 875, § 388-11-140, filed 11/16/73.]

**WAC 388-11-143 Department review of support orders.** (1) When the office of support enforcement (OSE) is providing support enforcement services under Title IV-D of the Social Security Act, OSE shall:

(a) Review a superior court or administrative order for child support to determine whether OSE will petition to modify the child support provisions of the order; or

(b) Evaluate an interstate case to determine whether to refer the case to another state for review of the support order for modification.

(2) Recipients of payment services only under WAC 388-14-300(1), are not eligible for a review of their support order under this section until they have submitted an application for support enforcement services.

(3) OSE shall review orders for child support under subsection (1) of this section when:

(a) OSE has enough locate information to obtain personal service on both parties to the order; and

(b) The department is paying public assistance or has determined that the children are eligible for medical assistance, and thirty-five months have passed since:

(i) OSE last reviewed the order under this section;

(ii) The order was last modified; or

(iii) The order was entered; or

(c) A party to the order, or another state's IV-D agency submits a request for review to OSE and thirty-five months have passed since:

(i) OSE or another state's IV-D agency last reviewed the order under this section;

(ii) The order was last modified; or

(iii) The order was entered.

(4) OSE may refer a request for review to another state's IV-D agency for action.

(5) OSE shall:

(a) Notify recipients of support enforcement services, that the review and modification process is available; and

(b) Send notice of a pending review by regular mail to the last known address of the parties to the order thirty days before the review. The notice shall explain the parties':

(i) Rights in the review and modification process; and

(ii) Responsibility to submit:

(A) Completed Washington state child support schedule worksheets; and

(B) Income verification as required by the Washington state child support schedule, chapter 26.19 RCW.

(6) During the thirty days before conducting the review, OSE shall use all appropriate procedures to obtain up to date income and asset information.

(7) Under this section, OSE shall petition to modify the order when OSE finds during the review that each of the following conditions are present:

(a) The proposed change in child support based on the Washington state child support schedule:

(i) Is at least twenty-five percent above or below the current support obligation;

(ii) Is at least one hundred dollars per month above or below the current support obligation; and

(iii) Is at least a two thousand four hundred dollar change over the remaining life of the support order; or

(iv) Will provide enough income to:

(A) Make the family ineligible for public assistance if the responsible parent pays the full amount due under the proposed order; or

(B) Allow a family, otherwise eligible for public assistance, to remain off of assistance.

(b) The case meets the legal requirements for modification under RCW 26.09.170, 74.20A.059, or WAC 388-11-140.

(8) OSE may petition to modify the order without regard to subsection (7)(a) of this section when:

(a) The order does not require the responsible parent to provide health insurance coverage for the children; and

(b) Health insurance coverage is available through the responsible parent's employer or union at a reasonable cost; or

(c) Both parties agree to an order modifying the support amount.

(9) OSE shall notify the parties of:

(a) The findings of the review by regular mail at the parties' last known address;

(b) The parties' right to challenge the review findings; and

(c) The appropriate forum and procedure for challenging the review findings.

(10) Except as provided under subsection (12) of this section, a party to the review process may contest OSE's review findings by requesting a modification conference within 30 days of the date of the notice of review findings.

(11) The modification conference shall be conducted by:

(a) OSE when the review findings indicate that the case is not appropriate for OSE to petition for modification under subsection (7) or (8) of this section;

(b) The county prosecutor, or the attorney general's office when OSE has referred the case to the prosecutor or attorney general's office as a result of a review conducted under this section.

(12) When OSE has petitioned for modification of:

(a) A superior court order, the prosecutor or attorney general's office may, in their discretion, allow the parties to contest the review findings in the modification proceeding, rather than a modification conference. The modification proceeding shall be the sole means to contest the review findings.

(b) An administrative order, the parties may contest the review findings in the modification proceeding. In this case, the modification proceeding shall be the sole means to contest the review findings.

(13) In a modification conference, OSE, the prosecutor, or the attorney general's office:

(a) Shall review all available income and asset information to determine if the review findings are correct; and

(b) Shall advise the parties of the results of the modification conference.

(14) A modification conference is not an adjudicative proceeding under the administrative procedure act, chapter 34.05 RCW.

(15) This section does not limit the right of any party to petition for a modification of the support order independent from the review and modification process.

(16) OSE shall not review an order under this section when the CSO has notified OSE that the physical custodian has claimed good cause under WAC 388-24-111, unless one of the parties requests the review.

(17) The physical custodian's refusal to accept a proposed agreed order modifying support shall not constitute noncooperation for the purpose of WAC 388-14-200, or 388-14-420.

(18) OSE shall apply the Washington state child support schedule when reviewing support orders under this section. All deviations available under chapter 26.19 RCW, are available in the review and modification process under this section.

(19) For the purpose of this section, the term "party" means party to a superior court order, a responsible parent or a physical custodian entitled to petition for modification under RCW 74.20A.059.

[Statutory Authority: RCW 74.08.090 and 45 CFR 302.70, 303.7 and 303.8. 93-24-014 (Order 3671), § 388-11-143, filed 11/19/93, effective 12/20/93.]

**WAC 388-11-145 Notice to parties.** (1) It shall be the responsibility of the parties to notify the department of:

(a) Their mailing addresses at the time the request for hearing is made; and

(b) Any subsequent change of mailing address during the pendency of the appeal including any review by the courts.

(2) When the department has notified a party of this responsibility, mailing by the department by certified mail to the party's last known address constitutes service of notice under chapters 388-11, 388-13, and 388-14 WAC.

[Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5). 93-17-060 (Order 3622), § 388-11-145, filed 8/16/93, effective 9/16/93. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-11-145, filed 12/14/79.]

**WAC 388-11-150 Consent order and agreed settlement.** (1) The department may enter a consent order or agreed settlement to dispose of any contested case. The department shall use consent orders and agreed settlements in any case in which such informal disposition is feasible.

(a) An agreed settlement shall be effective without approval of an administrative law judge.

(b) A consent order shall require the approval of an administrative law judge to be effective. The administrative law judge shall approve a consent order without requiring testimony or a hearing unless the entry of such an order would be specifically contrary to law.

(2) If negotiations to a consent order or agreed settlement are commenced within twenty days of service of the notice and finding of financial, or parental responsibility, and such negotiations fail, the responsible parent shall have an additional twenty days from the date the negotiations fail to request a hearing. The department shall consider a hearing request filed within twenty days of the date negotiations failed, to be timely.

(3) A party to a consent order or an agreed settlement may:

(a) Not petition for review of the settlement or order under WAC 388-08-464;

(b) Petition for modification under WAC 388-11-140; and

(c) Petition to vacate the settlement or order under WAC 388-11-115.

[Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-11-150, filed 2/10/93, effective 3/13/93. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-150, filed 8/30/88. Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-11-150, filed 2/12/86; 82-17-068 (Order 1864), § 388-11-150, filed 8/18/82; 81-05-021 (Order 1605), § 388-11-150, filed 2/11/81; 80-01-026 (Order 1465), § 388-11-150, filed 12/14/79; Order 875, § 388-11-150, filed 11/16/73.]

**WAC 388-11-155 Duration of obligation.** (1) A responsible parent's obligation to pay support under an administrative order shall continue in effect until:

(a) Superseded by a superior court order;

(b) Modified under WAC 388-11-140;

(c) The child reaches eighteen years of age;

(d) The child is emancipated;

(e) The child is married;

(f) The child becomes a member of the United States armed forces;

(g) The child or the responsible parent die;

(h) A responsible stepparent's marriage is dissolved; or

(i) A superior court order terminates the responsible parent's liability as provided under RCW 26.16.205.

(2) As an exception to the above rule, a responsible parent's obligation to pay support under an administrative order shall continue and/or may be established for a dependent child who is:

(a) Under nineteen years of age; and

(b) A full-time student reasonably expected to complete a program of secondary school or the equivalent level of vocational or technical training before the end of the month in which the student becomes nineteen years of age.

(3) A responsible parent's obligation to pay support under an administrative order shall be temporarily suspended when the:

(a) Responsible parent resides with the child for whom support is sought for purposes other than visitation;

(b) Responsible parent reconciles with the child and the residential parent; or

(c) Child returns to the residence of the responsible parent from a foster care placement, for purposes other than visitation.

(4) When the responsible parent's obligation to pay current support on a case is suspended under subsection (3) of this section, OSE shall inform the responsible parent that the obligation is suspended, in writing, sent by regular mail to the last known address of the responsible parent.

(5) If circumstances causing a responsible parent's support obligation to be temporarily suspended change, the support obligation shall resume. OSE shall send the responsible parent a notice informing the parent that the obligation to make current support payments has resumed.

[Statutory Authority: RCW 74.08.090, 92-13-026 (Order 3403), § 388-11-155, filed 6/9/92, effective 7/10/92. Statutory Authority: 1990 1st ex.s. c 2, 90-20-072 (Order 3081), § 388-11-155, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-155, filed 8/30/88. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-11-155, filed 12/14/79.]

**WAC 388-11-170 Collection of debts determined.**

(1) As authorized under chapters 26.18, 26.23, 74.20, and 74.20A RCW, the office of support enforcement (OSE):

(a) Shall take action enforcing and collecting support obligations; and

(b) May take collection action against the responsible parent's income and assets to collect a support debt even if the parent makes payments under a support order, unless OSE agrees, in writing, to limit OSE's right to take action.

(2) If a responsible parent fails to make the total support payment when due under an administrative order:

(a) The entire support debt shall become due in full; and

(b) The portion of the administrative order designating periodic payments to satisfy the support debt shall be deemed vacated without the necessity of further action by the presiding officer.

(3) After a responsible parent fails to make payments when due, the presiding officer may not stop collection action by OSE and the responsible parent may only seek review of collection in:

(a) Superior court under RCW 74.20A.200 or other applicable state statutes; or

(b) A conference board under WAC 388-14-385.

[Statutory Authority: RCW 74.08.090 and 45 CFR 302-33 (a)(5), 93-17-060 (Order 3622), § 388-11-170, filed 8/16/93, effective 9/16/93. Statutory Authority: 1990 1st ex.s. c 2, 90-20-072 (Order 3081), § 388-11-170, filed 9/28/90, effective 10/29/90. Statutory Authority: RCW 74.08.090, 78-07-015 (Order 1305), § 388-11-170, filed 6/15/78; Order 1054, § 388-11-170, filed 9/25/75; Order 875, § 388-11-170, filed 11/16/73.]

**WAC 388-11-180 Procedural reference.** Hearings held under this chapter shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 74.20A.055, and chapters 388-08 and 388-11 WAC. If any provision of this chapter conflicts with or is inconsistent with chapter 388-08 WAC, the provision in this chapter governs.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090, 90-04-077 (Order 3005), § 388-11-180, filed 2/5/90, effective 3/1/90. Statutory Authority: 1988 c 275, 88-18-031 (Order 2689), § 388-11-180, filed 8/30/88. Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-11-180, filed 12/14/79; 78-07-015 (Order 1305), § 388-11-180, filed 6/15/78; Order 1054, § 388-11-180, filed 9/25/75; Order 875, § 388-11-180, filed 11/16/73.]

**WAC 388-11-205 Assessing support.** (1) In any adjudicative proceeding, agreed settlement or consent order involving the administrative establishment of a support obligation, the responsible parent and any residential parent shall complete worksheets approved by the administrator for the courts under RCW 26.19.050. The support enforcement division (SED) may complete a worksheet on behalf of a

residential parent receiving public assistance, or residing in another state.

(2) SED and the presiding or review officer shall determine the basic support obligation according to the Washington state child support schedule, chapter 26.19 RCW.

(3) SED and the presiding or review officer may impute income based on the standards for imputing income stated at chapter 26.19 RCW. A recipient's eligibility for and receipt of AFDC benefits shall raise a rebuttable presumption that the recipient is:

(a) Complying with all assistance program eligibility requirements including job search requirements; and

(b) Not voluntarily under-employed or unemployed.

(4) SED and the presiding or review officer shall adjust a responsible parent's share of the basic support obligation to reflect circumstances in the parent's household and the household of any residential parent. SED and the presiding or review officer:

(a) May in compliance with RCW 26.19.075, deviate from the amount of child support calculated using the standard calculation when the amount is unjust or inappropriate in the particular case; and

(b) Shall not enter an order or agreed settlement deviating from the standard calculation without specific reasons for the deviation set forth in the order and supported by the evidence.

(5) If requested, SED and the presiding or review officer shall:

(a) Assess responsibility for known health care, day care, and special child-rearing expenses under the Washington state child support schedule;

(b) Apportion responsibility for unknown and or future health care, day care, and special child-rearing expenses between the parents in the same proportion as the basic support obligation; and

(c) Assess responsibility for birth costs under WAC 388-11-220.

(6) A responsible parent's total support obligation shall consist of:

(a) The amount determined according to the Washington state child support schedule, including the effect of any deviations from the basic child support obligation;

(b) Amounts the responsible parent is obligated to pay for health insurance; and

(c) Amounts the responsible parent is obligated to pay for day care and special child-rearing expenses.

(7) A responsible parent shall pay:

(a) Health insurance premiums directly to the responsible parent's insurance provider;

(b) All other amounts, including amounts currently paid to third parties for special child-rearing expenses, to the Washington state support registry.

(8) A responsible parent's total administrative current support obligation shall not exceed forty-five percent of the responsible parent's net income unless the presiding officer finds good cause for exceeding the forty-five percent limitation. Good cause includes but is not limited to:

(a) The responsible parent has substantial wealth;

(b) A child on whose behalf support is sought has special medical or educational needs;

(c) Large families;

- (d) Psychological need; or
- (e) Children with daycare expenses.

(9) The parties' combined monthly net income of less than six hundred dollars shall raise a rebuttable presumption that the support obligation should be not less than twenty-five dollars per month per child. SED, the presiding officer or the review judge may deviate from the presumptive amount in compliance with RCW 26.19.075, and subsection (4) of this section.

(10) Neither the presiding officer nor SED shall set a current support obligation that reduces the responsible parent's income below the needs standard for one person adopted under RCW 74.04.770, except:

(a) That SED, the presiding officer, and the review judge shall not enter or agree to an order for less than twenty-five dollars per month per child, unless there are grounds for a deviation from that amount; or

(b) If the presiding officer finds reasons for deviation under chapter 26.19 RCW.

(11) When the department is assessing a child support debt for a dependent child placed in foster care or living with a nonneedy relative, SED, the presiding officer or the review judge shall calculate the support obligation using the child support schedule as follows:

(a) Combine the net income of both parents in the "father" column on the worksheet and not attribute income in the "mother" column when the responsible parents reside together;

(b) Calculate each parent's support obligation independently and attribute no income to the other parent when the responsible parents do not reside together; and

(c) Assess support only for the child named in the notice.

(12) SED, presiding officers, and department review judges shall:

(a) Apply any legislative changes to the Washington state child support schedule prospectively only from the effective date of the legislation unless the legislative change is specifically retroactive in effect;

(b) Assess support debts for past periods of time according to the Washington state child support schedule in effect at the time the support debt accrued; and

(c) Assess child support debts accrued before July 1, 1988 according to the Washington state child support schedule that became effective July 1, 1988.

[Statutory Authority: RCW 74.08.090 and N.R. vs. Soliz, U.S. District Court Docket #C93-5338B. 94-10-064 (Order 3733), § 388-11-205, filed 5/3/94, effective 6/3/94. Statutory Authority: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23.050 and E2SSB 5120 and ESSB 5996. 92-08-034 (Order 3344), § 388-11-205, filed 3/24/92, effective 4/24/92. Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-205, filed 9/28/90, effective 10/29/90. 88-18-031 (Order 2689), § 388-11-205, filed 8/30/88.]

**WAC 388-11-210 Administrative orders.** (1) The department and the presiding officer shall include in every administrative child support order the:

(a) Responsible parent's and residential parent's net income;

(b) Amount of the responsible parent's share of the basic support obligation without adjustments;

(c) Amount of the responsible parent's share of the basic support obligation after adjustments;

(d) Specific reasons for deviation, if the adjusted amount is different than the unadjusted amount;

(e) Total amount of the responsible parent's support obligation with the transfer payment stated as an amount per month per child;

(f) Specific day of the month on which the support payment is due;

(g) Responsible parent's Social Security Number, residence address, and the name of the responsible parent's employer;

(h) Residential parent's Social Security Number;

(i) Names, birthdates, and Social Security Numbers, if any, of the dependent child;

(j) Disposition of the responsible parent's obligation to provide health insurance under WAC 388-11-215;

(k) Statement that the responsible parent shall make all support payments to the Washington state support registry;

(l) Statement that each parent shall notify the Washington state support registry of a change in resident address;

(m) Statement that the responsible parent must keep the Washington state support registry informed of the:

(i) Name and address of that parent's employer;

(ii) Availability of health insurance coverage for the dependant children at reasonable cost; and

(iii) If health insurance is available, of the health insurance policy information.

(n) Statement that a support obligation established under this chapter shall continue until:

(i) Modified under WAC 388-11-140;

(ii) Superseded by a superior court order; or

(iii) The child for whom support is assessed reaches the age of majority or is emancipated, unless the child is a full-time student in high school or its vocational equivalent, and is reasonably expected to graduate before turning nineteen years of age, in which case the support obligation shall continue until the earlier of the child's graduation from high school or the child's nineteenth birthday; and

(o) Statement that the responsible parent is liable for the following costs based on the parent's proportionate share of the basic support obligation, if these costs are known when the order is entered:

(i) Health care costs, including extraordinary health care costs, not covered by health insurance;

(ii) Day care expenses; and

(iii) Approved special child-rearing expenses.

(2) Unless the presiding officer finds good cause or approves an alternate payment arrangement under subsection (3) of this section, the support order shall contain a statement that the department may issue a notice of payroll deduction under chapter 26.23 RCW or may take other income withholding action under chapters 26.18 or 74.20A RCW at any time, without further notice to the responsible parent.

(3) The presiding officer may enter an order that does not contain the notice required by subsection (2) of this section if the presiding officer:

(a) Finds that one of the parties has demonstrated good cause not to require immediate income withholding; or

(b) Approves a written agreement signed by both parties that provides for an alternate payment arrangement.

(4) All support orders containing an alternate payment arrangement approved under subsection (3)(a) or (b) of this section shall include a statement that the department may issue a notice of payroll deduction under chapter 26.23 RCW or may take other income withholding action under chapters 26.18 or 74.20A RCW when a support payment is not paid when due and an amount equal to or greater than the support payable for one month is owed.

(5) The department and the presiding officer shall:

(a) Base all findings of good cause under subsection (3)(a) of this section on a finding that immediate wage withholding would not be in the best interest of the child; and

(b) Include in the support order a written explanation of why immediate wage withholding would not be in the best interests of the child.

(6) When modifying an existing support order, the department and the presiding officer shall not make a finding of good cause under subsection (3)(a) of this section without:

(a) Finding that immediate wage withholding would not be in the best interest of the child;

(b) Proof of timely payment of previously ordered support; and

(c) Including a written explanation of why immediate wage withholding would not be in the best interests of the child.

[Statutory Authority: RCW 74.08.090 and 45 CFR 303.11 and 45 CFR 303.100. 93-05-020 (Order 3512), § 388-11-210, filed 2/10/93, effective 3/13/93. Statutory Authority: Chapters 74.20A and 26.19 RCW, RCW 74.20A.059 and 26.23.050 and E2SSB 5120 and ESSB 5996. 92-08-034 (Order 3344), § 388-11-210, filed 3/24/92, effective 4/24/92. Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-210, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-210, filed 8/30/88.]

**WAC 388-11-215 Health insurance.** (1) A parent owing a duty of support shall be obligated to provide health insurance for the parent's dependent child if the coverage is:

(a) Available or becomes available through employment or is union related; and

(b) Available at a cost not greater than twenty-five percent of the parent's basic support obligation.

(2) Following the entry of an administrative order requiring health insurance, the responsible parent shall within twenty days:

(a) Provide health insurance coverage;

(b) Provide proof of coverage to the office of support enforcement (OSE). Proof of coverage shall include, but not be limited to, documentation showing the:

(i) Name of the insurer providing the health insurance coverage;

(ii) Names of the beneficiaries covered;

(iii) Policy number;

(iv) Coverage is current; and

(v) Name and address of the responsible parent's employer.

(c) Inform OSE if coverage is not currently available.

(3) If health insurance coverage for the child is not immediately available, the responsible parent shall provide for coverage during the next open enrollment period and submit proof of coverage as required under subsection (2)(b) of this section.

(4) A responsible parent shall only be entitled to the reduction for health insurance premiums paid if:

(a) The responsible parent submits proof of coverage to OSE as required under WAC 388-11-215;

(b) The responsible parent pays the required premium; and

(c) If the responsible parent fails to submit proof or pay the premium, OSE shall collect the adjusted basic support obligation without a reduction for health insurance premium payments.

(5) Health insurance shall not include medical assistance provided by the department under chapter 74.09 RCW.

[Statutory Authority: 1990 1st ex.s. c 2. 90-20-072 (Order 3081), § 388-11-215, filed 9/28/90, effective 10/29/90. Statutory Authority: 1988 c 275. 88-18-031 (Order 2689), § 388-11-215, filed 8/30/88.]

**WAC 388-11-220 Liability for birth costs.** (1) The department may assess a responsible parent's liability for a dependent child's birth costs, not covered by health insurance, if there is no superior court order assessing or relieving the responsible parent of liability for birth costs. The department shall assess liability for birth costs based on the parent's proportionate share of the basic support obligation for the child, except as provided under subsections (4) and (5) of this section. Medical assistance provided by the department under chapter 74.09 RCW is not health insurance.

(2) The office of support enforcement (OSE) may serve an affidavit of birth costs on the responsible parent by certified mail to the parent's last known address if the actual costs of birth were not included in the notice and finding of parental responsibility.

(3) OSE may take action to collect the birth costs under chapter 26.23 and 74.20A RCW:

(a) Twenty days after service of the affidavit of birth costs or service of a notice and finding of parental responsibility stating birth costs, unless the responsible parent requests an adjudicative proceeding under subsection (4) of this section; or

(b) After the entry of a support order requiring payment of birth costs.

(4) A responsible parent may request an adjudicative proceeding seeking a reduction of, or relief from, the parent's liability for birth costs. The department shall:

(a) Assess liability for birth costs in the lesser of the following amounts:

(i) The responsible parent's proportional share of the actual birth costs the custodial parent paid based on the responsible parent's share of the combined net income of the parties; or

(ii) Twenty-five percent of the greater of the:

(A) Responsible parent's annual net income; or

(B) Approximate median net annual income for a person in the responsible parent's age group as published in the Washington state support schedule.

(b) Relieve the responsible parent from liability based on a written finding supported by evidence that the parent is unemployable and disability benefits are the parent's only source of income.

(5)(a) The department shall not establish a liability for birth costs paid by the department, except that the department shall be allowed to:

(i) Establish and collect reimbursement for blood test costs paid by the department; and

(ii) Collect reimbursement for birth costs as awarded to the department in an existing superior court order or administrative order.

(b) Nothing in this rule shall prohibit the department from:

(i) Establishing and collecting a liability for birth costs actually incurred by a recipient of nonassistance support enforcement services on behalf of that recipient; or

(ii) Seeking reimbursement for birth costs from any available health insurance coverage.

[Statutory Authority: 1990 1st ex.s. c 2. 91-10-027 (Order 3163), § 388-11-220, filed 4/23/91, effective 5/24/91; 90-20-072 (Order 3081), § 388-11-220, filed 9/28/90, effective 10/29/90.]

### Chapter 388-13 WAC

#### RECOVERY OF SUPPORT PAYMENTS

##### WAC

388-13-010	Debt, assignment, recoupment, set-off.
388-13-020	Notice of support debt.
388-13-030	Service of notice of support debt.
388-13-040	Failure to make answer or request for hearing.
388-13-050	Petition for hearing after twenty days—Stay.
388-13-060	Timely application for hearing.
388-13-070	Hearing—Initial decision.
388-13-085	Collection action.
388-13-090	Limitation on proceeding.
388-13-100	Acknowledgment of debt.
388-13-110	Default.
388-13-120	Procedural reference.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-13-080	Review of initial decision. [Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-080, filed 12/14/79.] Repealed by 90-04-077 (Order 3005), filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090.
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**WAC 388-13-010 Debt, assignment, recoupment, set-off.** (1) Sections 17 and 18, chapter 171, Laws of 1979 ex. sess. [RCW 74.20.320 and 74.20A.270], provide that a custodian of children or other person who receives support moneys which moneys were paid, in whole or in part, in satisfaction of a support obligation owing to the department pursuant to 42 U.S.C. 602 (a)(26)(A), sections 17 and 22, chapter 171, Laws of 1979 ex. sess., or RCW 74.20A.030 has a duty to remit said moneys to the office of support enforcement within eight days of receipt by the custodian or other person and is indebted to the department in an amount equal to the amount of the support money received and not remitted.

(2) By not remitting support moneys described in subsection (1) of this section, a custodial parent or other person is deemed, without the necessity of signing any document, to have made an irrevocable assignment to the department of an equal amount of any support delinquency not already assigned to the department, but owing to the

custodial parent or other person, or an equal amount of any support delinquencies which may accrue in the future. The office of support enforcement is authorized to utilize the collection procedures of chapter 74.20A RCW to collect this assigned delinquency, satisfying the obligation owed under subsection (1) of this section by the custodial parent or other person.

(3) The office of support enforcement may also make a set-off to effect satisfaction of the debt under subsection (1) of this section from support moneys in its possession or in the possession of a county clerk or other forwarding agent if said moneys were paid to satisfy a support delinquency.

(4) Action may be taken alternatively or simultaneously under subsections (1), (2) and (3) of this section but in no event may the department recoup and retain more moneys than the debt described under subsection (1) of this section, refunding the excess, without deduction of fees, to the custodian of the children.

(5) The custodial parent or other person shall be given an accounting of actions taken under subsections (2) or (3) of this section.

[Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-010, filed 12/14/79.]

**WAC 388-13-020 Notice of support debt.** The notice of support debt shall set forth:

(1) The amount of support moneys claimed by the department as property of the department by assignment, subrogation or by operation of law or legal process under chapter 74.20A RCW;

(2) The legal basis for the claim of ownership by the department;

(3) A description of the person, firm, corporation, association, or political subdivision who is or has been in possession of the support moneys together with sufficient detail to enable identification of the moneys in issue;

(4) A statement that, effective with the date of service of the notice, all moneys not yet disbursed or spent and all like moneys to be received in the future are deemed to be impounded and shall be held in trust pending answer to the notice and any hearing which is requested;

(5) A statement that the notice shall be answered, under oath and in writing, within twenty days of the date of service of the notice;

(6) A statement that the answer made under subsection (5) of this section shall include true answers to the matters inquired of and that said answer shall also acknowledge the department's right to the moneys or request an administrative hearing to determine ownership of the moneys in issue;

(7) A statement that the burden of proof in said hearing is on the department to establish ownership of the support moneys claimed;

(8) A statement that, if the person, firm, corporation, association, or political subdivision or officer or agent thereof fails to answer and/or make a request for hearing in a timely manner, the department's claim shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 74.20A RCW; and

(9) A statement that a support debt, as assessed and determined, is subject to collection action and that the property of the debtor, without further advance notice or

hearing, is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt: *Provided*, That no collection action may be taken against a recipient of public assistance during the period of time the recipient remains on assistance except as provided in RCW 74.20A.270 and WAC 388-14-200(4).

[Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-13-020, filed 2/12/86; 80-01-026 (Order 1465), § 388-13-020, filed 12/14/79.]

**WAC 388-13-030 Service of notice of support debt.**

The notice of support debt shall be served on the person, firm, corporation, association, or political subdivision or any officer or agent thereof by the office of support enforcement or its agent in the manner prescribed for the service of a summons in a civil action, or by certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

[Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-030, filed 12/14/79.]

**WAC 388-13-040 Failure to make answer or request for hearing.** If the person, firm, corporation, association, or political subdivision or any officer or agent thereof served with a notice of support debt fails to answer, in a timely manner, the claim of the department shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 74.20A RCW.

[Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-040, filed 12/14/79.]

**WAC 388-13-050 Petition for hearing after twenty days—Stay.** (1) The person, firm, corporation, association, political subdivision or any officer or agent thereof served with a notice of support debt at any time within one year from the date of service of said notice may petition the secretary or the secretary's designee for a hearing, as provided for but not previously granted under WAC 388-13-070, upon a showing of any of the grounds enumerated in RCW 4.72.010 or CR 60. A copy of said petition shall also be served by certified mail, return receipt requested, or by service in the manner of a summons in a civil action on the district field office of the office of support enforcement. The filing of the petition shall not stay any collection action being taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending final decision of the secretary or the secretary's designee or the courts on an appeal made under chapter 34.05 RCW.

(2) Any moneys held and/or taken by collection action prior to the date of any such stay and any support moneys claimed by the department, including moneys to be received in the future, to which the department may have a claim, shall be held in trust pending the final decision and appeal, if any, to be disbursed in accordance with the final decision. The secretary or the secretary's designee shall condition the stay to provide for the trust.

(3) If a petition for a hearing is filed, the department shall serve the notice of hearing on the appellant, the appellant's attorney, or other designated representative by certified mail or other method showing proof of receipt.

(4) The department shall notify the appellant that it is the appellant's responsibility to notify the department of the appellant's mailing address at the time the petition is filed and also of any change of address after filing the petition. Mailing by certified mail, return receipt requested, to the last address provided by the appellant shall constitute service under chapters 74.20A and 34.05 RCW.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-13-050, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-050, filed 12/14/79.]

**WAC 388-13-060 Timely application for hearing.**

(1) Any debtor who objects to all or any part of a notice of support debt shall have the right, for not more than twenty days from the date of service of the notice of support debt, to file an application for an adjudicative proceeding, in writing, at the district office of the office of support enforcement by certified mail or by personal service. An application under this section shall be construed to be a general denial of liability to the department.

(2) The execution of the notice of support debt shall be stayed pending the final adjudicative order.

(3) If an application is timely filed, the department shall serve the notice of hearing on the appellant or the appellant's representative by certified mail or another method showing proof of receipt.

(4) The department shall notify the appellant that it is the appellant's responsibility to notify the department of the appellant's mailing address at the time the application is filed and also of any change of address after filing the application. Mailing by certified mail, return receipt requested, to the last address provided by the appellant shall constitute service under chapters 74.20A and 34.05 RCW.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-13-060, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-060, filed 12/14/79.]

**WAC 388-13-070 Hearing—Initial decision.** (1) If the petition or application is granted, it shall be an adjudicative proceeding limited to the determination of the ownership of the moneys claimed in the notice of support debt and/or the reasonableness of a repayment agreement presented to a public assistance recipient for the purpose of recovering child support under RCW 74.20A.270 and WAC 388-14-200 (4) and (5). The right to the proceeding is conditioned upon holding any funds not yet disbursed or expended or to be received in the future in trust pending the final adjudicative order or during any appeal to the courts. The secretary or the secretary's designee shall enter an appropriate order providing for the terms of the trust.

(2) The department shall have the burden of proof to establish ownership of the support moneys claimed, including but not limited to moneys not yet disbursed or spent.

(3) The administrative law judge shall allow the office of support enforcement to orally amend the notice of support debt at the hearing to conform to the evidence. The administrative law judge may grant a continuance, when deemed necessary, to allow the debtor additional time to present rebutting evidence and/or argument as to the amendment.

(4) The administrative law judge shall serve a copy of the administrative law judge's initial decision on the office of support enforcement and the debtor or the debtor's representative by certified mail to the last address provided by each party or by another method showing proof of receipt.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-13-070, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-13-070, filed 2/12/86; 80-01-026 (Order 1465), § 388-13-070, filed 12/14/79.]

**WAC 388-13-085 Collection action.** Action may be taken under chapter 74.20A RCW to collect debts determined, but unpaid under chapter 388-13 WAC.

[Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-085, filed 12/14/79.]

**WAC 388-13-090 Limitation on proceeding.** (1) The office of support enforcement may take action to assess the debt but may not take collection action under chapter 74.20A RCW and chapter 388-13 WAC during such period of time as the public assistance recipient remains in that status.

(2) Payments not credited against the department's debt pursuant to RCW 74.20.101 may not be assessed or collected under chapter 388-13 WAC.

[Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-090, filed 12/14/79.]

**WAC 388-13-100 Acknowledgment of debt.** If the debtor makes answer to the notice of support debt acknowledging that the department owns the support payments in issue, the office of support enforcement shall be authorized to take collection action pursuant to chapter 74.20A RCW if the debtor fails to pay said debt within twenty-one days of the date of receipt of said answer.

[Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-100, filed 12/14/79.]

**WAC 388-13-110 Default.** If the debtor fails to appear at the hearing, the administrative law judge shall, upon a showing of valid service, enter an initial decision and order declaring the amount of the support moneys, as claimed in the notice, to be assessed and determined and subject to collection action under chapter 74.20A RCW.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-13-110, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-110, filed 12/14/79.]

**WAC 388-13-120 Procedural reference.** Adjudicative proceedings held under chapter 388-13 WAC shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 74.20A.270, and chapters 388-08 and 388-13 WAC. If any provision of this chapter conflicts with or is inconsistent with chapter 388-08 WAC, the provision in this chapter governs.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-13-120, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-13-120, filed 12/14/79.]

## Chapter 388-14 WAC SUPPORT ENFORCEMENT

### WAC

388-14-010	Office of support enforcement as the Title IV-D agency.
388-14-020	Definitions.
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388-14-460	Notice of intent to enforce—Health insurance coverage.
388-14-480	Notice of enrollment—Health insurance coverage—Issuance and termination.
388-14-490	Employer reporting program—Exemptions.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-14-302	Nonassistance support enforcement—Persons eligible. [Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-302, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-302, filed 2/12/86; 85-01-004 (Order 2174), § 388-14-302, filed 12/6/84; 84-15-057 (Order 2123), § 388-14-302, filed 7/18/84; 81-05-021 (Order 1605), § 388-14-302, filed 2/11/81; 80-01-026 (Order 1465), § 388-14-302, filed 12/14/79; Order 1054, § 388-14-302, filed 9/25/75.] Repealed by 90-16-041 (Order 3043), filed 7/24/90, effective 8/24/90. Statutory Authority: RCW 74.08.090.
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- 388-14-305 Nonassistance support enforcement—Application. [Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-305, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-305, filed 2/12/86; 80-01-026 (Order 1465), § 388-14-305, filed 12/14/79; Order 1054, § 388-14-305, filed 9/25/75.] Repealed by 90-16-041 (Order 3043), filed 7/24/90, effective 8/24/90. Statutory Authority: RCW 74.08.090.
- 388-14-315 Nonassistance support enforcement—Fees—Limitations. [Statutory Authority: RCW 74.20.040. 83-02-029 (Order 1932), § 388-14-315, filed 12/29/82, effective 3/1/83. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-14-315, filed 12/14/79; Order 1054, § 388-14-315, filed 9/25/75.] Repealed by 84-15-057 (Order 2123), filed 7/18/84. Statutory Authority: RCW 74.08.090.
- 388-14-320 Nonassistance support enforcement—Distribution. [Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-14-320, filed 2/12/86; 84-15-057 (Order 2123), § 388-14-320, filed 7/18/84; 80-01-026 (Order 1465), § 388-14-320, filed 12/14/79; Order 1054, § 388-14-320, filed 9/25/75.] Repealed by 88-07-012 (Order 2606), filed 3/4/88. Statutory Authority: RCW 74.08.090.
- 388-14-325 Nonassistance support enforcement—Termination of services. [Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-14-325, filed 2/12/86; 84-15-057 (Order 2123), § 388-14-325, filed 7/18/84; 80-01-026 (Order 1465), § 388-14-325, filed 12/14/79; Order 1054, § 388-14-325, filed 9/25/75.] Repealed by 88-07-012 (Order 2606), filed 3/4/88. Statutory Authority: RCW 74.08.090.
- 388-14-375 Notice of debt. [Statutory Authority: RCW 74.08.090. 78-07-015 (Order 1305), § 388-14-375, filed 6/15/78.] Repealed by 79-11-086 (Order 1446), filed 10/24/79. Statutory Authority: RCW 74.08.090.
- 388-14-380 Petition for hearing after twenty days—Stay. [Statutory Authority: RCW 74.08.090. 78-07-015 (Order 1305), § 388-14-380, filed 6/15/78.] Repealed by 79-11-086 (Order 1446), filed 10/24/79. Statutory Authority: RCW 74.08.090.

**WAC 388-14-010 Office of support enforcement as the Title IV-D agency.** (1) The department of social and health services of the state of Washington through the office of support enforcement establishes the following provisions as the state plan for the child support enforcement program. Authority for this plan is under Title IV-D of the Social Security Act and chapters 74.20 and 74.20A RCW. The plan shall be in effect state-wide.

(2) The office is the designated, single, and separate organizational unit within the state of Washington to administer the plan.

(3) The office is the agency referred to in federal law as the Title IV-D agency. The office shall perform all duties assigned to the Title IV-D agency.

(4) The office may enter into contracts for support enforcement and related services with:

(a) Other state agencies;

(b) Other states or foreign countries for action under the Uniform Reciprocal Enforcement of Support Act and other laws to enforce or collect child support, locate absent parents, or establish paternity. These contracts may include the procedures for:

(i) Making referrals;

(ii) Assigning debts;

(iii) Reporting actions and activities;

(iv) Coordination of activities under and ensuring compliance with the Uniform Reciprocal Enforcement of Support Act.

(c) Private parties;

(d) With the secretary, Department of Health and Human Services to refer and certify cases:

(i) To the federal parent locator service;

(ii) To the secretary of the treasury for action to collect support debts;

(iii) For action to enforce support debts in the U.S. district courts.

(5) The office shall manage the Title IV-D plan. The office shall:

(a) Oversee all activities under the plan to ensure the standards for an efficient and effective program are met;

(b) Evaluate the quality and scope of services provided under the plan;

(c) Ensure that federal and state requirements for records management, accounting, and fiscal control are met;

(d) Provide all services under the plan in appropriate cases, including action to locate parents, establish paternity, and establish, enforce, and collect support moneys;

(e) Assure that referrals and other communications with the Title IV-A agency meet the requirements of the Title IV-D and Title IV-A state plans.

(6) Under chapter 26.23 RCW, the office is designated as the agency responsible for administering the Washington state support registry.

(7) The office is responsible for the state-wide administration of wage withholding under Title IV-D.

[Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-010, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-010, filed 2/12/86; Order 1054, § 388-14-010, filed 9/25/75.]

**WAC 388-14-020 Definitions.** The definitions contained in WAC 388-11-011 are incorporated into and made a part of this chapter.

(1) "Absent parent" means that person who:

(a) Is not the physical custodian of the child; and

(b) Is a natural parent, an adoptive parent, or a stepparent owing a legal duty to support said child or children on whose behalf an application has been made for payment of public assistance, or for whom the office is providing nonassistance support enforcement services.

(2) "Aid" or "public assistance" means aid to families with dependent children (AFDC) or AFDC foster care, state-funded foster care, and includes family independence program services, day care benefits, and medical benefits to families as an alternative or supplement to AFDC.

(3) "Applicant/custodian" means the person who is the physical custodian of any dependent child or children on whose behalf nonassistance support enforcement services are being provided by the office of support enforcement under RCW 74.20.040, chapter 26.23 RCW, and 42 USC Sec. 654(6) or 657(C).

(4) "Applicant/recipient," "applicant," and "recipient" include the caretaker relative, the children, and any other person whose needs are considered in determining the amount of public assistance. See also WAC 388-22-030.

(5) "Disposable earnings" means that part of earnings of a person remaining after the deduction of amounts required by law to be withheld.

(6) "Earnings" means compensation paid or payable for personal services.

- (a) Earnings include:
  - (i) Wages or salary;
  - (ii) Commissions and bonuses;
  - (iii) Periodic payments under pension plans, retirement programs, and insurance policies of any type;
  - (iv) Disability payments under Title 51 RCW;
  - (v) Unemployment compensation as provided for under RCW 50.40.020 and 50.40.050, and Title 74 RCW;
  - (vi) Gains from capital, labor, or from both combined;

and

- (vii) The fair value of nonmonetary compensation received in exchange for personal services.

(b) Earnings do not include profit gained through the sale or conversion of capital assets.

(7) "Employee" means a person in employment to whom an employer is paying, owes, or anticipates paying earnings as the result of services performed.

(8) "Employer" means any person or organization having any person in employment. It includes:

- (a) Partnerships and associations;
- (b) Trusts and estates;
- (c) Joint stock companies and insurance companies;
- (d) Domestic and foreign corporations;
- (e) The receiver or trustee in bankruptcy;
- (f) The trustee or the legal representative of a deceased person.

(9) "Employment" means personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services. The contract may be written or oral, express or implied.

(10) "Family" means the person or persons on behalf of whom support is sought, which unit may include a custodial parent or other person and one or more children or a child or children in foster care placement.

(11) "Head of household" means the responsible parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

- (12) "Income" includes:
- (a) All appreciable gains in real or personal property;
  - (b) Net proceeds from the sale or exchange of real and personal property; and
  - (c) Earnings.

(13) "Income withholding action" includes all withholding action the office is authorized to take. The term includes, but is not limited to actions to:

- (a) Assert liens under RCW 74.20A.060;
- (b) Issue orders to withhold and deliver under RCW 74.20A.080, and notices of payroll deduction under chapter 26.23 RCW;
- (c) Obtain wage assignment orders under RCW 26.18.080.

(14) "Office" means the office of support enforcement.

(15) "Physical custodian" means the natural or adoptive parent, or other person, with whom a dependent child resides a majority of the time. The physical custodian may be either an applicant/recipient or applicant/custodian.

(16) "Payment services only" or "PSO" means a case on which the department's activities are limited to recording and distributing child support payments, and maintaining case records. A PSO case is not an IV-D case.

(17) "Putative father" includes all men who may possibly be the father of the child or children on whose

behalf the application for assistance or support enforcement services may be made. See also WAC 388-14-200 (2)(c).

(18) The "required support obligation for the current month" means the amount of a superior court order for support or the periodic future support amount that is or will be owing for the current month determined under chapter 388-11 WAC.

(19) "Resident" means a person physically present in the state of Washington who intends to make their home in this state. Temporary absence from the state does not destroy residency once established.

(20) "Residential care" means foster care as defined under WAC 388-70-012.

(21) "Support enforcement services" for the purposes of chapters 388-11 and 388-14 WAC, means all action the office is required to perform under Title IV-D and state law. This includes, but is not limited to, action to establish, enforce, and collect child, spousal, and medical support obligations, and distribution support moneys.

(22) "Secretary" means the secretary of the department of social and health services, the secretary's designee, or authorized representative. For all purposes in chapter 74.20A RCW, secretary shall mean the designee of the secretary, the director of the revenue division, or the director's designee, except as is provided for under WAC 388-11-011(22) or where for the purposes of RCW 74.20A.055 "secretary" has another meaning.

(23) "Title IV-D" means Title IV-D of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in 42 USC Sec. 602.

(24) "Title IV-D plan" means the plan established under the conditions of Title IV-D and approved by the secretary, Department of Health and Human Services.

[Statutory Authority: RCW 26.23.035, 92-13-026 (Order 3403), § 388-14-020, filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 74.08.090, 88-07-012 (Order 2606), § 388-14-020, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-020, filed 2/12/86; 83-21-014 (Order 2036), § 388-14-020, filed 10/6/83; 80-01-026 (Order 1465), § 388-14-020, filed 12/14/79; Order 1054, § 388-14-020, filed 9/25/75.]

**WAC 388-14-030 Confidentiality.** (1) Under RCW 26.23.120, all information and records, concerning persons who owe a support obligation or for whom the office provides support enforcement services, are private and confidential. The office shall disclose information and records only as follows:

(a) The office shall disclose information and records only to:

(i) A person or entity listed and for the specific purpose or purposes stated in federal law;

(ii) The person who is the subject of the information or records, unless the information or records are exempt under RCW 42.17.310;

(iii) Local, state, and federal government agencies for support enforcement and related purposes;

(iv) A party to a judicial proceeding or a hearing under chapter 34.05 RCW, if the presiding officer enters an order to disclose. The presiding officer shall base the order on a written finding that the need for the information outweighs any reason for maintaining privacy and confidentiality;

(v) A party under contract, if disclosure will allow the party to assist in the program's management or operation;

(vi) A person or entity when necessary to the administration of the program or the performance of functions and duties in state and federal law. The office may publish information about a responsible parent for locate and enforcement purposes;

(vii) A person, representative, or entity if the person who is the subject of the information and records consents, in writing, to disclosure;

(viii) The office of administrative hearings or the office of appeals for administration of the hearing process under chapter 34.05 RCW. The presiding officer or review judge shall not include the address of the physical custodian in an administrative order, or disclose the physical custodian's address to the responsible parent. The review judge and the presiding officer shall:

(A) State in support orders that the address is known by the Washington state support registry; and

(B) Inform the parties they may obtain the address by submitting a request for disclosure to the office of support enforcement (OSE) under this section.

(b) The last known address of, or employment information about, a party to a court or administrative order for, or a proceeding involving, child support may be given to another party to the order. The party receiving the information may only use the information to establish, enforce, or modify a support order. Disclosure of this information is subject to the limitations listed under subsections (4), (5), and (6) of this section;

(c) The last known address of natural or adoptive children may be given to a parent having a court order granting that parent visitation rights with, legal custody of or residential time with the parent's natural or adoptive children. The parent may only use this information to enforce the terms of the court order;

(d) The department may disclose the Social Security Number of a dependent child to the absent parent to enable the parent to claim the dependency exemption as authorized by the Internal Revenue Service.

(2) Except as provided under subsections (4) through (8) of this section, chapter 388-320 WAC governs the process of requesting and disclosing information and records.

(3) The office shall take timely action on requests for disclosure. The office shall respond in writing within five working days of receipt of the request, unless the request is for disclosure of the address of the physical custodian or the dependent children. The office shall inform the requestor of the thirty-day notice period provided for under subsection (5) of this section. The office shall respond to a request for an address within five working days of the date the thirty-day notice period, provided for in subsection (5) of this section, expires, unless the physical custodian requests an adjudicative proceeding to contest the address release.

(4) The following provisions apply to a request for disclosure of the physical custodian's or a dependent child's address under subsection (1)(b) and (c) of this section:

(a) The office shall not release the address if:

(i) The department has determined, under WAC 388-24-111, that the physical custodian has good cause for refusing to cooperate;

(ii) The order, on which the request is based, restricts or limits the address requesting party's right to contact or visit the other party or the child by imposing conditions to protect the physical custodian or the child from harm.

(b) A person shall submit a request for disclosure in writing and in person, with satisfactory evidence of identity, at any OSE office;

(c) If the request is made by the person's attorney, the office shall waive the provisions regarding submission in person with satisfactory evidence of identity;

(d) If the person resides outside the state of Washington, the office shall waive the provision requiring submission in person if the person:

(i) Submits a notarized request for disclosure; and

(ii) Complies with the requirements of subsection (4)(e) of this section.

(e) The requester shall attach the following to a request for disclosure of an address:

(i) A copy of the superior court order on which the request is based. The office shall waive this provision if the office has a true copy of the order on file;

(ii) A sworn statement by the individual that the order has not been modified;

(iii) A statement explaining the purpose of the request and how the information will be used.

(5) Prior to disclosing the physical custodian's or a child's address, the office shall mail a notice to the last known address of the physical custodian, except as provided under subsection (8) of this section. The notice shall advise the physical custodian that:

(a) A request for disclosure has been made;

(b) The office will disclose the address, to a person under subsections (1)(b) and (c) of this section, after thirty days from the date of the notice, unless:

(i) The office receives a copy of a court order which:

(A) Enjoins disclosure of the address; or

(B) Restricts the address requesting party's right to contact or visit the other party or a child by imposing conditions to protect the physical custodian or the child from harm, including, but not limited to, temporary orders for protection under chapter 26.50 RCW; or

(ii) The physical custodian requests an adjudicative proceeding which ultimately results in a decision that release of the address is reasonably anticipated to result in harm to the physical custodian or a dependent child.

(c) If the physical custodian requests an adjudicative proceeding to contest the address release, the physical custodian may participate in the proceeding by telephone, from any pre-arranged location. The location and phone number shall not be disclosed by the presiding officer.

(6) In any adjudicative proceeding requested under subsection (5)(b)(ii) of this section:

(a) The parent requesting address disclosure and the physical custodian are independent parties in the adjudicative proceeding;

(b) The physical custodian may participate by telephone, provided the physical custodian:

(i) States in the request for the adjudicative proceeding that participation will be by telephone; and

(ii) Provides the office of appeals or the office of administrative hearings with a telephone number where the

physical custodian can be reached for the hearing, at least five calendar days before the scheduled hearing.

(c) The presiding officer shall not disclose the location or phone number from which the physical custodian is appearing;

(d) The initial burden of proof is on the party requesting address disclosure, to show that the address request is for a purpose for which disclosure is specifically permitted under this section.

(e) If the party requesting address disclosure:

(i) Fails to meet this burden, the presiding officer shall enter an order denying the address request;

(ii) Establishes that the address was requested for a purpose for which disclosure is permitted, the physical custodian must then show that it is reasonable to anticipate that physical or emotional harm to the physical custodian or a child will result from release of the address. The physical custodian:

(A) May demonstrate reasonable anticipation of harm by any form of evidence admissible under chapter 34.05 RCW; and

(B) Is not required to provide corroborative evidence required by WAC 388-24-111(7), to establish a reasonable anticipation of harm.

(f) If either party fails to appear, the presiding officer may enter an order on default:

(i) If the physical custodian fails to appear, the order shall require OSE to release the physical custodian's address;

(ii) If the address requesting party fails to appear, the default order shall deny the request for address information.

(g) The office of administrative hearings shall arrange the attendance of the parties by telephone or other procedure showing due regard for the safety of the physical custodian and the children;

(h) If the physical custodian requests an adjudicative proceeding the office shall respond to the disclosure request within five working days of the exhaustion of administrative remedies.

(7) If the physical custodian requests a hearing under subsection (6) of this section in response to a department initiated review of the support order for modification, both parties to the support order shall be independent parties in the address disclosure hearing.

(8) The office shall not mail a notice prior to disclosure:

(a) If the address requesting party can show the other party will likely flee and that:

(i) A court of competent jurisdiction of this state or another state has entered an order giving legal and physical custody of a child whose address is requested to the requesting party; and

(ii) The custody order has not been altered, changed, modified, superseded, or dismissed; and

(iii) A child was taken or enticed from the address requesting party's physical custody without that party's consent; and

(iv) The address requesting party has not subsequently assented to being deprived of physical custody of the children; and

(v) The address requesting party is making reasonable efforts to regain physical custody of the child; or

(b) When a child whose address is requested is receiving foster care services under chapter 74.13 RCW.

(9) If a child is receiving foster care services, the party shall contact the party's local community services office for disclosure of that child's address information.

(10) The rules of confidentiality and penalties for misuse of information and reports that apply to a department employee, shall also apply to a person who receives information under this section.

(11) Nothing in these rules:

(a) Prevents the office from disclosing information and records when such disclosure is necessary to the performance of its duties and functions as provided by state and federal law;

(b) Requires the office to disclose information and records obtained from a confidential source.

[Statutory Authority: RCW 74.08.090, 93-05-020 (Order 3512), § 388-14-030, filed 2/10/93, effective 3/13/93; 91-17-063 (Order 3234), § 388-14-030, filed 8/20/91, effective 9/20/91. Statutory Authority: 1988 c 275, 89-01-049 (Order 2738), § 388-14-030, filed 12/14/88. Statutory Authority: RCW 74.08.090, 88-07-012 (Order 2606), § 388-14-030, filed 3/4/88; Order 1054, § 388-14-030, filed 9/25/75.]

**WAC 388-14-100 Absent parent's responsibility—Liability.** The amount of support which must be provided by an absent parent to meet the support obligation is:

(1) The amount required by a superior court order for support, or, if there is no superior court order for support, the amount determined pursuant to chapter 388-11 WAC as future periodic support, and, if applicable;

(2) Payment of arrears which may be paid on a mutually agreed schedule adequate to satisfy said arrears prior to expiration of the statute of limitations.

[Order 1054, § 388-14-100, filed 9/25/75.]

**WAC 388-14-200 Eligibility—AFDC and FIP—Assignment of support rights—Cooperation with office of support enforcement—Effect of noncooperation.** This section establishes the initial and continuing requirements of eligibility for aid to families with dependent children and for family independence program services.

(1) Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have. This includes support rights of any other family member for whom the applicant/recipient is applying for or receiving financial assistance. It also includes rights to support which have accrued at the time such assignment is executed. Through this assignment, the applicant/recipient authorizes the office of support enforcement to provide support enforcement services for the family, and to continue to provide services after the family stops receiving assistance, under the same conditions regarding the physical custodian's obligation to cooperate with OSE, as are in effect at the time assistance terminates, until services are terminated under this chapter.

(2) When the applicant/recipient satisfies subsection (1) of this section, the department may require further cooperation by the applicant/recipient as a continuing condition of eligibility for assistance unless the department determines the applicant/recipient has good cause not to cooperate under WAC 388-24-111. The applicant/recipient's cooperation

includes, but is not limited to, assisting the office of support enforcement in or by doing the following:

(a) Identifying and locating absent parents by providing:

(i) Relevant information known to, possessed by, or reasonably obtainable by the applicant/recipient about the absent parent, such as the absent parent's:

- (A) Name and known aliases;
- (B) Address;
- (C) Telephone number or numbers;
- (D) Social Security Number;
- (E) Employment history; and
- (F) Physical description.

(ii) Data regarding the date and place of marriage, separation, divorce, or dissolution, and copies of any documents, reasonably obtainable without fee, including any court orders establishing paternity and/or support obligations;

(iii) Information establishing the support debt amount accrued before the application. Applicants shall give information at the time of application and/or at a later time, if requested by the office of support enforcement, to supplement existing information.

(b) Notifying the office of support enforcement when there are changes in information concerning the absent parent;

(c) Establishing the paternity of a child the applicant shall:

(i) Take reasonable action requested by the office, the prosecuting attorneys, the attorney general, private attorneys compensated under RCW 74.20.350, courts, or other agencies in:

- (A) Administrative hearings;
- (B) Actions to establish paternity; or
- (C) Investigations preparatory or supplementary to such hearings or actions.

(ii) Assist in the development of medical and anthropological evidence relating to the alleged father's paternity based on tests performed by experts on the mother and the child.

(d) Establishing and collecting support and/or obtaining support payments or other payments or property due the applicant/recipient or a dependent child. The applicant shall take reasonable action requested by the office of support enforcement, the prosecuting attorney, the attorney general, the private attorney compensated under RCW 74.20.350, courts or other agencies in:

- (i) Administrative hearings; or
- (ii) Actions to establish or collect support obligations;

or

(iii) Investigations preparatory or supplementary to such hearings or actions.

(e) Remitting support payments the applicant/recipient receives, from any person or agency, to the office of support enforcement within eight days of receipt of said payments;

(f) Executing a repayment agreement and repaying retained support moneys under the agreement.

(3) An applicant/recipient may attest to the lack of information, under penalty of perjury, if the applicant/recipient:

(a) Submits to an interview:

(i) Conducted by the office of support enforcement, a prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350; and

(ii) Answers questions intended to obtain relevant information.

(b) Does not know, or possess, or cannot reasonably obtain the department's requested information.

(4) The department shall consider an applicant/recipient who attests to the lack of information to be cooperating, as required under this section, unless the:

(a) Applicant/recipient fails or refuses to submit to an interview and answer questions;

(b) Department produces credible evidence which shows that the applicant/recipient's attestation is false; or

(c) Applicant/recipient previously gave inconsistent information for which the applicant/recipient has no reasonable explanation.

(5) The department may not:

(a) Refuse to allow the applicant/recipient to sign an attestation; or

(b) Sanction the applicant/recipient for failure to cooperate merely because previous attempts to identify an absent parent resulted in blood test results excluding the person identified.

However, the applicant/recipient, must cooperate with any necessary retesting.

(6) If the office, the prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350, believes the applicant/recipient is not cooperating, they shall send notice of the alleged noncooperation to the community services office and the applicant/recipient. The notice shall be evidence of noncooperation and shall include a statement:

(a) Explaining how the applicant/recipient failed to cooperate with that office, including what actions were required;

(b) Of the action that the office believes the applicant/recipient must take to resume cooperation;

(c) Informing the applicant/recipient that the:

(i) Same evidence is furnished to the community services office;

(ii) Applicant/recipient may contact the community services office immediately if the applicant/recipient disagrees with the evidence, needs assistance in order to cooperate, or believes the action required is unreasonable; and

(iii) Applicant/recipient's grant may be reduced or terminated if the IV-A agency determines, after a review of all of the evidence, that the applicant/recipient failed to cooperate.

(7) The department shall include in the notice of planned action either a:

(a) Copy of the evidence of noncooperation; or

(b) Statement of the evidence of noncooperation.

(8) If the applicant/recipient fails to cooperate by missing an interview without reasonable excuse, cooperation resumes when the applicant/recipient appears for a rescheduled interview and either provides information or attests to the lack of information. The office of support enforcement, prosecuting attorney, attorney general, or private attorney shall reschedule the interview within seven business days from the date the applicant/recipient contacts them to reschedule an interview.

(9) Cooperation resumes when the applicant/recipient performs the required action. The department shall reinstate the grant effective on the date cooperation resumes.

(10) If the applicant/recipient does not remit support moneys within eight days of receipt as required under WAC 388-14-200 (2)(e) and the applicant/recipient is currently receiving an AFDC grant, or cash benefits under the family independence program, the office of support enforcement shall:

(a) Document that the applicant/recipient has, in fact, received and retained support money and the amount of said money;

(b) Issue a notice of debt as provided under WAC 388-13-020 to the applicant/recipient to recover the payments, and the department shall include in such notice the following information:

(i) An explanation of the applicant/recipient's responsibility to cooperate by turning over the support money as a condition of eligibility for public assistance, and the sanction for failure to cooperate;

(ii) A list of the support money retained, including the dates and amounts as well as copies of any documentary evidence, such as copies of checks, front and back, the office possesses;

(iii) A proposed repayment agreement that may include a provision for a voluntary grant deduction;

(iv) An explanation that repaying retained support money according to a repayment agreement is a condition of cooperation;

(v) A statement that the recipient may request an informal meeting with the office, within twenty days of the date of service of the notice of debt, to:

(A) Clarify the recipient's responsibilities for cooperation; and

(B) Resolve differences regarding the existence or amount of the claim for unremitted support money and/or the proposed repayment agreement.

(vi) A statement that the recipient has the right to request a hearing under WAC 388-13-060 to contest the:

(A) Department's claim of ownership of the support money identified in the notice; and

(B) Reasonableness of the proposed repayment agreement.

(vii) A statement that the office will notify the community services office that the recipient failed to cooperate unless the recipient, within twenty days of the date of service of the notice of debt, executes the proposed repayment agreement, requests an informal meeting, or requests an adjudicative proceeding.

(11) The department shall base the repayment agreement on the:

(a) Applicant/recipient's total income and resources including the AFDC grant or cash benefits under the family independence program; and

(b) Total amount of retained support money.

(12) The monthly amount of the repayment shall not exceed ten percent of the:

(a) Grant payment standard during any month the applicant/recipient remains in public assistance status, or

(b) Cash benefits paid under the family independence program.

(13) When an applicant/recipient retains support money but is no longer an active recipient of public assistance money, the office of support enforcement, or the office of financial recovery, shall proceed under RCW 74.20A.270 and chapter 388-13 WAC, without reference to the procedural requirements of WAC 388-14-200(10).

(14) The office of support enforcement, or the office of financial recovery, shall notify the community services office when the recipient fails to cooperate if the recipient:

(a) Fails to sign a repayment agreement for the amount of retained support money claimed by the office in the notice of debt or as determined by an administrative law judge if a hearing is requested under WAC 388-13-060;

(b) Enters into a repayment agreement but subsequently fails to make a payment under the terms of the agreement, or fails to comply with the decision of the administrative law judge.

(15) The office of support enforcement, or the office of financial recovery, shall promptly notify the community services office when a recipient who has:

(a) Failed to enter into a repayment agreement, consents to do so and signs a repayment agreement; or

(b) Defaulted on an agreement or an administrative decision, makes a regularly scheduled payment according to the agreement or decision.

(16) Nothing in WAC 388-14-200 allows the department to make an otherwise eligible child ineligible for public assistance because of the applicant/recipient's failure to cooperate as defined in this section.

[Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-14-200, filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 74.20A.270, 90-05-022 (Order 2942), § 388-14-200, filed 2/13/90, effective 3/16/90. Statutory Authority: 1988 c 275. 89-01-049 (Order 2738), § 388-14-200, filed 12/14/88. Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-200, filed 3/4/88. Statutory Authority: RCW 74.20A.270, 85-20-085 (Order 2288), § 388-14-200, filed 10/1/85. Statutory Authority: RCW 74.08.090. 80-01-026 (Order 1465), § 388-14-200, filed 12/14/79; 78-09-053 (Order 1330), § 388-14-200, filed 8/22/78; Order 1054, § 388-14-200, filed 9/25/75.]

**WAC 388-14-203 Medical assistance only—Assignment of support rights—Cooperation.** (1) As a condition of eligibility for medical assistance only, an applicant shall make an assignment to the department of all rights to medical insurance benefits or medical support the applicant may have, including the rights of any other family member for whom the applicant has authority to make an assignment. Through this assignment, the applicant shall authorize the office of support enforcement (OSE) to:

(a) Provide paternity establishment, medical support establishment, and medical support enforcement services; and

(b) Continue such services after medical assistance terminates, under the same conditions regarding the physical custodian's obligation to cooperate with OSE, as are in effect at the time medical assistance terminates, until services are terminated under this chapter.

(2) The assignment made by recipients of medical assistance under this section also authorizes the department to establish and collect child support for distribution to the family as provided under WAC 388-14-270. At the time of application for, or at any time after the commencement of medical assistance only, the applicant may decline those

support enforcement services not related to medical support establishment or enforcement, or paternity establishment.

(3) The applicant shall also cooperate with the office of support enforcement according to the terms of subsection (4) of this section, unless the:

(a) Applicant is pregnant or within sixty days of the end of her pregnancy; or

(b) Department has established that the applicant has good cause not to cooperate under WAC 388-24-111.

(4) When an applicant is required to cooperate by the terms of subsection (3) of this section, the applicant shall assist the department according to the terms of WAC 388-14-200 to the extent that cooperation is necessary to:

(a) Establish the paternity of any child in the applicant's household; and

(b) Enforce a medical support order.

(5) The applicant's obligation to cooperate shall include:

(a) Remitting medical support payments the applicant receives from any person or agency to OSE within eight days of receipt of those payments; and

(b) Executing a repayment agreement and repaying retained medical support moneys under the agreement.

(6) The department shall use the procedures in WAC 388-14-200 and 388-14-205 to enforce the applicant's obligation to cooperate with OSE.

[Statutory Authority: RCW 74.08.090, 92-13-026 (Order 3403), § 388-14-203, filed 6/9/92, effective 7/10/92.]

**WAC 388-14-205 Responsibilities of the office.** (1)

The office shall provide services, until such services are terminated under this chapter, when:

(a) The department pays public assistance or provides foster care services;

(b) A former recipient of public assistance is eligible for services under WAC 388-14-300 (2)(c);

(c) An applicant/custodian requests nonassistance support enforcement services under RCW 74.20.040 and WAC 388-14-300;

(d) A support order or wage assignment order under chapter 26.18 RCW directs that the responsible parent make support payments through the Washington state support registry;

(e) A support order under which there is a current support obligation for the dependent children is submitted to the Washington state support registry;

(f) A former custodial parent requests services to collect a support debt accrued under a court or administrative support order while the parent had physical custody of the child; or

(g) A child support enforcement agency in another state or foreign country under reciprocal agreement requests support enforcement services.

(2) When possible and appropriate, the office shall take action under chapters 26.23 and 74.20A RCW to establish, enforce, and collect the child support obligation. The office may refer appropriate cases to the county prosecuting attorney or attorney general's office when judicial action is required.

(3) Except to the extent allowed by WAC 388-215-1490(3), in any case for which the office has received notice

that the CSO has made a finding of good cause under WAC 388-215-1490, the office shall not act to:

(a) Establish paternity on its own initiative or at the request of a putative father applying for services under WAC 388-14-300 (2)(e); or

(b) Secure child support.

(4) The office shall suspend all activities under Title IV-D to establish paternity or secure child support to the extent required by WAC 388-215-1490, until the CSO notifies the office of its final determination regarding an applicant or recipient who has claimed good cause. Any agency acting under a cooperative agreement who fails or refuses to comply with a request from the office to suspend activities shall not be entitled to financial participation under the Title IV-D cooperative agreement as to said case or cases upon which the request is made.

(5) A child support obligation shall:

(a) Continue while enforcement or collection action is suspended pending a final determination of good cause; and

(b) Be subject to collection when a decision is made that good cause for refusal to cooperate no longer exists.

(6) The office shall:

(a) Review and comment on the findings and basis for the proposed determination by the CSO; and

(b) Be a party to any hearing requested as a result of an applicant's or recipient's appeal of any agency action under WAC 388-215-1410.

(7) The office shall:

(a) Establish, maintain, retain, and dispose of case records in accordance with the department's records management and retention policies and procedures adopted under chapter 40.14 RCW.

(b) Establish, maintain, and monitor support payment records; and

(c) Receive, account for, and distribute child support payments required under superior court and administrative orders for support.

(8) When the office determines that a support obligation, established by order of a superior court of this state, has been satisfied or is no longer legally enforceable, the office shall send a notice of its intent to file a satisfaction of judgment to the last known address of the payee under the order and to the responsible parent. The department shall include the following provisions in the notice:

(a) A statement of the facts the office relied on in making the determination; and

(b) A statement that payee has twenty days from the date of the notice, to:

(i) Object and request a conference board under WAC 388-14-385; or

(ii) Initiate an action to obtain a judgment from the court that entered the order.

(9) If the conference board or the court determines the support obligation or a support debt still exists, the office shall withdraw the notice and shall make reasonable efforts to enforce and collect the remaining support debt. When the conference board or court determines that a debt does not exist, the office shall file a satisfaction of judgment with the clerk of superior court in which the order was entered.

(10) The office shall determine that a support obligation is satisfied or no longer legally enforceable when the

obligation to pay current and future support terminates under the order, and:

(a) The responsible parent has paid the support debt owed under the order in full;

(b) The support debt is no longer enforceable due to the operation of the statute of limitations;

(c) The office determines the responsible parent has a valid defense to payment of the debt under Washington law; or

(d) Under RCW 74.20A.220, the office determines the debt is uncollectible, grants a total or partial charge-off, or accepts an offer to compromise a disputed debt.

(1) WAC 388-14-300 and 388-14-310 govern the level of services provided by the department under subsections (1)(b) through (g) of this section.

[Statutory Authority: RCW 74.08.090 and 45 CFR 303.106. 94-15-046 (Order 3754), § 388-14-205, filed 7/15/94, effective 8/15/94. Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-14-205, filed 2/10/93, effective 3/13/93; 92-13-026 (Order 3403), § 388-14-205, filed 6/9/92, effective 7/10/92. Statutory Authority: 1988 c 275. 89-01-049 (Order 2738), § 388-14-205, filed 12/14/88. Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-205, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-205, filed 2/12/86; 79-06-032 (Order 1400), § 388-14-205, filed 5/16/79; 78-09-053 (Order 1330), § 388-14-205, filed 8/22/78.]

**WAC 388-14-210 Support payments to office of support enforcement.** (1) Persons paying support moneys to satisfy a support obligation assigned to the department or which the department has been authorized to enforce and collect shall route such payments to the office. See RCW 74.20.101.

(2) Recipients of public assistance or other persons or agencies receiving support moneys on behalf of a recipient of public assistance shall remit all such moneys to the office within eight days of receipt of the payment.

(3) Persons paying support moneys to satisfy a support obligation under a superior court or administrative order for support, directing the responsible parent to make payments to the Washington state child support registry, shall route all such moneys to the office.

(4) After a responsible parent has been ordered or notified to make payments to the office or the Washington state child support registry, the office will not credit the parent for payments made to any other person or agency: *Provided however*, That credit may be granted if:

(a) The department determines that there is no prejudice to the custodial parent or other person or agency entitled to receive the support payments, or to the children, and that there are special circumstances of an equitable nature which justify credit for such payments; or

(b) A court of competent jurisdiction determines that credit should be granted after a hearing at which all interested parties were given an opportunity to be heard.

(5) The burden of providing that credit should be given is on the parent claiming credit for the payments.

[Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-210, filed 3/4/88; 80-01-026 (Order 1465), § 388-14-210, filed 12/14/79; Order 1054, § 388-14-210, filed 9/25/75.]

**WAC 388-14-220 Subpoena power.** The secretary or secretary's designee is a duly appointed officer empowered to issue subpoena of witnesses, books, records, etc., pursuant

to RCW 74.04.290 and chapters 388-11 and 388-14 WAC as to matters deemed relevant to the performance of the secretary's duties.

[Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-220, filed 3/4/88; 81-05-021 (Order 1605), § 388-14-220, filed 2/11/81; 78-07-015 (Order 1305), § 388-14-220, filed 6/15/78; Order 1054, § 388-14-220, filed 9/25/75.]

**WAC 388-14-250 Payments to the family.** Any payments required to be made to a family under WAC 388-14-270 will be made to the resident parent, legal guardian, caretaker, relative or protective payee having custody of or responsibility for the child or children as provided in WAC 388-33-400. Provided, that no payments shall be made to said parent, guardian or caretaker relative if they have failed or refused to meet the eligibility requirements for cooperation in identifying and locating the absent parent, establishing paternity, establishing or obtaining support payments including prompt remittance of support payments received directly or assigning of support rights.

[Order 1054, § 388-14-250, filed 9/25/75.]

**WAC 388-14-260 Distribution—Referrals from other states.** (1) When a child support enforcement agency in another state, operating a child support program under Title IV-D of the Social Security Act, submits a request for support enforcement services under RCW 74.20.040(3), the office of support enforcement shall initiate appropriate action to establish, enforce, and collect the support obligation. The request shall be signed by an authorized official of the state agency and shall contain appropriate information and be accompanied by appropriate documentation to support the action to establish, enforce, and/or collect the support obligation. The following is a list of some of the information/documentation that may be submitted with the request for support enforcement services:

(a) The responsible parent's name, address, Social Security number, date of birth, present or last known employer, earnings or ability to earn, employment history, property and resources, and physical description;

(b) The custodian's name, address, and Social Security number;

(c) The names, address, Social Security numbers, and dates of birth of the dependent children;

(d) A certification that the request is being submitted under Title IV-D of the Social Security Act and identification of the case as a public assistance or nonassistance case;

(e) A copy of any superior court order or administrative order establishing the support obligation and any order modifying the court or administrative order;

(f) A copy of any official record of support payments made by the responsible parent or, if no such record exists, an affidavit setting forth the amount of support due under the superior court or administrative order, the period during which support was due and payable, and the amounts and dates of support payments;

(g) If there is no superior court or administrative order for support, an affidavit setting forth the following:



(i) A statement of facts establishing or tending to establish the existence of a legally enforceable support obligation;

(ii) A statement of the dates and amounts of any public assistance payments or a statement reflecting the needs of the children for food, clothing, shelter, medical support, or other necessities if no such assistance has been provided.

(2) If a superior court order has been entered establishing the responsible parent's support obligation, the office of support enforcement may proceed under RCW 74.20A.040 to enforce the support obligation and initiate further enforcement and collection action as authorized by law.

(3) If an administrative order has been entered by an agency in another state establishing the responsible parent's support obligation, the office of support enforcement may issue a notice of debt accrued and/or accruing created by the administrative order. Said notice shall be served upon the debtor in the manner prescribed for service of a summons in a civil action or be served on the debtor by certified mail, return receipt requested, demanding payment within twenty days of the date of receipt. The notice of debt shall include a statement of the support debt accrued, computable on the amount required to be paid under the administrative order; a statement that the property is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver; and a statement that the net proceeds will be applied to the satisfaction of the support debt. The notice shall also include a statement of the amount of the monthly payment for future/current support the responsible parent is required to make under the administrative order.

(a) Any debtor objecting to all or any part of the notice of debt shall have a right to an adjudicative proceeding. The application for a proceeding shall be in writing and shall include a statement of the grounds and defenses upon which relief from the administrative order is sought and/or the basis for modification of the amount for future/current support.

The application shall be filed at the office of support enforcement by registered or certified mail or personally. If an application is filed within twenty days of the date of service of the notice, collection action shall be stayed pending the final adjudicative order. If no application is filed within this twenty-day period, the support debt and/or the amount of the future/current support payments shall become final subject to the provisions of WAC 388-14-260 (3)(e) and shall be subject to collection action.

(b) The scope of the hearing shall be limited to the grounds and defenses enumerated in superior court Civil Rule 60 which may entitle the debtor to relief from the administrative order and/or a determination whether or not the amount of the monthly payment for future/current support should be modified in accordance with the provisions of WAC 388-11-140. The burden of proof to establish such grounds and defenses and/or a material change in circumstances shall be on the debtor.

(c) If the debtor presents evidence which would constitute a full or partial defense and/or grounds for modification, upon request, the administrative law judge may continue the hearing to permit the parties to submit further evidence. Pending further hearing and the entry of an initial decision, the debtor may be ordered to pay or make reasonable payments on any undisputed portion of the support debt and to pay current support if owed.

(d)(i) The provisions of the following sections of chapter 388-11 WAC are incorporated by reference and made applicable to the hearing process provided for in this section to the extent they are consistent and relevant: WAC 388-11-015, 388-11-065, 388-11-070, 388-11-100, 388-11-115, 388-11-120, 388-11-130, 388-11-135, 388-11-140, 388-11-145, 388-11-150, 388-11-155, 388-11-170, and 388-11-190.

(ii) Hearings held under chapter 388-14 WAC shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), the provisions in this chapter, and chapter 388-08 WAC. If any provision in this chapter or in a rule incorporated by subsection (3)(d)(i) of this section conflicts with a provision in chapter 388-08 WAC, the provision in this chapter or in a rule incorporated by subsection (3)(d)(i) of this section shall govern.

(e) If a written application for an adjudicative proceeding is filed at the office of support enforcement after the twenty-day period, the debtor's right to relief from the administrative order shall be determined pursuant to the provisions of Civil Rule 60. The filing of the application after the twenty-day period shall not affect any collection action previously taken under chapter 74.20A RCW. The granting of a late application shall operate as a stay on any future collection action, pending the final adjudicative order. Moneys withheld as a result of collection action in effect at the time of the granting of the late application shall be delivered to the department and shall be held in trust by the department pending the final adjudicative order or during the pendency of any appeal to the courts made under chapter 34.05 RCW. The department may petition the administrative law judge to require the responsible parent to pay future/current support. If an order for future/current support is entered and the responsible parent fails to comply with the order, the office of support enforcement may take appropriate collection action.

(4) If there is no superior court order or administrative order, the office of support enforcement may issue a notice and finding of financial responsibility and proceed in accordance with the provisions of RCW 74.20A.055 which are incorporated by reference herein, to establish the support obligation, and initiate further enforcement and collection action as authorized by law.

(5) If the office of support enforcement is unable to establish, enforce, and/or collect the support obligation in response to the request or otherwise deems it appropriate under the circumstances, the case may be referred to the county prosecuting attorney or attorney general's office for collection action.

(6) A petition that has been or may be transmitted from another state for enforcement under the Uniform Reciprocal Enforcement of Support Act, chapter 26.21 RCW, may be deemed to be a request for support enforcement services sufficient to authorize the office of support enforcement to initiate action to establish, enforce, and collect the support obligation in accordance with this section.

(7) If the office of support enforcement is unable to locate the responsible parent after reasonable and diligent efforts, the requesting agency fails to provide sufficient information to locate the responsible parent and/or establish and enforce the support obligation, or the case does not appear to have collection potential for the foreseeable future,

the office of support enforcement may discontinue support enforcement services and return the request and accompanying documentation to the requesting agency.

(8) If the office of support enforcement is notified by the requesting agency that the custodian of the dependent child or children is moving to another state, support enforcement services on behalf of the custodian may be continued for a period not to exceed five months.

(9) When the responsible parent is residing and/or employed in another state and support enforcement services are being provided under RCW 74.20.040 (1) or (2), the office of support enforcement may execute and submit a request for support enforcement services similar to the request described in this section to the IV-D agency of that state, or may refer the case to the county prosecuting attorney or the attorney general's office for appropriate action.

(10) Upon request from another state, the office of support enforcement shall provide available information/documentation from case files, including but not limited to copies of superior court orders, administrative orders, pay records, and statements/affidavits of support debts, employment, and public assistance records.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-14-260, filed 2/5/90, effective 3/1/90. Statutory Authority: 74.08.090. 85-23-019 (Order 2304), § 388-14-260, filed 11/13/85; Order 1054, § 388-14-260, filed 9/25/75.]

#### **WAC 388-14-270 Distribution of support payments.**

(1) The office of support enforcement (OSE) shall distribute support money OSE collects or OSE receives, in accordance with state and federal law and the provisions of this section, to the:

(a) Department when the department provides or has provided public assistance payments, or cash benefits under the family independence program for the support of the family unit, household, or a member of the family unit or household;

(b) Payee under the order, or to the physical custodian of the child;

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services; and/or

(d) Person or entity making the payment when OSE is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) OSE may distribute support money to a person, other than the payee under a support order, when that person has physical custody of and provides care for the child.

(3) Before OSE begins distributing support money to a physical custodian who is not the payee under the support order, OSE shall:

(a) Obtain a sworn statement from the physical custodian attesting to the fact the physical custodian:

(i) Has physical custody of and is caring for the child; and

(ii) Is not wrongfully depriving the payee of physical custody.

(b) Mail a notice to the last known address of the payee and the responsible parent of OSE's intent to distribute support money to the physical custodian.

(i) The notice of intent to distribute a support payment shall contain the following information:

(A) A statement that OSE will distribute support money collected under the support order to the physical custodian;

(B) The name of the physical custodian;

(C) A statement that the payee has twenty days from the date of the notice to contest distribution of money to the physical custodian by filing an application for an adjudicative proceeding as specified under subsection (12) of this section, or serving notice on OSE of the filing of an appropriate motion with a court; and

(D) A statement that the payee must give OSE and the physical custodian notice of any judicial proceeding contesting the notice of distribution.

(ii) A copy of the sworn statement of the physical custodian shall be attached to the notice.

(c) File a copy of the notice or the final administrative order entered as a result of the notice with the clerk of the court where the support order was entered.

(4) The payee may request an adjudicative proceeding as specified under subsection (12) of this section or file a court action beyond the twenty-day period provided for under subsection (3) of this section. When the department or the court determines the payee is entitled to receive the support money, OSE shall send support money OSE receives in the future to the payee, but shall not reimburse the payee for amounts OSE sent to the physical custodian as provided under subsections (2) and (3) of this section.

(5) When OSE is unable to distribute support money because the location of the family or person is unknown, OSE shall exercise reasonable efforts to locate the family or person. When OSE does not locate the family or person, OSE shall handle the money in accordance with an agreement with the department of revenue and as required by state law.

(6) OSE shall apply the following rules when distributing support money:

(a) Record payments in exact amounts without rounding;

(b) Distribute support money within eight days of the date OSE receives the money, unless OSE is unable to distribute the payment for one or more of the following reasons:

(i) The location of the payee is unknown;

(ii) OSE does not have sufficient information to identify the accounts against which or to which OSE should apply the money;

(iii) An action is pending before a court or agency which has jurisdiction over the issue to determine:

(A) Whether or not support money is owed; or

(B) How OSE should distribute the money.

(iv) OSE receives prepaid support money which OSE is holding for distribution in future months under subsection (7) of this section;

(v) OSE mails a notice of intent to distribute the support money to the physical custodian under subsection (3) of this section; or

(vi) Other circumstances exist which make a proper and timely distribution of the money impossible through no fault or lack of diligence of OSE.

(c) Distribute support money based on the date of collection, except as provided under subsection (6)(j) of this

section and WAC 388-14-275. The date of collection is the earliest of the following dates:

- (i) The date OSE or a political subdivision actually making the collection receives the money;
  - (ii) The date the support enforcement agency or other legal entity of another state or political subdivision, actually making the collection, receives the money; or
  - (iii) The date income, earnings, wages, labor and industries benefits, or employment security benefits were withheld.
- (d) Apply support money:
- (i) First, to satisfy the current support obligation for the month OSE, or the support enforcement agency or other legal entity of another state or political subdivision, collected the money;
  - (ii) Second, to the responsible parent's support debts; and
  - (iii) Third, to prepaid support as provided for under subsection (7) of this section.
- (e) Distribute current support based on the proportionate share of the obligation owed to each family unit or household when the responsible parent owes a current support obligation to two or more families or households;
- (f) Distribute amounts collected during a month to the responsible parent's support debts owed for each family unit or household based on the proportionate size of the debts, except as provided under subsection (6)(g) and (h) of this section, when:
- (i) OSE, or the support enforcement agency or legal entity of a state or political subdivision, collects support in excess of the amount required to satisfy the responsible parent's current support obligations for that month; and
  - (ii) The responsible parent owes a support debt for two or more families or households.
- (g) Apply amounts to a support debt owed for one family or household and distribute the amounts accordingly, rather than make a proportionate distribution when:
- (i) Proportionate distribution is administratively inefficient; or
  - (ii) The collection resulted from the sale or disposition of a specific piece of property against which a court awarded the applicant/recipient or applicant/custodian a judgment lien for child support.
- (h) When a portion of the responsible parent's support debt for a family unit is owed to both the family and the department, distribute amounts applied to the support debt for the family unit:
- (i) First, to the family to satisfy the portion of the debt owed to the family; and
  - (ii) Second, to the department to satisfy the portion of the debt assigned to the department to reimburse public assistance payments.
- (i) Report amounts distributed to a family, receiving public assistance, to the community service office. This requirement shall not relieve the recipient of the duty to report receipt of support money; and
- (j) Pay a family, receiving cash assistance under the aid to families with dependent children program or the family independence program, the first fifty dollars of each child support payment as provided under WAC 388-14-275.

(7) When OSE receives or collects support money representing payment on the required support obligation for future months, OSE shall:

- (a) Apply the support money to future months when the support debt is paid in full;
  - (b) Distribute the support money on a monthly basis when payments become due in the future; and
  - (c) Mail a notice to the last known address of the person entitled to receive support money. The notice shall inform the person that:
    - (i) OSE received prepaid support money;
    - (ii) OSE will distribute the prepaid money as support payments become due in the future; and
    - (iii) The person may petition the court that entered the support order for an order requiring the immediate distribution of the prepaid support money.
- (8) OSE may recover support money distributed to a person or to the family when OSE:
- (a) Distributed the money in error;
  - (b) Distributed the money based on a check which is later dishonored; or
  - (c) Is required to refund or return the money to the person or entity making the payment.
- (9) OSE may retain amounts collected on a support debt and ten percent of amounts collected as current support to recover support money as provided under subsection (8) of this section in nonassistance cases.
- (a) OSE shall send a notice to the last known address of the person or family before taking action to recover the support money. The notice shall:
- (i) Explain the reason why OSE is authorized to recover the support money;
  - (ii) Identify the money OSE will recover;
  - (iii) Inform the person or family of amounts OSE will deduct from future collections;
  - (iv) Inform the person or family that if they receive support enforcement services, they have twenty days from the date of the notice to file an application for an adjudicative proceeding as specified under subsection (12) of this section to object to the notice; and
  - (v) Inform the person or family that when a debt established under this section remains unpaid after the person or family stops receiving support enforcement services, the department may take collection action under chapter 74.20A RCW without further notice.
- (b) At the hearing, the person may contest OSE's findings regarding the existence and amount of the debt OSE is seeking to recover as provided under subsection (8) of this section.
- (c) When the person or family is no longer receiving support enforcement services, OSE may take action to recover the support money due under subsection (8) of this section, under chapter 74.20A RCW.
- (10) When the family is receiving public assistance and the applicant/recipient fails to remit support money to OSE as required, OSE shall recover the support payments using the process set forth in WAC 388-14-200.
- (11) OSE shall mail a notice, once each quarter or more often, to the last known address of the person for whom OSE received support during the quarter, except as provided under subsection (11)(d) of this section.

(a) The person for whom OSE receives support has ninety days from the date of the notice to file an application for an adjudicative proceeding as specified under subsection (12) of this section to object to the notice.

(b) The person may only contest how OSE distributed the support money including the amounts stated in the notice.

(c) The notice shall contain the following information:

(i) The current support amount and the amount of the support debt owed under the order;

(ii) The amount of support money OSE received and the date of collection;

(iii) A description of how OSE allocated the support money between current support and the support debt;

(iv) The amount the department claims as reimbursement for public assistance paid, if applicable; and

(v) A statement of the right to request an adjudicative proceeding.

(d) OSE is not required to send a notice under this subsection when OSE mails another notice to the family or person to whom support is owed as provided under WAC 388-14-275 or this section.

(12) A person shall file an application for an adjudicative proceeding with OSE, within the time period specified in the notice, by a method showing proof of receipt.

(a) The person shall include in or with the application for an adjudicative proceeding:

(i) A specific statement of the objections to the notice; and

(ii) A copy of the notice the person is contesting.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC. Untimely requests for adjudicative proceedings are governed by WAC 388-11-055. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section shall govern.

[Statutory Authority: RCW 26.23.035. 92-13-026 (Order 3403), § 388-14-270, filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 74.08.090. 90-17-001 (Order 2979), § 388-14-270, filed 8/2/90, effective 9/2/90. Statutory Authority: RCW 74.04.057. 89-10-070 (Order 2794), § 388-14-270, filed 5/3/89. Statutory Authority: 1988 c 275. 89-01-049 (Order 2738), § 388-14-270, filed 12/14/88. Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-270, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-270, filed 2/12/86; 85-01-004 (Order 2174), § 388-14-270, filed 12/6/84; 80-01-026 (Order 1465), § 388-14-270, filed 12/14/79; Order 1054, § 388-14-270, filed 9/25/75.]

**WAC 388-14-273 Payment distribution payment services only cases.** (1) The department shall apply any payment received by the Washington state support registry (WSSR) to the responsible parent's IV-D case or cases under WAC 388-14-270 unless the:

(a) Payment is specifically identified with the account number of an open payment services only (PSO) case; or

(b) Responsible parent has an open PSO case, but does not have an open IV-D case; or

(c) Responsible parent has both an open IV-D case or cases and an open PSO case and:

(i) The payment is received within thirty days of the conversion of a IV-D case to a PSO case; and

(ii) The date of collection under WAC 388-14-270 is before the date of the conversion of the case to PSO.

(2) When the payment is identified with the account number of an open PSO case, or if the responsible parent does not have an open IV-D case, the department shall distribute the entire payment to the identified PSO case.

(3) When a single payment is identified by the responsible parent with the account numbers of both an open PSO case and an open IV-D case, the department shall distribute that portion of the payment identified to the PSO case to that case. The department shall distribute any remaining funds to the responsible parent's IV-D case or cases as required under WAC 388-14-270(6).

(4) When a responsible parent has both open IV-D and PSO cases, and the payment meets the conditions in subsection (1)(c) of this section, the department shall treat the open PSO case, that converted to PSO from IV-D thirty days or less before receipt of the payment, as a IV-D case for the purpose of distributing that payment and distribute the payment as required under WAC 388-14-270(6).

(5) When the responsible parent has multiple PSO cases, but does not have an open IV-D case, the department shall distribute a payment:

(a) Identified with the account number of a particular PSO case to that case; and

(b) With no identifiable account number among the open PSO cases as required under WAC 388-14-270 (6)(e), (f), and (g).

(6) Within each PSO case, the department shall apply funds:

(a) First, to the child support obligation owed for the month in which the payment was made; and

(b) Second, to the earliest accrued support debt.

[Statutory Authority: RCW 26.23.035. 92-13-026 (Order 3403), § 388-14-273, filed 6/9/92, effective 7/10/92.]

**WAC 388-14-275 Fifty dollars disregard payment.**

(1) In accordance with federal law, the department shall pay a family, receiving cash assistance under the aid to families with dependent children program or the family independence program, the first fifty dollars of each child support payment made by the responsible parent in the month when due. The department shall not pay the family more than fifty dollars for each month in which a support payment is made. For purposes of this section, the department shall treat a payment as made by the responsible parent on the earliest of the following dates:

(a) The date a payment is received by the office of support enforcement;

(b) The date a payment is withheld from the responsible parent's earnings, income, wages, employment security benefits, or labor and industries benefits; or

(c) The date received by the IV-D agency in another state or other legal entity making the collection.

(2) The department shall make a payment to the family under subsection (1) of this section based on the best information provided to the office of support enforcement with the support payment. The best information includes the earliest of the following dates:

(a) The date wages were withheld;

(b) The date an employer issues a check containing wages withheld from the responsible parent;

(c) The date received by the IV-D agency in another state or other legal entity making the collection;

(d) The date the IV-D agency in another state or other legal entity issues a check containing a child support payment from the responsible parent;

(e) The date a check is negotiable if the office of support enforcement receives a postdated check;

(f) The date process is served attaching accounts and earnings of a responsible parent, other than wages, or the date the responsible parent is entitled to receive such earnings, whichever is later; or

(g) The date the proceeds are paid from the sale of attached personal or real property.

(3) If the department subsequently receives information establishing an earlier payment date, the department shall take prompt action to make a payment required under this section or recover an erroneous payment.

(4) When the date of withholding is unclear on the payment instrument, the office of support enforcement shall reconstruct the date earnings were withheld by:

(a) Inquiring of the responsible parent's employer, the department of labor and industries, or employment security, for the date of withholding; or

(b) Comparing the payment schedule set forth in the support order with the payments actually received.

(5) The office of support enforcement shall mail a notice, not less than once a quarter, to a family receiving cash assistance for whom child support was received during the reporting period. The notice shall contain the following information:

(a) The amount of the child support order;

(b) The amount of child support received;

(c) A description of how the office allocated the child support between the family and the state;

(d) The amount the department claims as reimbursement for public assistance paid; and

(e) A statement of the right to an adjudicative proceeding under chapter 34.05 RCW to contest the allocation of child support.

(6) The provisions of this section do not apply to child support:

(a) Received by the office of support enforcement by means of an income tax refund intercept authorized under 42 USC Sec. 666 (a)(1) or Sec. 666 (a)(3)(B); or

(b) Payments received by the office of support enforcement after the family terminates from assistance that are paid to the family under chapter 26.23 RCW and WAC 388-14-270 as current support for the month or on the support debt owed to the family.

(7) The section applies to payments made by the responsible parent on or after January 1, 1989.

[Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-14-275, filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 74.04.057. 91-10-026 (Order 3162), § 388-14-275, filed 4/23/91, effective 5/24/91; 89-10-070 (Order 2794), § 388-14-275, filed 5/3/89.]

**WAC 388-14-300 Nonassistance support enforcement services—Persons eligible for services.** (1) As authorized by RCW 26.23.045 and 74.20.040, the office shall provide payment processing and records maintenance services to parties to a court order who are not receiving a public assistance grant when:

(a) A Washington superior court order, administrative order, or wage assignment order under chapter 26.18 RCW directs payments through the office or the Washington state support registry (WSSR);

(b) The physical custodian of a dependent child or a responsible parent requests payment services only, provided that:

(i) A responsible parent's request for payment services only shall not cause a reduction of service from the level of service provided under subsection (2) of this section, or WAC 388-14-200, 388-14-203, or 388-14-205; and

(ii) The support obligation is set by a Washington superior court, administrative, or wage assignment order, directing payment to the office or WSSR.

(2) The office shall provide full IV-D support enforcement services to physical custodians or responsible parents who are not receiving a public assistance grant when:

(a) The physical custodian or former physical custodian of a child requests support enforcement services;

(b) A responsible parent submits a support order for inclusion in or support payment to the Washington state support registry, together with an application for support enforcement services;

(c) A public assistance recipient stops receiving a cash grant under the aid to families with dependent children;

(d) The department provides Medicaid-only benefits to the physical custodian on behalf of a dependent child, unless the recipient of Medicaid-only benefits declines support enforcement services not related to paternity establishment, medical support establishment or medical support enforcement; or

(e) A man requests paternity establishment services alleging he is the dependent child's father.

(3) The office shall provide payment processing, records maintenance, paternity establishment, medical support establishment, and medical support enforcement services when a recipient of Medicaid-only benefits declines support enforcement services.

[Statutory Authority: RCW 74.08.090 and 45 CFR 303.106. 94-15-046 (Order 3754), § 388-14-300, filed 7/15/94, effective 8/15/94. Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-14-300, filed 6/9/92, effective 7/10/92; 90-16-041 (Order 3043), § 388-14-300, filed 7/24/90, effective 8/24/90; Order 1054, § 388-14-300, filed 9/25/75.]

**WAC 388-14-310 Nonassistance support enforcement application.** (1) To qualify for services a person desiring nonassistance services shall:

(a) Submit a written application for support enforcement services except as provided under subsection (2) of this section; and

(b) Have or have had physical custody of the child for whom support is sought, or for whom a support debt has accrued except as provided under WAC 388-14-300 (2)(b), and (e).

(2) The office shall:

(a) Provide only records maintenance and payment processing services if the payee under a support order fails to submit an application for support enforcement services and the:

(i) Order directs support payments to the office or the Washington state support registry; or

(ii) Clerk submitted the order under RCW 26.23.050.

(b) Continue to provide services after a:

(i) Public assistance recipient stops receiving a cash grant, under the same conditions regarding the physical custodian's obligation to cooperate with the office, as are in effect at the time public assistance terminates, without requiring an application;

(ii) Recipient of Medicaid-only benefits becomes ineligible for Medicaid-only benefits, under the same conditions regarding the physical custodian's obligation to cooperate with the office, as are in effect at the time the recipient became ineligible, without an application, unless the recipient:

(A) Declines support enforcement services while receiving or after termination of Medicaid-only benefits; or

(B) Requests additional services.

(3) The applicant shall:

(a) Give consent to the office to take an assignment of earnings from the person owing support;

(b) Agree to remit support money received directly from the person owing support to the office within eight days of receipt;

(c) Agree to direct a payor or forwarding agent to remit support money directly to the office;

(d) Agree not to hire an attorney or collection agency, or apply to any other states' IV-D agency, to collect the support obligation or support debt without notifying the office;

(e) Complete, sign, date, and submit to the office the application form and other required documents;

(f) Supply copies of divorce and dissolution decrees, support orders and modifications thereof, and any allied or related documents reflecting the marital and support status;

(g) Provide a statement of the amount of the support debt owed by the responsible parent; and

(h) Include or attach a list, by date, of the support payments received from the responsible parent during the period the support debt accrued.

(4) If a person other than the applicant has legal custody of the dependent child by order of a court, the applicant shall affirm the legal custodian:

(a) Was not wrongfully deprived of custody by the applicant; and

(b) Is not excused from making support payments under WAC 388-11-065(10).

(5) If an applicant is not a resident of this state:

(a) The office may decline the application if:

(i) The office has an open case for the applicant, opened at the request of another state; or

(ii) Neither the applicant nor the responsible parent have any contacts with the state of Washington;

(b) The applicant shall state, under oath, that the applicant does not have an open IV-D case in another state.

(6) The office may deny an application which is incomplete, contains unclear or inconsistent statements, or is not supported by necessary documents.

(7) Upon denying an application, the office shall send the applicant a written notice of denial by regular mail and shall include a statement:

(a) Of the reasons for the denial; and

(b) The applicant may request an adjudicative proceeding to contest the denial.

[Statutory Authority: RCW 74.08.090 and 45 CFR 303.106. 94-15-046 (Order 3754), § 388-14-310, filed 7/15/94, effective 8/15/94. Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-14-310, filed 6/9/92, effective 7/10/92; 90-16-041 (Order 3043), § 388-14-310, filed 7/24/90, effective 8/24/90; 88-07-012 (Order 2606), § 388-14-310, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-310, filed 2/12/86; 80-01-026 (Order 1465), § 388-14-310, filed 12/14/79; Order 1054, § 388-14-310, filed 9/25/75.]

**WAC 388-14-350 Location of absent parents.** (1)

The office of support enforcement shall maintain a service to locate absent parents utilizing all sources of information and available records in this state or in other states, and the parent locator service in the department of health and human services.

(2) The office of support enforcement will receive applications to undertake location activities for:

(a) Persons receiving public assistance in the state of Washington for the benefit of dependent children.

(b) Any agency or attorney of any state seeking to collect support obligations pursuant to an agreement entered into with the office of support enforcement under the state plan; or a court having authority to issue an order against an absent parent for the support and maintenance of a child; or the resident parent, legal guardian, attorney or agent of a child who is not receiving public assistance in the state of Washington for application to use the federal parent locator service.

(c) The IV-D agency of another state to locate an absent parent who is in the state of Washington.

(d) Authorized persons as defined in 45 C.F.R. 303.15 to use the federal parent locator service in connection with parental kidnapping or child custody cases.

(3) Referrals at a minimum must include the absent parent's name, and, if known, the absent parent's social security number, whether the absent parent is or has been a member of the armed services, whether the absent parent is receiving or has received any federal compensation or benefits, and any other information which might assist in location activities. In addition, the referral must include a request to be transmitted to the federal parent locator service which request must be countersigned by the chief, office of support enforcement, or his or her designee requesting the information and attesting that:

(a) The request is being made to locate an individual for the purpose of establishing paternity, securing support, or in connection with parental kidnapping or child custody cases, and for no other purpose;

(b) Any information obtained from the parent locator service shall be treated as confidential; and

(c) The certifying agency will take protective measures to safeguard personal information received from the parent locator service.

(4) Locate requests to the parent locator service of the state of Washington by a IV-D agency of another state pursuant to subsection (2)(c) of this section shall, after unsuccessful but diligent and reasonable efforts to locate, be returned to the IV-D agency of origin for action as appropriate including referral to the federal parent locator service.

(5) The office of support enforcement, after utilizing local and state resources, will submit remaining referrals after sixty days to the federal parent locator service or to another IV-D parent locator service as appropriate.

(6) The office of support enforcement is authorized to enter into arrangements and otherwise cooperate with the secretary, department of health and human services in carrying out the purposes of 42 U.S.C. 653, including collection of fees for utilizing the federal parent locator service.

[Statutory Authority: RCW 74.08.090, 83-21-014 (Order 2036), § 388-14-350, filed 10/6/83; Order 1054, § 388-14-350, filed 9/25/75.]

**WAC 388-14-360 Cooperation with other states.**

The office of support enforcement will, in accordance with standards prescribed by the secretary, department of health, education and welfare cooperate with any other state in:

(1) Establishing paternity, if necessary;

(2) Locating an absent parent residing in this state against whom any action is being taken under a program of another state established under a Title IV-D plan.

(3) Securing compliance by an absent parent residing in this state with an order issued by a court of competent jurisdiction equivalent to the superior court of the state of Washington against said parent for the support and maintenance of a child or children of said parent with respect to whom aid is being provided under a Title IV-D plan.

(4) Carrying out other functions required under a Title IV-D plan. The office of support enforcement on behalf of the department of social and health services will comply with such other requirements and standards as the secretary of the department of health, education and welfare determines to be necessary to the establishment of an effective program for locating absent or noncustodial parents, establishing paternity, obtaining support orders, and collecting support payments.

[Order 1054, § 388-14-360, filed 9/25/75.]

**WAC 388-14-365 Reassignment by state administering an approved plan.** A state administering a plan approved under Title IV-D of the Social Security Act may, on behalf of a resident of that state reassign to the office of support enforcement those support rights assigned to that state pursuant to 42 U.S.C. 602 (a)(26)(A) when those rights have accrued under an order of the superior court of the state of Washington or of a court of jurisdiction comparable to the superior court of the state of Washington. The office of support enforcement may utilize all remedies in chapters 74.20 and 74.20A RCW to collect said reassigned rights.

[Statutory Authority: RCW 74.08.090, 80-01-026 (Order 1465), § 388-14-365, filed 12/14/79; Order 1054, § 388-14-365, filed 9/25/75.]

**WAC 388-14-370 Cooperative arrangements with courts and law enforcement officials.** (1) The office of support enforcement is authorized to enter into cooperative arrangements, and written agreements including financial arrangements with appropriate courts and law enforcement officials to assist the office to administer the state plan for support enforcement in order to assure optimum results under such program. These cooperative arrangements and written agreements also include entering into financial arrangements or agreements with such agencies and officials to provide for the investigation and prosecution of fraud directly related to paternity, child support, and other matters of common concern.

(1995 Ed.)

(2) The office of support enforcement shall receive and distribute funds made available as payments to states to administer this plan (42 U.S.C. 655). No payments may be made to any political subdivision, court or law enforcement official of the state of Washington under these provisions except in compliance with the requirements of agreements made between the office of support enforcement and the political subdivision, court or law enforcement official pursuant to this section.

(3) In order to qualify for payments, a political subdivision, court or law enforcement official of the state of Washington shall obtain referral of the case or cases involved from the office of support enforcement and pay all support payments made subsequent to referral to the office of support enforcement. In the case of actions under the Uniform Reciprocal Enforcement of Support Act initiated in another state, a political subdivision or law enforcement official of the state of Washington may obtain referral status by submitting documents as determined by agreement, to the office of support enforcement for acceptance under this plan.

[Statutory Authority: RCW 74.08.090, 88-07-012 (Order 2606), § 388-14-370, filed 3/4/88; 80-01-026 (Order 1465), § 388-14-370, filed 12/14/79; 78-07-015 (Order 1305), § 388-14-370, filed 6/15/78; Order 1054, § 388-14-370, filed 9/25/75.]

**WAC 388-14-385 Conference board.** (1) A conference board may inquire into, determine facts of, and attempt to resolve matters in which a responsible parent, residential parent, payee under a court order, or other person feels aggrieved by an action taken by the office under:

(a) Chapters 26.23, 74.20, 74.20A RCW; or

(b) Title IV-D of the Social Security Act (Title 42 U.S.C.).

(2) The intent and purpose of the conference board is to facilitate the informal speedy resolution of grievances.

(3)(a) The director, or director's designee may assemble a conference board on application of an aggrieved person or on the director's own motion. The conference board shall dissolve upon issuance of a decision on the matter for which it was appointed.

(b) An applicant for a conference board shall have made a reasonable attempt and have failed to resolve the grievance before a conference board may act to attempt to resolve the issue.

(4) The conference board's jurisdiction shall include, but shall not be limited to, the following areas:

(a) A complaint as to the conduct of an individual staff member while acting within the scope of the staff member's duties. The board shall send a copy of the decision to the staff member's first line supervisor for action as appropriate;

(b) Review of a denial of an application for or termination of nonassistance support enforcement services;

(c) Review of an allegation of error as to the distribution of support moneys;

(d) Review of a denial to collect support arrears in nonassistance cases under RCW 74.20.040;

(e) Resolution of the amount of arrears claimed due and rate of repayment;

(f) A request to release or refund money taken under RCW 26.23.060 or 74.20A.080 to provide for the reasonable necessities of a responsible parent and minor children in the responsible parent's home;

(g) A request for deferral of support enforcement action;  
 (h) A request for partial or total charge-off of support arrearages under RCW 74.20A.220;

(i) A request to waive interest;

(j) A request to waive or defer the nonassistance support enforcement fee under RCW 74.20.040;

(k) Review of a determination that a support obligation has been satisfied or is no longer legally enforceable;

(l) A specific request for administrative review of cases submitted to the IRS for offset of a tax refund in accordance with federal statutes and regulations;

(m) Any other matter requiring explanation of or application of policy or law to an issue in a specific case or clarification of facts in said case; and

(n) The office's action in reporting a support debt to a consumer reporting agency.

(5) When a person states a grievance or requests a conference board, office staff shall provide a copy of the conference board information form.

(6) When a person requests a conference board, the director or the director's designee may take such action, as deemed appropriate, and may exercise any of the authority provided for in this regulation, when the:

(i) Grievance does not involve a factual dispute; or

(ii) Disputed fact or facts even if resolved in favor of the person would not provide a basis upon which relief could be granted to the person by a conference board.

(7) When a person requests a conference board and the grievance involves an apparent factual dispute:

(a) The director or director's designee shall assemble a conference board composed of the director or director's designee, who shall serve as chair and two staff members, if deemed necessary;

(b) The chair shall mail a notice of conference board to the applicant, the applicant's representative, and any other person or agency who is a party in interest to the proceeding. The notice of conference board shall state that a conference board has been scheduled and inform the parties of the time and place of the conference board;

(c) Where the department is not providing public assistance to the payee under a court order, and the responsible parent timely requests a conference board to contest the debt stated in a notice of support debt, the conference board shall be scheduled for a date at least thirty days after the notice of conference board is issued, and the notice shall include statements that:

(i) The payee has twenty days from the date the notice of conference board was given to request that the grievance be addressed in an adjudicative proceeding under WAC 388-14-435;

(ii) If the payee does not timely request an adjudicative proceeding, the department will deem that the payee has elected to have the grievance heard in a conference board and the:

(A) Conference board decision will become the final agency position on the debt claimed under the notice of support debt; and

(B) A payee's late application for an adjudicative proceeding shall be denied unless the payee shows good cause for the late application;

(iii) If the payee does not appear at either a conference board or an adjudicative proceeding, the presiding officer's

or the board's decision may be adverse to the payee's interest including, but not limited to, a reduction in the support debt stated in the notice of support debt.

(d) If the payee requests an adjudicative proceeding under WAC 388-14-435, the office shall inform the:

(i) Responsible parent that the parent's request for conference board is declined, and the responsible parent must appear at the adjudicative proceeding requested by the payee to raise objections to the notice of support debt; and

(ii) Payee that the conference board previously scheduled has been declined due to the payee's application for an adjudicative proceeding.

(8) The conference board chair may issue subpoenas under RCW 74.04.290 and administer oaths, take testimony, and compel the production of such papers, books, records, and documents deemed relevant to the resolution of the grievance under consideration. The conference board chair may take additional evidence by affidavit or other written submission when necessary or practicable together with written or oral argument. The chair may designate persons having specific familiarity with the matter at issue or technical expertise with the subject to advise the board.

(9) The conference board chair shall make a written decision stating the facts found, policies applied, and the board's decision.

(a) The board's decision, including a decision to deny a request for a conference board, shall be in accordance with applicable statutes, case law, department rules and regulations, published office manuals, support enforcement policy bulletins, and the exercise of reasonable administrative discretion.

(b) The board shall base a decision under RCW 74.20A.220 to grant partial or total charge-off of arrearages owed to the department under RCW 74.20A.030, 74.20A.250, 74.20.320, 74.20.330, or 42 U.S.C. 602 (a)(26)(A) on the following considerations:

(i) Error in law or bona fide legal defects that materially diminish chances of collection; or

(ii) Substantial hardship to minor children in the household of the responsible parent or other minor children for whom the responsible parent actually provides support; or

(iii) Costs of collection action in the future that are greater than the amount to be charged off; or

(iv) Settlement from lump-sum cash payment that is beneficial to the state considering future costs of collection and likelihood of collection.

(c) If the decision is the result of a conference board, that decision shall represent the decision of a majority of the board. The director shall vacate decisions inconsistent with the standards in this section and remand the application for issuance of a new decision in compliance with the standards.

(10) In making a determination of substantial hardship under subsection (9) of this section, the board shall measure the net income and all available assets and resources of the responsible parent against the needs standard for public assistance for the appropriate family size, as stated in WAC 388-250-1250. The board shall consider the necessity to apportion the responsible parent's income and resources on an equitable basis with the child for whom the arrearages accrued. When reviewing a claim of substantial hardship, the board may consider the following information including, but not limited to:



(a) The child on whose behalf support is owed is reunited with the responsible parent because the:

(i) Formerly separated parents have reconciled; or

(ii) Child has returned to the responsible parent from foster care, the care of a relative, or the care of a nonrelative custodian.

(b) The responsible parent is aged, blind, or disabled and receiving Supplemental Security Income, Social Security, or other similar benefits;

(c) The mother of the child is seeking charge off of debt accrued on behalf of a child who was conceived as a result of incest or rape, and presents evidence of rape or incest, acceptable under 45 CFR 232.43(c);

(d) Payment on the arrears obligation interferes with the responsible parent's payment of current support to a child living outside the home;

(e) The responsible parent has limited earning potential due to:

(i) Dependence on seasonal employment that is not considered in the child support order;

(ii) Illiteracy;

(iii) Limited English proficiency; or

(iv) Other similar factors limiting employability or earning capacity.

(f) The responsible parent's past efforts to pay support and the extent of the parent's participation in the child's parenting; and

(g) The size of the responsible parent's debt and the prospects for increased income and resources.

(11) The board may find that substantial hardship exists for a responsible parent, without finding hardship to a dependent child.

(a) In making a determination of substantial hardship to an individual without a dependent child, the board shall measure the applicant's income, assets, and resources against the needs standard. In combination with the income test, the board may consider the following factors when reviewing a claim of substantial hardship:

(i) The responsible parent is aged, blind, or disabled and receiving Supplemental Security Income, Social Security, or other similar benefits;

(ii) The mother of a child is seeking relief from debt accrued on behalf of a child who was conceived as a result of incest or rape, and presents evidence of rape or incest, acceptable under 45 CFR 232.43(c); or

(iii) The responsible parent has limited earning potential due to:

(A) Dependence on seasonal employment that is not considered in the child support order;

(B) Illiteracy;

(C) Limited English proficiency; or

(D) Other similar factors limiting employability or earning capacity.

(b) The board may agree to a reduced payment on the support debt, or a conditional reduced payment on the support debt, when there is substantial hardship to the responsible parent but not a hardship to a dependent child. The other remedies for substantial hardship under this section are not available when there is no showing of hardship to a dependent child.

(12) The board may:

(a) Reduce collection on the responsible parent's support debt to an amount that alleviates the hardship without altering the amount of the support to address situations in which substantial hardship exists, but the circumstances creating the hardship are temporary. Temporary hardship situations may include the factors listed under subsection (10) of this section and the applicant's receipt of public assistance on:

(i) Applicant's behalf; or

(ii) Behalf of a child in the applicant's home.

(b) Create incentives to promote payment or family unity by agreeing to a conditional:

(i) Total or partial charge off, if charge off is available under subsection (9) of this section; or

(ii) Reduced payment on the support debt.

(c) Condition reduced payment, or total or partial charge off on:

(i) Continued payment according to a payment schedule imposed by the board; or

(ii) Continued reconciliation; or

(iii) A family remaining off of AFDC.

(13) When creating incentives or providing conditional relief under subsection (12) of this section, the board shall:

(a) Not create a conditional charge off without specifying a period of performance after which the charge off is irrevocable;

(b) Not create a charge off conditioned on the parties remaining reconciled unless the parties have been reconciled for at least six months at the time of the conference board;

(c) Consider whether the conditions would create:

(i) Incentives for abuse or intimidation of the other party to the order;

(ii) Incentives for fraud; or

(iii) Unreasonable reluctance to obtain financial or medical assistance necessary for the health and best interests of the children.

(14) When the responsible parent violates the terms of the conditional charge off or reduced repayment rate imposed by a conference board decision under subsection (12) of this section:

(a) Any amount charged off by the board under the decision prior to the violation shall remain uncollectible;

(b) The office may collect any further amount that would have been charged off under the decision after the date of violation with no further notice to the responsible parent; and

(c) The responsible parent may not reinstate terms of the decision by renewed compliance with the terms of the decision, unless the department agrees in writing to reinstate the conditional charge off or repayment rate.

(15) The board shall distribute a copy of the decision to the applicant, the applicant's representative, other parties in interest, the appropriate field office for action consistent with the decision of the board, and the director.

(16) A conference board is not an adjudicative proceeding subject to review by the superior court and is not a substitute for any constitutionally or statutorily required hearing. An aggrieved party may be represented before the board by a person of the party's choice. The department shall not pay any costs incurred by the aggrieved person in connection with the conference board.

[Statutory Authority: RCW 74.08.090, 94-15-045 (Order 3753), § 388-14-385, filed 7/15/94, effective 8/15/94; 93-05-020 (Order 3512), § 388-14-385, filed 2/10/93, effective 3/13/93; 91-09-018 (Order 3133), § 388-14-385, filed 4/9/91, effective 5/10/91. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090, 90-04-077 (Order 3005), § 388-14-385, filed 2/5/90, effective 3/1/90. Statutory Authority: 1988 c 275, 89-01-049 (Order 2738), § 388-14-385, filed 12/14/88. Statutory Authority: RCW 74.08.090, 88-07-012 (Order 2606), § 388-14-385, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-385, filed 2/12/86; 81-05-021 (Order 1605), § 388-14-385, filed 2/11/81; 80-01-026 (Order 1465), § 388-14-385, filed 12/14/79; 78-07-015 (Order 1305), § 388-14-385, filed 6/15/78.]

**WAC 388-14-390 Adjudicative proceeding when collection action is initiated against a bank account—Exemptions—Burden of proof.**

(1) If the department initiates collection action against a bank account, safety deposit box, or other property held by a bank, credit union or savings and loan, the responsible parent or the joint owner of record of the bank account, safety deposit box or other property may contest the action in an adjudicative proceeding.

(2) The responsible parent or the joint owner shall file the application at the office by registered or certified mail or personally within twenty days of the date the office mailed a copy of the order to withhold and deliver to the:

- (a) Responsible parent; or
- (b) Last known address of the joint owner of record of the account, by certified mail.

(3) The responsible parent or joint owner of record shall state in the application the facts supporting the allegation by the responsible parent or the joint owner that the funds or property, or a portion of the funds or property, are exempt from satisfaction of the child support obligation of the responsible parent.

(4) On the application of the responsible parent, the joint owner of record, or the office, the department shall schedule an adjudicative proceeding solely for the purpose of determining whether or not one of the following exemptions applies to the funds in the bank account, or to the other property attached by the order to withhold and deliver:

(a) Pursuant to RCW 26.16.200 and 74.20A.120, the property or funds in the community bank account, joint bank account, or safety deposit box, or a portion of the property or funds which can be identified as the earnings of the spouse not owing a support obligation to the child or children of the responsible parent, are exempt from satisfaction of the child support obligation of the responsible parent.

(b) The funds in a bank account, or a portion of those funds which can be identified as AFDC funds, SSI monies, or other kinds of funds having been legally exempted from collection action, are exempt from satisfaction of the child support obligation of the responsible parent; or

(c) The funds or property attached by the order to withhold and deliver which can be identified as being solely owned by the joint owner of record of the bank account or safety deposit box not owing a child support obligation to the child or children of the responsible parent, are exempt from satisfaction of the child support obligation of the responsible parent.

(5) The responsible parent or joint owner of record shall have the burden of tracing the funds and proving the property or funds in the bank account are exempt from

satisfaction of the child support obligation of the responsible parent.

(6) The office shall hold moneys or property withheld as a result of collection action initiated against a bank account or safety deposit box and delivered to the office at the time of the granting of an application pending the final adjudicative order or during the pendency of any appeal to the courts.

(7) If the final decision of the department or courts on appeal is that the department has caused money or property that is exempt from satisfaction of the child support obligation of the responsible parent to be withheld by the bank or delivered to the department, the office shall:

(a) Promptly release the order to withhold and deliver; or

(b) Refund the proportionate share of the funds having been identified as being so exempt. The department shall not be liable for any interest accrued on any moneys withheld pursuant to RCW 74.20A.080.

[Statutory Authority: RCW 74.08.090 and 45 CFR 303.106, 94-15-046 (Order 3754), § 388-14-390, filed 7/15/94, effective 8/15/94. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090, 90-04-077 (Order 3005), § 388-14-390, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090, 83-21-014 (Order 2036), § 388-14-390, filed 10/6/83.]

**WAC 388-14-395 Limitation on collection of support payments from head of household—Request for conference board—Burden of proof.**

(1) Whenever the department provides residential care for a dependent child or children, the responsible parent or parents shall satisfy their obligation to support such child or children by paying to the department the amount specified in a court order when there is a superior court order for support, or by paying the amount determined under RCW 74.20A.055.

(2) The office of support enforcement is responsible on behalf of the department for taking action under the provisions of chapters 74.20 and 74.20A RCW and this chapter to enforce and collect support obligations as to children receiving residential care paid for by the department.

(3) The department may not collect and retain a support payment or a portion thereof in a given month for a dependent child or children for whom the department is providing residential care from a responsible parent who is the head of household if the income, as defined in RCW 74.04.005, for that month of the head of household and the remaining dependents was below or the effect of the support collection was to reduce the income of the household below the need standard for aid to families with dependent children. The obligation of the head of household to provide support for the child or children receiving residential care, however, will continue to accrue during any month the department is precluded from collecting and retaining support payments under this section.

(4) If the department has collected support payments from the head of household during a month or months where the income of the household was below or the effect of the collection was to reduce the income of the household below the need standard, the head of household may request, in writing, a conference board in accordance with WAC 388-14-385.

(5) The head of household has the burden of proving at the conference board that the income of the household was

below or was reduced below the need standard during the month or months payments were collected.

(6) If the conference board determines the department has collected support payments from the head of household that the department is not entitled to retain in accordance with this section, the office of support enforcement shall promptly refund, without interest, any such support payments, or the portion of such a payment having the effect of reducing the income of the household below the need standard.

(7) This section is not applicable to payments collected prior to August 23, 1983.

[Statutory Authority: RCW 74.08.090. 83-21-014 (Order 2036), § 388-14-395, filed 10/6/83.]

**WAC 388-14-400 Order to withhold and deliver—Issuance and termination.** (1) As provided under RCW 74.20A.040 or as otherwise appropriate under RCW 74.20A.055, the office of support enforcement may issue an order to withhold and deliver directed against the property, including but not limited to the earnings, of the debtor. If the debtor is delinquent in his or her support obligation as set forth in a superior court or administrative order for support in an amount equal to the support payable for one month, the office of support enforcement shall issue an order to withhold and deliver or take other wage withholding action as soon as the debtor's earnings have been identified. For purposes of this section, the debtor shall not be deemed to be delinquent in his or her support obligation if he or she is making periodic payments, pursuant to an administrative decision, a consent order, an agreed settlement, an assignment of earnings, or a support agreement, executed prior to October 1, 1985, in a timely manner and in an amount sufficient to satisfy current or future support and to make a reasonable periodic arrearage payment.

(2) The order to withhold and deliver shall remain in effect until the support debt has been paid in full or until it is released by the office of support enforcement and replaced by an assignment of earnings providing for payments in an amount sufficient to satisfy current or future support and make a reasonable arrearage payment.

(3) If the debtor wishes to contest or object to an order to withhold and deliver issued by the office of support enforcement, he or she may apply for relief to superior court.

[Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-14-400, filed 2/12/86.]

**WAC 388-14-405 Order to withhold and deliver—Responsibilities of employer.** (1) Where money is due and owing to the debtor under any contract of employment, the notice of payroll deduction or the order to withhold and deliver shall direct the employer to begin withholding the disposable earnings of the debtor immediately upon receipt of the order and to remit any such earnings withheld after the expiration of the twenty-day answer period. The notice or order shall direct the employer to remit earnings that are withheld subsequently within ten days of the date the earnings are due and owing to the debtor. The notice or order shall also provide the employer may deduct a processing fee from the remainder of the debtor's earnings, even if

the remainder would otherwise be exempt under RCW 74.20A.090. The processing fee shall not exceed ten dollars for the first remittance to the office of support enforcement and one dollar for each subsequent remittance.

(2) If the employer is required to withhold and deliver the disposable earnings of two or more debtors, the employer may combine the amounts withheld and remit a single check to the office of support enforcement. The employer shall clearly and separately identify the portions of the check which is attributable to each debtor and is required to remit the check within the time frames set forth in subsection (1) of this section.

(3) The notice of payroll deduction or order to withhold and deliver shall direct the employer to notify the office of support enforcement promptly when the debtor terminates employment and to provide the debtor's last known address and the name of the debtor's new employer if known.

[Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-405, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-405, filed 2/12/86.]

**WAC 388-14-410 Release of information to consumer reporting agency.** When a consumer reporting agency, as defined by 45 CFR 303.105(a), requests information regarding the amount of overdue support owed by a responsible parent, the office of support enforcement shall provide such information if the amount of the support debt exceeds one thousand dollars. Prior to releasing such information, however, a written notice concerning the proposed release of the information shall be sent to the responsible parent's last known address. The notice shall provide the responsible parent has ten days from the date of the notice to request a conference board to contest the accuracy of the information. If the responsible parent requests a conference board, the office of support enforcement shall not release the information until a conference board decision has been issued.

[Statutory Authority: RCW 74.08.090. 86-05-009 (Order 2340), § 388-14-410, filed 2/12/86.]

**WAC 388-14-415 Notice of support owed.** (1) A notice of support owed issued under RCW 26.23.110 shall state that:

(a) The office of support enforcement (OSE) is providing support enforcement services on behalf of the responsible parent's dependent children;

(b) Twenty-one days after service of the notice on the responsible parent, OSE may take action to collect the responsible parent's support obligation without further notice when the support obligation becomes due under the terms of the court order, unless the responsible parent or the payee under the order has filed a timely request to contest the notice as provided under this section. Collection action includes issuing orders to withhold and deliver and notices of payroll deduction, or taking other income withholding action;

(c) After service of the notice the responsible parent shall make all support payments through the Washington state support registry;

(d) The responsible parent shall not receive credit for payments made to a person or agency other than the support registry under RCW 26.23.050(9) and 74.20.101;

(e) The current monthly amount for support including medical and day care costs, due under a court or administrative order and an initial finding of the current support amount due if there is no fixed dollar amount in the order, and the basis, rationale, or formula used to make the initial finding;

(f) The amount of any support debt, including medical support and day care costs, owed by the responsible parent;

(g) The responsible parent shall have twenty days after service of the notice to contest the current support or support debt claimed by filing:

(i) A written application for an adjudicative proceeding under chapter 34.05 RCW; or

(ii) An action in superior court.

(h) The payee under the order shall have twenty days from the date notice was given to contest:

(i) The support debt or current support amount stated in the notice of support owed; or

(ii) A proposed agreement between OSE and the responsible parent regarding the amount of the support debt or current support.

(i) The payee may contest the support debt, current support, or proposed agreement by filing:

(i) A written application for an adjudicative proceeding under chapter 34.05 RCW; or

(ii) A [an] action in superior court.

(j) If either party files an application for an adjudicative proceeding both parties shall be notified and allowed to participate in the proceeding as independent parties.

(2) The notice of support owed shall be served on the responsible parent like a summons in a civil action or by any form of mail requiring a return receipt.

(3) Following service upon the responsible parent, the office shall mail a copy of the notice of support owed to the payee under the order by regular mail at the payee's last known address. The office shall also mail a notice to the payee regarding the payee's rights to contest the notice of support owed as provided under WAC 388-14-440.

(4) OSE may make the initial finding based upon:

(a) The factors stated in the order; and

(b) Any other information not contained in the order that is needed to determine the amount of the accrued debt or the current support obligation.

(5) When either the responsible parent or the payee under the order files an application for an adjudicative proceeding under this section, the department shall issue a notice of hearing.

The notice shall direct both parties to appear and show why the current support amount and the support debt amount is incorrect.

(6) When the responsible parent requests the hearing, the parent shall:

(a) List defenses to liability and/or state the reasons why support should not be set as stated in the notice of support owed in the request for a hearing; and

(b) Attach an office-approved financial affidavit;

(7) A payee's application for an adjudicative proceeding shall be governed by WAC 388-14-440.

(8)(a) If any party appears for the adjudicative proceeding and elects to proceed, absent the granting of a continuance the presiding officer shall hear the matter and enter an initial decision and order based upon the evidence presented.

The presiding officer shall include a party's failure to appear in the initial decision and order. The appeal rights of the party who failed to appear shall be limited to an appeal on the record made at the adjudicative proceeding.

(b) If neither party appears or elects to proceed, the presiding officer shall enter a decision and order declaring the amounts stated in the notice of support owed subject to collection action.

(c) When a party has advised the presiding officer that they will participate in an adjudicative proceeding by telephone, the presiding officer shall attempt to contact that party, on the record, [to] before beginning the proceeding or ruling on a motion.

(d) This rule does not authorize or require the presiding officer to disclose either party's telephone number.

(9) If either parent files a timely application for an adjudicative proceeding, OSE shall stay collection action pending the final adjudicative order, except as provided under subsection (10) of this section.

(10) OSE may take action to collect:

(a) Any part of the support debt that neither party alleges is incorrect;

(b) A fixed or minimum dollar amount for current support stated in the court order; and

(c) Any part of a support debt that has been reduced to a sum certain judgment by a proper court or agency.

(11) OSE shall collect the amounts stated in the notice without further notice to either party if neither the responsible parent nor the payee under the order:

(a) Files an application for an adjudicative proceeding under chapter 34.05 RCW; or

(b) Starts an action in superior court.

(12)(a) The following sections are incorporated by reference and made applicable to a proceeding provided for in this section: WAC 388-11-011, 388-11-015, 388-11-055, 388-11-060, 388-11-065, 388-11-100, 388-11-115, 388-11-135, 388-11-145, and 388-11-180.

(b) Hearings held under this section shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), and chapters 10-08, 388-08, and 388-14 WAC. If any provision in this chapter or in a rule incorporated by reference by (12)(a) of this section conflicts with or is inconsistent with chapters 10-08 or 388-08 WAC, the provision in this chapter or a rule incorporated by reference shall govern.

(c) For the purposes of this section, when a rule incorporated by this section grants a procedural right to a responsible parent, that rule shall be interpreted to confer the same right to the payee under the court order.

(13) After the parties have presented evidence at a hearing, the presiding officer shall within twenty days:

(a) Find the amount of current support payable under the order;

(b) Find the amount of the support debt, including medical support and day care costs, accrued before to the date of service of the notice; and

(c) Issue findings of fact, conclusions of law, and an initial decision and order.

(14) The party contesting the amounts stated in the notice shall prove that the amounts stated in the notice of support owed are incorrect.

(15) The presiding officer in the initial decision, and the secretary or designee in review of the proposed decision, shall be limited to:

(a) Interpretation of the court order for support only. The presiding officer shall not have the authority to change or defer the support amount owed except to find:

(i) The amount of monthly support as a fixed dollar amount; and

(ii) Any arrears accrued before to service of the notice of support owed.

(b) Correct the mathematical computation of the stated debt;

(c) Review and consider superior court orders which have modified the superior court order in issue. Contempt orders and orders entered under chapter 26.18 or 26.23 RCW shall not be construed as modifications.

(16) In adjudicative orders entered under this section the presiding officer shall inform the parties of the right to request a yearly review of the order.

(17) The presiding officer shall file the original initial decision and order with the secretary or the secretary's designee.

(18) The presiding officer shall mail copies of the decision and order to:

(a) The office of support enforcement;

(b) The last known address of the responsible parent by certified mail; and

(c) The last known address of the person to whom support is payable under the support order.

(19) Any party may appeal the initial decision or review decision as provided under WAC 388-08-440 or 388-08-464.

(20) Informal disposition of any hearing is favored where possible and not precluded by law. OSE may dispose of cases by an agreed settlement or a consent order. The presiding officer shall approve any consent order unless:

(a) It is contrary to law; or

(b) The payee under the order filed a timely objection to the:

(i) Notice of support owed; or

(ii) Notice of proposed settlement.

(21) A support order issued under this section shall contain the notice and information listed under RCW 26.23-050(5).

(22) The provisions of this section regarding the payee's right to an adjudicative proceeding shall not apply if the department is providing public assistance to the payee or the child for whom support is being sought.

[Statutory Authority: RCW 74.08.090. 92-13-026 (Order 3403), § 388-14-415, filed 6/9/92, effective 7/10/92; 91-09-018 (Order 3133), § 388-14-415, filed 4/9/91, effective 5/10/91. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.090. 90-04-077 (Order 3005), § 388-14-415, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-415, filed 3/4/88; 86-05-009 (Order 2340), § 388-14-415, filed 2/12/86.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 388-14-420 Termination of support enforcement services.** (1) After the office of support enforcement (OSE) begins providing services under chapter 74.20 RCW

and RCW 26.23.045 (1)(a), (b), (c), (e), or (f), OSE may terminate services when:

(a) There is no current support order and the support debt is less than five hundred dollars or cannot be enforced under the laws of the state of Washington;

(b) OSE determines that the responsible parent or putative father is dead and has no available assets, income, or estate subject to collection action;

(c) OSE determines that the responsible parent does not have any available assets, income, or estate subject to collection action, and is and will be unable to pay support because the parent is:

(i) Institutionalized in a psychiatric facility;

(ii) Incarcerated without possibility of parole; or

(iii) Medically verified as totally and permanently disabled with no evidence of support potential.

(d) The applicant, agency, or person receiving nonassistance services submits a written request to terminate services, and no:

(i) Current assignment to the state of medical support rights exists; and

(ii) Debt accrued under a support order that is assigned to the state exists.

(e) OSE makes reasonable efforts to identify or locate the responsible parent, using local, state, and federal locate sources over a three-year period and does not find new locate information;

(f) OSE is unable to contact a nonassistance physical custodian within a thirty-day period using both a telephone call and one or more registered letters;

(g) OSE documents:

(i) Instances of the physical custodian's failure or refusal to cooperate with OSE; and

(ii) That the physical custodian's cooperation is essential for the next step in providing support enforcement services;

(h) OSE cannot obtain a paternity order because:

(i) The putative father is dead;

(ii) A genetic test has excluded all known putative fathers and no other putative father can be identified;

(iii) The child is eighteen years of age or older; or

(iv) The department, a court of competent jurisdiction, or an adjudicative proceeding determines that paternity establishment would not be in the best interest of the child in a case involving:

(A) Incest;

(B) Rape; or

(C) Pending adoption.

(i) The department or a court of competent jurisdiction finds the person receiving services has wrongfully deprived the responsible parent of physical custody of a dependent child under WAC 388-11-065(10);

(j) The department or a court of competent jurisdiction finds that action establishing or enforcing a support obligation cannot proceed without risk of harm to the child or the child's custodian;

(k) OSE has provided locate-only services in response to a request for state parent locator services; or

(l) The responsible parent is a citizen of, and lives in, a foreign country and:

(i) Does not have any assets which can be reached by OSE; and

(ii) Washington state has been unable to establish reciprocity in child support matters with that country.

(2) After OSE provides services under RCW 26.23.045 (1)(d), OSE shall:

(a) Terminate support enforcement services;

(i) If a court of competent jurisdiction orders OSE to terminate services based on:

(A) An approved alternate payment plan under RCW 26.23.050; or

(B) A finding that it is not in the child's best interest for OSE to continue providing services.

(ii) After filing a satisfaction of judgment with the court as provided under WAC 388-14-205; or

(iii) If the responsible parent is dead and OSE receives proof there is no available estate.

(b) Terminate services, except records maintenance and payment processing:

(i) For the reasons stated under subsections (1)(c), (d), (e), (f), (g), (j), (k), or (l) of this section; or

(ii) If the payee under the order fails to submit an application for support enforcement services.

(3) Sixty days before terminating services, OSE shall mail a notice to the physical custodian. OSE shall:

(a) Send the notice by regular mail to the last known address of the physical custodian;

(b) Include in the notice the reasons for terminating services; and

(c) State in the notice that the physical custodian may ask for an adjudicative proceeding to contest the decision terminating services.

(4) After terminating support enforcement services, OSE shall return support money OSE receives to the payor except as provided under subsection (2)(b) of this section.

[Statutory Authority: RCW 74.08.090, 45 CFR 303.11 and 45 CFR 303.100. 93-05-020 (Order 3512), § 388-14-420, filed 2/10/93, effective 3/13/93. Statutory Authority: RCW 74.08.090, 90-16-041 (Order 3043), § 388-14-420, filed 7/24/90, effective 8/24/90; 88-07-012 (Order 2606), § 388-14-420, filed 3/4/88.]

**WAC 388-14-425 Payroll deduction—Notice and order—Issuance and termination.** (1) Under RCW 26.23.050 and 26.23.060, the office may issue and serve a notice of payroll deduction upon the employer of a responsible parent, or the employment security department for the state in possession of or owing benefits from unemployment compensation to the responsible parent. The office shall issue the notice of payroll deduction, without further notice to the responsible parent:

(a) If a support payment, owed under a superior court or administrative order for support, is past due according to the terms of the support order;

(i) If the statutory notice requirements are met; and

(ii) When the office identifies the responsible parent's earnings or unemployment compensation benefits.

(b) At any time if the courts or administrative order establishing the support obligation contains provisions substantially similar to those stated under RCW 26.23.050 (1)(a) and (b) or RCW 26.23.050(3):

(i) If the statutory notice requirements are met; and

(ii) When the office identifies the responsible parent's earnings, or unemployment compensation benefits.

(2) The notice of payroll deduction shall remain in effect until:

(a) The payroll deduction is quashed, modified, or terminated by the superior court pursuant to a motion filed by the support debtor;

(b) The office determines, as a result of a conference board convened under WAC 388-14-385, to release the payroll deduction after the support debtor proves by competent evidence that:

(i) The support obligation was not due at the time the notice of payroll deduction was issued; or

(ii) The payroll deduction causes extreme hardship or substantial injustice; or

(c) One year has passed since the:

(i) Employer has employed the responsible parent or been in possession of earnings owed to the responsible parent; or

(ii) Employment security department has been in possession of or owing unemployment compensation benefits to the responsible parent.

[Statutory Authority: RCW 26.23.060, 92-13-026 (Order 3403), § 388-14-425, filed 6/9/92, effective 7/10/92. Statutory Authority: 1988 c 275, 89-01-049 (Order 2738), § 388-14-425, filed 12/14/88. Statutory Authority: RCW 74.08.090, 88-07-012 (Order 2606), § 388-14-425, filed 3/4/88.]

**WAC 388-14-427 Payroll deduction notice—Order to withhold and deliver—Wage assignments—Agreements for electronic service.** (1) An employer, or any other person, firm, corporation, or political subdivision, or department of the state or federal government, may agree to accept and acknowledge service of documents listed under subsection (3) of this section by electronic data transmission.

(2) All agreements for service by electronic data transmission (EDT) shall be in writing and shall contain the employer, person, firm, corporation, political subdivision, or department's agreement to accept an EDT as:

(a) Personal service of the documents related to withholding; and

(b) A written document for the purpose of chapters 26.23 and 74.20A RCW.

(3) OSE may serve the following documents by EDT, providing that the entity served has agreed to service by EDT under the provisions of subsections (1) and (2) of this section:

(a) Notice of payroll deduction under RCW 26.23.060;

(b) Order to withhold and deliver under RCW 74.20A.080;

(c) Assignment of earnings under RCW 74.20A.240;

(d) Releases of any of the documents listed in this subsection; and

(e) Amendments in the amount to be withheld under any of the documents listed in this subsection.

(4) OSE shall provide the other party, to any agreement under this section, with copies of the current forms listed in subsection (3) of this section, and any subsequent updates of those forms. OSE's failure to provide updates shall not excuse compliance with any of the wage withholding documents served under the terms of the agreement.

(5) An agreement to accept service by EDT does not alter the rights, duties, and responsibilities related to income withholding action under chapters 26.23, 74.20, and 74.20A RCW.

[Statutory Authority: RCW 74.08.090. 93-05-020 (Order 3512), § 388-14-427, filed 2/10/93, effective 3/13/93.]

**WAC 388-14-430 Income withholding action.** The office may take income withholding action as defined in this chapter if:

(1) A support order contains the notice set forth in RCW 26.23.050 (1) or (2), or the office served a notice on the responsible parent under RCW 26.23.050(3) or 74.20A.040; and

(2) A support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month.

If the support order contains the notice set forth in RCW 26.23.050 (1) or (2), the office may take such action, without further notice to the responsible parent, even though another provision of law states that some other form of notice should be given before the office takes collection action.

[Statutory Authority: RCW 74.08.090. 88-07-012 (Order 2606), § 388-14-430, filed 3/4/88.]

**WAC 388-14-435 Notice of support debt.** (1) A notice of support debt issued under RCW 74.20A.040 shall state:

(a) The office of support enforcement (OSE) provides support enforcement services on behalf of the responsible parent's dependent children.

(b) The amount of any support debt, including medical support and day care costs, owed by the responsible parent.

(c) The current monthly amount for support under a court or administrative order.

(d) Twenty-one days after service of the notice of support debt OSE may take action to collect the responsible parent's support obligation without further notice, when the support obligation becomes due under the terms of the court order, unless the responsible parent or the payee under the order has filed a timely request to contest the notice of support debt as provided under this section. Collection action includes issuing orders to withhold and deliver, notices of payroll deduction, and/or taking other income withholding action.

(e) After service of the notice of support debt the responsible parent shall make all support payments through the Washington state support registry.

(f) The responsible parent shall not receive credit for payments made to a person or agency other than the support registry under RCW 26.23.050(9) and 74.20.101.

(g) The responsible parent has twenty days after service of the notice to contest the support debt amount by either:

(i) Making a written request for a conference board to be held under WAC 388-14-385; or

(ii) Filing an action in superior court.

(h) If the payee under the order objects to the support debt stated in the notice of support debt, or to a proposed settlement agreement between OSE and the responsible parent resulting in a reduction of the support debt, the payee may contest the action by filing:

(i) A written application for an adjudicative proceeding under chapter 34.05 RCW; or

(ii) An action in superior court.

(i) Both parties shall be notified of any adjudicative proceeding requested by the payee, or conference board requested by the responsible parent, and both parties shall be allowed to participate as independent parties.

(2) The department shall serve the notice of support debt on the responsible parent:

(a) Like a summons in a civil action; or

(b) By any form of mail requiring a return receipt.

(3) Following service upon the responsible parent, the office shall mail a copy of the notice of support debt to the payee under the order, by regular mail at the payee's last known address. The office shall also mail a notice to the payee regarding the payee's rights to contest the notice of support debt as provided under WAC 388-14-440.

(4) OSE shall collect the amounts stated in the notice of support debt without notice to either party if the:

(a) Responsible parent does not request a conference board or start an action in superior court; and

(b) Payee under the order does not file a timely application for an adjudicative proceeding or start an action in superior court.

(5)(a) If the responsible parent requests a conference board the department shall issue a notice of conference board. The notice shall direct the responsible parent to appear and show why the support debt is incorrect. If the conference board request was timely, action to collect the support debt stated in the notice of support debt shall be stayed, except as provided under subsection (5)(c) of this section, pending the outcome of the conference board.

(b) A copy of the notice of conference board shall be mailed to the payee under the court order informing the payee of the payee's right to participate in the conference board.

(i) The payee shall have twenty days from the date the notice of conference board is given to request that the issues be addressed in an adjudicative proceeding under subsection (1)(h) of this section.

(A) If the payee does not file an application for an adjudicative proceeding within twenty days, the payee will be deemed to have made an election of remedies and the:

(I) Conference board decision shall become the final agency position; and

(II) Payee's late application for an adjudicative proceeding shall be denied unless the payee shows good cause for the late application.

(B) If the payee files an application for an adjudicative proceeding within twenty days the department shall stay any action to collect the support debt stated in the notice of support debt, except as provided under subsection (5)(c) of this section, pending the outcome of the adjudicative proceeding.

(ii) OSE shall notify the responsible parent of the payee's application for an adjudicative proceeding as required under subsection (1)(i) of this section.

(c) OSE may take action to collect:

(i) The current monthly amount of support stated in the court order;

(ii) Any portion of the support debt that both parties fail to allege is not owed; or

(iii) Any portion of the support debt that has been reduced to a sum certain judgment by a proper court or agency.

(6)(a) This section incorporates the following sections by reference, into any adjudicative proceeding scheduled to contest a notice issued under this section:

- (i) WAC 388-11-011;
- (ii) 388-11-015;
- (iii) 388-11-060;
- (iv) 388-11-065;
- (v) 388-11-100;
- (vi) 388-11-115;
- (vii) 388-11-135;
- (viii) 388-11-145;
- (ix) 388-11-180; and
- (x) Chapters 10-08 and 388-08 WAC.

(b) If any provision in this rule or in a rule incorporated by reference in this section conflicts with, or is inconsistent with a provision in chapters 10-08 or 388-08 WAC, the provision in this section or a rule incorporated by reference in this section shall govern.

(c) For the purposes of this section, if a rule incorporated by this section grants a procedural right to a responsible parent, that rule shall be interpreted to confer the same right to the payee under the court order.

(7) After evidence has been presented at a hearing, the presiding officer shall, within twenty days:

(a) Find the amount of the support debt, including medical support and day care costs, accrued before the date of service of the notice;

(b) Correct the mathematical computation of the stated debt;

(c) Review and consider superior court orders which have modified the superior court order in issue. Contempt orders and orders entered under chapters 26.21 or 26.20 RCW shall not be construed as modifications; and

(d) Issue findings of fact, conclusions of law, and an initial decision and order.

(8)(a) If any party appears for the adjudicative proceeding, absent the granting of a continuance, the presiding officer shall hear the matter and enter an initial decision and order based on the evidence presented.

(b) If neither party appears or elects to proceed, the presiding officer shall enter a decision and order declaring the amounts stated in the notice of support debt subject to collection.

(c) When a party has advised the presiding officer that the party will participate in an adjudicative proceeding by telephone, the presiding officer shall attempt to contact that party, on the record, prior to beginning the proceeding or ruling on a motion.

This rule does not authorize or require the presiding officer to disclose either party's telephone number.

(9) Informal disposition of any hearing is favored where possible and not precluded by law. OSE may dispose of cases by an agreed settlement, or consent order. The presiding officer shall approve any consent order unless the:

(a) Order is contrary to law; or

(b) Payee under the order files a timely objection to the notice of:

(i) Support debt; or

(ii) Proposed settlement.

(10) The presiding officer, review judge, and OSE shall include the notice and information listed under RCW 26.23.050(5) in support orders issued under this section.

(11) This section does not require OSE to serve a notice of support debt on the responsible parent before taking collection action if the order contains the requirements under RCW 74.20A.040(5).

(12) The provisions of this section regarding the payee's right to an adjudicative proceeding under chapter 34.05 RCW shall not apply if the department is providing public assistance to the payee or the child for whom support is being enforced.

[Statutory Authority: RCW 74.08.090, 93-05-020 (Order 3512), § 388-14-435, filed 2/10/93, effective 3/13/93; 91-09-018 (Order 3133), § 388-14-435, filed 4/9/91, effective 5/10/91.]

**WAC 388-14-440 Notice to payee.** (1) The office of support enforcement (OSE) shall mail a notice to the payee under a court order for child support by first class mail to the payee's last known address when the department serves a:

(a) Notice of support debt on the responsible parent under RCW 74.20A.040; or

(b) Notice of support owed on the responsible parent under RCW 26.23.110.

(2) The notice to the payee shall state:

(a) OSE has served a notice of support debt or notice of support owed on the responsible parent;

(b) The amount of support OSE calculated is due at the time the notice is issued and the time period during which the support debt accrued; and

(c) In cases where the department is not providing public assistance to the payee or the child for whom support is being enforced, the notice to the payee shall also state:

(i) The payee under the court order has the right to contest the claimed support debt and/or current support by filing a written application for an adjudicative proceeding under chapter 34.05 RCW within twenty days of the date the notice to the payee was given;

(ii) The payee under the court order may upon request review the information used to calculate the support debt and/or current support claimed in the notice of support debt or the notice of support owed;

(iii) The responsible parent has the right to attend and participate as an independent party in any adjudicative proceeding requested by the payee;

(iv) If the responsible parent files a timely request for a conference board to contest a notice of support debt, the payee will be required to elect between resolving the amount of the debt in the conference board or in an adjudicative proceeding; and

(v) If the payee does not appear for either a conference board or an adjudicative proceeding, the resulting decision may be adverse to the payee's interest, including but not limited to a reduction:

(A) In the amount of the support debt below the amount stated in a notice of support debt; or

(B) Of the support debt and/or the current support below the amount stated in the notice of support owed.

(3) If the payee under the court order does not timely file an application for an adjudicative proceeding, OSE shall collect the amounts stated in the notice of support debt or notice of support owed without further notice to either party unless the responsible parent timely:



- (a) Requests a conference board to contest the notice of support debt; or
- (b) Files an application for an adjudicative proceeding to contest the notice of support owed.

[Statutory Authority: RCW 74.08.090, 91-09-018 (Order 3133), § 388-14-440, filed 4/9/91, effective 5/10/91.]

**WAC 388-14-445 Notice of proposed settlement.**

(1) Agreed settlements and consent orders entered between the department and the responsible parent to adjust amounts claimed under a notice of support debt or a notice of support owed shall not be final unless:

- (a) Approved by the payee under the order; or
- (b) The payee is given notice of and does not make a timely written objection to the proposed settlement.

(2) Agreed settlements and consent orders shall contain a statement informing the responsible parent of the conditional nature of the agreement.

(3) When the department and the responsible parent sign an agreed settlement or consent order under this section, the department shall mail a copy of the proposed agreement to the payee and inform the payee of the payee's right to object to the proposed agreement. The department shall inform the payee that:

(a) The payee may object to the agreement by filing a written application for an adjudicative proceeding under chapter 34.05 RCW with the department within twenty days of the date notice of the proposed agreement was given; and

(b) If the payee does not timely file an application for an adjudicative proceeding, the proposed agreement will become effective and shall not be subject to further administrative appeal and if the responsible parent has previously filed a timely request for a conference board or an adjudicative proceeding, the:

- (i) Proposed agreement will become final; and
- (ii) Scheduled hearing or conference board will be dismissed.

(c) The payee may, at any time, approve a proposed settlement by written notice to the department.

(4) The department or the office of administrative hearings shall give notice to the responsible parent of any adjudicative proceeding requested by the payee to contest a proposed agreement. The responsible parent shall be allowed to appear and participate as an independent party in the proceeding.

(5) The provisions of this section shall not apply if the department is providing public assistance to the children for whom the department enforces support.

[Statutory Authority: RCW 74.08.090, 91-09-018 (Order 3133), § 388-14-445, filed 4/9/91, effective 5/10/91.]

**WAC 388-14-450 Debt adjustment notice.** (1) The office of support enforcement (OSE) shall mail a debt adjustment notice to a payee under a court order within thirty days of the date OSE reduces the amount of the court-ordered support debt the department intends to collect if that reduction was due to:

- (a) A mathematical error in the debt calculation;
- (b) A clerical error in the stated debt;

(c) Proof the support obligation should have been suspended for all or part of the time period involved in the calculation; or

(d) Proof the responsible parent made payments that had not previously been credited against the support debt.

(2) The debt adjustment notice shall state:

(a) The amount of the reduction;

(b) The reason OSE reduced the support debt, as provided under subsection (1) of this section;

(c) The payee has the right to contest the proposed adjustment by filing a written application for an adjudicative proceeding under chapter 34.05 RCW within twenty days of the date notice to the payee was given;

(d) The name of the responsible parent and a statement that the parent may attend and participate as an independent party in an adjudicative proceeding requested by the payee; and

(e) OSE will continue to provide support enforcement services whether or not the payee objects to the notice.

(3)(a) The payee has the right to contest a reduction under subsection (1) of this section by filing a request for an adjudicative proceeding within twenty days of the date the notice to the payee was given.

(b) If the application for an adjudicative proceeding is untimely filed but is filed within one year of the date notice was given, the payee shall be entitled to an adjudicative proceeding without showing good cause for the untimely request.

(c) If the application for an adjudicative proceeding is filed beyond one year from the date notice was given, the payee must show good cause for the delay in filing the request in order to receive an adjudicative proceeding to contest the reduction.

(4) The provisions of this section shall not apply if the department is providing public assistance to the payee or the child for whom the department enforces support.

[Statutory Authority: RCW 74.08.090, 91-09-018 (Order 3133), § 388-14-450, filed 4/9/91, effective 5/10/91.]

**WAC 388-14-460 Notice of intent to enforce—Health insurance coverage.**

(1) The office of support enforcement (OSE) may issue a notice of intent to enforce a responsible parent's obligation to provide health insurance coverage under a court or administrative order if the order:

(a) Requires the responsible parent to provide health insurance coverage; and

(b) Does not inform the parent that failure to provide coverage may result in direct enforcement of the order.

(2) OSE shall serve the notice on the responsible parent by certified mail, return receipt requested or by personal service.

(3) The department shall state on the notice of intent to enforce that the responsible parent must submit proof of coverage or proof that the parent has applied for coverage to OSE within twenty days of the date:

(a) Of service of the notice; or

(b) Health insurance coverage becomes available through the parent's employer or union.

[Statutory Authority: RCW 26.18.170 and 26.18.180, 92-13-026 (Order 3403), § 388-14-460, filed 6/9/92, effective 7/10/92.]

**WAC 388-14-480 Notice of enrollment—Health insurance coverage—Issuance and termination.** (1) Under chapter 26.18 RCW, the office of support enforcement (OSE) may issue a notice of enrollment to enforce a responsible parent's obligation to provide health insurance coverage. OSE shall serve the notice on the responsible parent's employer or union like a summons in a civil action or by certified mail, return receipt requested. OSE shall issue the notice, without further notice to the responsible parent, when:

(a) A court or administrative order requires the responsible parent to provide insurance coverage for a dependent child;

(b) The responsible parent fails to provide health insurance coverage, lets the coverage lapse, or fails to provide proof of such coverage as provided for under WAC 388-11-215;

(c) The statutory notice requirements under RCW 26.23.050 are met; and

(d) OSE has reason to believe that such coverage is available through the responsible parent's employer or union.

(2) OSE shall state in the notice of enrollment that:

(a) The responsible parent is required to provide health insurance coverage for the dependent children named in the notice;

(b) The employer or union is required to enroll the children in a health insurance plan offered by the employer or union if accessible coverage is available, except as provided under subsection (4) of this section;

(c) The employer or union must answer the notice of enrollment by completing the answer form and returning it to OSE within thirty-five days;

(d) The employer's or union's answer must confirm that the employer or union:

(i) Has enrolled the children in a health insurance plan which provides accessible coverage;

(ii) Will enroll the children in a health insurance plan which provides accessible coverage during the next open enrollment period; or

(iii) Cannot enroll the children in a health insurance plan which provides accessible coverage, and must state the specific reasons that coverage cannot be provided.

(e) The employer's or union's answer must include information requested by OSE about the health insurance plan and policy;

(f) The employer or union must enclose with the answer any necessary claim form or enrollment membership cards, or must provide such forms or cards when they are available;

(g) The employer or union shall withhold the premiums from the responsible parent's net earnings if the responsible parent is required to pay some or all of the premiums for coverage under the health insurance plan;

(h) OSE may take action under RCW 74.20A.270 and chapter 388-13 WAC to impose a fine of up to one thousand dollars if the employer or union fails to:

(i) Enroll the children upon receipt of the notice of enrollment or when accessible coverage becomes available; or

(ii) Answer the notice of enrollment by providing all the information requested by OSE.

(3) OSE may take action under RCW 74.210A.270 and chapter 388-13 WAC to impose fines if the employer or

union fails to comply with the terms of a notice of enrollment.

(a) For each failure to comply with a notice of enrollment, OSE may assess a fine of:

(i) Two hundred dollars for the first month in which the employer fails to comply;

(ii) Three hundred dollars for the second month in which the employer fails to comply; and

(iii) Five hundred dollars for the third month in which the employer fails to comply.

(b) Under no circumstance shall OSE impose fines exceeding one thousand dollars based on an employer's failure to comply with a single notice of enrollment.

(c) OSE shall not impose a fine for failing to enroll a child in a health insurance program for any month in which the employer is precluded from enrolling the child by the terms of the employer's contract with the insurance provider. This provision does not exempt employers from liability for failure to answer a notice of enrollment.

(4) The employer or union shall enroll the children named in the notice in a health insurance plan which the employer or union offers to the responsible parent and which provides accessible coverage to the children, except as provided under subsection (4) of this section:

(a) Upon receipt of the notice of enrollment;

(b) During the next open enrollment period when the plan contains an enrollment limitation which prevents immediate enrollment; or

(c) When accessible coverage becomes available in the future if the employer does not offer such coverage when the notice of enrollment is received.

(4) The employer or union shall not enroll the children in a health insurance plan when the responsible parent's current support obligation:

(a) Equals or exceeds fifty percent of the parent's net earnings; or

(b) Plus the amount of the insurance premium the parent is required to pay to cover the children named in the notice exceeds fifty percent of the parent's net earnings.

(5) When the employer or union offers more than one health insurance plan under which coverage is available to the children named in the notice, the employer or union shall enroll the children in the:

(a) Responsible parent's plan unless accessible coverage is not available to the children under such plan; or

(b) Least expensive plan which provides accessible coverage for the children.

(6) The employer or union shall answer the notice of enrollment and shall include the requested information as specified under subsection (2)(d), (e), and (f) of this section within thirty-five days of receipt of the notice of enrollment when:

(a) The employer or union is unable to enroll the children when the initial answer is submitted; or

(b) Accessible coverage later becomes available.

(7) The notice of enrollment shall remain in effect until:

(a) The notice is withdrawn or released by OSE; or

(b) Health insurance coverage is no longer available through the employer or union.

(8) The employer or union shall advise OSE when health insurance coverage for the children is terminated by

mailing a notice of termination within thirty days of the date of termination.

[Statutory Authority: RCW 26.18.170 and 26.18.180. 92-13-026 (Order 3403), § 388-14-480, filed 6/9/92, effective 7/10/92.]

**WAC 388-14-490 Employer reporting program—Exemptions.** (1) In addition to the exemptions established under RCW 26.23.040, the employers assigned the following standard industrial classification (SIC) codes are exempt from the requirements of the employer reporting program as authorized under chapter 26.23 RCW:

- (a) SIC code 7363, temporary services;
- (b) SIC code 8011, offices and clinics of medical doctors;
- (c) SIC code 8021, offices and clinics of dentists;
- (d) SIC code 8031, offices of osteopath physicians;
- (e) SIC code 8041, offices and clinics of chiropractors;
- (f) SIC code 8042, offices and clinics of optometrists;
- (g) SIC code 8043, offices and clinics of podiatrists;
- (h) SIC code 8049, offices of health practitioners;
- (i) SIC code 8071, medical laboratories;
- (j) SIC code 8072, dental laboratories; and
- (k) SIC code 8092, kidney dialysis centers.

[Statutory Authority: RCW 26.23.040. 92-13-026 (Order 3403), § 388-14-490, filed 6/9/92, effective 7/10/92.]

### Chapter 388-15 WAC

#### SOCIAL SERVICES FOR FAMILIES, CHILDREN AND ADULTS

##### WAC

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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-15-100	Services offered by the economic and social services office of the bureau of social services. [Order 1088, § 388-15-100, filed 1/19/76.] Repealed by Order 1238, filed 8/31/77.
388-15-136	Central registry—Duty to maintain. [Statutory Authority: 1987 c 206. 87-23-057 and 87-24-039 (Orders 2561 and 2561A), § 388-15-136, filed 11/18/87 and 11/25/87. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-15-136, filed 9/10/79; Order 1238, § 388-15-136, filed 8/31/77.] Repealed by 93-13-021 (Order 3567), filed 6/9/93, effective 7/10/93. Statutory Authority: RCW 26.44.050 and 26.44.070.
388-15-137	Central registry—Reports. [Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-15-137, filed 9/10/79; Order 1238, § 388-15-137, filed 8/31/77.] Repealed by 87-23-057 and 87-24-039 (Orders 2561 and 2561A), filed 11/18/87 and 11/25/87. Statutory Authority: 1987 c 206.

- 388-15-138 Central registry—Information—Release—Dissemination—Expungement. [Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-15-138, filed 9/10/79; Order 1238, § 388-15-138, filed 8/31/77.] Repealed by 87-23-057 and 87-24-039 (Orders 2561 and 2561A), filed 11/18/87 and 11/25/87. Statutory Authority: 1987 c 206.
- 388-15-139 Central registry—Eligibility—Procedures and criteria. [Order 1238, § 388-15-139, filed 8/31/77.] Repealed by 87-23-057 and 87-24-039 (Orders 2561 and 2561A), filed 11/18/87 and 11/25/87. Statutory Authority: 1987 c 206.
- 388-15-140 Residential services. [Statutory Authority: RCW 74.08.044. 79-09-039 (Order 1425), § 388-15-140, filed 8/17/79; Order 1238, § 388-15-140, filed 8/31/77; Order 1147, § 388-15-140, filed 8/26/76; Order 1088, § 388-15-140, filed 1/19/76.] Repealed by 86-16-019 (Order 2392), filed 7/28/86. Statutory Authority: RCW 74.08.044.
- 388-15-172 Day care participation. [Statutory Authority: RCW 74.08.090. 80-15-010 (Order 1552, § 388-15-172, filed 10/6/80. Statutory Authority: RCW 43.20A.550. 78-07-021 (Order 1306), § 388-15-172, filed 6/15/78.) Repealed by 82-04-074 (Order 1757), filed 2/3/82. Statutory Authority: RCW 74.08.090.
- 388-15-173 Parent participation day care. [Statutory Authority: RCW 74.08.090. 82-14-046 (Order 1837), § 388-15-173, filed 6/30/82.] Repealed by 86-03-078 (Order 2333), filed 1/22/86. Statutory Authority: RCW 74.08.090.
- 388-15-180 Migrant day care services. [Order 1088, § 388-15-180, filed 1/19/76.] Repealed by Order 1147, filed 8/26/76.
- 388-15-210 Chore services for adults and families. [Order 1238, § 388-15-210, filed 8/31/77; Order 1147, § 388-15-210, filed 8/26/76; Order 1124, § 388-15-210, filed 6/9/76; Order 1088, § 388-15-210, filed 1/19/76.] Repealed by 81-06-063 (Order 1618), filed 3/4/81. Statutory Authority: RCW 74.08.090.
- 388-15-211 Chore services for families. [Order 1238, § 388-15-211, filed 8/31/77.] Repealed by 81-06-063 (Order 1618), filed 3/4/81. Statutory Authority: RCW 74.08.090.
- 388-15-230 Employment oriented casework. [Order 1238, § 388-15-230, filed 8/31/77; Order 1165, § 388-15-230, filed 10/27/76; Order 1105, § 388-15-230, filed 3/11/76.] Repealed by 79-03-013 (Order 1368), filed 2/15/79. Statutory Authority: RCW 74.08.090.
- 388-15-250 School age parent services. [Order 1124, § 388-15-250, filed 6/9/76; Order 1088, § 388-15-250, filed 1/19/76.] Repealed by Order 1147, filed 8/26/76.
- 388-15-260 Home delivered meals. [Order 1088, § 388-15-260, filed 1/19/76.] Repealed by Order 1147, filed 8/26/76.
- 388-15-270 Services to the blind. [Order 1088, § 388-15-270, filed 1/19/76.] Repealed by Order 1238, filed 8/31/77.
- 388-15-280 Library services to the blind and physically handicapped. [Order 1088, § 388-15-280, filed 1/19/76.] Repealed by Order 1124, filed 6/9/76.
- 388-15-290 Juvenile delinquency prevention services. [Order 1238, § 388-15-290, filed 8/31/77; Order 1088, § 388-15-290, filed 1/19/76.] Repealed by 81-20-063 (Order 1708), filed 10/5/81. Statutory Authority: RCW 74.08.090.
- 388-15-350 Mental health. [Order 1124, § 388-15-350, filed 6/9/76; Order 1088, § 388-15-350, filed 1/19/76.] Repealed by Order 1238, filed 8/31/77.

**WAC 388-15-010 Definition of service goals. (1)**

The objectives of services for families, children and adults are to offer services to eligible individuals to help them achieve one or more of the following goals:

- (a) Achieving or maintaining economic self-support to prevent, reduce or eliminate dependency.
- (b) Achieving or maintaining self-sufficiency, including reduction or prevention of dependency.
- (c) Preventing or remedying neglect, abuse or exploitation of children and adults unable to protect their own interests, providing family reconciliation services to families

in conflict and runaways or preserving, rehabilitating or reuniting families.

(d) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care.

(e) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

(2) Only one goal shall be pursued at any one time in the provision of services; however several services may be given to achieve the selected goal.

[Statutory Authority: RCW 74.08.090. 81-20-063 (Order 1708), § 388-15-010, filed 10/5/81; 78-09-098 (Order 1335), § 388-15-010, filed 9/1/78; Order 1238, § 388-15-010, filed 8/31/77; Order 1088, § 388-15-010, filed 1/19/76.]

**WAC 388-15-020 Eligible persons. (1)** Individuals eligible for services are:

(a) Recipients of aid to families with dependent children (AFDC recipients).

(b) Individuals whose needs were taken into account in determining the needs of AFDC recipients.

(c) Recipients of supplemental security income or state supplementary payments related to age, blindness or permanent and total disability.

(d) Recipients of federal aid medical care only categorically related to Title XVI supplemental security income or AFDC, provided gross family income does not exceed eighty percent of the state median gross income for a family of four, adjusted for family size.

(e) Any individual or family regardless of age, blindness or disability, whose gross family income does not exceed eighty percent of the state median income for a family of four, adjusted for family size, except that:

(i) No individual or family is eligible for family planning or alcoholism services whose gross family income is in excess of fifty percent of the state median income for a family of four, adjusted for family size.

(ii) No individual or family is eligible on a group basis for developmental disabilities, case services, developmental disabilities home-aid resources, developmental disabilities developmental centers or extended sheltered employment unless at least seventy-five percent of persons given these services are members of families whose gross monthly income do not exceed ninety percent of the state median income, adjusted for family size.

(iii) Information and referral services, services to children in the children's own home or protective service may be given to any individual regardless of the level of gross family income. Child protective services are provided without charge. Where ancillary services such as homemaker services are an integral but subordinate part of a protective service plan for children or adults, the services may be provided without regard to the level of gross family income. Chore services can be provided for a maximum of ninety days during any twelve-month period as an integral but subordinate part of an adult protective services plan.

(2) Gross median income for a family of four in the state of Washington effective January 1, 1987, is thirty-one thousand seven hundred eighty-nine dollars. Eighty percent = twenty-five thousand four hundred thirty-one dollars.

(a) Income tables for eighty percent gross median income:

Number in Family	Monthly Income	Annual Income
1	\$ 1,102	\$ 13,224
2	1,441	17,292
3	1,780	21,360
4	2,119	25,431
5	2,458	29,496
6	2,797	33,564

(b) Income table for fifty-two percent gross median income:

Family Size	Monthly Income	Annual Income
1	\$ 716	\$ 8,592
2	937	11,244
3	1,157	13,884
4	1,378	16,536
5	1,598	19,176
6	1,818	21,816

(c) Income tables for fifty percent gross median income:

Family Size	Monthly Income	Annual Income
1	\$ 689	\$ 8,268
2	901	10,812
3	1,113	13,356
4	1,325	15,900
5	1,536	18,432
6	1,748	20,976

(d) Income tables for thirty-eight percent gross median income:

Family Size	Monthly Income	Annual Income
1	\$ 528	\$ 6,336
2	685	8,220
3	846	10,152
4	1,007	12,084
5	1,168	14,016
6	1,329	15,948

(e) See WAC 388-29-100 for grant standards.

(3) Family means two or more persons related by blood, marriage or adoption, residing in the same household, and may include a dependent residing in a separate household for whom support is paid.

(a) Husband and wife are considered a two-person family.

(b) Related adults residing together, other than spouses, are each considered a separate family.

(c) An individual living alone or only with unrelated persons is considered a one-person family. An individual living alone or with unrelated persons may include in his or her application a dependent living in a separate household for whom support is paid.

(d) A child living with legally nonresponsible relatives, a minor living independently, and a child living under the care of unrelated persons are also considered one-person families.

(e) A school-age parent residing in parent's home with child is considered a separate family unit for purpose of determining family income.

(4) Persons applying to provide day care or foster care facilities or a person or persons applying to adopt a child are resources to our primary client, the child. Financial eligibility for these individuals is not required.

(5) Child welfare services may also be provided under Title IV-B of the Social Security Act.

(6) Where other provisions of chapter 388-15 WAC set forth specific eligibility requirements for particular services, such specific provisions shall supersede the general eligibility standards set forth in subsections (1), (2), (3), and (4) of this section.

[Statutory Authority: RCW 74.12.340. 87-22-091 (Order 2552), § 388-15-020, filed 11/4/87. Statutory Authority: RCW 74.08.090. 81-18-045 (Order 1697), § 388-15-020, filed 8/28/81; 81-10-013 (Order 1645), § 388-15-020, filed 4/27/81; 81-01-087 (Order 1581), § 388-15-020, filed 12/19/80; 80-02-049 (Order 1477), § 388-15-020, filed 1/16/80; 79-01-041 (Order 1360), § 388-15-020, filed 12/21/78; 78-09-098 (Order 1335), § 388-15-020, filed 9/1/78. Statutory Authority: RCW 43.20A.550. 78-04-004 (Order 1276), § 388-15-020, filed 3/2/78; Order 1238, § 388-15-020, filed 8/31/77; Order 1204, § 388-15-020, filed 4/1/77; Order 1171, § 388-15-020, filed 11/24/76; Order 1147, § 388-15-020, filed 8/26/76; Order 1124, § 388-15-020, filed 6/9/76; Order 1120, § 388-15-020, filed 5/13/76; Order 1088, § 388-15-020, filed 1/29/76.]

#### WAC 388-15-030 Rights of applicant for services.

(1) Any individual has the right to request services from the department, make a service application and have his eligibility for services determined.

(2) Eligible individuals shall be given requested services, or other needed services, that are offered by the department, and included in the department's service plan, to meet the goal appropriate to his service need.

(3) Applicants or recipients may request a fair hearing concerning the denial, reduction or termination of a service, or failure to act upon a request for services with reasonable promptness.

(4) Services may not be provided prior to the date of application, nor if federal matching is to be received, provided prior to the date of determination of eligibility unless the determination is made within thirty days of the date of application and the individual was found to be eligible when service was initiated.

(5) Eligibility must be determined on an individual basis for each person in a family, unless specifically designated otherwise as in group eligibility.

(6) Notice shall be given to applicants for or recipients of services to indicate that they have been found eligible or ineligible for services. Notice shall be given to a recipient of the department's planned action to reduce, suspend, or terminate; such notices shall follow and be in accord with WAC 388-33-376, 388-33-382, and 388-33-385.

(7) Service applications may be made by the individual, or others acting in his behalf, or may be the result of referral from another agency or member of the community. Where the individual is unable, too incompetent, or in a protective service case unwilling, to sign his own application, another responsible or appropriate individual may sign on his behalf, including a member of agency staff.

(8) Services may be only provided to accomplish the specific goals for the particular services as designated in the state service plan and rules.

(9) WAC 388-33-377 is incorporated by reference to determine the circumstances under which services will be continued pending a hearing when a recipient of services requests a fair hearing to appeal the department's planned action to reduce, suspend, or terminate services.

[Statutory Authority: RCW 74.08.090. 81-09-058 (Order 1640), § 388-15-030, filed 4/20/81; 79-08-112 (Order 1420), § 388-15-030, filed 7/31/79; Order 1238, § 388-15-030, filed 8/31/77; Order 1147, § 388-15-030, filed 8/26/76; Order 1088, § 388-15-030, filed 1/19/76.]

#### **WAC 388-15-110 Information and referral services.**

(1) Information and referral services are available to all persons requesting services from community services offices by phone, correspondence or in person. These individuals are provided with information and referral, as needed, to available services within the department or the community.

(2) The service responds to service requests by determining the type of service needed (desired) and linking the individual to the appropriate service.

(3) Provision of minimal health support and family planning information is the responsibility of all social service staff. Minimal service means providing names and locations of providers and general program description and other additional information as required.

(4) Information and referral services may be offered to accomplish any of the five goals described in WAC 388-15-010.

[Statutory Authority: RCW 74.08.090. 84-15-059 (Order 2125), § 388-15-110, filed 7/18/84; 82-11-095 (Order 1811), § 388-15-110, filed 5/19/82; Order 1238, § 388-15-110, filed 8/31/77; Order 1088, § 388-15-110, filed 1/19/76.]

#### **WAC 388-15-120 Adult protective services.**

**Authority.** The authority for adult protective services is:

- (a) Chapter 74.34 RCW for vulnerable adults;
- (b) Chapter 26.44 RCW for dependent and developmentally disabled adults; and
- (c) 42 U.S.C. 1397 for other adults in need of protection.

(2) **Goals.** The department shall limit adult protective services goals to those specified under WAC 388-15-010 (1)(c), (d), and (e) and 388-15-010(2).

(3) **Description of services.** To prevent, correct, improve, or remedy situations of abuse, abandonment, exploitation, or neglect, the department shall provide adult protective services to:

- (a) Dependent adults eighteen years of age or older;
- (b) Developmentally disabled adults eighteen years of age or older;
- (c) Vulnerable adults sixty years of age or older; or
- (d) Other adults similarly unable to protect interests vital to their safety and well-being.

(4) **Eligibility.** Before a person receives adult protective services from the department, a person shall show evidence of:

- (a) Existing elements of abuse, abandonment, exploitation, or neglect constituting a danger to the adult or others; and
- (b) No one willing and able to assist the adult responsibly.

(5) **Investigation.** The department shall respond to all reports of abuse, neglect, exploitation, or abandonment of vulnerable, dependent, and developmentally disabled adults.

(a) The department shall determine if a valid adult protective service situation exists.

(b) The department may refuse to investigate reports which do not constitute abuse, exploitation, neglect, or

abandonment as defined under RCW 74.34.020.

(c) The department shall conduct investigations regardless of the adult's income.

(6) **Support services.** The department shall provide dependent adults, developmentally disabled adults, vulnerable adults, and other adults similarly unable to protect interests vital to their safety and well being with support services without regard to income only:

(a) When the services are essential to, and a subordinate part of, the adult protective services plan; and

(b) For a period not to exceed the period specified under WAC 388-15-209(4), Chore services—Eligibility, WAC 388-15-552(2), Adult family home—Eligible persons, and WAC 388-15-562(3), Congregate care—Eligible persons.

[Statutory Authority: RCW 74.08.090. 91-01-096 (Order 3116), § 388-15-120, filed 12/18/90, effective 1/18/91; 86-20-017 (Order 2426), § 388-15-120, filed 9/22/86; 85-13-059 (Order 2239), § 388-15-120, filed 6/18/85; 84-17-071 (Order 2141), § 388-15-120, filed 8/15/84; 80-16-025 (Order 1562), § 388-15-120, filed 10/30/80. Statutory Authority: RCW 43.20A.550. 78-04-004 (Order 1276), § 388-15-120, filed 3/27/78; Order 1238, § 388-15-120, filed 8/31/77; Order 1088, § 388-15-120, filed 1/19/76.]

**WAC 388-15-130 Child protective services—Authority.** The authority for the department's child protective services (CPS) program is chapter 26.44 RCW and RCW 74.13.031.

(1) **Goal statement.** The purpose of CPS is to protect children from child abuse and neglect (CA/N) through the provision of services to:

- (a) Assess risk of abuse or neglect to children;
- (b) Develop case plans preventing or remedying CA/N in the shortest reasonable time; and
- (c) Maintain, support, or reunify families to the extent possible consistent with the safety of the child.

(2) **Definition of service.** Child protective services are those services provided by the department on behalf of children who are reported to be abused, neglected, or exploited or who are threatened with harm through abusive, neglectful, or exploitive acts by:

- (a) The child's parent, legal custodian, or persons serving in loco parentis; or
- (b) Persons licensed or certified under chapter 74.15 RCW; or
- (c) Persons included within those categories of alleged perpetrators and subject to CPS investigation, as specified by department manual provisions or policy directives.

(3) **Definition of child abuse, neglect, or exploitation (ca/n).** Abusive, neglectful, or exploitive acts defined in RCW 26.44.020 include:

- (a) Inflicting physical injury on a child by other than accidental means, causing death, disfigurement, skin bruising, impairment of physical or emotional health, or loss or impairment of any bodily function.
- (b) Creating a substantial risk of physical harm to such child's bodily functioning.
- (c) Committing or allowing to be committed any sexual offense against such child as defined in the criminal code or intentionally touching, either directly or through the clothing, the genitals, anus, or breasts of a child for other than hygiene or child care purposes.
- (d) Committing acts which are cruel or inhumane regardless of observable injury. Such acts may include, but

are not limited to, instances of extreme discipline demonstrating a disregard of a child's pain and/or mental suffering.

(e) Assaulting or criminally mistreating a child as defined by the criminal code.

(f) Failing to provide food, shelter, clothing, supervision, or health care necessary to a child's health or safety.

(g) Engaging in actions or omissions resulting in injury to, or creating a substantial risk to the physical or mental health or development of a child.

(h) Failing to take reasonable steps to prevent the occurrence of (a) through (g).

**(4) Description of services.**

(a) The department's child protective services shall include:

(i) Investigation of CA/N reports (RCW 26.44.050);

(ii) Development, management, and provision of services to ameliorate conditions endangering the welfare of children;

(iii) Coordination of programs and services relevant to the prevention and treatment of CA/N;

(iv) Case planning to ensure each child has a permanent home;

(v) Community education; and

(vi) Development of preventative services to reduce and/or eliminate CA/N.

(b) Department services may also include:

(i) Counseling with the children and their families or other responsible individuals;

(ii) Arranging out-of-home placement, e.g., relative placement, emergency foster care, etc.;

(iii) In-home support services;

(iv) Petitions to courts;

(v) Information about and/or referral to other agencies or persons; and

(vi) Cooperating with out-of-state child protective service agencies.

**(5) Community involvement.** The department shall involve local community resources in the planning and provision of needed services. Involvement shall include:

(a) Notifying law enforcement of department activity in cases being investigated by both agencies.

(b) Coordination of community resources to provide identification, prevention, and treatment of CA/N.

(c) Organizing community child protection teams of professional persons or agencies providing services to abused or neglected children and/or parents of such children.

(d) Other activities to coordinate the investigation and keep participants apprised of case progress per RCW 26.44.035.

[Statutory Authority: RCW 74.15.030, 89-07-024 (Order 2773), § 388-15-130, filed 3/8/89. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-15-130, filed 9/10/79. Statutory Authority: RCW 74.08.090, 78-09-098 (Order 1335), § 388-15-130, filed 9/1/78; Order 1238, § 388-15-130, filed 8/31/77; Order 1088, § 388-15-130, filed 1/19/76.]

**WAC 388-15-131 Child protective services—Special requirements for Indian children.** (1) These special requirements apply to children defined as "Indians" in WAC 388-70-091 and 388-70-450 (1)(a) through (c).

(2) The CSO shall document in case records its efforts to keep Indian families together and to avoid separating the

Indian child from his parents, relatives, tribe or cultural heritage, as per RCW 26.44.010, WAC 388-15-130 and 388-70-093.

(3) In alleged child abuse and neglect situations, the CSO shall document in case records, its efforts to utilize staff and services particularly capable of meeting the special needs of Indian children and their families, assisted by the local Indian child welfare advisory committee as per WAC 388-70-600 through 388-70-640.

(4) The CSO shall promptly advise its Indian child welfare advisory committee and appropriate tribal council that an (unnamed) child with (named) tribal affiliation is the victim of substantiated child abuse or neglect. The provisions of RCW 26.44.070, WAC 388-15-138 and 388-70-640, limiting who has access to confidential information, shall be followed in all cases.

[Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-15-131, filed 9/10/79; Order 1255, § 388-15-131, filed 12/1/77.]

**WAC 388-15-132 Child protective services—Acceptance of reports—Eligibility for services and limits to authority.** (1) **Acceptance of reports.** The department shall accept a report of CA/N from any source, including a report made anonymously. Reports shall be made directly to the department's division of children and family services (DCFS) local office per RCW 26.44.030. The department shall:

(a) Determine whether reports allege incidents, conditions, or circumstances meeting the definition of CA/N in RCW 26.44.020 and WAC 388-15-130; and

(b) Have the authority to refuse to investigate reports which do not meet the statutory definition of CA/N.

(2) **Reports to law enforcement.** The department shall report to the appropriate law enforcement agency any reported incident of death, sexual abuse, or nonaccidental physical injury of a child and any incident where the CPS investigation reveals reasonable cause to believe a crime has been committed against a child. The department shall create and send the incident report to law enforcement within three working days following:

(a) Receipt of a complaint alleging death, sexual abuse, or nonaccidental physical injury of a child;

(b) Discovery of information during a CPS investigation, creating reasonable cause to believe a child died, suffered sexual abuse, or had a nonaccidental physical injury; or

(c) Discovery of information during a CPS investigation, creating reasonable cause to believe a crime has been committed against a child.

(3) **Investigation.** The department, except as provided by RCW 26.44.050 and WAC 388-15-130(2), shall be responsible for investigation of reports of suspected CA/N.

(a) The department shall begin its investigation within twenty-four hours for all CA/N reports where a child is assessed to be at risk of imminent harm.

(b) The department shall investigate all other reports meeting the legal definition of CA/N, but may determine an appropriate response time based on the assessed risk of CA/N.

(c) The department:

(i) Shall develop and maintain records of department investigations of CA/N per RCW 26.44.035; and

(ii) May arrange for ongoing services by another agency.

(d) Upon receiving a report of incidents, conditions, or circumstances of CA/N, the department shall:

(i) Have access to any and all records of the child in the possession of mandated reporters and reporters' employers;

(ii) Have the authority to interview a child without prior parental notification or consent;

(iii) Have authority to interview a child outside of the presence of parents at locations determined by the department to be suitable for an interview. The child or the department may have a third party present at the interview when the third party does not jeopardize the investigation per RCW 26.44.030;

(iv) Have authority to photograph the child victims for the purpose of documenting the physical condition of the child per RCW 26.44.050; and

(v) Notify the child's parent, guardian, or caretaker about the interview per RCW 26.44.030(9).

(e) The department shall complete the investigation within ninety days from the date of report. The department shall make written findings of all investigations including:

(i) A description of any injuries or harm inflicted on the child;

(ii) An account of the department's investigation;

(iii) The findings regarding specific allegations;

(iv) An assessment of risk to the child; and

(v) The department's disposition of the case as described under RCW 13.34.120 and 26.44.040.

(4) **Limits to authority.** The department:

(a) Shall have the authority to share information for case planning and case consultation purposes with mandated reporters and agencies which have provided or will provide services to the child and family per RCW 26.44.030; and

(b) May share information with community child protection teams, designated members of Washington Indian tribes, and/or citizen advisory groups to assist in case planning, consultation, and policy review per RCW 26.44.030.

(5) **Service options (ninety-day rule).** Within ninety days of receipt of a report alleging a child is at risk of CA/N, the department shall:

(a) Develop, with the family, a mutually agreed upon written service plan;

(b) File a dependency petition with the juvenile court; or

(c) Close the case.

(6) **Juvenile court case plans.** When the department files a dependency petition, the department shall develop a written social study and proposed case plan for the court to consider at the dispositional hearing per RCW 13.34.120. The department shall:

(a) Mail a dependency petition copy to the parents and the parents' attorney ten or more days before the disposition hearing; and

(b) Provide the parents an opportunity to review and comment on the plan at the local DCFS office.

(7) **Reopening closed cases.** The department may reopen any closed case for good cause including, but not limited to:

(a) Further allegations of CA/N;

(b) Additional information pertaining to the department's investigation; or

(c) When necessary witnesses or other persons, for example, parent or child, are located or become available to complete the investigation.

(8) **Length of eligibility.** Any child reported to the department shall be eligible for child protective services. A child shall remain eligible until the child is no longer:

(a) Abused or neglected; or

(b) At risk of CA/N subject to the provisions of WAC 388-15-130 and 388-15-132.

[Statutory Authority: RCW 26.44.050 and 26.44.070. 93-13-021 (Order 3567), § 388-15-132, filed 6/9/93, effective 7/10/93. Statutory Authority: RCW 74.15.030. 89-07-024 (Order 2773), § 388-15-132, filed 3/8/89. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-15-132, filed 9/10/79; Order 1238, § 388-15-132, filed 8/31/77.]

**WAC 388-15-134 Child protective services—Notification.** (1) **Duty to notify.** The department shall notify the parent or legal custodian of a child when:

(a) The department is investigating a report alleging an act or acts of child abuse or neglect (CA/N); and

(i) Their child is alleged to be the victim; and/or

(ii) The department interviews a child alleged to be the victim of CA/N.

(b) The department takes a child into custody pursuant to a court order issued under RCW 13.34.050;

(c) The department receives custody of a child from law enforcement pursuant to RCW 26.44.050; and

(d) The department files a dependency petition.

(2) **Notification of noncustodial parents.**

(a) The department shall notify noncustodial parents when a child is taken into custody pursuant to RCW 26.44.050 or 13.34.050 and placed into the custody of the department, and

(b) Notification shall also occur when the department files a dependency petition.

(3) **Notification contents.** Whenever a child is taken into custody under RCW 13.34.050 or 26.44.050, the notification required by this section shall comply with the requirement of RCW 26.44.120. The notification shall also include:

(a) A description of the department's action; and

(b) The reason or reasons for the department's actions.

(4) **Opportunity to review case information.** The department shall:

(a) Notify the person or persons legally responsible for the child of the address of the office where the case record information will be on file; and

(b) Provide them with the opportunity to read parts of the case record relating to the allegations, provided:

(i) They have requested access to the information, and

(ii) Such access is not otherwise prohibited by law.

(5) **Disclosure of case information.** The department shall not disclose case record information except as permitted under provisions of chapter 388-320 WAC and applicable statutes. The department shall not disclose the name and address of any referrant who requests their identity be held in confidence. Even if disclosure is otherwise permissible,



the department may refuse disclosure of the name and address of any victim.

(6) **Limits of duty to notify.** The duty of notification created by this section shall be subject to the ability of the department to ascertain the location of the person to be notified. The department shall exercise reasonable, good-faith efforts to ascertain the location of persons entitled to notification under this section.

[Statutory Authority: RCW 74.15.030, 89-07-024 (Order 2773), § 388-15-134, filed 3/8/89. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-15-134, filed 9/10/79; Order 1238, § 388-15-134, filed 8/31/77.]

**WAC 388-15-145 Nursing home discharge allowance.** A one-time allowance may be issued to medical care program eligible nursing home residents who are ready for discharge.

(1) The allowance must be used to obtain or reestablish independent housing and to start or resume housekeeping.

(2) Persons eligible for the discharge allowance must:

(a) Have no existing independent residence or have a residence which cannot be reestablished without monetary assistance,

(b) Not have a spouse or dependents living in an independent residence to which the person could return, and

(c) Have no more than six hundred dollars in cash or other liquid resources which could be converted at face value to cash within thirty days.

(3) The discharge allowance issued is based on the actual amount required to establish or reestablish an independent residence for the individual with a maximum of four hundred dollars.

[Statutory Authority: RCW 74.08.090, 86-10-021 (Order 2367), § 388-15-145, filed 5/1/86; 79-12-028 (Order 1456), § 388-15-145, filed 11/16/79.]

**WAC 388-15-150 Child foster care.** (1) Foster care is 24-hour substitute care provided for children under 18 years of age whose parents cannot or will not care for them or who cannot live with their own families because of conditions which threaten the health and development of the child.

(2) This service includes services to reunite families and children. Placement services include assessment of child's need for such placement, determining eligibility for foster care, counseling services with, or on behalf of, individuals and their families to remedy the need of foster care or plan for stable long-term, substitute care; follow-up services to the child in his own home after replacement there; services to aid children who reach their majority while in foster care to become self sufficient; and the interstate placement of children according to the requirements of the Interstate Compact on Placement of Children, and including a determination of their eligibility in both states.

(3) This service also includes staff activities in recruitment, study and licensing of foster care facilities, including foster family homes and group care facilities (including voluntary agency group homes and institutions) in the placement process (i.e., "matching" individuals and foster care facilities); supervision of those homes studied and licensed by the department; monitoring of other facilities or agencies (group homes and voluntary agency institutions

licensed by the department); periodic reevaluation of the home or facility.

(4) Goals for child foster care shall be limited to those specified in WAC 388-15-010 (1)(b) through (e). Also see WAC 388-15-010(2).

(5) See also WAC 388-70-010 and following.

[Order 1238, § 388-15-150, filed 8/31/77; Order 1088, § 388-15-150, filed 1/19/76.]

**WAC 388-15-160 Adoption services.** (1) Adoption services are those which counsel biological parents and children to achieve permanent families (legal and social) for children; utilize courts, legal counsel and juvenile court specialist for termination of parental rights and granting of adoption petitions; obtain diagnostic information for the total medical/social evaluation of children; recruit, study and approve adoptive families; evaluate child and foster parents or place children with approved waiting families; counsel and/or refer families and children after placement to facilitate the adoption, or make alternate plans when the adoption placement is not beneficial to the child and/or family; locate and exchange (state and nationally) children and adoptive families and administer the state's adoption subsidy for private agencies and the department.

(2) The department shall administer the Interstate Compact on the Movement of Dependent Children and shall cooperate, upon request, with other state public agencies in the adoptive planning for children.

(3) Goals for adoption services shall be limited to those specified in WAC 388-15-010 (1), (a), (c). Also see WAC 388-15-010(2).

(4) Other activities performed within this service shall be:

Maintenance and operate the department's central exchange and the Washington adoption resource exchange for families and children, coordinate with other regional or national exchanges, administer the adoption support program and prepare children and families for adoptions utilizing this program.

(5) See also WAC 388-70-510 and following.

[Order 1238, § 388-15-160, filed 8/31/77; Order 1088, § 388-15-160, filed 1/19/76.]

**WAC 388-15-170 General and seasonal child day care services.** (1) The department may approve child day care funding to facilitate care, protection, and related services for a child twelve years of age or younger. The department may approve special needs child care for a child nineteen years of age or younger who is physically or mentally incapable of caring for himself or herself, as verified by the state, supported by medical documentation.

(2) The department shall only fund child day care during the portion of the twenty-four-hour day when neither of the child's parents or guardians are able to provide necessary care and supervision. The department may authorize child day care services for the following reasons:

(a) Parents, or parent in a single-parent household, are employed and are not aid to families with dependent children (AFDC) grant recipients;

(b) Parents, or parent in a single-parent household, are employed and receiving AFDC;

(c) Parents, or parent in a single-parent household, are receiving AFDC and are enrolled in job opportunity and basic skills (JOBS);

(d) School-aged parent is enrolled in an approved secondary education or GED program;

(e) Parent and/or child are in need of treatment or support as part of a child protective or child welfare services case plan. Such services may include, but are not limited to, those provided by a professional child welfare or educational agency; or

(f) The child is receiving an AFDC grant and lives with a nonresponsible relative who is not receiving an AFDC grant and is employed.

(3) The department shall limit goals for general child day care services as specified under WAC 388-15-010 (1)(a), (d), (e), and (2).

(4) The department may purchase child day care, except for seasonal farmworker child care, within available funds for families:

(a) With gross income equal to or below thirty-eight percent of the state median income adjusted for family size (SMIAFS). These families pay the provider a minimum monthly co-payment toward the cost of child day care;

(b) With gross income above thirty-eight and at or below fifty-two percent of the SMIAFS. The family shall pay to the child day care provider part of the family's gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and

(c) In need of child day care as an integral part of a child protective or child welfare service plan. The department shall provide such service without regard to family income up to seventy-five percent SMIAFS.

(5) The department may purchase seasonal child day care within available funds for children who are members of family units residing in Washington state where:

(a) Both parents, or the single parent (in the case of the one-parent family), are currently employed or seeking work in agriculturally related work;

(b) Fifty percent or more of the family's annual income is derived from agriculturally related work;

(c) In a two-parent household, the primary wage earner has more than one agricultural employer per year; in a one-parent household, the single parent has more than one agricultural employer per year;

(d) Family gross income for the past twelve months does not exceed thirty-eight percent of the state median income adjusted for family size (SMIAFS). The family shall pay the provider a minimum monthly co-payment toward the cost of child day care. The family with gross income above thirty-eight percent and at or below fifty-two percent of the SMIAFS shall pay the child day care provider fifty percent of the family's average gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and

(e) Failure of parents to meet the requirements of subsection (5)(b) and (d) of this section due to status within the past year as an AFDC recipient shall not result in ineligibility for seasonal child care.

(6) The department shall establish waiting lists, if necessary, to ensure child day care services, under WAC 388-15-170, are provided within legislatively appropriated funds.

(7) The department shall consider in-home care or relative, relative's home care as the care and supervision of a child:

(a) By a relative in the child's own home or a relative's home; or

(b) In the child's own home with an unrelated person.

(8) When the parent or guardian chooses in-home care or relative, relative's home care, the parent or guardian shall make the following assurances:

(a) The in-home caretaker shall meet the following minimum qualifications:

(i) Be eighteen years of age or older;

(ii) Be free of communicable disease;

(iii) Be of sufficient physical, emotional, and mental health to meet the needs of the child in care. Subject to the discretion of the social worker, the parent or guardian shall provide written evidence to the department that the caretaker of the parent's or guardian's choice is in sufficient physical, emotional, and mental health to be a safe caretaker;

(iv) Be able to work with the child without using corporal punishment or psychological abuse;

(v) Be able to accept and follow instructions;

(vi) Be able to maintain personal cleanliness;

(vii) Be prompt and regular in job attendance; and

(viii) Meet the department's in-home caretaker registration requirement. Parents or guardians are required to provide the caretaker's name and address to the department. This registration is done at the time child care is authorized.

(b) The in-home caretaker's primary function while on duty is that of child caretaker. The in-home caretaker shall have the following responsibilities:

(i) Provide constant care and supervision of the child for whom the caretaker is responsible throughout the time the caretaker is on duty in accordance with the needs of the child; and

(ii) Provide developmentally appropriate activities for the child under the caretaker's care.

(c) The child is current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;

(d) The parent's or guardian's home or the relative's home is safe for the care of the child; and

(e) The in-home or relative caretaker is informed about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.

The parent or guardian shall make assurances described under subsection (8) of this section at the time child care is authorized. The child care authorizing worker shall provide the parent or guardian with information about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.

(9) Payment standards for child day care. The department shall establish maximum child care rates taking into consideration prevailing community rates.

(a) When the parent or guardian chooses in-home care or relative, relative's home care, the parent or guardian shall receive payment for the cost of child day care and shall pay the caretaker according to the amount specified in the approved child care plan.

(b) The in-home, or relative, relative's home caretaker shall sign a receipt at the time payment is received. The parent must retain the payment receipt for review by the authorizing worker at the time of the next eligibility determination.

(c) If total payments to an in-home provider are fifty dollars or more in any one quarter, the department shall add the employer's share of the Federal Insurance Contributions Act (FICA) tax to the amount authorized for in-home care.

(d) Payment for child day care by relative. The department shall not allow payment for child care services by the following relatives: Father, mother, brother, sister, stepfather, stepmother, stepbrother, or stepsister, except for adult siblings residing outside the child's home.

[Statutory Authority: RCW 74.12.340 and 45 CFR Part 98.41 Child Care and Development Block Grant. 93-10-021 (Order 3535), § 388-15-170, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.12.340 and 45 CFR 98.20, 98.30, 98.43 and 98.45; and 45 CFR 257.21, 257.30, 257.31 and 257.41. 92-11-062 (Order 3393), § 388-15-170, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 88-24-023 (Order 2732), § 388-15-170, filed 12/2/88; 86-12-051 (Order 2387), § 388-15-170, filed 6/3/86; 86-03-078 (Order 2333), § 388-15-170, filed 1/22/86; 83-02-028 (Order 1931), § 388-15-170, filed 12/29/82. Statutory Authority: RCW 43.20A.550. 82-14-048 (Order 1839), § 388-15-170, filed 6/30/82. Statutory Authority: RCW 74.08.090. 82-01-051 (Order 1735), § 388-15-170, filed 12/16/81; 81-10-034 (Order 1650), § 388-15-170, filed 4/29/81; 80-15-010 (Order 1552), § 388-15-170, filed 10/6/80. Statutory Authority: RCW 43.20A.550. 78-04-004 (Order 1276), § 388-15-170, filed 3/2/78; Order 1238, § 388-15-170, filed 8/31/77; Order 1204, § 388-15-170, filed 4/1/77; Order 1147, § 388-15-170, filed 8/26/76; Order 1124, § 388-15-170, filed 6/9/76; Order 1120, § 388-15-170, filed 5/13/76; Order 1088, § 388-15-170, filed 1/19/76.]

**WAC 388-15-190 Day care for the aged—Age 60 and over.** (1) Day care services are a program of services provided at three locations in the state for aged people who do not require 24-hour institutional care, but due to physical and/or mental impairment are not capable of full-time independent living. Services include nursing service and rehabilitative services, such as occupational therapy, physical therapy and speech therapy; personal care services, i.e., assistance with walking, eating, toileting, grooming, social work services; recreational and social activities. Each center will also provide a hot meal at noon and necessary transportation for participants.

(2) Goals for day care for the aged shall be limited to those specified in WAC 388-15-010 (1)(c), (d). Also see WAC 388-15-010(2).

[Order 1238, § 388-15-190, filed 8/31/77; Order 1088, § 388-15-190, filed 1/19/76.]

**WAC 388-15-200 Health support services.** (1) Health support services are services to direct individuals and families to physicians and other health services to help them to attain and maintain a favorable condition of health. Such services also include helping them to identify and understand their health needs, seek medical aid and follow through on medical recommendations. Part of the service may be contacting relatives and friends to enlist their help and encouragement in supporting individuals in following through on their health plans; coordination with Title XIX services or contacting physicians or other health providers to gain a better understanding of the client's medical situation. Where appropriate, arranging for homemaker service, chore

service, home nursing, health aides, or home delivered meals may be a component of health support services. Early and periodic screening, diagnosis and treatment is a mandatory health support service for eligible individuals under age 21 to evaluate their state of health and to detect and correct medical conditions that would interfere with their future health.

(2) Goals for health support services shall be limited to those specified in WAC 388-15-010 (1)(a) through (e). Also see WAC 388-15-010(2) and 388-95-275.

[Order 1238, § 388-15-200, filed 8/31/77; Order 1147, § 388-15-200, filed 8/26/76; Order 1088, § 388-15-200, filed 1/19/76.]

**WAC 388-15-202 Comprehensive assessment—Definitions.** (1) "Assessment" means an inventory and evaluation of abilities and needs.

(2) "Client" means an applicant for service or a person currently receiving services.

(3) "Personal care services" means assistance with both direct personal care and household tasks provided to clients functionally unable to perform all or part of such tasks listed in subdivisions (a) through (q) below. The type of help allowable for each task shall not include assistance that must be provided by a licensed health professional.

(a) "Ambulation" means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing of the wheelchair, and providing constant physical assistance to the client if totally unable to walk alone or with a mechanical device.

(b) "Bathing" means assisting client to wash self. Bathing includes supervising client able to bathe self when guided, assisting client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(c) "Body care" means assisting the client with exercises, skin care including the application of ointments or lotions, changing dry bandages or dressings not requiring professional judgment. Body care excludes foot care beyond washing of feet and filing toenails, foot care for clients who are diabetic or have poor circulation, or changing bandages or dressings when sterile procedures are required. Provision of body care tasks is limited. The client must be able to supervise the provision of these tasks.

(d) "Dressing" means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(e) "Eating" means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(f) "Essential shopping" means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifical-

ly for the health and maintenance of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(g) "Housework" means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(h) "Laundry" means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(i) "Meal preparation" means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(j) "Personal hygiene" means assistance with care of hair, teeth, dentures, shaving, filing of nails, other basic personal hygiene, and grooming needs. Personal hygiene includes supervising client when performing the tasks, assisting client when caring for own appearance, and performing grooming tasks for client when unable to care for own appearance.

(k) "Positioning" means assisting the client to assume a desired position. Positioning includes assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits.

(l) "Self-medication" means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(m) "Supervision" means being available to:

(i) Help the client with personal care tasks that cannot be scheduled, including toileting, ambulation, transfer, positioning, some medication assistance; and

(ii) Provide protective supervision to a client who cannot be left alone because of confusion, forgetfulness, or lack of judgment.

(n) "Toileting" means assistance with bladder or bowel functions. Toileting includes guidance when the client is able to care for own toileting needs, helping client to and from the bathroom, assisting with bedpan routines, using incontinent briefs on client, and lifting client on and off the toilet. Toileting may include performing routine perineal care, colostomy care, or catheter care for the client when client is able to supervise the activities.

(o) "Transfer" means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steadying, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(p) "Travel to medical services" means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(q) "Wood supply" means splitting, stacking, or carrying wood for the client when the client uses wood as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. Using a chain saw or felling trees is not allowable.

[Statutory Authority: RCW 74.09.520, 74.39.005, 74.08.043 and 74.08.545. 93-06-042 (Order 3501), § 388-15-202, filed 2/24/93, effective 3/27/93.]

**WAC 388-15-203 Assessment.** (1) Purpose. The assessor as identified in subsection (2)(a) of this section shall:

(a) Identify client strengths to maximize current strengths and promote client independence;

(b) Evaluate physical health, functional and cognitive abilities, social resources and emotional and social functioning for service planning for long-term care;

(c) Identify client values and preferences for effective service planning based on the individual's values and lifestyles; and

(d) Determine client's need for informal support, community support and services, and department paid services.

(2) Assessment responsibility.

(a) Department staff and aging network staff while assessing need for case management shall perform the assessment.

(b) The assessors shall perform a separate assessment for each adult applying for all aging and adult field services programs except adult protective services.

(c) The assessors shall document the assessment on a prescribed form.

(d) The assessors shall perform the assessment in person with the client.

(e) When administering the assessment, the assessors shall take into account the client's:

(i) Risk of and eligibility for nursing facility placement;

(ii) Health status, psychological/social/cognitive functioning, income and resources, and functional abilities;

(iii) Living situation; and

(iv) Availability of alternative resources providing needed assistance, including family, neighbors, friends, community programs, and volunteers.

(3) Scoring of functional abilities and supports.

(a) For each direct personal care service and household assistance task listed on the assessment form, assessors shall determine:

(i) The client's ability to perform each activity;

(ii) Assistance available through alternative resources, including families, friends, neighbors, community programs, and unpaid caregivers; and

(iii) Assistance needed from aging and adult field services programs after alternative resources have been taken into account.

(b) The assessors shall award points for each task based on the level of unmet need. The number of points allowable for each task are listed below under columns identified as 0=none, M=minimal, S=substantial, and T=total:

TASK	O	M	S	T
Eating				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Toileting	0	5	10	15
Ambulation	0	4	7	10
Transfer	0	1	3	5
Positioning	0	1	3	5
Body care	0	5	10	15
Personal hygiene	0	1	3	5
Dressing	0	4	7	10
Bathing	0	4	7	10
Self-medication	0	2	4	6
Travel to medical services	0	1	2	3
Essential shopping				
With client	0	5	10	15
or				
For client	0	1	3	5
Meal preparation				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Laundry				
Facilities in home	0	1	2	3
or				
Facilities out of home	0	3	5	7
Housework	0	1	2	3
Wood supply	0	3	5	7

(c) The points awarded for each task are added together to obtain the total score for the applicant or client.

(4) Ceiling hour computation. Department staff shall:

(a) Convert the total score into maximum allowable hours per month (ceiling hours) which may be authorized; and

(b) Use the service authorization ceiling chart to convert the score to ceiling hours per month.

SCORE	CEILING HOURS	SCORE	CEILING HOURS	SCORE	CEILING HOURS
1 - 4	5	60 - 64	44	120 - 124	83
5 - 9	8	65 - 69	47	125 - 129	87
10 - 14	11	70 - 74	51	130 - 134	90
15 - 19	14	75 - 79	54	135 - 139	93
20 - 24	18	80 - 84	57	140 - 144	97
25 - 29	21	85 - 89	60	145 - 149	100
30 - 34	24	90 - 94	64	150 - 154	103
35 - 39	28	95 - 99	67	155 - 159	106
40 - 44	31	100 - 104	70	160 - 164	110
45 - 49	34	105 - 109	74	165 - 169	113
50 - 54	37	110 - 114	77	170 and	
55 - 59	41	115 - 119	80	Above	116

(c) Conversion hours show client need and may not reflect department paid hours as determined by program standards.

(5) The assessors shall determine the client's additional hours of supervision needed:

(a) Due to confusion, forgetfulness or lack of judgment; and

(b) For standby assistance necessary for unscheduled tasks defined in WAC 388-15-202.

(c) Supervision hours show client need and may not reflect department paid hours as determined by program standards.

(6) Department staff shall authorize services to correspond with the client's assessed need according to eligibility criteria for aging and adult services administration programs. The department shall notify the client of the right to contest denial or reduction of services.

[Statutory Authority: RCW 74.09.520, 74.39.005, 74.08.043 and 74.08.545. 93-06-042 (Order 3501), § 388-15-203, filed 2/24/93, effective 3/27/93.]

**WAC 388-15-204 Reassessment.** (1) The assessors shall perform an interim reassessment or full reassessment of the client's strengths, physical health, functional and cognitive abilities, social resources, emotional and social functioning, preferences, need for informal and community support and services, and need for department paid services:

(a) As required by the program standards in which the client has been authorized services; and

(b) When deemed necessary because of a change in the client's condition or situation.

(2) The department shall continue, deny, or alter services to correspond with the client's present need. The department shall notify the client of the right to contest denial or reduction of services.

[Statutory Authority: RCW 74.09.520, 74.39.005, 74.08.043 and 74.08.545. 93-06-042 (Order 3501), § 388-15-204, filed 2/24/93, effective 3/27/93.]

**WAC 388-15-205 Service plan development.** (1) The department and the aging network when providing case management shall develop a service plan with the client which identifies ways to meet the client's needs with the most appropriate services, both formal and informal.

(2) Staff who develop the service plan shall document the:

(a) Client's specific problems and needs;  
 (b) Plan for meeting each need;  
 (c) Responsible parties for carrying out each part of the plan;

(d) Anticipated outcomes;  
 (e) Dates and changes to the plan;  
 (f) Dates of referral, service initiation, follow-up reviews; and

(g) Agreement to the service plan by the client or the client's representative.

[Statutory Authority: RCW 74.09.520, 74.39.005, 74.08.043 and 74.08.545. 93-06-042 (Order 3501), § 388-15-205, filed 2/24/93, effective 3/27/93.]

**WAC 388-15-207 Chore personal care services for adults—Legal basis—Purpose—Goals.** (1) The legal basis for the chore personal care program is RCW 74.08.530 through 74.08.570.

(2) The purpose of the program is to assist an eligible applicant at risk of being placed in a long-term care facility by providing allowable chore personal care tasks that may

allow the eligible applicant to remain in or return to the eligible applicant's own residence.

(3) Chore personal care services may be provided through the contracted program or the individual provider program.

[Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-207, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 90-15-029 (Order 3041), § 388-15-207, filed 7/13/90, effective 8/13/90; 89-18-026 (Order 2852), § 388-15-207, filed 8/29/89, effective 9/29/89; 88-17-064 (Order 2674), § 388-15-207, filed 8/17/88; 88-06-088 (Order 2605), § 388-15-207, filed 3/2/88; 81-18-045 (Order 1697), § 388-15-207, filed 8/28/81; 81-06-063 (Order 1618), § 388-15-207, filed 3/4/81.]

**WAC 388-15-208 Definitions.** (1) "Applicant" means a person applying for chore personal care services.

(2) "Attendant care" means the service provided to a grandparented client needing full-time care because the client:

(a) Requires personal care task assistance that cannot be scheduled, e.g., toileting, ambulation, transfer, positioning, some medication assistance; or

(b) Needs protective supervision because of confusion, forgetfulness, or lack of judgment. Protective supervision does not include responsibilities a legal guardian should assume.

(3) "Available" means accessible for use and conversion into money or its equivalent without significant depreciation in the value of the property.

(4) "Chore personal care services" means services in performing personal care and related household assistance tasks as provided in the department's medical assistance state plan provision addressing personal care.

(5) "Companionship" means a person being in the client's own home for the purpose of preventing loneliness or to accompany the client outside the home for other than basic errands, medical appointments, or laundry.

(6) "Contracted program" means that method of hourly chore personal care service delivery where the contractor is responsible for recruiting, supervising, training, and paying the chore personal care provider.

(7) "Grandparented client" means a person approved for hourly household tasks or family care services before December 14, 1987, or a person approved for attendant care services before April 1, 1988, provided the person was receiving the same services as of June 30, 1989.

(8) "Hourly care" means the service provided to clients needing assistance with scheduled household or personal care tasks.

(9) "Household assistance" means assistance with travel to medical services, essential shopping, laundry, housework, or wood supply as defined under WAC 388-15-202.

(10) "Individual provider program" means a method of chore personal care service delivery where the client employs and supervises the chore personal care provider. Payment is made to the client who, in turn, pays the provider.

(11) "Own home" means the client's present or intended place of residence, whether in a building the client rents or owns or in the home of another person.

(12) "Personal care" means assistance with personal hygiene, dressing, bathing, eating, toileting, ambulation,

transfer, positioning, self-medication, body care, or meal preparation. The tasks are defined under WAC 388-15-202.

(13) "Property owned" means property over which the applicant or client has a legal interest.

(14) "Relative" means a client's spouse, father, mother, son, or daughter.

(15) "Resources" means real or personal property owned by or available to an applicant or a client which the department may apply, either directly or after conversion into money or its equivalent toward meeting the client's financial participation for services.

(16) "Shared living arrangement" means a situation where two or more adults share expenses and reside together in one of the adult's residences with common facilities, such as living, cooking, and eating areas.

[Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-208, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-08-011 (Order 3152), § 388-15-208, filed 3/26/91, effective 4/26/91; 90-15-029 (Order 3041), § 388-15-208, filed 7/13/90, effective 8/13/90; 89-13-084 (Order 2815), § 388-15-208, filed 6/21/89; 88-17-064 (Order 2674), § 388-15-208, filed 8/17/88; 88-06-088 (Order 2605), § 388-15-208, filed 3/2/88; 86-12-040 (Order 2383), § 388-15-208, filed 5/30/86; 84-22-017 (Order 2165), § 388-15-208, filed 10/31/84; 83-14-029 (Order 1977), § 388-15-208, filed 6/30/83; 82-23-056 (Order 1904), § 388-15-208, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-208, filed 8/28/81; 81-11-044 (Order 1652), § 388-15-208, filed 5/20/81; 81-06-063 (Order 1618), § 388-15-208, filed 3/4/81.]

**WAC 388-15-209 Eligibility.** The department shall consider the following eligibility criteria when determining an applicant's/client's eligibility for chore personal care services:

(1) Service eligibility:

(a) Eighteen years of age and over;

(b) At risk of placement in a long-term care facility as evidenced by the need for assistance with one or more personal care tasks listed in WAC 388-15-208(12), and no one is willing and able to provide unpaid assistance with the required personal care tasks; and

(c) Not eligible for Medicaid personal care or community options program entry system (COPES) services.

(2) Financial eligibility, meets the financial and resource eligibility requirements established by the department;

(3) Resource eligibility:

(a) Has resources at or below ten thousand dollars for a one-person family or fifteen thousand dollars for a two-person family. Allow another one thousand dollars for each additional family member;

(b) Resources considered. The department shall consider the following resources when available to the applicant or client in determining the value of an applicant's or client's resources:

(i) Checking accounts;

(ii) Savings accounts;

(iii) Certificates of deposit;

(iv) Money markets;

(v) Negotiable stocks and bonds;

(vi) Latest assessed value of lots or property not attached to residence;

(vii) Market value of a boat or boats, recreational vehicle or vehicles, or excess automobiles;

(viii) Liquid assets such as cash, gold, silver, and other items of an investment and negotiable nature;

(ix) Resources received in transfer or assignment from a spouse under WAC 388-92-043(5) are available to the applicant/client as a single-person household and subject to subsections (2) and (3)(a) and (b) of this section; and

(x) Resources transferred for the purpose of making the applicant or client eligible for department-paid assistance.

(c) Resources excluded. The department shall not consider the following resources, regardless of value, in determining the value of a client's or applicant's resources:

(i) A home and lot normal for the community where the client or applicant resides;

(ii) Used and useful household furnishings, personal clothing, and one automobile per client;

(iii) Personal property of great sentimental value;

(iv) Real or personal property used by the applicant or client to earn income or for rehabilitation;

(v) One cemetery plot for each member of the family unit;

(vi) Cash surrender value of life insurance;

(vii) Resources that cannot be converted to cash in twenty working days as long as there is a reasonable ongoing effort to convert the resource into cash;

(viii) Payments received as restitution payments under the Civil Liberties Act of 1988 and the Aleutian and Pribiloff Island Restitution Act, P.L. 100-383; or

(ix) Real estate sales contracts. The interest and principal payments from real estate sales contracts is treated as unearned income.

(4) Adult protective services. Adult protective service clients at risk of being placed in a long-term care facility shall be eligible to receive chore personal care services without regard to income or resources if these services are an integral but subordinate part of the adult protective services plan. These services shall be provided only until the situation necessitating the services has stabilized and are limited to a maximum of ninety days during any twelve-month period; and

(5) Volunteer chore services. An applicant for chore personal care services shall be referred to the volunteer chore service program when the applicant:

(a) Does not meet the eligibility criteria for chore personal care services;

(b) Is eligible for five hours or less per month of chore personal care services;

(c) Is eligible for a reduced level of chore personal care services because income exceeds thirty percent of the state median income; or

(d) Needs help with tasks that are not available in the chore personal care services program.

[Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-209, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-08-011 (Order 3152), § 388-15-209, filed 3/26/91, effective 4/26/91; 90-15-029 (Order 3041), § 388-15-209, filed 7/13/90, effective 8/13/90; 89-18-026 (Order 2852), § 388-15-209, filed 8/29/89, effective 9/29/89; 88-17-064 (Order 2674), § 388-15-209, filed 8/17/88; 88-06-088 (Order 2605), § 388-15-209, filed 3/2/88. Statutory Authority: ESHB 1221. 87-22-013 (Order 2550), § 388-15-209, filed 10/26/87. Statutory Authority: RCW 74.08.090. 86-12-040 (Order 2383), § 388-15-209, filed 5/30/86; 84-22-017 (Order 2165), § 388-15-209, filed 10/31/84; 83-21-007 (Order 2028), § 388-15-209, filed 10/6/83; 82-23-056 (Order 1904), § 388-15-209, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-209, filed 8/28/81; 81-06-063 (Order 1618), § 388-15-209, filed 3/4/81.]

#### WAC 388-15-212 Service determination. (1)

Assessment.

(a) Department staff shall perform the assessment or use assessment information received which has been administered according to rules described under WAC 388-15-202 through 388-15-205.

(b) The department shall consider the chore personal care services client the secondary client in households where community options program entry system (COPEs) services or Medicaid personal care services are also authorized.

(2) For each task listed on the assessment form, the department staff shall determine the level of assistance needed according to rules under WAC 388-15-203.

(3) Authorization when there is no required reduction in hours.

(a) The department may authorize the number of ceiling hours allowable for the applicant's/client's score when the applicant/client has a gross income, adjusted for family size, at or below thirty percent of the state median income.

(b) The department may authorize fewer than the allowable ceiling hours when appropriate to the applicant's/client's individual circumstances.

(c) The department shall inform all applicant's/clients of their right to request the department to authorize more than the allowable ceiling hours based on the applicant's/client's score. The department shall grant a waiver to authorize additional hours up to the maximum of one hundred sixteen hours per month when:

(i) Circumstances of a demonstrated duration, frequency, or severity require additional chore personal care service hours to assure the client's health or safety;

(ii) Needed additional hours are specific and clearly measurable; and

(iii) Funds are available under WAC 388-15-214.

(d) The department shall approve or deny requests for a waiver to exceed ceiling hours within thirty days.

(e) When a request for a waiver is denied, the department shall send the applicant/client a notice of the right to contest the department's decision under chapter 388-08 WAC.

(4) Authorization when hours are reduced.

(a) An applicant/client with a gross income, adjusted for family size, over thirty percent of the state median income, shall receive fewer than the number of ceiling hours allowable for the applicant's/client's score.

(b) The department shall determine the amount of reduction to allowable ceiling hours by:

(i) Deducting one hour for each percentage point when the applicant's/client's income exceeds thirty percent of the state median income; and

(ii) Deducting an additional hour for each percentage point when the applicant's/client's income exceeds fifty percent of the state median income.

(c) The reduction computed under subsection (5)(b) of this section shall be subtracted from the allowable ceiling hours to obtain the maximum number of hours per month the applicant/client may be authorized.

(5) Meal allowance—IPP hourly services only. When providing meals for the chore personal care provider is an extra client cost, the department may authorize a payment to partially reimburse the client for the meal cost. The department shall not reimburse the costs for a spouse provider.

The payment shall not exceed the department-established amount and shall be prorated by days of service.

(6) Relative providers. The department may authorize a relative to provide chore services only when the relative:

(a) Gives up paid employment of thirty hours or more per week, to give the service;

(b) Needs to take paid employment of thirty hours or more per week to meet financial needs; or

(c) Is financially eligible to receive general assistance to meet their own need.

The above criteria apply to relatives providing service to clients, including grandparented clients, in either the contracted program or the individual provider hourly program.

(7) Reassessment.

(a) The department shall reassess the eligibility of all chore personal care clients, except grandparented clients, at least every eighteen months or more often when deemed necessary because of a change in the client's condition or situation.

(b) The department shall continue, deny, or alter services to correspond with the client's present chore personal care need. The department shall notify the client of the right to contest denial or reduction of services.

(c) The eligibility rules as described under WAC 388-15-209 apply to reassessment of all clients except grandparented clients.

(d) The department shall terminate chore personal care services for an hourly personal care client when a reassessment shows the client now needs assistance with household tasks only. This rule shall not pertain to grandparented clients receiving household tasks only.

[Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-212, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-08-011 (Order 3152), § 388-15-212, filed 3/26/91, effective 4/26/91; 90-15-029 (Order 3041), § 388-15-212, filed 7/13/90, effective 8/13/90; 89-13-084 (Order 2815), § 388-15-212, filed 6/21/89; 88-17-064 (Order 2674), § 388-15-212, filed 8/17/88; 88-06-088 (Order 2605), § 388-15-212, filed 3/2/88. Statutory Authority: ESHB 1221. 87-22-013 (Order 2550), § 388-15-212, filed 10/26/87. Statutory Authority: RCW 74.08.090. 86-12-040 (Order 2383), § 388-15-212, filed 5/30/86; 84-22-017 (Order 2165), § 388-15-212, filed 10/31/84; 83-21-007 (Order 2028), § 388-15-212, filed 10/6/83; 82-23-056 (Order 1904), § 388-15-212, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-212, filed 8/28/81; 81-11-044 (Order 1652), § 388-15-212, filed 5/20/81; 81-06-063 (Order 1618), § 388-15-212, filed 3/4/81; 79-01-042 (Order 1361), § 388-15-212, filed 12/21/78.]

**WAC 388-15-213 Payment.** (1) Contracted program. The department shall pay the contractor who pays the chore personal care provider.

(2) Individual provider program.

(a) The department shall pay the client who pays the chore personal care provider.

(b) The department shall pay an hourly rate not to exceed the rate set forth in the most recent schedule of rates established and published by the department for performance of authorized chore personal care service tasks. Payment is contingent upon documentation that services were rendered.

(c) The department shall not pay a spouse providing chore services more than the amount of a one-person standard for a continuing general assistance grant. Refer to WAC 388-29-100 for grant standards.

[Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-213, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 90-15-029 (Order 3041), § 388-15-213, filed 7/13/90, effective 8/13/90; 88-17-064 (Order 2674), § 388-15-213, filed 8/17/88; 88-06-088 (Order 2605), § 388-15-213, filed 3/2/88. Statutory Authority: ESHB 1221. 87-22-013 (Order 2550), § 388-15-213, filed 10/26/87. Statutory Authority: RCW 74.08.090. 86-08-085 (Order 2361), § 388-15-213, filed 4/2/86; 84-22-017 (Order 2165), § 388-15-213, filed 10/31/84; 83-21-007 (Order 2028), § 388-15-213, filed 10/6/83; 82-23-056 (Order 1904), § 388-15-213, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-213, filed 8/28/81; 81-06-063 (Order 1618), § 388-15-213, filed 3/4/81; Order 1238, § 388-15-213, filed 8/31/77.]

**WAC 388-15-214 Chore personal care services budget control.** (1) The department shall establish a monthly dollar lid on chore personal care service expenditures to maintain expenditures within the legislative appropriation.

(2) When expenditure projections reach the monthly dollar lid, the department shall place names of applicants for chore personal care services on a waiting list in the order of their risk of placement in a long-term care facility. Priorities shall be as follows:

(a) Level A. Applicant:

(i) Is client being relocated by the department from a nursing facility; or

(ii) Needs help with one of the personal care tasks of eating, body care, transfer, positioning, or toileting.

(b) Level B. Applicant needs help with four or more other personal care tasks listed under WAC 388-15-208(12);

(c) Level C. Applicant needs help with one to three other personal care tasks.

(3) If the monthly dollar lid is not sufficient to stay within the legislative appropriation, the department may implement a ratable reduction of hours or payment for some or all chore personal care service clients.

[Statutory Authority: RCW 74.08.545. 94-10-025 (Order 3730), § 388-15-214, filed 4/27/94, effective 5/28/94. Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-214, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 90-15-029 (Order 3041), § 388-15-214, filed 7/13/90, effective 8/13/90; 88-19-031 (Order 2693), § 388-15-214, filed 9/12/88; 88-06-088 (Order 2605), § 388-15-214, filed 3/2/88.]

**WAC 388-15-215 Program limitations.** (1) The department shall not authorize chore personal care services for:

(a) Teaching and companionship;

(b) Child care;

(c) Providing nursing care; or

(d) Developing social, behavioral, recreational, communication, or other types of skills.

(2) The department shall not provide chore personal care services to a resident of a:

(a) Group home;

(b) Licensed boarding home;

(c) Congregate care facility;

(d) Nursing care facility;

(e) Hospital;

(f) Institution;

(g) Adult family home; or

(h) Child foster home.

Shared living arrangements are not considered group homes.



(3) The department shall provide chore personal care services only in the client's home or surrounding property except for essential shopping, travel to medical services, and laundry when there is not a laundry facility in the client's home.

[Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-215, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-08-011 (Order 3152), § 388-15-215, filed 3/26/91, effective 4/26/91; 90-15-029 (Order 3041), § 388-15-215, filed 7/13/90, effective 8/13/90; 89-18-026 (Order 2852), § 388-15-215, filed 8/29/89, effective 9/29/89; 88-11-062 (Order 2625), § 388-15-215, filed 5/17/88; 85-22-021 (Order 2298), § 388-15-215, filed 10/30/85; 84-22-017 (Order 2165), § 388-15-215, filed 10/31/84; 83-21-007 (Order 2028), § 388-15-215, filed 10/6/83; 82-23-056 (Order 1904), § 388-15-215, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-215, filed 8/28/81; 81-06-063 (Order 1618), § 388-15-215, filed 3/4/81; Order 1238, § 388-15-215, filed 8/31/77.]

**WAC 388-15-216 Grandparented clients.** (1) Continuing eligibility for hourly care chore personal care clients:

(a) The department may continue providing hourly chore personal care services for clients receiving assistance with household tasks only before December 14, 1987, provided the clients were receiving the same services as of June 30, 1989;

(b) The department shall perform periodic reviews to determine continuing need and eligibility according to the rules in effect before December 14, 1987:

(i) If a review indicates a household tasks only client needs assistance with personal care, Medicaid personal care may be authorized if eligible for Medicaid funding. If not eligible for Medicaid personal care, chore personal care services shall be authorized according to the eligibility requirements for a new client;

(ii) If more or less household task services are required, services may be authorized accordingly.

(2) Continuing eligibility for attendant care for adults.

(a) The department may continue providing chore personal care services to clients receiving attendant care before April 1, 1988, provided the clients were receiving the same services as of June 30, 1989.

(b) The department shall perform periodic reviews to determine continuing need and eligibility according to the rules in effect before April 1, 1988:

(i) Attendant care service shall be authorized for clients receiving attendant care before April 1, 1988, who continue to need assistance with such unscheduled tasks as toileting, ambulation, and transfer or who need protective supervision;

(ii) Attendant care protective supervision shall be authorized for clients who may hurt themselves, others, or damage property if left alone, or are confused and may wander, or become easily disoriented;

(iii) The amount of service authorized shall be based on the total number of hours per day the chore personal care provider must be with the client. The chore personal care provider performs necessary household or personal care tasks during the authorized attendant care hours.

(c) The department shall pay a daily rate for attendant care for adults a sum not exceeding the department-established rate:

(i) The department shall add up to five dollars per day for each additional client in the household; and

(ii) The department shall reduce the amount of payment by the individual provider program hourly rate when the client's income exceeds thirty percent of the state median income.

(d) The department shall not increase the payment in effect on June 30, 1989, except for a department-approved vendor rate increase; and

(e) The department shall not pay for services when the client is not in the home, for example, because of hospitalization. The department may provide payment for services up to seven days during the service month to enable the client to return home.

(3) Continuing eligibility for hourly family care services.

(a) Clients receiving hourly family care services before April 1, 1988, may continue to be eligible to receive services provided they were receiving the same services as of June 30, 1989.

(b) The department shall make periodic reviews to determine continuing need and eligibility according to the rules in effect before April 1, 1988. Families may receive services when the client is the normal caretaker of the children, and is:

(i) In the home but unable to physically care for the children; or

(ii) In the home and physically unable to perform the necessary household tasks; or

(iii) Temporarily out of the home, as defined by the department.

(c) The chore personal care provider may not act as a parent substitute or make major decisions affecting the children.

(d) For families to receive services, the total family income shall be at or below the department-established financial eligibility requirement. Minor children shall not be financially eligible in their own right. The minor children are part of the family unit.

(e) Determination of need for hourly care takes into consideration the ages, numbers, and levels of responsibility of the children and presence of a spouse. Allowable family care activities are:

(i) Family housework. The need for additional help cleaning the residence because of the presence of children;

(ii) Family tasks. The child's need for travel to medical services, laundry services, meal preparation, essential shopping, bathing and dressing, or other allowable tasks;

(iii) Supervision of children. The need for physical supervision of the children when the client is:

(A) In the home, but unable to provide supervision; or

(B) Temporarily out of the home.

(f) Points are awarded for family care activities as follows:

(i) O = 0;

(ii) M = 14;

(iii) S = 27; and

(iv) T = 40.

Enter the points awarded in the functional abilities and supports comments section of the assessment form and add to the client's total score.

(4) Board and room meal allowances. When providing board and room or meals for the chore personal care provider is an extra cost to the client, the department may authorize a payment to partially reimburse the client for this

expense. The department shall not reimburse the costs for a spouse provider. The payment shall not exceed the department-established amount and shall be prorated by days of service. No client shall be authorized for both a board and room allowance and a meal allowance.

(5) Ninety-day rule. Grandparented clients terminated from chore services because of transfer to another program may be reauthorized for chore services when the:

(a) Transfer was in effect for less than ninety days; and

(b) Client becomes ineligible for the program the client is transferred to or the program the client is transferred to does not meet the client's needs.

(6) Priority levels. Priority levels for grandparented clients are:

(a) Level A: Client needs help with one of the following personal care tasks:

- (i) Eating;
- (ii) Body care;
- (iii) Bed transfer;
- (iv) Wheelchair transfer; or
- (v) Toileting.

(b) Level B: Client needs help with four or more other personal care tasks as described under WAC 388-15-208(13);

(c) Level C: Client needs help with one to three other personal care tasks;

(d) Level D: Client needs help with all five household tasks:

- (i) Travel to medical services;
- (ii) Essential shopping;
- (iii) Laundry;
- (iv) Housework; and
- (v) Wood supply.

(e) Level E: Client needs help with three or four household tasks; and

(f) Level F: Client needs help with one or two household tasks.

[Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-216, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 91-08-011 (Order 3152), § 388-15-216, filed 3/26/91, effective 4/26/91; 90-15-029 (Order 3041), § 388-15-216, filed 7/13/90, effective 8/13/90; 89-18-026 (Order 2852), § 388-15-216, filed 8/29/89, effective 9/29/89.]

**WAC 388-15-217 Chore personal care services for employed disabled adults.** (1) For purposes of this section, "employed" means engaged on a regular basis in any work activity for which monetary compensation is obtained.

(2) Employed disabled adults shall be eligible for chore personal care services if they are otherwise eligible under the provisions of WAC 388-15-207 through 388-15-216. Employed disabled adults shall participate in the cost of care as authorized by RCW 74.08.570.

(3) To be eligible for chore personal care services under this section, an applicant or client shall meet all of the following conditions:

- (a) Be in need of chore personal care services as determined by the department using an assessment form;
- (b) Be eighteen years of age or older;
- (c) Be a resident of the state of Washington;
- (d) Be determined disabled by the department as specified in subsection (4) of this section;

(e) Be willing to submit to examinations as deemed necessary by the department to establish the extent and nature of the disability;

(f) Have earned income which is less than forty percent of the state median income after subtracting work expenses, the cost of chore services, and any medical expenses not covered through insurance or another source and are incurred to allow the disabled person to work;

(g) Have unearned income at or below forty percent of the state median income or be an adult supplemental security income or state supplementation recipient;

(h) Meet the resource limits specified for the chore personal care program in WAC 388-15-209 (2) and (3);

(i) Promptly report to the department, in writing, any changes in income or resources which may effect eligibility;

(j) Agree to pay all chore personal care service costs beyond the state's contribution as determined using a sliding fee schedule.

	Percentage of State Median Income After Deductions	Percentage of Rate Paid by The Department
	0 through 5	95
Above	5 through 10	90
Above	10 through 15	85
Above	15 through 20	80
Above	20 through 25	75
Above	25 through 30	70
Above	30 through 35	65
Above	35 through 40	60

(k) Meet all other requirements for the chore personal care program as defined in WAC 388-15-207 through 388-15-216.

(4) For purposes of this section, an applicant is disabled if either the department:

(a) Has previously determined the applicant is disabled for the purpose of receiving Social Security disability insurance (SSDI), supplemental security income (SSI) or, nongrant Medicaid, and there has been no appreciable improvement in the applicant's disabling condition since that disability determination was made; or

(b) Determined the applicant has a medically determinable physical or mental impairment comparable in severity to a disability qualifying an applicant for medical assistance related to Title XVI under WAC 388-92-015 (3)(c).

(5) The department shall pay its share of chore personal care service costs to the client following receipt of documentation that the services were provided. If the department verifies that less service is provided, in any month, than the maximum authorized, the department shall pay a prorated portion of its share of cost. The client shall employ the chore personal care provider and shall pay the provider the full amount due for services rendered. The client shall be responsible for paying the amount exceeding the department's authorized service cost if the client:

- (a) Receives services exceeding department authorized services; or
- (b) Agrees to a rate of pay exceeding the department-authorized rate of pay.

(6) The department shall compute an applicant's/client's work-related expenses as follows:

(a) The department shall deduct work-related expenses in accordance with the "percentage method" or the "actual method," whichever is chosen by the client;

(b) If the client chooses the "percentage method," the department shall deduct twenty percent of the gross earned income;

(c) If the client chooses the "actual method," the department shall deduct the actual cost of each work-related expense. The department shall use this method only when the client provides written verification of all work-related expenses claimed;

(d) When determined by the "actual method," allowable work expenses shall consist of:

(i) Child care;

(ii) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(iii) The necessary cost of transportation to and from the place of employment by the most economical means, not to include rental cars; and

(iv) Expenses of employment necessary for continued employment, such as:

(A) Tools;

(B) Materials;

(C) Union dues;

(D) Transportation to service customers if not furnished or reimbursed by the employer; and

(E) Uniforms and clothing needed on the job but not suitable for wear away from the job.

(e) Even if verified, the department shall not count work-related expenses in excess of the applicant's gross earned income; and

(f) The client shall have the option to change methods when reporting income to the appropriate department staff.

[Statutory Authority: RCW 74.08.530 and 74.08.545. 93-04-036 (Order 3500), § 388-15-217, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 90-15-029 (Order 3041), § 388-15-217, filed 7/13/90, effective 8/13/90; 89-18-026 (Order 2852), § 388-15-217, filed 8/29/89, effective 9/29/89; 88-11-062 (Order 2625), § 388-15-217, filed 5/17/88; 83-21-007 (Order 2028), § 388-15-217, filed 10/6/83; 82-23-056 (Order 1904), § 388-15-217, filed 11/16/82; 81-18-045 (Order 1697), § 388-15-217, filed 8/28/81; 81-03-075 (Order 1589), § 388-15-217, filed 1/21/81.]

**WAC 388-15-220 Homemaker services.** (1) Homemaker services are emergency services to families with children under the age of eighteen residing in their own homes or in special group situations outside their homes which will help families overcome specific and temporary barriers to maintaining, strengthening, and safeguarding their functioning in the home. Such services may not exceed a maximum of: One hundred sixty-eight consecutive hours; or, thirty consecutive days of noncontinuous services not to exceed one hundred sixty-eight hours total.

(2) In sudden or unforeseen emergent situations, services may be provided to individuals sixty years of age and older to enable the individual to return to or remain in own home. Such services may not exceed seventy-two consecutive hours of homemaker care.

(3) Services include the casework functions of determination of need for service, the development with the clients, of a service plan, and ongoing evaluation of that plan during the period of placement. Homemaker services also include the direct provision of, as well as the formal and informal

teaching of, limited personal care, home management of household budgets, maintenance and care of the home, food preparation and nutrition, the supervision and development of children and adults unable to care for themselves, and information and referral regarding community resources to improve home and family functioning. These services may be directed toward adult and child protective services situations, and include the observation, evaluation and reporting of individual functioning in the home.

(4) Goals for homemaker services shall be limited to those specified in WAC 388-15-010 (1)(a) through (e). Also see WAC 388-15-010(2).

[Statutory Authority: RCW 74.08.090. 81-17-024 (Order 1689), § 388-15-220, filed 8/12/81; 80-15-003 (Order 1551), § 388-15-220, filed 10/2/80; Order 1238, § 388-15-220, filed 8/31/77; Order 1088, § 388-15-220, filed 1/19/76.]

**WAC 388-15-240 Family planning.** (1) Family planning services are those services which enable individuals including minors and handicapped persons, to make choices regarding the number and spacing of children. These services include outreach, information, referral, support services (such as transportation and child care), counseling, education, medical care and follow-up. Family planning medical services include physical examinations, lab tests, diagnosis, treatment, surgical procedures as appropriate, drugs, supplies, devices furnished, prescribed by or under the supervision of a physician.

(2) Goals for family planning shall be limited to those specified in WAC 388-15-010 (1)(a) through (e). Also see WAC 388-15-010(2).

(3) Family planning is a federally mandated service offered to all appropriate persons in the aid to families of dependent children program and also to any appropriate individual who meets the state's financial eligibility requirements (including anyone who within three months has been an applicant for or a recipient of AFDC (see WAC 388-15-020 (1)(e)(i))). Services will be provided promptly to all of the foregoing individuals who voluntarily request such services.

[Order 1238, § 388-15-240, filed 8/31/77; Order 1204, § 388-15-240, filed 4/1/77; Order 1147, § 388-15-240, filed 8/26/76; Order 1088, § 388-15-240, filed 1/19/76.]

**WAC 388-15-300 Developmental disabilities case services.** (1) Provides specialized programming to those developmentally disabled persons not living in the developmental disabilities institutions and requiring services. Assisting developmentally disabled individuals and their relatives in finding out-of-home alternative residential settings, developing additional placement resources and monitoring institutional preplacement clients.

(2) Goals for developmental disabilities for services shall be limited to those specified in WAC 388-15-010 (1)(a), (b), (d), (e). Also see WAC 388-15-010(2).

[Order 1238, § 388-15-300, filed 8/31/77; Order 1088, § 388-15-300, filed 1/19/76.]

**WAC 388-15-310 Developmental disabilities home (aid) services.** (1) Home (aid) resource services assists developmentally disabled individuals and their families

through professional and paraprofessional home training visits which provide for parent and client training in needed therapies, general health, hygiene, and nutritional programming, and intensive skill training. Services also include assisting in the location, mobilization or development of community resources and may include arranging for other department services, such as homemaker services, chore services or day care services, and further, educating the public of the rights to such services through information and referral efforts.

(2) Goals for developmental disabilities home (aid) services shall be limited to those specified in WAC 388-15-010 (1)(c), (d). Also see WAC 388-15-010(2).

[Order 1238, § 388-15-310, filed 8/31/77; Order 1088, § 388-15-310, filed 1/19/76.]

#### **WAC 388-15-320 Developmental center services.**

(1) Provides individuals who have a developmental disability with day training programs designed to promote the individual development of motor, communication, recreation, behavioral, vocational and social skills. The provider agencies may provide a variety of programs to include infant stimulation, early childhood education, adult developmental education, recreational and leisure time programs, physical and occupational therapy, self-help skills, survival skills, housekeeping training and prevocational training.

(2) Goals for developmental center services shall be limited to those specified in WAC 388-15-010 (1)(b), (c). Also see WAC 388-15-010(2).

[Order 1238, § 388-15-320, filed 8/31/77; Order 1088, § 388-15-320, filed 1/19/76.]

**WAC 388-15-330 Sheltered workshops.** (1) Sheltered workshop services are expected to result in the eventual placement of handicapped clients into gainful employment. Such services are provided to enable clients to become self supporting or self sufficient. A variety of services such as medical, dental, psychiatric, training, transportation, etc. are provided or arranged for by vocational rehabilitation division staff and other services are provided to clients in the work environment of vendor sheltered workshop facilities.

(2) Goals for sheltered workshops shall be limited to those specified in WAC 388-15-010 (1)(a), (b). Also see WAC 388-15-010(2).

[Order 1238, § 388-15-330, filed 8/31/77; Order 1088, § 388-15-330, filed 1/19/76.]

**WAC 388-15-340 Alcoholism treatment.** (1) Three types of alcoholism treatment will be provided under Title XX; "alcohol detoxification," "intensive alcoholism inpatient treatment" and "alcoholism long-term treatment." All are residential treatment services but they differ with regard to the specific treatment needs of the client. These services are provided either by private nonprofit agencies or by public (county) agencies. Funding is provided through purchase of service contracts with the department.

##### **(a) Detoxification services**

This emergency service is provided for persons who are incapacitated by alcohol or suffering from the withdrawal from alcohol. It is a residential program of one to three days for the average client and is provided in special detox-

ification centers (detoxification provided in general hospitals will not be covered under Title XX). Detoxification provides an important first stage in the continuum of treatment services for recovery from alcoholism.

##### **(b) Intensive alcoholism inpatient treatment**

A residential alcoholism treatment program of 21 to 28 days that assists a person in achieving and maintaining abstinence from alcohol through education, group counseling and individual counseling which is aimed at resocialization and understanding of the nature of the illness.

##### **(c) Alcoholism long-term treatment**

Long-term alcoholism treatment is a residential treatment program involving an average of 120 days of physical and emotional rehabilitation therapy, evaluation of rehabilitation needs and the ability to benefit from treatment, education on alcoholism, resocialization counseling and individual and group counseling on alcoholism recovery. A great deal of emphasis is put on occupational and work therapy.

(2) Goals for alcoholism treatment shall be limited to those specified in WAC 388-15-010 (1)(a) through (e). Also see WAC 388-15-010(2).

[Order 1238, § 388-15-340, filed 8/31/77; Order 1088, § 388-15-340, filed 1/19/76.]

**WAC 388-15-360 Refugee assistance.** (1) This service may include information and referral, employment oriented casework, job development, job placement, skills training, work setting training, counseling and orientation, English as a second language, and vocational English training. Effective November 1, 1981, refugees will be allowed up to five hundred forty hours of English language instruction or the achievement of benchmarks as established by the superintendent of public instruction and approved by DSHS, whichever comes first. Refugees residing in the United States over thirty-six months will not be eligible for refugee funded classroom instruction. Since sufficient funds are not available from the federal government to provide this service to all eligible refugees requesting English language training, eligible refugees will be prioritized (for placement into training) as follows:

(a) Refugee head of household with one or more dependents in the country less than twelve months.

(b) Single refugees in the country less than twelve months.

(c) Refugee head of household in the country less than twenty-four months.

(d) Single refugees in the country less than twenty-four months.

(e) Refugee head of household in the country less than thirty-six months.

(f) Single refugees in the country less than thirty-six months.

(g) Other eligible refugees in the country less than thirty-six months.

(2) Goals for refugee assistance shall be limited to the goals specified in WAC 388-15-010 (1)(a) and (b). Also see WAC 388-15-010(2) and chapter 388-55 WAC.

[Statutory Authority: RCW 43.20A.550. 82-02-032 (Order 1742), § 388-15-360, filed 12/31/81; 81-17-027 (Order 1692), § 388-15-360, filed 8/12/81; 78-04-004 (Order 1276), § 388-15-360, filed 3/2/78; Order 1238, § 388-15-360, filed 8/31/77; Order 1204, § 388-15-360, filed 4/1/77; Order 1147, § 388-15-360, filed 8/26/76; Order 1124, § 388-15-360, filed 6/9/76.]

**WAC 388-15-400 Services to individuals released from mental hospitals or in danger of requiring commitment to such institutions.** (1) These services are those services necessary to enable eligible individuals age 65 or over to remain in the community in lieu of care in a mental hospital, or upon release from a mental hospital, to return to and live in the community. Services may also be provided to recipients of AFDC who are being released from mental institutions.

(2) Necessary adult services shall be provided to beneficiaries of SSI, recipients of Title XIX, and other individuals whose income does not exceed the standard in WAC 388-15-020 who:

(a) Are released from a mental hospital, or

(b) Need alternate care to continue to live in the community.

(3) Services provided to accomplish the objective to assist the recipient to maintain or be restored to the greatest possible degree of independent functioning and self help shall be any appropriate adult services described in WAC 388-15-100 through 388-15-400.

(4) Services to be provided to accomplish this objective for recipients of AFDC age 21 or under being released from mental institutions shall be any appropriate family or children's service described in WAC 388-15-100 through 388-15-400.

(5) See also chapter 388-95 WAC.

[Order 1088, § 388-15-400, filed 1/19/76.]

**WAC 388-15-500 Redetermination of service eligibility.** Eligibility for all services shall be redetermined:

(1) When the ESSO has received information about anticipated changes in the individual's situation.

(2) No more than thirty days after the ESSO has received information that a change has occurred in the individual's circumstances which may make him ineligible.

(3) Periodically, but no less frequently than every six months, except that for individuals whose gross monthly income at the time of determination is derived exclusively from pensions or social security benefits or SSI or a combination thereof or in group eligibility where the individuals conditions or characteristics are not apt to change substantially (such as physical disability), redetermination may be made at 12 month intervals.

[Order 1238, § 388-15-500, filed 8/31/77; Order 1088, § 388-15-500, filed 1/19/76.]

**WAC 388-15-548 Residential services.** (1) Residential services are services necessary to secure appropriate residential care for eligible adults. This includes placement and periodic review in adult family homes, congregate care facilities, and nursing homes. When appropriate, the department's nursing care consultants will determine if eligible adults with medical problems are receiving care which meets their medical needs.

(2) Goals for residential services shall be limited to those specified in WAC 388-15-010 (1)(a) through (e). Also see WAC 388-15-010(2) and 388-15-030.

[Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-548, filed 7/28/86.]

**WAC 388-15-550 Service delivery.** The services provided under this chapter may be provided by department staff or by purchase of service. Services are purchased by the department at rates set by the department from agencies or facilities determined by the department as providing an acceptable quality of service.

[Order 1238, § 388-15-550, filed 8/31/77; Order 1147, § 388-15-550, filed 8/26/76; Order 1124, § 388-15-550, filed 6/9/76; Order 1088, § 388-15-550, filed 1/19/76.]

**WAC 388-15-551 Adult family home—Authority to purchase care—Standards.** (1) Pursuant to RCW 74.08.043 and 74.08.045, the department is authorized to purchase care from licensed adult family homes.

(2) Minimum standards of care for an adult family home are those required for licensure under chapter 74.15 RCW, RCW 74.08.044, and chapter 388-76 WAC.

[Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-551, filed 7/28/86; 79-09-039 (Order 1425), § 388-15-551, filed 8/17/79.]

**WAC 388-15-552 Adult family home—Eligible persons.** (1) To be eligible for state payment for regular adult family home care, a person must be:

(a) Age eighteen or older;

(b) A recipient of:

(i) Supplemental Security Income;

(ii) Continuing general assistance; or

(iii) Title XIX categorically relatable to SSI;

(c) Unable to live alone and/or require training, supervision, or assistance with activities of daily living and/or health-related services, including nursing care if the adult family home licensee is authorized by the licensing authority to provide nursing care; and

(d) Ineligible to be included in the COPES or CAP programs.

(2) A provider payment only may be authorized for adults receiving protective services in an adult family home, notwithstanding subsection (1)(b) of this section, for up to ninety days during any twelve-month period without regard to income, if the care is an integral but subordinate part of the adult protective service plan. Such payment shall be discontinued after ninety days, when the protective services are terminated, or when a regular service plan is adopted, whichever occurs first.

[Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-552, filed 7/28/86; 83-21-008 (Order 2029), § 388-15-552, filed 10/6/83; 79-09-039 (Order 1425), § 388-15-552, filed 8/17/79.]

**WAC 388-15-553 Adult family home—Determination of need.** The department, through a comprehensive assessment, in consultation with the eligible adult, shall determine if adult family home care is required. Adult family home services are limited to those allowed under adult family home licensure, chapter 388-76 WAC.

[Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-553, filed 7/28/86; 79-09-039 (Order 1425), § 388-15-553, filed 8/17/79.]

**WAC 388-15-554 Adult family home—Placement in facility.** (1) Selection of an adult family home is made by the eligible adult client, his or her relatives, or others acting on his or her behalf, provided the department determines that

the adult family home can provide adequate care and supervision.

(2) The client has a right to choose or refuse adult family home placement. The client's decision shall prevail. In those circumstances where the client is under a guardianship, the guardian shall be consulted to determine the extent of his or her authority. If such authority extends to the placement of the client, the guardian's decision shall prevail.

[Statutory Authority: RCW 74.08.044, 86-16-019 (Order 2392), § 388-15-554, filed 7/28/86; 79-09-039 (Order 1425), § 388-15-554, filed 8/17/79.]

**WAC 388-15-555 Adult family home—Payments—Standards—Procedures.** (1) All nonexempt net income of an eligible adult placed in an adult family home shall first be applied to the adult's clothing, personal maintenance, and necessary incidentals. Any remaining nonexempt income shall be applied to the cost of his or her adult family home care.

(2) See WAC 388-92-025 for computation of available income for SSI or SSI-related recipients. See WAC 388-37-020(4) and 388-37-025 for computation of available income for continuing general assistance recipients.

(3) The continuing general assistance standard for an adult family home resident shall be the adult family home cost standard plus a specified amount for the clothing, personal maintenance and necessary incidentals, as defined in chapter 388-29 WAC.

(4) The department shall pay the adult family home for contracted care, a sum not to exceed rates set forth in the most recent schedule of rates established and published by the department. The sum paid shall be decreased by the amount of the client's participation toward cost of care.

[Statutory Authority: RCW 74.08.044, 86-16-019 (Order 2392), § 388-15-555, filed 7/28/86; 79-09-039 (Order 1425), § 388-15-555, filed 8/17/79.]

**WAC 388-15-560 Congregate care—Definition—Authority to purchase care—Standards.** (1) A congregate care facility is a boarding home licensed under chapter 18.20 RCW and RCW 74.08.044, or a licensed private establishment as defined by chapter 71.12 RCW, which has entered into a congregate care contract with the department.

(2) Pursuant to RCW 74.08.043 and 74.08.045, the department is authorized to purchase, from congregate care facilities as defined in this chapter, personal and special care and supervision for eligible persons, as defined in this chapter, who are in need of such care and supervision.

(3) Minimum standards of care for a congregate care facility are those required for licensure under chapters 18.20 and 71.12 RCW, and chapter 248-16 WAC.

[Statutory Authority: RCW 74.08.044, 86-16-019 (Order 2392), § 388-15-560, filed 7/28/86; 81-01-077 (Order 1579), § 388-15-560, filed 12/17/80; Order 1238, § 388-15-560, filed 8/31/77.]

**WAC 388-15-562 Congregate care—Eligible persons.** (1) To be eligible for state payment for care in a congregate care facility, a person must:

- (a) Be age eighteen or older;
- (b) Be a recipient of:
  - (i) Supplemental Security Income,
  - (ii) Continuing general assistance, or
  - (iii) Title XIX categorically relatable to SSI;

(c) Be unable to maintain a safe environment in an independent living arrangement or require personal care and supervision, assistance with activities of daily living and/or health-related services;

(d) Not require nursing care in excess of that described in RCW 18.20.160 and the provisions of WAC 248-16-228; and

(e) Meet the criteria in subsections (2), (3), (4), (5), or (6) of this section.

(2) For regular program congregate care the person must:

(a) Not require developmental disabilities specialized services as described in chapter 275-36 WAC unless a plan of care is developed to provide specialized services in addition to the regular congregate care services provided;

(b) Be ineligible for the mental health congregate care program as described in subsection (4) of this section unless a plan of care is developed to provide mental health specialized services apart from the regular congregate care services provided;

(c) Not require alcoholism and/or drug treatment as described in subsection (5) and (6) of this section; and

(d) Be ineligible for the COPES or CAP programs;

(3) A provider payment only may be authorized for persons receiving adult protective services in congregate care, notwithstanding subsection (1)(b) of this section, for up to ninety days during any twelve-month period without regard to income, if the care is an integral but subordinate part of the adult protective service plan. Such payment shall be discontinued after ninety days, when the protective services are terminated, or when a regular service plan is adopted, whichever occurs first.

(4) For mental health congregate care, a person must:

(a) Be acutely or chronically mentally ill, or seriously disturbed as defined in WAC 275-56-010. Priority for placement shall be as follows:

(i) Clients housed in state or community psychiatric facilities who no longer require that level of care.

(ii) Clients in imminent jeopardy of psychiatric hospitalization unless an alternative placement is secured.

(iii) Clients with two or more psychiatric hospitalizations in the past two years.

(iv) Other clients meeting the criteria in WAC 275-56-010.

(b) Actively participate in a mental health treatment program according to their individual treatment plan or be on a waiting list to receive such treatment.

(i) Clients shall become ineligible for the mental health rate after sixty days of refusing to participate in mental health treatment.

(ii) Alternative residential placements must be arranged for clients found ineligible because of nonparticipation.

(5) For drug treatment congregate care a person must be judged by a certified drug treatment professional to be in need of drug treatment.

(6) For alcoholism congregate care, a person must be determined by a state-approved, community alcoholism counselor to be in need of treatment.

(7) Placement in a congregate care facility is limited to available DSHS contracted beds.

[Statutory Authority: RCW 74.08.044, 86-16-019 (Order 2392), § 388-15-562, filed 7/28/86; 82-10-064 (Order 1805), § 388-15-562, filed 5/5/82; 81-

01-077 (Order 1579), § 388-15-562, filed 12/17/80; Order 1238, § 388-15-562, filed 8/31/77.]

**WAC 388-15-563 Congregate care—Residents of other states.** Benefits of the congregate care program shall not be available to residents of other states who enter the state of Washington for the primary purpose of obtaining congregate care. However, when a person can no longer be considered a resident of another state and/or expresses his/her intention to remain permanently in Washington, his/her eligibility shall be determined as a resident of Washington, see WAC 388-26-055. If there is evidence that the person is maintaining a home in another state, see WAC 388-28-420(4) about sale of resource.

[Statutory Authority: RCW 74.08.044. 81-01-077 (Order 1579), § 388-15-563, filed 12/17/80.]

**WAC 388-15-564 Congregate care—Determination of need.** The department shall determine need for congregate care based on:

- (1) A comprehensive assessment, in consultation with the individual; and
- (2) Criteria in WAC 388-15-562.

[Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-564, filed 7/28/86; Order 1238, § 388-15-564, filed 8/31/77.]

**WAC 388-15-566 Congregate care—Placement in facility.** (1) Selection of a congregate care facility is made by the eligible individual, his or her relatives, or others acting on his or her behalf from facilities with available contracted beds, provided the department determines such congregate care facility can provide adequate care and supervision.

(2) The individual has a right to choose or refuse congregate care placement. The individual's decision shall prevail. In those circumstances where the person is under a guardianship, the guardian shall be consulted to determine the extent of his or her authority. If such authority extends to the placement of the individual, the guardian's directive shall prevail.

[Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-566, filed 7/28/86; 81-01-077 (Order 1579), § 388-15-566, filed 12/17/80; Order 1238, § 388-15-566, filed 8/31/77.]

**WAC 388-15-568 Congregate care—Payment—Standards—Procedures.** (1) All nonexempt net income of an eligible individual placed in a congregate care facility shall first be applied to the individual's clothing, personal maintenance and necessary incidentals. Any remaining nonexempt income shall be applied to the cost of the congregate care.

(2) See WAC 388-92-025 for computation of available income for SSI or SSI-related recipients. See WAC 388-37-020(4) and 388-37-025 for computation of available income for continuing general assistance recipients.

(3) Payment will be limited to the amount approved by the department for the type of care authorized, i.e., regular, mental health, COPES, or alcoholism and/or drug treatment. There is no specialized congregate care rate for developmentally disabled persons.

(4) The department shall pay for contracted care a sum not to exceed the rates set forth in the most recent schedule of rates established and published by the department. The sum paid shall be decreased by the amount of the client's participation toward cost of care.

(5) The continuing general assistance standard for a congregate care resident shall be the contracted cost standard of the facility plus a specified amount for clothing, personal maintenance and necessary incidentals, as defined in chapter 388-29 WAC.

[Statutory Authority: RCW 74.08.044. 86-16-019 (Order 2392), § 388-15-568, filed 7/28/86; 82-10-064 (Order 1805), § 388-15-568, filed 5/5/82; Order 1238, § 388-15-568, filed 8/31/77.]

**WAC 388-15-570 Family reconciliation services.** (1) Families who are in conflict may request family reconciliation services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible.

(2) Family reconciliation services shall be designed to develop skills and supports within families to resolve family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

(3) It is the purpose of this service to achieve a reconciliation between the parent and child, to reunify the family and to maintain and strengthen the family unit and thereby avoid the necessity of out-of-home placement of children.

(4) Under this program services are provided to runaways and families in conflict. These populations are defined as follows:

(a) Runaways: The department provides family reconciliation services to actual runaways, and does not provide reconciliation services to threatened runaways - unless the threatened runaways meet the definition of families in conflict.

(b) Families in conflict: The department provides family reconciliation services to families to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family.

(5) Services are provided as follows:

(a) Intake/assessment services: IAS are short-term counseling sessions limited to a total of four hours within twenty-four hours directed toward defusing the immediate potential for violence, assessing problems and exploring options leading to problem resolution.

(b) Crisis counseling services: CCS are time-limited counseling sessions limited to fifteen hours within thirty days and are directed toward developing skills and supports within the family to resolve conflicts or to refer to appropriate resources including medical, legal, ongoing counseling, and child protective services for problem resolution.

(c) These services are not provided for chronic or long-term multiproblem situations, custody and marital disputes, cases receiving counseling services from other agencies, child abuse and neglect cases, foster family or group care

services in need of follow-up services and post adoption cases still under supervision of an agency.

(6) Goals for family reconciliation services shall be limited to those specified in WAC 388-15-010 (1)(c). Also see WAC 388-15-010(2).

[Statutory Authority: RCW 74.08.090. 82-01-040 (Order 1732), § 388-15-570, filed 12/16/81; 81-20-063 (Order 1708), § 388-15-570, filed 10/5/81. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-15-570, filed 9/10/79. Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-15-570, filed 9/1/78; Order 1238, § 388-15-570, filed 8/31/77.]

**WAC 388-15-580 Support services.** (1) Support services include activities required to support the determination of eligibility for financial, medical or special need assistance. It also includes casework activities required as support functions to recipients of assistance programs.

(2) Eligibility for this service is limited to those who are applying for or receiving financial or medical assistance.

(3) Goals for support services shall be limited to those specified in WAC 388-15-010 (1)(a), (b), (d). Also see WAC 388-15-010(2).

[Order 1238, § 388-15-580, filed 8/31/77.]

**WAC 388-15-600 Community options program entry system (COPES)—Purpose—Legal basis.** (1) The purpose of the community options program entry system (COPES) is to:

(a) Offer the choice of either institutional or home and community-based waiver services to a nursing facility eligible client;

(b) Divert an eligible client from imminent nursing facility placement; and

(c) Discharge an eligible nursing facility client to the client's own home or to a community-based residence.

(2) Beginning April 1, 1993, and ending March 31, 1994, the department shall provide COPES services as an alternative to institutionalization to not more than seven thousand one hundred ninety-two unduplicated clients who:

(a) The department determines are eligible for nursing facility care per WAC 388-88-081 and 388-15-203; and

(b) Are institutionalized, or the department determines are likely to be institutionalized within the next thirty days in the absence of waiver services per WAC 388-15-615.

(3) The department shall administer the COPES Medicaid program as described under subsection 1915(c) of the Social Security Act, codified in the Code of Federal Regulations at 42 CFR 441.300 through 310, and approved by the secretary, department of health and human services.

(4) The department has the authority to limit the number of unduplicated COPES clients served monthly by each aging and adult field services regional office. The approved waiver does not require the department to provide waiver services:

(a) Throughout the state;

(b) Comparable in amount, duration, or scope; or

(c) To each person or target group who require nursing facility level of care.

(5) RCW 74.08.043 and 74.08.045 authorize the department to purchase personal and special care. RCW 74.08.390 permits the department to conduct demonstration programs and waive specific statutory requirements.

[Title 388 WAC—page 144]

[Statutory Authority: RCW 74.04.057 and 74.08.090. 93-13-135 (Order 3577), § 388-15-600, filed 6/23/93, effective 7/24/93. Statutory Authority: 1987 1st ex.s. c 7. 87-23-054 (Order 2558), § 388-15-600, filed 11/18/87. Statutory Authority: RCW 74.08.090. 86-11-024 (Order 2377), § 388-15-600, filed 5/14/86; 83-08-024 (Order 1954), § 388-15-600, filed 3/30/83.]

**WAC 388-15-610 COPES—Eligible persons.** (1) An aged, blind, or disabled client, as defined under WAC 388-92-015 (1)(a), (b), and (c), shall be eligible for COPES services when the department determines the client:

(a) Is eighteen years of age or older;

(b) Is not financially eligible for Medicaid state plan covered personal care services;

(c) Has gross monthly income not exceeding three hundred percent of the federal Supplemental Security Income (SSI) benefit level, excluding the state supplement, as defined under WAC 388-80-005 (11)(d);

(d) Has resources at or below the Medicaid standard as defined under WAC 388-95-320 (1)(b) and (c), 388-95-337, and 388-95-340(1);

(e) Is eligible for nursing facility care;

(i) Is institutionalized; or

(ii) Is not presently institutionalized and will require nursing facility care within the next thirty days in the absence of home and community-based waiver services as defined under WAC 388-15-615;

(f) Has a feasible written plan of care. The plan shall be sufficient to safeguard the client's health and safety and the plan's costs, including the one-person medically needy income level, shall be less than ninety percent of the average state-wide nursing facility rate; and

(g) Prefer to receive home or community-based waiver services as described in the department's plan of care, as an alternative to department placement in a nursing facility.

(2) The department shall restrict COPES eligibility to a person meeting the approved COPES waiver target group requirements.

[Statutory Authority: RCW 74.04.057 and 74.08.090. 93-13-135 (Order 3577), § 388-15-610, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.09.500. 92-20-013 (Order 3460), § 388-15-610, filed 9/24/92, effective 10/25/92. Statutory Authority: RCW 74.08.090. 90-15-019 (Order 3039), § 388-15-610, filed 7/12/90, effective 8/12/90. Statutory Authority: 1987 1st ex.s. c 7. 87-23-054 (Order 2558), § 388-15-610, filed 11/18/87. Statutory Authority: RCW 74.08.090. 86-11-024 (Order 2377), § 388-15-610, filed 5/14/86. Statutory Authority: RCW 74.08.044. 84-12-038 (Order 2101), § 388-15-610, filed 5/30/84. Statutory Authority: RCW 74.08.090. 83-08-024 (Order 1954), § 388-15-610, filed 3/30/83.]

**WAC 388-15-615 COPES—Program restrictions.** Effective July 1, 1993, the COPES program shall be limited to a person eligible for COPES services under WAC 388-15-202 through 388-15-205 and 388-15-600 through 388-15-610. The department shall determine a person likely to be institutionalized within the next thirty days in the absence of COPES services when the person:

(1)(a) Has medical problems or cognitive impairment and is unable to maintain or coordinate the treatment plan; and

(b) Lives alone or has inadequate family or other support and has inadequately attended needs for periods of time within the twenty-four hour period; and

(c) Has unmet need for assistance with two or more of the following basic self care functions:

(i) Eating;



- (ii) Toileting;
- (iii) Ambulation;
- (vi) Transfer;
- (v) Positioning;
- (vi) Body care;
- (vii) Personal hygiene;
- (viii) Dressing;
- (ix) Bathing; or
- (x) Prescribed medication.

These basic unmet needs require paid services to allow the person to remain in the community.

- (2) Received COPEs services prior to July 1, 1993.

[Statutory Authority: RCW 74.04.057 and 74.08.090. 93-13-135 (Order 3577), § 388-15-615, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.09.500. 92-18-041 (Order 3445), § 388-15-615, filed 8/27/92, effective 9/27/92.]

**WAC 388-15-620 COPEs—Services.** (1) The department may authorize the following services to a COPEs-eligible client, based on department determination of need and feasible plan of care:

(a) Congregate care or congregate care/assisted living as defined under WAC 388-15-560 through 388-15-568. In addition, congregate care or congregate care/assisted living facilities may provide supervised medication service category C to a COPEs-eligible client when:

- (i) This service is required by the department's plan of care; and
- (ii) Medication administration is by a licensed nurse under the general direction of a licensed physician or dentist. Refer to RCW 18.88.285 and WAC 308-117-010 through 308-117-500, 308-120-100 through 308-120-522 and 248-16-229; or

(b) Adult family home care as defined under WAC 388-15-551 through 388-15-555; or

(c) Personal care services as defined under WAC 388-15-202(3) and included in the client's approved plan of care.

(2) The department may not authorize sterile procedures and administration of medications as COPEs-paid personal care tasks, unless the provider is a licensed health practitioner or a member of the client's immediate family.

(3) When home health and adult day health services, which are not waiver services, are included in the client's COPEs plan of care, the department shall include the Medicaid reimbursed service costs in the plan of care cost computation.

[Statutory Authority: RCW 74.04.057 and 74.08.090. 93-13-135 (Order 3577), § 388-15-620, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090. 90-15-019 (Order 3039), § 388-15-620, filed 7/12/90, effective 8/12/90. Statutory Authority: 1987 1st ex.s. c 7. 87-23-054 (Order 2558), § 388-15-620, filed 11/18/87. Statutory Authority: RCW 74.08.090. 86-11-024 (Order 2377), § 388-15-620, filed 5/14/86; 85-18-067 (Order 2281), § 388-15-620, filed 9/4/85. Statutory Authority: RCW 74.08.044. 84-12-038 (Order 2101), § 388-15-620, filed 5/30/84. Statutory Authority: RCW 74.08.090. 83-08-024 (Order 1954), § 388-15-620, filed 3/30/83.]

**WAC 388-15-630 COPEs—Payment—Procedures.**

The department shall:

(1) Allocate all nonexempt income of a person receiving COPEs services according to procedures under WAC 388-83-200;

(2) Pay for COPEs services provided in accordance with a client's approved plan of care, a sum not to exceed the COPEs rates set forth in the most recent schedule of department-established and published rates to:

(a) Licensed and contracted nonmedical residential care facilities, including congregate care, congregate care/assisted living and adult family homes;

(b) Licensed and contracted home-care agencies;

(c) A person providing care to a COPEs-eligible client when the individual provider:

(i) Is eighteen years of age or older;

(ii) Meets or surpasses the COPEs waiver's minimum standards of knowledge and experience, skills, and abilities;

(iii) Has a department-approved COPEs contract and service payment authorization; and

(iv) Is interviewed, hired, and retained by a COPEs-eligible client or representative and provides services in the client's established residence.

(3) Pay a qualified unrelated person providing board, room, and care for a COPEs-eligible client in the person's established residence only at the adult family home rate. To qualify for payment, the unrelated person's home shall be licensed and contracted as an adult family home.

(4) Not pay a COPEs-eligible client's spouse for providing care to the client.

(5) Pay a COPEs-eligible client's father, mother, son, or daughter only when:

(a) The relative will not provide the care unpaid; and

(b) The relative's gross income, including spousal income, is less than the medically needy income level (MNIL) adjusted for household size.

(6) Not make additional payments beyond the department-established and published COPEs rates. The department rates shall include all services provided to a COPEs-eligible client under applicable department contracts.

[Statutory Authority: RCW 74.04.057 and 74.08.090. 93-13-135 (Order 3577), § 388-15-630, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.08.090. 90-15-019 (Order 3039), § 388-15-630, filed 7/12/90, effective 8/12/90. Statutory Authority: 1987 1st ex.s. c 7. 87-23-054 (Order 2558), § 388-15-630, filed 11/18/87. Statutory Authority: RCW 74.08.090. 86-11-024 (Order 2377), § 388-15-630, filed 5/14/86; 85-18-067 (Order 2281), § 388-15-630, filed 9/4/85. Statutory Authority: RCW 74.08.044. 84-12-038 (Order 2101), § 388-15-630, filed 5/30/84. Statutory Authority: RCW 74.08.090. 83-08-024 (Order 1954), § 388-15-630, filed 3/30/83.]

**RESPITE CARE SERVICES**

**WAC 388-15-690 Definitions.** Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section.

(1) "Adult" means a person 18 years of age or older.

(2) "Caregiver" means a spouse, relative, or friend who has primary responsibility for the care of a functionally disabled adult, who does not receive financial compensation for the care, and who is assessed as being at risk of placing the eligible participant in a long-term care facility if respite care is not available.

(3) "Continuous care" means assistance provided on a daily basis.

(4) "Dementing illness" means an illness characterized by the progressive loss of cognitive ability and increasing

dependency on others for performance of the activities of daily living.

(5) "Department" means the department of social and health services.

(6) "Eligible participant" means an adult who:

(a) Needs substantially continuous care or supervision by reason of the person's functional disability; and

(b) Is assessed as requiring institutionalization in the absence of a caregiver assisted by home and community support services, including respite care.

(7) "Functionally disabled" includes requiring assistance in completing activities of daily living and community living skills. It also includes individuals with dementing illnesses or neurological disorders, including traumatic brain injury (TBI).

(8) "Institutionalization" means placement in a long-term care facility.

(9) "Respite care services" means relief care for families or other caregivers of disabled adults, eligibility for which shall be determined by the department by rule. The services provide temporary care or supervision of disabled adults in substitution for the caregiver. The term includes social day care.

(10) "Service provider" means an individual, agency, or organization under contract to the area agency on aging (AAA) or its subcontractor.

(11) "Sliding fee schedule" means a fee schedule developed by the department using the state median income, adjusted for family size, and used to determine share of the cost of respite care services. The amount of the cost of respite care services shared by the eligible participant is a percentage of the total cost of the service as determined by the schedule, graduated to full recovery of the cost of the service provided.

(12) "Social day care" means nonmedical services to persons who live with their families, cannot be left unsupervised, and are at risk of being placed in a 24-hour care facility if their families do not receive some relief from constant care.

(13) "State median income" means that income amount established by the Department of Health and Human Services and adjusted to a calendar year basis where one-half of the state's population for a family of four has income above that amount and one-half of the state's population for a family of four has income below that amount.

(14) "Traumatic brain injury (TBI)" means an insult to the brain, not of a congenital nature or related to degenerative or aging processes. It may result from direct or indirect trauma, infection, anoxia, or vascular lesions. It may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning. It can also result in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

[Statutory Authority: RCW 74.08.44 [74.08.044]. 88-03-020 (Order 2570), § 388-15-690, filed 1/12/88.]

**WAC 388-15-695 Caregiver eligibility.** To be eligible to receive respite care services, the caregiver shall:

(1) Have primary responsibility for the care of a functionally disabled adult, including individuals with dementing illnesses, neurological disorders, or traumatic brain injury (TBI); and

(2) Not receive financial compensation for the care; and

(3) Be assessed as being at risk of placing the eligible participant in a long-term care facility if assistance by home and community support services, including respite care, is not available.

[Statutory Authority: RCW 74.08.44 [74.08.044]. 88-03-020 (Order 2570), § 388-15-695, filed 1/12/88.]

**WAC 388-15-700 Distribution of cost.** (1) The department shall provide for participation by the eligible participant in the cost of respite care services.

(2) The department shall administer a sliding fee schedule, which shall be updated annually, to determine the eligible participant's share of the cost of respite care services.

(3) The department shall determine the eligible participant's income as follows:

(a) If the caregiver and eligible participant are married, all monthly income received in either or both names shall be combined and one-half of the total shall be considered the participant's income.

(b) If the caregiver is a friend or relative other than the spouse, only the monthly income received by the eligible participant in the participant's name shall be considered the participant's income.

(4) In determining the amount the eligible participant shall pay, the following shall apply:

(a) The department shall not charge the participant if the participant's income is at or below 40 percent of the state median income.

(b) The department shall charge a percentage of the cost of respite care calculated from the sliding fee schedule to participants whose income is between 40 percent and 99 percent of the state median income.

(c) The department shall charge the full cost of respite care services if the participant's income is 100 percent or more of the state median income, as calculated from the sliding fee schedule.

(d) The department shall determine the full cost of respite care by the number of hours or days of service used and the rate of the service, as negotiated between the area agency on aging and the respite care service provider.

[Statutory Authority: RCW 74.08.44 [74.08.044]. 88-03-020 (Order 2570), § 388-15-700, filed 1/12/88.]

**WAC 388-15-705 Rates of payment.** (1) The department shall not pay respite care service providers more than the rate paid to other service providers for the same level of care.

(2) The department shall pay Medicaid certified nursing homes providing respite care services the Medicaid rate approved for that facility. The rate paid to non-Medicaid certified nursing homes providing respite care services may not exceed the average Medicaid rate in that county. The eligible participant shall pay all charges for services not included in the Medicaid rate.

[Statutory Authority: RCW 74.08.44 [74.08.044]. 88-03-020 (Order 2570), § 388-15-705, filed 1/12/88.]

**WAC 388-15-710 Service priorities.** (1) To ensure that respite care is made generally available, the department shall establish priorities for service. Requests for respite care which are of an emergent nature shall have first priority. A request for respite care shall be considered an emergency if the caregiver becomes ill or injured to the extent that the caregiver's ability to care for the disabled adult is impaired.

(2) In nonemergency situations, respite care shall be available on a first-come, first-served basis: *Provided*, That sufficient resources are available to fill the requests each month. If respite care cannot be provided when requested, a waiting list shall be used. If a cancellation occurs, respite care shall be made available to those on the waiting list according to the service priority categories shown in WAC 388-15-715.

[Statutory Authority: RCW 74.08.44 [74.08.044]. 88-03-020 (Order 2570), § 388-15-710, filed 1/12/88.]

**WAC 388-15-715 Service priority categories.** (1) The following service priority categories shall be used when decisions must be made about who can receive services.

Caregiver Situation	How Does Each Statement Correspond to Caregiver's Situation	
	YES	NO
A. Caregiver has documented chronic health problems.	___	___
B. Caregiver provides substantial time and attention to other family members.	___	___
C. Caregiver has provided care without prior use of a support system.	___	___

  

PRIORITY CATEGORIES	
Priority 1:	"Yes" to A, B, & C
Priority 2:	"Yes" to A & B; "No" to C
Priority 3:	"Yes" to A & C; "No" to B
Priority 4:	"Yes" to A; "No" to B & C
Priority 5:	"Yes" to B & C; "No" to A
Priority 6:	"Yes" to B; "No" to A & C
Priority 7:	"Yes" to C; "No" to A & B
Priority 8:	"No" to A, B, & C

(2) Prior use of a support system refers to a caregiver using another type of respite care program, other community-based programs, or receiving assistance from church, family, and friends during the period of time the caregiver is providing continuous care to the functionally disabled adult. A caregiver who meets conditions A, B, and C, under WAC 388-15-715, ranks as a Priority 1. A caregiver who meets conditions B and C only, under WAC 388-15-715, ranks as a priority 5. A caregiver with priority 1 has higher priority to receive respite care services than a caregiver with priority 5. For example:

- (a) PRIORITY 1
  - (i) A. - Has high blood pressure;
  - (ii) B. - Is caring for an infant; and
  - (iii) C. - Has not used some other assistance program during the period of caring for the disabled adult.
- (b) PRIORITY 5
  - (i) B. - Does spend time caring for other family members; and
  - (ii) C. - Has not used another support system during the period of caring for the disabled adult.

[Statutory Authority: RCW 74.08.44 [74.08.044]. 88-03-020 (Order 2570), § 388-15-715, filed 1/12/88.]

**WAC 388-15-810 Medicaid personal care services—Legal basis—Purpose.** (1) Legal authority for Medicaid personal care services program is found under RCW 74.09.520 and in the Medicaid state plan.

(2) The purpose of the Medicaid personal care services program is to enable eligible individuals to remain in community residences through the provision of semi-skilled maintenance or supportive services.

[Statutory Authority: RCW 74.08.090. 89-18-029 (Order 2856), § 388-15-810, filed 8/29/89, effective 9/29/89.]

**WAC 388-15-820 Medicaid personal care services—Definitions.** (1) "Applicant" means a person applying for Medicaid personal care services.

(2) "Client" means a person determined eligible for Medicaid personal care services.

(3) "Community residence" means a:

- (a) Client's own home, whether in a building owned or rented by the client;
- (b) Licensed adult family home under department contract;
- (c) Licensed boarding home under department contract;
- (d) Licensed children's foster family home;
- (e) Licensed group care facility, as defined in WAC 388-73-014(8); or
- (f) Shared living arrangement where two or more adults share expenses and reside together in one of the adult's residences with common facilities, such as living, cooking, and eating areas.

(4) "Direct personal care services" means assistance with tasks involving direct client care which are directly related to the client's medical condition. Such assistance is limited to allowable help with the tasks of ambulation, bathing, body care, dressing, eating, essential shopping, personal hygiene, positioning, self-medication, toileting, transfer, and travel to medical services as defined under WAC 388-15-202.

(5) "Handicapping condition" means a condition which prevents a person from self-performance of personal care tasks without assistance. In assessing the client with a "handicapping condition" the department may require documentation from a physician or a mental health professional to determine the extent of the person's handicapping conditions.

(6) "Household assistance" means assistance with incidental household tasks provided as an integral, but subordinate part of the personal care furnished directly to a client. Household assistance shall be considered an integral

part of personal care when such assistance is directly related to a medical or mental health condition, is reflected in the client's service plan, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks. Incidental household tasks are limited to housework, laundry, meal preparation and wood supply as defined under WAC 388-15-202.

(7) "Legally responsible relative" means a spouse for a spouse, or a parent of a minor child.

(8) "Medicaid personal care services" means medically-oriented tasks, directed at a client or the client's immediate environment, that are necessitated by the client's handicapping condition. Such services shall be:

- (a) Based on an assessment of applicant/client needs;
- (b) Reviewed by a registered nurse at least once each year;

(c) Performed by qualified and trained personal care aides, excluding a legally responsible relative;

(d) Provided in a client's own home when the client is present in the home.

(9) "Medically-oriented tasks" means direct personal care services, household assistance provided as an integral but subordinate part of the personal care furnished directly to a client, and supervision.

(10) "Mental health professional" means:

(a) A physician or osteopath licensed under chapter 18.57 or 18.71 RCW, who is board eligible in psychiatry;

(b) A psychologist licensed under chapter 18.83 RCW;

(c) A psychiatric nurse, which means a registered nurse licensed under chapter 18.88 RCW and having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional;

(d) A social worker, which means a person with a masters or further degree from an accredited graduate school of social work or a degree from a graduate school deemed equivalent by the secretary;

(e) A person having at least a masters degree in behavioral sciences, nursing sciences, or related field from an accredited college or university and having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional;

(f) A mental health counselor or marriage and family therapist certified under chapter 18.19 RCW and having at least two years; experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional;

(g) A professional licensed occupational or physical therapist having at least two years experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional; or

(h) A person having at least a bachelors degree in behavioral sciences or related field from an accredited college or university and having at least five years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional.

(11) "Personal care aide" means a person meeting the qualification and training requirements established by the department and providing direct personal care services to a client. This person may be an employee of a qualified

agency provider or may be under contract as a qualified individual provider.

(12) "Personal care assistance" means both hands-on physical assistance with personal care tasks and/or prompting and supervising throughout the task for a client who is incapable of performing personal care tasks without specific instructions.

(13) "Personal care provider" means a qualified agency provider or a qualified individual provider who is not a legally responsible relative of the client and is under department contract to provide Medicaid personal care services.

(14) "Personal care service plan" means a plan which is:

(a) Developed by the department and the client or client's representative in cooperation with appropriate community agency staff;

(b) Written and describes the personal care services which will be provided, frequency of provision, and expected outcomes;

(c) May be ordered by a client's attending physician or mental health professional.

(15) "Physician" means a doctor of medicine, osteopathy or podiatry, as defined under WAC 388-80-005(52), or a client's Christian Science practitioner.

(16) "Physician's order" means written approval by a client's attending physician of the specific personal services to be provided to the client.

(17) "Qualified agency provider" means a community agency which applied for licensing as a home care agency or home health agency.

(18) "Qualified individual provider" means a person meeting the individual provider qualifications established by the department.

(19) "Supervision" means unscheduled help with personal care tasks or protective supervision as defined under WAC 388-15-202, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks.

[Statutory Authority: RCW 74.08.090 and 74.09.520, OBRA '93 and c 21, Laws of 1994 amending RCW 74.09.520, Thurston Co. Superior Court Cause #93-2-1817-4. 94-21-042 (Order 3796), § 388-15-820, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-820, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090. 91-21-026 (Order 3264), § 388-15-820, filed 10/8/91, effective 11/8/91; 90-06-038 (Order 2950), § 388-15-820, filed 3/1/90, effective 4/1/90; 89-18-029 (Order 2856), § 388-15-820, filed 8/29/89, effective 9/29/89.]

**WAC 388-15-830 Medicaid personal care services—Eligibility.** (1) The department shall provide Medicaid personal care services to a person:

(a) Certified as a Title XIX categorically needy medical assistance client;

(b) Programmatically eligible; that is, due to a handicapping condition, is determined to need personal care assistance with one or more direct Medicaid personal care tasks to remain in a community residence; and

(c) Residing in own residence, in a licensed and contracted adult family home, a licensed boarding home under department contract, a children's foster family home, or a children's group care facility.

(2) A person's eligibility for Medicaid personal care services shall begin upon date of the department's service authorization.

(3) The department shall not authorize chore services or adult family home add-on services to a person qualifying for Medicaid personal care services when the person's service needs are met within the scope of the Medicaid personal care program.

[Statutory Authority: RCW 74.08.090 and 74.09.520, OBRA '93 and c 21, Laws of 1994 amending RCW 74.09.520, Thurston Co. Superior Court Cause #93-2-1817-4. 94-21-042 (Order 3796), § 388-15-830, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-830, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090. 89-18-029 (Order 2856), § 388-15-830, filed 8/29/89, effective 9/29/89.]

**WAC 388-15-840 Medicaid personal care services—Assessment—Authorization.** (1) Department staff shall perform a person's assessment or use assessment information received which has been administered as required under WAC 388-15-202 through 388-15-205.

(2) When a child is assessed, the assessor shall consider the personal care applicant's age in determining if the degree of personal care needed is appropriate to the child's age, or as the result of the applicant's functional impairment. The assessor shall only assess need for personal care services exceeding the level of age appropriate personal care.

(3) The assessor shall perform an assessment or reassessment within the department-established time frames.

(4) The department shall be responsible for authorizing Medicaid personal care services.

(5) For each task listed on the assessment form, the department staff shall determine the degree of assistance needed as required under WAC 388-15-203.

[Statutory Authority: RCW 74.08.090 and 74.09.520, OBRA '93 and c 21, Laws of 1994 amending RCW 74.09.520, Thurston Co. Superior Court Cause #93-2-1817-4. 94-21-042 (Order 3796), § 388-15-840, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-840, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090. 91-21-026 (Order 3264), § 388-15-840, filed 10/8/91, effective 11/8/91; 89-18-029 (Order 2856), § 388-15-840, filed 8/29/89, effective 9/29/89.]

**WAC 388-15-850 Medicaid personal care services—Nurse oversight.** (1) A registered nurse shall visit a client at least once each year to:

- (a) Review the client's medical and mental condition;
- (b) Review the service plan determining if revisions may be required and, if so, recommend revisions;
- (c) Review the client's need for continued care;
- (d) Assess the quality of personal care services received; and
- (e) Assess the personal care provider's need for additional training.

(2) The registered nurse shall document the result of the nurse's oversight visit on the department-prescribed form.

[Statutory Authority: RCW 74.08.090 and 74.09.520, OBRA '93 and c 21, Laws of 1994 amending RCW 74.09.520, Thurston Co. Superior Court Cause #93-2-1817-4. 94-21-042 (Order 3796), § 388-15-850, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-850, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090. 91-21-026 (Order 3264), § 388-15-850, filed 10/8/91, effective 11/8/91; 89-18-029 (Order 2856), § 388-15-850, filed 8/29/89, effective 9/29/89.]

**WAC 388-15-860 Medicaid personal care services—Personal care aide qualifications.** The department shall:

(1) Define minimum qualifications for a personal care aide and require an aide meet the qualifications;

(2) Define minimum orientation and training requirements for a personal care aide and require documentation stating minimum requirements are met; and

(3) List definitions for minimum qualifications and training requirements for a personal care aide in the department's field manual for Medicaid personal care.

[Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-860, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090. 91-21-026 (Order 3264), § 388-15-860, filed 10/8/91, effective 11/8/91; 89-18-029 (Order 2856), § 388-15-860, filed 8/29/89, effective 9/29/89.]

**WAC 388-15-870 Medicaid personal care services—Service provision system.** (1) Area agencies on aging shall contract with qualified agency providers to perform Medicaid personal care services at the department-established rate.

(2) DCFS shall contract with qualified agency providers to perform Medicaid personal care services for children in foster/group homes, their own homes, or relative placement at the department-established rates.

(3) The department may contract with Indian tribes who meet qualifications to provide Medicaid personal care services at the department-established rates.

(4) Area agencies on aging shall provide or contract for registered nurse oversight for Medicaid personal care services.

(5) The department shall contract with area agencies on aging to assume the responsibilities as described under subsections (1) and (4) of this section.

(6) The department shall contract with a qualified individual provider to perform Medicaid personal care services at the department-established rate.

(7) Agency providers shall deliver services to adult clients in the clients' own residences unless the personal care service plan exceeds eighty-five hours per month. An individual provider may deliver services to a child in the child's own residence regardless of the hours authorized. A client shall have freedom of choice in selecting a qualified agency provider.

(8) An individual provider under contract with the department shall deliver services to a client in the client's own residence when the personal care service plan exceeds eighty-five hours per month. Clients shall have freedom of choice in selecting a qualified individual provider.

(9) Adult family home (AFH) providers or boarding home staff shall provide services to clients in a licensed and contracted AFH or boarding home. Foster parents or group care facility staff shall provide services to children in a foster family home or group care facility as defined in WAC 388-73-014(8). Clients shall have freedom of choice in selecting a licensed and contracted AFH or boarding home, provided the AFH or boarding home can meet their personal care needs.

[Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-870, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090. 91-21-026 (Order 3264), § 388-15-870, filed 10/8/91, effective 11/8/91; 90-06-038 (Order 2950), § 388-15-870, filed 3/1/90, effective 4/1/90; 89-18-029 (Order 2856), § 388-15-870, filed 8/29/89, effective 9/29/89.]

**WAC 388-15-880 Payment and authorization.** Payment and authorization.

(1) In the individual provider program, the department pays the department established rate directly to the service provider. No in-home personal care service plans shall authorize services by an individual provider unless the service need exceeds eighty-five hours per month.

(2) In the contracted program, the department pays the contractor who pays the service provider.

(3) The department shall establish rates paid for the provision of Medicaid personal care. Current maximum rates shall be contained in the departments social service payment system appendices A, E, and C.

(4) No contractor shall pay service providers performing Medicaid personal care services less than five dollars and fifteen cents per hour.

(5) DCFS authorizations for Medicaid personal care in a childrens foster/group home, or for children residing in their own homes shall not exceed sixty hours of service per month.

(6) The department shall not make payment for services provided exceeding the department's authorization.

[Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-880, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.08.090. 91-21-026 (Order 3264), § 388-15-880, filed 10/8/91, effective 11/8/91; 90-06-038 (Order 2950), § 388-15-880, filed 3/1/90, effective 4/1/90; 89-18-029 (Order 2856), § 388-15-880, filed 8/29/89, effective 9/29/89.]

**WAC 388-15-890 Medicaid personal care services—Program limitations.** (1) The department shall not authorize Medicaid personal care services for:

(a) Teaching, including teaching clients how to perform personal care tasks or other community living skills;

(b) Personal care services provided over the telephone, or at a site other than the client's residence, except for the tasks of laundry, travel to medical services, and essential shopping;

(c) Developing social, behavioral, recreational, communication, or other types of skills;

(d) Cleaning areas of the home not occupied by the client, laundering clothing or bedding for someone other than the client, and shopping for groceries or household items not required specifically for the health and maintenance of the client;

(e) Direct personal care tasks, household assistance, or supervision as defined under WAC 388-15-202, unless the client is assessed as needing personal care assistance with one or more direct personal care tasks; and

(f) Companionship.

(2) The department shall adjust payment for services according to department established rates which take into account the common household tasks of essential shopping, meal preparation, laundry, housework, and wood supply when:

(a) More than one client lives in the same household; and

(b) The client is sharing living arrangements.

(3) The department shall not authorize meal preparation, wood supply, laundry, or housework as a Medicaid personal care task to clients who live in an adult family home, licensed boarding home, or childrens foster/group home.

(4) The type of help allowable for each personal care task shall not include assistance that must be provided only by a licensed health professional.

[Statutory Authority: RCW 74.09.520. 93-10-023 (Order 3538), § 388-15-890, filed 4/28/93, effective 5/29/93.]

## Chapter 388-17 WAC

### SENIOR CITIZENS SERVICES PROGRAM

#### WAC

388-17-010	Legal basis for senior citizens services program.
388-17-020	Definitions.
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388-17-120	Eligibility for senior citizens services—Application.
388-17-160	Income and resources.
388-17-180	Fee schedule.
388-17-500	Local area agency on aging contracts—Administrative review process.
388-17-510	Area agency on aging plan—Administrative review process.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-17-030	Description of program—Purpose. [Order 1174, § 388-17-030, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
388-17-040	Scope. [Order 1174, § 388-17-040, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
388-17-050	Administration. [Order 1174, § 388-17-050, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
388-17-140	Eligible persons. [Order 1174, § 388-17-140, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
388-17-200	Services provided by the senior citizens services program. [Order 1174, § 388-17-200, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
388-17-220	Mental health training program. [Order 1174, § 388-17-220, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.
388-17-240	Volunteer programs. [Order 1174, § 388-17-240, filed 11/30/76.] Repealed by 78-05-077 (Order 1292), filed 5/1/78. Statutory Authority: RCW 74.38.030.

**WAC 388-17-010 Legal basis for senior citizens services program.** The following rules are adopted under the authority of chapter 74.38 RCW.

[Statutory Authority: RCW 74.38.030. 78-05-077 (Order 1292), § 388-17-010, filed 5/1/78; Order 1174, § 388-17-010, filed 11/30/76.]

**WAC 388-17-020 Definitions.** (1) All terms used in this chapter which are not defined herein shall have the same meaning as indicated in chapter 74.38 RCW.

(2) Declaration - a signed statement, attesting to an individual's age, income, resources and need for services.

(3) Household - applicants and recipients shall be considered to be single person households except:

(a) A husband and wife residing together are considered a two person household.

(b) An applicant or recipient which provides the majority of the support for a person(s) residing with the applicant or recipient shall be considered a member of a household which includes the applicant or recipient and the dependent person(s).

[Statutory Authority: RCW 74.38.030. 78-05-077 (Order 1292), § 388-17-020, filed 5/1/78; Order 1174, § 388-17-020, filed 11/30/76.]

**WAC 388-17-100 Rights and responsibilities of applicants and recipients.** (1) Each applicant and/or recipient of the senior citizens services program shall have the following rights:

(a) Any individual wishing to do so shall have the right to apply for the senior citizens services program and have his or her eligibility determined within ten days. If an adverse decision is made regarding eligibility, the applicant will be provided written notice. The notice of eligibility shall include a statement of the reasons upon which an unfavorable decision is based and a statement of the individual's right to an adjudicative proceeding, and a statement of the individual's right to representation at the hearing by a friend, relative, or other representative.

(b) An eligible individual shall be given the requested services, within the limits of available funds, offered by the area agency on aging in his or her geographic area.

(c) An applicant or recipient feeling aggrieved by a decision of the area agency or service provider regarding his or her eligibility for senior citizens services shall have the right to an informal hearing provided by the area agency. The hearing shall be held within thirty days of the date a request is made, and a written decision shall be rendered within fifteen days after the hearing. If the applicant or recipient is dissatisfied with the outcome of the informal hearing, he or she may file an application for an adjudicative proceeding. Any person desiring a proceeding must, within thirty days after receiving written notice of a decision regarding eligibility, file a written application with the area agency or the department.

(d) Information obtained by the department, area agency, or vendor identifying any applicant or recipient of senior citizens services is confidential and privileged and may not be disclosed or used either directly or indirectly in any manner or for any purpose except for purposes directly related to the administration of the program, unless the applicant or recipient requests in writing that the information be disclosed.

(e) Each applicant and recipient shall be treated with dignity and courtesy, and there shall be no discrimination against any individual because of race, sex, religious creed, political beliefs, national origin, or handicap.

(f) Each applicant for services for which a fee may be charged (all services except nutrition, health screening, information and assistance, and transportation) shall be fully informed in writing of his or her rights and responsibilities in connection with the senior citizens services program.

(2) An applicant and/or recipient shall have the following responsibilities:

(a) Each applicant for services for which a fee may be charged shall provide complete and accurate information on an application form provided by the department and cooperate in establishing his or her eligibility for services.

(b) If services provided by the senior citizens services program are available at no cost to the applicant through other sources, the applicant shall apply for these services through the appropriate agency.

(c) Each recipient of services for which a fee may be charged shall promptly report any changes in income or resources in writing affecting his or her eligibility or amount of fees to be paid for services.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.38.030. 90-04-070 (Order 2991), § 388-17-100, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.38.030. 83-13-070 (Order 1970), § 388-17-100, filed 6/16/83; 78-05-077 (Order 1292), § 388-17-100, filed 5/1/78; Order 1174, § 388-17-100, filed 11/30/76.]

**WAC 388-17-120 Eligibility for senior citizens services—Application.** (1) An application for the senior citizens services program is a request in writing made by an individual on his or her own behalf or in behalf of another person on a form specified by the department.

(2) An application shall contain a signed declaration that the information contained in the application is true, correct and complete to the best of the applicant's knowledge.

(3) Eligibility shall be determined on the basis of the declaration of circumstances contained in the application, in accordance with the rules of the department contained in this chapter.

(4) Each applicant for services for which a fee may be charged shall be given a notice of eligibility.

[Statutory Authority: RCW 74.38.030. 78-05-077 (Order 1292), § 388-17-120, filed 5/1/78; Order 1174, § 388-17-120, filed 11/30/76.]

**WAC 388-17-160 Income and resources.** (1) An individual whose income is at or below forty percent of the state median income for a family of four adjusted for family size, as determined by the department and whose resources are at or below the limits specified in this section, shall be eligible for services at no cost.

(a) The following shall be disregarded in determining the income and resources of an applicant or recipient:

(i) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(ii) The value of the U.S. Department of Agriculture donated foods (surplus commodities).

(iii) Any benefits received under Title III C, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended.

(iv) Any compensation provided to volunteers in ACTION programs established by Titles I, II, and III of PL 93-113, the Domestic Volunteer Services Act of 1973.

(v) Any payment received from a foster care agency for children in the home.

(vi) Garden produce, livestock, and poultry used for home consumption.

(vii) Any real property held in trust for an individual Indian or Indian tribe.

(viii) The benefits of a program which by its terms provides that its benefits are exempt from consideration of eligibility in needs programs.

(2) Effective July, 1983, the income tables for forty percent of median income are:

Number In Family Unit	Monthly Income	Annual Income
1	\$ 466	\$ 5,592
2	610	7,320
3	753	9,036
4	897	10,764
5	1,041	12,492
6	1,184	14,208

For each additional family household member, add \$15 for monthly income, or \$180 for annual income.

(3) Income means any real or personal property in cash or kind received by an applicant or recipient after applying for the senior citizens services program which is available to meet the requirements of the applicant or recipient and his or her dependents.

(4) Resources mean all real or personal property owned by or available to an applicant at the time of application which can be applied toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent. Property available shall mean property over which the applicant has legal right of control.

(a) The following resources, regardless of value, shall not be considered in determining the value of an applicant's or recipient's resources:

- (i) A home and lot normal for the community.
- (ii) Used and useful household furnishings, personal clothing, and automobiles.
- (iii) Personal property of great sentimental value.
- (iv) Personal property used by the applicant or recipient to earn income or to rehabilitate himself or herself.
- (v) One cemetery plot for each member of the family unit.
- (vi) Cash surrender value of life insurance.

(b) The total value of all other resources including cash, marketable securities, and real or personal property shall not exceed ten thousand dollars for a single person or fifteen thousand dollars for a family of two. This maximum shall be increased by one thousand dollars for each additional member of the household.

[Statutory Authority: RCW 74.38.030, 83-13-070 (Order 1970), § 388-17-160, filed 6/16/83; 80-02-135 (Order 1485), § 388-17-160, filed 2/1/80; 78-05-077 (Order 1292), § 388-17-160, filed 5/1/78; Order 1174, § 388-17-160, filed 11/30/76.]

**WAC 388-17-180 Fee schedule.** (1) Eligible persons whose income and/or resources exceed the limits specified in WAC 388-17-160 for free services shall be responsible for payment of the total, or a percentage, of the cost for each service provided as determined by the fee schedule published in DSHS Form 14-155(X) 7/82 incorporated by reference herein. For each size household, the percentage of the cost of the service for which the department will make payment is based on the following formula:

$$\frac{100\% \text{ State Median Income (SMI)} - \text{Household Income}}{100\% \text{ SMI} - 40\% \text{ SMI}} \times 100$$

(2) Service providers shall be responsible for collecting fees owed by eligible persons and reporting to area agencies all such fees paid or owed by eligible persons.

(3) Fees paid shall not exceed the cost of services provided.

[Statutory Authority: RCW 74.38.030, 83-13-070 (Order 1970), § 388-17-180, filed 6/16/83; 78-05-077 (Order 1292), § 388-17-180, filed 5/1/78; Order 1174, § 388-17-180, filed 11/30/76.]

**WAC 388-17-500 Local area agency on aging contracts—Administrative review process.** (1) Local area agencies on aging shall establish a complaint resolution process. A service contract applicant or provider of services under a contract with a local area agency on aging who is

aggrieved by an action of the local area agency shall attempt to resolve the grievance through the complaint resolution process.

(2) A service contract applicant or provider of services under a contract with a local area agency on aging has the right to an adjudicative [hearing] [proceeding]. Only those issues raised at the complaint resolution procedure can be appealed to an adjudicative [hearing] [proceeding]. The adjudicative proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

(3) A service contract applicant's or provider's application for an adjudicative proceeding shall be written and filed at the department's office of appeals within thirty days of the date the local agency on aging mailed the complaint resolution determination to the service contract applicant or recipient. A copy of the application shall be sent to the local area agency. The application shall:

- (a) State specifically the issue or issues and regulation or regulations involved and the basis for considering the complaint resolution determination to be in error;
- (b) Include any supporting documentation; and
- (c) Include a copy of the complaint resolution determination being appealed.

(4) The department has the right to intervene in any adjudicative proceeding. To intervene, the department shall:

- (a) File a written notice of intervention with the office of appeals or the presiding officer;
- (b) Serve a copy of the notice on the parties; and
- (c) Include in the notice the name, address, and telephone number of the department employee and/or assistant attorney general who represents the department.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.38.030, 90-04-070 (Order 2991), § 388-17-500, filed 2/5/90, effective 3/8/90. Statutory Authority: RCW 70.38.030, 87-03-015 (Order 2458), § 388-17-500, filed 1/13/87.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 388-17-510 Area agency on aging plan—Administrative review process.** (1) An area agency on aging aggrieved by an action of the department regarding a plan submitted under the provisions of the Older Americans Act has the right to an adjudicative proceeding. The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

(2) An area agency on aging's application for an adjudicative proceeding shall be written and filed at the department's office of appeals within thirty days of the date the department first gave notice of the aggrieving action to the area agency. A copy of the application shall be sent to the unit of the department which gave notice of the aggrieving action to the area agency. The application shall:

- (a) State specifically the issue or issues and regulation or regulations involved and the basis for considering the aggrieving action to be in error;



- (b) Include any supporting documents; and  
 (c) Include a copy of the department decision being appealed or a description of that decision.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.38.030. 90-04-070 (Order 2991), § 388-17-510, filed 2/5/90, effective 3/8/90. Statutory Authority: RCW 70.38.030. 87-03-015 (Order 2458), § 388-17-510, filed 1/13/87.]

### Chapter 388-18 WAC

#### LONG-TERM CARE OMBUDSMAN PROGRAM

##### WAC

388-18-010	Purpose.
388-18-020	Definitions.
388-18-030	Duties—State ombudsman.
388-18-040	Duties—Local ombudsman.
388-18-050	Duties—Certified volunteer ombudsmen.
388-18-060	Certification procedures for volunteer ombudsmen.
388-18-070	Access to residents, facilities, and records.
388-18-080	Reporting requirements.
388-18-090	Facility entry—Report and identification—Disclosure of purpose.
388-18-100	Privacy during ombudsman visits.
388-18-110	Confidentiality of information.
388-18-120	Referrals.
388-18-130	Posting requirements.

**WAC 388-18-010 Purpose.** The purpose of this chapter is to implement the long-term care ombudsman program as provided for in chapter 43.190 RCW, RCW 36.39.060, 74.38.040, and 74.38.050.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-010, filed 1/17/85.]

**WAC 388-18-020 Definitions.** When used in this chapter, unless otherwise required from the context:

(1) "Administrative action" means any action or decision made by an agent of a facility as defined in RCW 43.190.020 affecting the provisions of service to residents but does not include complaints of negligence or other tortious conduct of direct-care staff.

(2) "Legal representative" includes attorneys at law, attorneys in fact, trustees, and, in the case of the estate of a decedent, personal representatives as defined by RCW 11.02.005(1).

(3) "Long-term care facility" is defined under RCW 43.190.020.

(4) "Ombudsman" means any long-term care ombudsman, including the director of the long-term care ombudsman project, ombudsmen employed by the state office, ombudsmen employed by local ombudsman programs authorized by RCW 36.39.060(2) or 74.38.040(9).

(5) "Resident" means any client, patient, or other resident of a facility.

(6) "State office" means the office of the state long-term care ombudsman.

(7) "Volunteer ombudsmen" means any volunteer ombudsman certified by the ombudsman program.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-020, filed 1/17/85.]

**WAC 388-18-030 Duties—State ombudsman.** (1) Investigate and resolve complaints on behalf of long-term care residents.

(2) Monitor laws, regulations, and policies affecting the residents of long-term care facilities.

(3) Provide the public with information and education programs about long-term care facilities.

(4) Promote the development of consumer organizations, i.e., resident councils, family councils, family support groups, citizen advocacy groups, etc.

(5) Identify major issues relating to long-term care.

(6) Assist in recruiting and training of volunteer ombudsmen.

(7) Coordinate the activities of long-term care ombudsmen throughout the state.

(8) Establish procedures for ombudsmen access to long-term care facilities.

(9) Establish a state-wide uniform complaint reporting system.

(10) Establish procedures to ensure confidentiality of complaint files and appropriate release of file content.

(11) Prepare an annual report by January 1st of each year.

(12) Carry out such activities as the secretary deems appropriate.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-030, filed 1/17/85.]

**WAC 388-18-040 Duties—Local ombudsman.** (1) Investigate and resolve complaints on behalf of long-term care residents.

(2) Monitor laws, regulations, and policies affecting the residents of long-term care facilities.

(3) Provide the public with information and education programs about long-term care facilities.

(4) Promote the development of consumer organizations, i.e., resident councils, family councils, family support groups, citizen advocacy groups, etc.

(5) Identify major issues relating to long-term care.

(6) Recruit and train volunteer ombudsmen.

(7) Submit monthly reports to the state ombudsman office.

(8) Carry out such activities as the state ombudsman deems appropriate.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-040, filed 1/17/85.]

**WAC 388-18-050 Duties—Certified volunteer ombudsmen.** (1) Act as an information liaison between the community and the ombudsman.

(2) May participate in resident councils.

(3) May participate in family councils.

(4) Make regular visits to long-term care facilities including:

(a) Meeting new residents;

(b) Visiting residents, per request of residents' family, staff, or others;

(c) Linking/referring long-term care residents and family members to appropriate long-term care services and assisting them to obtain needed information/help.

(5) Refer complaints requiring investigation or arbitration to appropriate ombudsman.

(6) Participate in training programs provided by state and local ombudsmen.

(7) Submit monthly activity reports to the volunteer coordinator.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-050, filed 1/17/85.]

**WAC 388-18-060 Certification procedures for volunteer ombudsmen.** (1) All prospective volunteer ombudsmen shall be screened by a local screening committee.

(2) Selected applicants shall receive thirty hours of training provided by the state ombudsman office.

(3) Upon successful completion, the ombudsman office shall issue a certificate of completion and a picture identification card.

(a) Local ombudsman programs certifying their own volunteers shall issue their own certificate which will be signed by the local ombudsman office director.

(b) State-certified volunteer ombudsmen shall receive a certificate and picture identification card from DSHS. The identification card shall be signed by the division director.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-060, filed 1/17/85.]

**WAC 388-18-070 Access to residents, facilities, and records.** (1) All ombudsmen and volunteer ombudsmen shall have appropriate access to residents and facilities.

(2) The following times are necessary and reasonable for ombudsman access to residents, facilities, and records:

(a) Any time during a facility's regular business day, regular visiting hours, or other period the facility is open to the public.

(b) Any other time access may be required by the particular condition to be investigated or monitored.

(3) Prior to seeking access to a facility, resident, or record at a time provided for in subsection (2)(b) of this section, the ombudsman shall make a written entry in an ombudsmen program file of the reason or reasons a particular condition requires access at such time.

(4) Resident visits by an ombudsman may be restricted or terminated by the resident without cause. A facility may restrict or terminate such visits only upon a documented physician's order so providing in express terms which shall be placed in the resident's file. However, if a resident freely and knowingly chooses to disregard such an order and to request continued visits, the ombudsman will honor the resident's choice. In such a case, the ombudsman may request the resident to sign a written statement indicating the resident's choice and stating the choice was freely and knowingly made.

(5) The ombudsman shall have access to a resident's records only after obtaining written consent from the resident, or the resident's guardian, limited guardian, or legal representative.

(6) Upon the resident's request, the volunteer ombudsman shall assist the resident or resident's representative to obtain appropriate access to his or her records.

(7) Ombudsmen shall not seek access to resident records if, in so doing, there is a reasonable likelihood the resident's identity may be disclosed without authorization in accordance with the provisions of this chapter.

(8) Ombudsmen and volunteer ombudsmen shall treat all information contained in residents' records as confidential.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-070, filed 1/17/85.]

**WAC 388-18-080 Reporting requirements.** (1) All local ombudsmen programs shall submit monthly reports to the state ombudsman office. All ombudsmen programs shall use the reporting forms provided by the state ombudsman office.

(2) Volunteer ombudsmen shall submit monthly activity reports to the volunteer coordinator.

(3) The volunteer coordinator shall submit volunteer ombudsmen activity reports to the state ombudsman.

(4) Failure to submit monthly reports to the state ombudsman office shall be a sufficient reason to revoke certification status.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-080, filed 1/17/85.]

**WAC 388-18-090 Facility entry—Report and identification—Disclosure of purpose.** (1) Upon reporting to a facility or as soon as is practicable after entering a facility, all ombudsmen and volunteer ombudsmen will report their presence to the facility administration and present identification issued and certified by the appropriate ombudsman office.

(2) Ombudsman and volunteer ombudsman picture identification shall be issued by the ombudsman office and include at least the following information:

(a) The name of the ombudsman;

(b) The name, address, and telephone number of the agency with which the ombudsman is associated; and

(c) The ombudsman's status as a volunteer ombudsman, if applicable.

(3) Nothing in this section shall be construed as authorizing disclosure of identities or other confidential information without authorization of the resident, guardian, or personal representative.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-090, filed 1/17/85.]

**WAC 388-18-100 Privacy during ombudsman visits.** (1) The provisions of this section apply to ombudsman visits to residents for the purpose of hearing, investigating and resolving complaints, or rendering advice.

(2) When making such visits, ombudsmen and volunteer ombudsmen will take appropriate measures to secure privacy for the visit.

(3) Generally, securing privacy during such visits will require the visit be conducted as a one-to-one conference between an ombudsman or volunteer ombudsman and a resident out of the presence of facility staff and any other person except the guardian or personal representative. By way of example, such conferences may be conducted in the following settings:

(a) A resident's enclosed, private room;

(b) A resident's shared room, when roommates or others are not present;

(c) A facility common area if adequate safeguards against inadvertent or other disclosure exist; or

(d) A facility office or other room if made available by the facility under conditions ensuring privacy.

(4) Conferences between an ombudsman and two or more residents or residents and facility administration may be necessary or appropriate to carry out the provisions of this chapter and applicable law. The ombudsman shall have discretion to seek such a conference, provided that, if there is a reasonable likelihood private, privileged, or confidential information may be revealed at the conference, the ombudsman shall obtain written authorization for release of such information, signed by appropriate parties in accordance with the provisions of this chapter and applicable law, before proceeding with the conference.

(5) Ombudsman and volunteer ombudsman shall comply with the expressed wishes or preferences of residents with regard to visits and shall exercise due regard for the rights of other residents and facility schedules and routines, subject only to the requirements of this chapter and applicable law.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-100, filed 1/17/85.]

**WAC 388-18-110 Confidentiality of information.**

(1) The following limitations on disclosure shall be strictly observed:

(a) No records or files of ombudsmen relating to any complaint or investigation shall be disclosed unless disclosure is authorized by the resident or by the resident's guardian, limited guardian, or legal representative.

(b) The identity of any complainant, witness, patient, or resident shall not be disclosed unless:

(i) Such informant or guardian, limited guardian, or legal representative thereof, consents in writing to such disclosure; or

(ii) The disclosure is required by court order.

(2) The files and records of all ombudsmen programs shall be kept locked at all times when not in use, and access to these files shall be limited to ombudsmen.

(3) Each ombudsman program shall designate one or more ombudsmen to have authority over the disposition of records and files.

(4) All ombudsmen programs shall have and keep in force written procedures and forms relating to the disclosure of confidential information. Such procedures and forms shall be reviewed by and subject to the approval of the state ombudsman office.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-110, filed 1/17/85.]

**WAC 388-18-120 Referrals.** (1) The state office shall develop procedures to be followed by all ombudsmen and ombudsmen programs with regard to referrals to other public and private agencies.

(2) No referral shall be made to any public or privacy agency in a manner compromising any individual's rights to anonymity, privacy, or confidentiality unless authorized in accordance with the provisions of this chapter and applicable law.

(3) The ombudsman office shall make appropriate referrals to other public and private agencies.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-120 filed 1/17/85.]

**WAC 388-18-130 Posting requirements.** (1) Every long-term care facility shall post in a conspicuous location a notice of the nursing home complaint toll-free number and the name, address, and telephone number of the office of the long-term care ombudsman and a description of the services provided by the office.

(2) The office shall provide a form of the notice approved by the office and the bureau of nursing home affairs.

(3) If a long-term care facility wishes to post a different form of the notice rather than the one provided, the facility must receive prior approval from the office and the bureau of nursing home affairs, and in the meantime, the facility must post the approved form of the notice described in this subsection.

(4) This information shall also be distributed to the residents, family members, and legal guardians upon the resident's admission to the facility.

[Statutory Authority: Chapter 43.190 RCW. 85-03-069 (Order 2190), § 388-18-130, filed 1/17/85.]

**Chapter 388-21 WAC**

**DIVERSITY INITIATIVE**

**WAC**

388-21-005

Diversity initiative.

**WAC 388-21-005 Diversity initiative.** (1) The department shall use the biennial planning and budget building process to promote equality for Washington state residents as required under:

(a) Chapter 49.60 RCW, Washington State Laws Against Discrimination;

(b) Titles VI and Title VII of the 1964 Civil Rights Act as amended in 1972;

(c) Executive Order 11246 as amended by Executive order 11375;

(d) 1973 Rehabilitation Act;

(e) 1975 Age Discrimination Act;

(f) 1967 Age Discrimination in Employment Act;

(g) 1974 Vietnam Era Veteran Readjustment Assistance Act;

(h) Governor's Executive Order 91-06;

(i) 1990 Americans with Disabilities Act;

(j) 1991 Civil Rights Act.

(2) For the purposes of this section, "targeted protected group member" means a person protected by the statutes and executive orders cited under subsection (1) of this section.

(3) The department shall seek to ensure a person receives equality of access and high quality service. The department's biennial planning and budget building process shall consider the following:

(a) Access to department services by targeted protected group members; and

(b) Quality, including the cultural relevance and appropriateness of services received by targeted protected group members and their families.

(4) The department shall establish biennial plans for each division of the department that:

(a) Identify service inequities; and

(b) Undertake, within available resources, reasonable and measurable efforts to reduce inequities.

(5) The department shall consider items within the budget building process that meet the department's goal of providing equal access to targeted protected group members.

(6) The department shall establish an ongoing review process that, on a periodic basis, monitors each division's progress in achieving the commitments contained within the department's biennial plan.

(7) In designing and implementing subsections (1), (3), (4), (5), and (6) of this section, the department shall establish and strengthen the collaborative and constructive working relationship between the department and targeted protected group communities.

[Statutory Authority: Chapter 49.60 RCW. 93-04-037 (Order 3499), § 388-21-005, filed 1/27/93, effective 2/27/93.]

### Chapter 388-22 WAC

#### DETERMINING AND VERIFYING ELIGIBILITY— DEFINITIONS

##### WAC

388-22-030 Definitions.

##### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-22-010 Principles in determining eligibility. [Regulation 5.10, filed 7/27/67; Regulation 5.10, filed 1/24/64.] Repealed by Order 529, filed 3/31/71, effective 5/1/71.

388-22-020 Verifying eligibility and reeligibility. [Order 1016, § 388-22-020, filed 4/1/75; Order 943, § 388-22-020, filed 6/28/74; Order 871, § 388-22-020, filed 11/20/73; Order 529, § 388-22-020, filed 3/31/71, effective 5/1/71; Order 266, § 388-22-020, filed 12/5/67; Regulation 5.20, filed 7/27/67; Regulation 5.20, filed 1/24/64.] Repealed by Order 1241, filed 9/23/77.

**WAC 388-22-030 Definitions.** This section contains definitions of words and phrases extensively used in the department's rules concerning the financial aid programs. This section provides a central location for definitions while eliminating the need to repeat the same in each WAC chapter. Related definitions are grouped under the key word.

For medical assistance-Title XIX and medical services (fully state-financed) program definitions, see chapter 388-80 WAC. For food stamp program definitions, see chapter 388-49 WAC.

(1) "Adequate consideration" means the reasonable value of the goods or services received in exchange for transferred property approximates the reasonable value of the property transferred.

(2) "Adult" means a person eighteen years of age or older.

(3) "Applicant" means any member of an assistance unit by or for whom a request for assistance has been made.

(4) "Application" means a written request for financial assistance or a written or oral request for medical or social service, provided by the department of social and health services, made by a person in the person's own behalf or in behalf of another person.

(5) "Assistance unit" means a person or group of persons required to be included together when determining eligibility for an assistance program.

(6) "Authorization" means an official approval of a departmental action.

(a) "Authorization date" means the date the prescribed form authorizing assistance is signed.

(b) "Authorization of grant" means attesting the applicant's eligibility for assistance and giving authority to make payment accordingly.

(7) "Automobile" means a motorized vehicle.

(8) "Board and room" means a living arrangement where a person purchases food, shelter, and household maintenance from one vendor.

(9) "Boarding home" means a place where a person purchases food, shelter, and household maintenance on a board and room basis.

(10) "CFR" means the code of federal regulations established by the federal government.

(11) "Cash savings" means money which is not classified as income.

(12) "Certification date" means the date the worker certifies changes in a client's case and authorizes a change in grant.

(13) "Child" or "minor child" means a person under eighteen years of age.

(14) "Chore services" means household, yard, and/or personal care services which assist a person in the person's own home.

(15) "Client" means an applicant and/or recipient of financial, medical, and/or social services.

(16) "Continuing assistance" means payments to persons who are eligible for and receive regular monthly grants on a prepayment basis.

(17) "Dependent child" means a child who is not self-supporting, married, or a member of the armed forces of the United States. Receiving public assistance does not constitute self-support.

(18) "Disability." See WAC 388-93-025.

(19) "Disaster assistance" means a financial grant or temporary housing for eligible victims of an emergency or major disaster as declared by the governor or president.

(20) "Effective date" means the date eligibility for a grant begins, changes, or ends.

(21) "Encumbrances" means any mortgage, claim, lien, charge or other legally enforceable liability, such as past due taxes, attached to and binding on property.

(22) "Energy costs" means space heat, lighting, water heating, and other household energy consumption.

(23) "Entitlement" means any form of benefit, such as compensation, insurance, pension retirement, military, bonus, allotment, allowance payable in cash or in-kind in which a client may have a claim or interest.

(24) "Equity" means quick-sale value less encumbrances.

(25) "Estate" means all real and personal property that a deceased person has a right to or interest in as of the date of death.

(26) "Exception to policy" means a waiver by the secretary's designee to a department policy for a specific client experiencing an undue hardship because of the policy. The waiver may not be contrary to law.

(27) "Fair hearing" means an administrative proceeding to hear and decide a client appeal of a department action or decision.

(28) "Federal aid" means the assistance grant programs funded in part by the United States government.

(29) "Food stamp program" means the program administered by the department in cooperation with the U.S. Department of Agriculture to certify eligible households to receive food coupons used to buy food.

(30) "Funeral" means the care of the remains of a deceased person with, appropriate services including necessary costs of, needed facilities, a lot or cremation, and the customary memorial marking of a grave.

(31) "General assistance" means state-funded assistance to an eligible pregnant or incapacitated person who is not eligible for or not receiving federal aid assistance.

(32) "Grant" means an entitlement awarded to a client and paid by state warrants redeemable at par.

(a) "Grant adjustment" means postpayment of the difference between the amount a client was eligible for in a given period and the amount already paid.

(b) "Initial grant" means the payment due from date of eligibility to the date of the first regular grant.

(c) "Minimum grant" means ten dollars, unless a court decision requires payment of a smaller amount, or the grant would have exceeded ten dollars prior to applying a mandatory overpayment deduction.

(d) "One-time grant" means a payment supplementing or replacing a regular grant.

(e) "Regular grant" means the monthly prepayment of assistance on a continuing basis.

(33) "Grantee" means the person or persons to or for whom assistance is paid.

(34) "House" means a separate structure of one or more rooms.

(35) "Household maintenance and operations" means household supplies, housewares, linens, sewing supplies, household management, laundry, banking, and telephone.

(36) "Income" means any appreciable gain in real or personal property (cash or in-kind) received by a client during the month for which eligibility is determined, and that can be applied toward the needs of the assistance unit.

(a) "Cash income" means income in the form of money, bank notes, checks or any other readily liquidated form.

(b) "Disregarded income" means income which is taken into consideration, but is disregarded in part or entirely when determining need.

(c) "Earned income" means income in cash or in-kind earned as wages, salary, commissions, or profit from activities in which the person is engaged as a self-employed person or as an employee.

(d) "Earned income in-kind" means income in a noncash form received by an assistance unit in lieu of wages, salary, commissions, or profit from activities in which the person is engaged as a self-employed person or as an employee. For

grant programs income in-kind shall be evaluated in terms of its cash equivalent under WAC 388-28-600.

(e) "Exempt income" means net income which is not taken into consideration when determining need.

(f) "Net income" means gross income less allowable disregards.

(g) "Nonexempt income" means income which is taken into consideration when determining need.

(h) "Recurrent income" means income which can be predicted to occur at regular intervals.

(i) "Self-produced income" means income from the sale of an item made by a client for personal use. The client has not purchased the item, received it as a gift, or earned it in lieu of wages prior to its sale. For grant programs, self-produced income shall be treated as self-employment income.

(37) "Incapacity" (see WAC 388-24-065 for AFDC and WAC 388-37-030 and 388-37-032 for GA-U).

(38) "Inquiry" means a request for information about the department and/or the services offered by the department.

(39) "Institution" means a treatment facility within which a person receives professional care specific to that facility.

(a) "Institution-medical" provides medical, nursing or convalescent care by professional personnel.

(b) "Institution-private" is operated by nongovernmental authority by private interests.

(c) "Institution-public" is supported by public funds and administered by a governmental agency.

(d) "Institutional services" are those items and services furnished to a person in a particular institution.

(e) "Nursing home" means a public facility or private licensed facility certified by the department to provide skilled nursing and/or intermediate care.

(40) "Intentional overpayment" means a public assistance financial or medical payment, in whole or part, issued on behalf of an assistance unit when:

(a) The unit was ineligible for such payment; and

(b) The assistance was issued due to:

(i) A deliberate, willful act or omission by an assistance unit member; and

(ii) Intent by the assistance unit member to deceive the department with respect to any material fact, condition, or circumstance which affects eligibility or need.

(41) "Joint account" means a numbered account within a financial institution which is registered to two or more parties and is accessible to each party for withdrawal of a cash resource. See WAC 388-28-430 (2)(a).

(42) "Living in own home" means a living arrangement other than a boarding home, hospital, nursing home, or other institution.

(43) "Marketable securities" means stocks, bonds, mortgages, and all other forms of negotiable securities.

(44) "Minor" means a person under eighteen years of age.

(45) "Need" is the difference between the assistance unit's financial requirements, by departmental standards, and the value of all nonexempt net income and resources received by or available to the assistance unit.

(46) "Need under normal conditions of living" means the Washington state gross median income adjusted for family size as promulgated by the secretary of HEW, under

the authority granted by Title XX of the Social Security Act minus other income during a period of time when not receiving public assistance.

(47) "Overpayment" means any assistance paid to an assistance unit where:

- (a) Eligibility for the payment did not exist; or
- (b) Assistance paid was in excess of need.

(48) "Payee" means the person in whose name a warrant or check is issued.

(49) "Permanent and total disability" means the inability to do any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to result in death or which has lasted or is expected to last for at least twelve consecutive months.

(50) "Property" means all resources and/or income possessed by a client.

(a) "Personal property" means any form of property which is not real property.

(b) "Real property" is land, buildings thereon and fixtures permanently attached to such buildings. Growing crops are included. Any structure used as a dwelling shall be considered as real property.

(c) "Transfer of property" means a conveyance of title to, or any interest in, property from one party to another through a bill of sale, deed, or any other instrument conveying the interest in property.

(d) "Used and useful property" means property which currently serves a practical purpose for a client.

(51) "Protective payment" means a grant payment to a person on behalf of an eligible recipient.

(52) "Psychiatric facility" means an institution legally qualified to administer psychiatric inpatient treatment.

(53) "Public assistance" means public aid to persons in need thereof for any cause including services, medical care, assistance grants, disbursing orders, and work relief.

(54) "Recipient" means any person within an assistance unit receiving assistance.

(55) "Reinstate" means an authorization to resume payment of a grant from the category in which payment was previously suspended.

(56) "Requirement" means an item of maintenance or a service recognized by the department as essential to the welfare of an individual.

(a) "Additional requirement" means a requirement which is essential for some clients under specified conditions. See WAC 388-29-150 through 388-29-270.

(b) "Basic requirements" means the needs essential to all persons; food, clothing, personal maintenance and necessary incidentals, shelter, and household maintenance.

(57) "Resource" means an asset, tangible or intangible, owned by or available to a client which can be applied toward meeting financial need, either directly or by conversion into money or its equivalent. Any resource obtained on or after the first of the month in which eligibility is determined is called "income."

(a) "Exempt resource" is a resource which by policy is not considered in computing financial need.

(b) "Nonexempt resource" means a resource which is not exempt, and the value of which is used to determine financial need.

(58) "Restitution" means repayment to the state of assistance paid contrary to law.

(59) "Separate property" means real or personal property which was acquired by either spouse before marriage, or as a result of gift or inheritance, or was acquired and paid for entirely out of income from separate property.

(60) "Statements in support of application" means any form or document required under department regulations.

(61) "Suspension" means a temporary discontinuance of a grant payment.

(62) "Terminate" means discontinuance of payment or suspension status.

(63) "Transfer" means reassignment of a case record from one CSO to another in accordance with a client's change of residence.

(64) "Underpayment" means the amount of public assistance financial payment an eligible assistance unit did not receive, but to which the assistance unit was otherwise entitled.

(65) "Unmarried parents" means a man and a woman not legally married who are the natural parents of the same child.

(66) "Value" means the worth of an item in money or goods at a certain time.

(a) "Ceiling value" means the limitation established by the department on the gross market value of nonexempt property.

(b) "Fair market value" means the price at which a seller willing, but not required to sell, might sell to a purchaser, willing but not required to purchase.

(c) "Quick-sale value" or "forced-sale value" is the value at which property can be converted into cash almost immediately, and without waiting for "the best offer."

(67) "Vendor payment" means an authorized payment to a person, corporation, or agency for goods furnished or services rendered to an individual eligible for public assistance.

(68) "Vocational training" means an organized curriculum in a school, training unit, or training program under recognized sponsorship with a specific vocational training objective.

(69) "Warrant" means the state treasurer's warrant issued in payment of a grant.

(70) "Warrant register" means the list of warrants issued specifying payee's name, amount of payment, warrant number, and for each AFDC payment the number of matchable persons whose need is met by the grant.

(a) "Regular warrant register" means the list of regular grants paid.

(b) "Supplemental warrant register" means the list of initial, adjusting, and one-time grants paid.

[Statutory Authority: RCW 74.04.050, 74.08.090 and 45 CFR 233.20 (a)(3)(iv), (a)(6)(iii) and (a)(6)(v)(B). 94-08-022 (Order 3719), § 388-22-030, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.04.050, 92-24-041 (Order 3483), § 388-22-030, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 74.04.005, 92-10-050 (Order 3381), § 388-22-030, filed 5/5/92, effective 7/1/92. Statutory Authority: RCW 74.08.090, 89-11-102 (Order 2801), § 388-22-030, filed 5/24/89; 80-09-021 (Order 1521), § 388-22-030, filed 7/9/80; 78-10-036 (Order 1338), § 388-22-030, filed 9/18/78; Order 1131, § 388-22-030, filed 7/8/76; Order 1058, § 388-22-030, filed 10/1/75; Order 745, § 388-22-030, filed 12/7/72; Order 648, § 388-22-030, filed 2/9/72; Order 617, § 388-22-030, filed 10/27/71; Order 529, § 388-22-030, filed 3/31/71, effective 5/1/71; Order 353, § 388-22-030, filed 5/29/69; Regulation 5.30, filed 6/14/66; Regulation 5.30, filed 1/24/64.]

## Chapter 388-24 WAC

## AID TO FAMILIES WITH DEPENDENT CHILDREN—FOSTER CARE ELIGIBILITY

## WAC

- 388-24-2070 Aid to families with dependent children-foster care—Summary of eligibility conditions.
- 388-24-2100 Aid to families with dependent children-foster care—Assistance unit.
- 388-24-2150 Aid to families with dependent children-foster care—Requirements.
- 388-24-2200 Aid to families with dependent children-foster care—Standards and requirements.
- 388-24-2250 Aid to families with dependent children-foster care—Income and nonexempt resources.
- 388-24-2350 Aid to families with dependent children-foster care—Medical care.
- 388-24-2430 Aid to families with dependent children-foster care—Nonprofit agency placement.

## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 388-24-005 Organization of chapter. [Regulation 6.00, filed 12/21/64, effective 2/1/65; Regulation 6.00, filed 1/24/64.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-010 Aid to blind—Summary of eligibility conditions. [Order 618, § 388-24-010, filed 10/27/71; Order 530, § 388-24-010, filed 3/31/71, effective 5/1/71; Regulation 6.11, filed 6/30/67; Regulation 6.11, filed 6/3/65, 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-015 Aid to blind—Blindness defined. [Order 530, § 388-24-015, filed 3/31/71, effective 5/1/71; Regulation 6.121, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-020 Aid to blind—Publicly soliciting alms defined. [Order 530, § 388-24-020, filed 3/31/71, effective 5/1/71; Regulation 6.122, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-025 Aid to blind—Determining blindness. [Order 530, § 388-24-025, filed 3/31/71, effective 5/1/71; Regulation 6.13, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-030 Factors—Authorization procedure for determining blindness. [Regulation 6.131, filed 1/24/64.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-032 Factors—Services. [Order 530, § 388-24-032, filed 3/31/71, effective 5/1/71.] Repealed by Order 917, filed 3/14/74.
- 388-24-040 Aid to families with dependent children—Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090. 88-09-039 (Order 2621), § 388-24-040, filed 4/15/88; 85-18-041 (Order 2275A), § 388-24-040, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-040, filed 11/2/83. Statutory Authority: RCW 43.20A.550. 82-17-007 (Order 1856), § 388-24-040, filed 8/6/82. Statutory Authority: RCW 74.08.090. 82-09-034 (Order 1792), § 388-24-040, filed 4/14/82; 82-01-009 (Order 1728), § 388-24-040, filed 12/4/81; 81-10-012 (Order 1644), § 388-24-040, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-040, filed 10/23/79. Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-24-040, filed 9/18/78; Order 1004, § 388-24-040, filed 1/24/75; Order 987, § 388-24-040, filed 12/16/74; Order 829, § 388-24-040, filed 7/26/73; Order 618, § 388-24-040, filed 10/27/71; Order 597, § 388-24-040, filed 9/1/71; Order 530, § 388-24-040, filed 3/31/71, effective 5/1/71; Order 441, § 388-24-040, filed 4/15/70; Order 365, § 388-24-040, filed 7/9/69; Order 319, § 388-24-040, filed 11/27/68; Emergency Order 305, filed 9/20/68; Order 291, § 388-24-040, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulation 6.21, filed 8/29/66; Regulation 6.21, filed 12/31/65, 7/13/65, 6/3/65 and 6/17/64, effective 8/1/64; Regulation 6.21, filed 1/24/64.] Repealed by 94-10-065 (Order 3732),

filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

- 388-24-042 Aid to families with dependent children—Eligibility of strikers. [Statutory Authority: RCW 74.08.090. 89-12-079 (Order 2808), § 388-24-042, filed 6/7/89; 83-22-066 (Order 2033), § 388-24-042, filed 11/2/83; 82-09-034 (Order 1792), § 388-24-042, filed 4/14/82; 82-01-009 (Order 1728), § 388-24-042, filed 12/4/81.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-044 Mandatory monthly reporting. [Statutory Authority: RCW 74.08.090. 94-08-017 (Order 3724), § 388-24-044, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 74.04.057. 92-18-039 (Order 3449), § 388-24-044, filed 8/27/92, effective 9/27/92. Statutory Authority: RCW 74.08.090. 86-16-044 (Order 2400), § 388-24-044, filed 8/1/86; 86-01-010 (Order 2316), § 388-24-044, filed 12/5/85; 84-23-028 (Order 2169), § 388-24-044, filed 11/14/84; 84-09-074 (Order 2096), § 388-24-044, filed 4/18/84; 83-17-012 (Order 1993), § 388-24-044, filed 8/5/83; 82-17-067 (Order 1863), § 388-24-044, filed 8/18/82; 82-10-060 (Order 1799), § 388-24-044, filed 5/5/82.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-045 Aid to families with dependent children—Sub-categories of AFDC. [Order 441, § 388-24-045, filed 4/15/70; Order 365, § 388-24-045, filed 7/9/69; Regulation 6.211, filed 8/29/66; Regulation 6.211, filed 12/31/65.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-050 Aid to families with dependent children—Assistance unit. [Statutory Authority: RCW 74.04.660. 93-19-038 (Order 3631), § 388-24-050, filed 9/8/93, effective 10/9/93. Statutory Authority: RCW 74.08.090. 91-12-044 (Order 3188), § 388-24-050, filed 6/4/91, effective 7/5/91; 88-24-009 (Order 2731), § 388-24-050, filed 11/30/88; 88-09-039 (Order 2621), § 388-24-050, filed 4/15/88; 85-18-041 (Order 2275A), § 388-24-050, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-050, filed 11/2/83; 81-10-012 (Order 1644), § 388-24-050, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-050, filed 10/23/79. Statutory Authority: RCW 74.08.090. 78-12-027 (Order 1357), § 388-24-050, filed 11/15/78. Statutory Authority: RCW 74.08.090. 78-06-074 (Order 1297), § 388-24-050, filed 5/31/78, effective 7/1/78; Order 1235, § 388-24-050, filed 8/31/77; Order 1199, § 388-24-050, filed 3/18/77; Order 978, § 388-24-050, filed 10/28/74.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-052 Provision of Social Security numbers. [Statutory Authority: RCW 74.08.090. 89-12-079 (Order 2808), § 388-24-052, filed 6/7/89; 85-18-041 (Order 2275A), § 388-24-052, filed 8/30/85; 80-06-066 (Order 1501), § 388-24-052, filed 5/22/80; Order 1054, § 388-24-052, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-055 Aid to families with dependent children-regular—Deprivation of parental support or care. [Statutory Authority: RCW 74.08.090. 88-24-009 (Order 2731), § 388-24-055, filed 11/30/88; 85-18-041 (Order 2275A), § 388-24-055, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-055, filed 11/2/83; 78-10-036 (Order 1338), § 388-24-055, filed 9/18/78; Order 1001, § 388-24-055, filed 1/14/75; Order 597, § 388-24-055, filed 9/1/71; Order 530, § 388-24-055, filed 3/31/71, effective 5/1/71; Regulation 6.221, filed 8/29/66; Regulation 6.221, filed 12/31/65.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-060 Aid to families with dependent children-regular—Deprivation due to death. [Order 597, § 388-24-060, filed 9/1/71; Order 530, § 388-24-060, filed 3/31/71, effective 5/1/71; Regulation 6.2211, filed 8/29/66; Regulation 6.2211, filed 12/31/65.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

- 388-24-065 Aid to families with dependent children—Deprivation due to incapacity. [Statutory Authority: RCW 74.08.090. 88-24-009 (Order 2731), § 388-24-065, filed 11/30/88; 86-13-064 (Order 2388), § 388-24-065, filed 6/18/86; 84-19-047 (Order 2153), § 388-24-065, filed 9/17/84; 81-10-012 (Order 1644), § 388-24-065, filed 4/27/81; Order 1192, § 388-24-065, filed 2/18/77; Order 1109, § 388-24-065, filed 4/15/76; Order 987, § 388-24-065, filed 12/16/74; Order 940, § 388-24-065, filed 6/10/74; Order 923, § 388-24-065, filed 4/15/74; Order 829, § 388-24-065, filed 7/26/73; Order 609, § 388-24-065, filed 9/22/71; Order 597, § 388-24-065, filed 9/1/71; Order 530, § 388-24-065, filed 3/31/71, effective 5/1/71; Order 291, § 388-24-065, filed 6/12/68; Emergency Order 287, filed 5/1/68; Order 267, § 388-24-065, filed 12/5/67; Regulation 6.2212, filed 1/4/67; Regulation 6.2212, filed 8/29/66, 3/31/66 and 12/31/65.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-070 Aid to families with dependent children-regular—Deprivation due to continued absence from home. [Statutory Authority: RCW 74.08.090. 91-16-062 (Order 3223), § 388-24-070, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 74.04.050. 90-16-081 (Order 3046), § 388-24-070, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 74.08.090. 88-24-009 (Order 2731), § 388-24-070, filed 11/30/88; 85-18-041 (Order 2275A), § 388-24-070, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-070, filed 11/2/83; 82-23-059 (Order 1907), § 388-24-070, filed 11/17/82; 82-11-093 (Order 1813), § 388-24-070, filed 5/19/82; 81-06-058 (Order 1619), § 388-24-070, filed 3/4/81; 78-10-036 (Order 1338), § 388-24-070, filed 9/18/78; Order 987, § 388-24-070, filed 12/16/74; Order 854, § 388-24-070, filed 9/13/73; Order 730, § 388-24-070, filed 10/27/72; Order 663, § 388-24-070, filed 3/23/72; Order 597, § 388-24-070, filed 9/1/71; Order 530, § 388-24-070, filed 3/31/71, effective 5/1/71; Regulation 6.2213, filed 8/29/66; Regulation 6.2213, filed 12/31/65.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-071 Aid to families with dependent children—Termination of deprivation. [Order 730, § 388-24-071, filed 10/27/72.] Repealed by Order 923, filed 4/15/74.
- 388-24-074 Aid to families with dependent children-employable—Deprivation due to unemployment of a parent. [Statutory Authority: RCW 74.04.057. 93-12-055 (Order 3565), § 388-24-074, filed 5/27/93, effective 7/1/93. Statutory Authority: RCW 74.04.050. 92-14-031 (Order 3408), § 388-24-074, filed 6/23/92, effective 7/24/92. Statutory Authority: RCW 74.08.090. 92-08-041, § 388-24-074, filed 3/24/92, effective 4/24/92; 91-16-058 (Order 3219), § 388-24-074, filed 8/1/91, effective 9/1/91; 90-21-123 (Order 3087), § 388-24-074, filed 10/23/90, effective 11/23/90; 89-12-079 (Order 2808), § 388-24-074, filed 6/7/89; 88-24-009 (Order 2731), § 388-24-074, filed 11/30/88. Statutory Authority: Chapter 74.04 RCW. 88-06-084 and 88-07-056 (Orders 2601 and 2601A), § 388-24-074, filed 3/2/88 and 3/14/88. Statutory Authority: RCW 74.08.090. 85-18-041 (Order 2275A), § 388-24-074, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-074, filed 11/2/83.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-075 Aid to families with dependent children-regular—Multiple deprivation factors. [Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-075, filed 10/23/79. Statutory Authority: RCW 74.08.090. 78-12-027 (Order 1357), § 388-24-075, filed 11/15/78; Order 597, § 388-24-075, filed 9/1/71; Order 530, § 388-24-075, filed 3/31/71, effective 5/1/71; Order 496, § 388-24-075, filed 11/25/70, effective 1/1/71; Regulation 6.2214, filed 10/13/66, effective 11/13/66; Regulation 6.2214, filed 8/29/66; Regulation 6.2214, filed 12/31/65.] Repealed by 81-10-012 (Order 1644), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-24-080 Aid to families with dependent children-regular—Employed parent. [Order 597, § 388-24-080, filed 9/1/71; Order 530, § 388-24-080, filed 3/31/71, effective 5/1/71; Order 447, § 388-24-080, filed 5/14/70, effective 6/15/70; Regulation 6.222, filed 8/29/66; Regulation 6.222, filed 12/31/65, 1/24/64.] Repealed by 79-11-081 (Order 1444), filed 10/23/79. Statutory Authority: RCW 43.20A.550.
- 388-24-090 Eligibility conditions applicable to AFDC—Employment or training. [Statutory Authority: RCW 74.08.090. 90-21-123 (Order 3087), § 388-24-090, filed 10/23/90, effective 11/23/90. Statutory Authority: Chapter 74.04 RCW. 88-06-084 and 88-07-056 (Orders 2601 and 2601A), § 388-24-090, filed 3/2/88 and 3/14/88. Statutory Authority: RCW 74.08.090. 83-22-066 (Order 2033), § 388-24-090, filed 11/2/83; 81-10-012 (Order 1644), § 388-24-090, filed 4/27/81. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-090, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-24-090, filed 2/15/79; Order 1118, § 388-24-090, filed 5/13/76; Order 829, § 388-24-090, filed 7/26/73; Order 748, § 388-24-090, filed 12/7/72; Order 609, § 388-24-090, filed 9/22/71; Order 597, § 388-24-090, filed 9/1/71; Order 530, § 388-24-090, filed 3/31/71, effective 5/1/71; Order 496, § 388-24-090, filed 11/25/70, effective 1/1/71; Order 447, § 388-24-090, filed 5/14/70, effective 6/15/70; Order 319, § 388-24-090, filed 11/27/68; Emergency Order 305, filed 9/20/68; Regulation 6.231, filed 8/29/66, effective 2/1/66; Regulation 6.231, filed 12/31/65, 6/17/64, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-095 Eligibility conditions applicable to AFDC—Use of resources for employment or training—Unemployed employable and unemployable person defined. [Order 748, § 388-24-095, filed 12/7/72; Order 609, § 388-24-095, filed 9/22/71; Order 530, § 388-24-095, filed 3/31/71, effective 5/1/71; Order 496, § 388-24-095, filed 11/25/70, effective 1/1/71; Order 447, § 388-24-095, filed 5/14/70, effective 6/15/70; Order 319, § 388-24-095, filed 11/27/68; Emergency Order 305, § 388-24-095, filed 9/20/68; Regulation 6.2311, filed 8/29/66 and 12/31/65.] Repealed by Order 829, filed 7/26/73.
- 388-24-097 Full-time employment. [Order 447, § 388-24-097, filed 5/14/70, effective 6/15/70.] Repealed by Order 496, filed 11/25/70, effective 1/1/71 and Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-100 Eligibility factors applicable to aid to dependent children-regular and aid to dependent children-employable—Employable person in or not in labor force. [Regulation 6.2312, filed 8/29/66; Regulation 6.2312, filed 12/31/65.] Repealed by Order 319, filed 11/27/68 and Emergency Order 305, filed 9/20/68.
- 388-24-105 Eligibility factors applicable to aid to dependent children-regular and aid to dependent children-employable—Registration of unemployed person in the labor force with state employment service. [Regulation 6.2313, filed 8/29/66; Regulation 6.2313, filed 12/31/65.] Repealed by Order 319, filed 11/27/68 and Emergency Order 305, filed 9/20/68.
- 388-24-107 Eligibility conditions applicable to AFDC-R and AFDC-E—Registration and participation in employment programs. [Statutory Authority: Chapter 74.04 RCW. 88-06-084 and 88-07-056 (Orders 2601 and 2601A), § 388-24-107, filed 3/2/88 and 3/14/88. Statutory Authority: RCW 74.04.400. 87-12-058 (Order 2503), § 388-24-107, filed 6/1/87; 86-01-001 (Order 2313), § 388-24-107, filed 12/5/85. Statutory Authority: RCW 74.08.090. 83-22-066 (Order 2033), § 388-24-107, filed 11/2/83. Statutory Authority: RCW 74.22.110 and 74.23.120. 83-01-057 (Order 1924), § 388-24-107, filed 12/15/82. Statutory Authority: RCW 74.08.090. 82-07-026 (Order 1779), § 388-24-107, filed 3/11/82; 82-01-009 (Order 1728), § 388-24-107, filed 12/4/81; 81-10-012 (Order 1644), § 388-24-107, filed 4/27/81; 80-05-045 (Order 1499), § 388-24-107, filed 4/16/80. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-107, filed 10/23/79.



- Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-24-107, filed 2/15/79. Statutory Authority: RCW 74.23.120. 78-05-046 (Order 1289), § 388-24-107, filed 4/24/78; Order 1241, § 388-24-107, filed 9/23/77; Order 1199, § 388-24-107, filed 3/18/77; Order 1046, § 388-24-107, filed 8/14/75; Order 748, § 388-24-107, filed 12/7/72; Order 597, § 388-24-107, filed 9/1/71; Order 530, § 388-24-107, filed 3/31/71, effective 5/1/71; Order 447, § 388-24-107, filed 5/14/70, effective 6/15/70; Order 319, § 388-24-107, filed 11/27/68; Emergency Order 305, filed 9/20/68.] Repealed by 91-02-092 (Order 3129), filed 12/31/90, effective 1/31/91. Statutory Authority: RCW 74.04.050.
- 388-24-108 Eligibility conditions applicable to AFDC—Assignment of rights to support. [Statutory Authority: RCW 74.08.090. 88-24-009 (Order 2731), § 388-24-108, filed 11/30/88; 82-13-080 (Order 1829), § 388-24-108, filed 6/21/82; 81-10-012 (Order 1644), § 388-24-108, filed 4/27/81; Order 1054, § 388-24-108, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-109 Eligibility conditions applicable to AFDC—Support enforcement cooperation. [Statutory Authority: RCW 74.08.090. 89-22-133 (Order 2896), § 388-24-109, filed 11/1/89, effective 12/2/89; 81-10-012 (Order 1644), § 388-24-109, filed 4/27/81; 78-09-053 (Order 1330), § 388-24-109, filed 8/22/78; Order 1054, § 388-24-109, filed 9/25/75.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-110 Eligibility factors applicable to aid to dependent children—regular and aid to dependent children—employable—Verification of unemployment compensation status. [Regulation 6.2314, filed 8/29/66; Regulation 6.2314, filed 12/31/65.] Repealed by Order 319, filed 11/27/68 and Emergency Order 305, filed 9/20/68.
- 388-24-111 Good cause not to cooperate with support enforcement. [Statutory Authority: RCW 74.04.050 and 45 CFR 232.94-04-034 (Order 3697), § 388-24-111, filed 1/26/94, effective 2/26/94. Statutory Authority: RCW 74.04.050. 90-16-081 (Order 3046), § 388-24-111, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 74.08.090. 89-01-048 (Order 2737), § 388-24-111, filed 12/14/88; 79-05-041 (Order 1390), § 388-24-111, filed 4/26/79; 78-09-053 (Order 1330), § 388-24-111, filed 8/22/78.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-114 Procedures affecting abandoned child. [Order 1241, § 388-24-114, filed 9/23/77.] Repealed by 89-12-079 (Order 2808), filed 6/7/89. Statutory Authority: RCW 74.08.090.
- 388-24-115 Eligibility factors applicable to aid to dependent children—regular and aid to dependent children—employable—Acceptance of available employment. [Regulation 6.2315, filed 8/29/66; Regulation 6.2315, filed 12/31/65.] Repealed by Order 319, filed 11/27/68 and Emergency Order 305, filed 9/20/68.
- 388-24-120 Eligibility factors applicable to aid to dependent children—regular and aid to dependent children—employable—Referral for other services. [Regulation 6.2316, filed 8/29/66; Regulation 6.2316, filed 12/31/65.] Repealed by Order 319, filed 11/27/68 and Emergency Order 305, filed 9/20/68.
- 388-24-125 Eligibility conditions applicable to AFDC—Living with a relative of specified degree. [Statutory Authority: RCW 74.04.050. 92-11-056 (Order 3388), § 388-24-125, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. 88-24-009 (Order 2731), § 388-24-125, filed 11/30/88; 88-09-039 (Order 2621), § 388-24-125, filed 4/15/88; 85-18-041 (Order 2275A), § 388-24-125, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-125, filed 11/2/83; 82-08-038 (Order 1783), § 388-24-125, filed 4/1/82; 81-10-012 (Order 1644), § 388-24-125, filed 4/27/81; 79-08-043 (Order 1417), § 388-24-125, filed 7/19/79; 78-10-036 (Order 1338), § 388-24-125, filed 9/18/78; Order 1199, § 388-24-125, filed 3/18/77; Order 597, § 388-24-125, filed 9/1/71; Order 530, § 388-24-125, filed 3/31/71, effective 5/1/71; Order 441, § 388-24-125, filed 4/15/70; Regulation 6.232, filed 8/29/66; Regulation 6.232, filed 12/31/65, 6/17/64, 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-130 Living in home of relative of specified degree—Financial need. [Regulation 6.233, filed 8/29/66; Regulation 6.233, filed 1/24/64.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
- 388-24-135 Aid to families with dependent children—Employable parent—Summary of eligibility conditions. [Statutory Authority: RCW 74.08.090. 80-14-014 (Order 1546), § 388-24-135, filed 9/23/80. Statutory Authority: RCW 43.20A.550. 79-11-081 (Order 1444), § 388-24-135, filed 10/23/79. Statutory Authority: RCW 74.08.090. 79-03-013 (Order 1368), § 388-24-135, filed 2/15/79; Order 1189, § 388-24-135, filed 2/18/77; Order 1101, § 388-24-135, filed 2/25/76; Order 1051, § 388-24-135, filed 9/10/75; Order 748, § 388-24-135, filed 12/7/72; Order 638, § 388-24-135, filed 1/28/72; Order 597, § 388-24-135, filed 9/1/71; Order 530, § 388-24-135, filed 3/31/71, effective 5/1/71; Order 338, § 388-24-135, filed 2/14/69; Order 319, § 388-24-135, filed 11/27/68; Emergency Order 305, § 388-24-135, filed 9/20/68; Order 291, § 388-24-135, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulations 6.24 and 6.241, filed 8/29/66; Regulations 6.24 and 6.241, filed 12/31/65, 7/13/65, 6/17/64 and 1/24/64.] Repealed by 81-10-012 (Order 1644), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-24-137 Continuation of assistance when deprivation ceases. [Statutory Authority: RCW 74.08.090. 85-18-041 (Order 2275A), § 388-24-137, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-137, filed 11/2/83; 82-01-009 (Order 1728), § 388-24-137, filed 12/4/81; 81-10-012 (Order 1644), § 388-24-137, filed 4/27/81; 79-11-081 (Order 1444), § 388-24-137, filed 10/23/79; Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-24-137, filed 9/18/78; Order 1198, § 388-24-137, filed 3/17/77; Order 923, § 388-24-137, filed 4/15/74.] Repealed by 88-24-009 (Order 2731), filed 11/30/88. Statutory Authority: RCW 74.08.090.
- 388-24-140 Living in home of relative of specified degree—Deprivation due to unemployment of parent. [Regulation 6.242, filed 8/29/66; Regulation 6.242, filed 12/31/65.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
- 388-24-145 Living in home of relative of specified degree—Employability of parent. [Regulation 6.2421, filed 8/29/66; Regulation 6.2421, filed 12/31/65.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
- 388-24-150 Living in home of relative of specified degree—Unemployed parent. [Regulation 6.2422, filed 8/29/66; Regulation 6.2422, filed 12/31/65.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
- 388-24-155 Parent in the labor force. [Regulation 6.2423, filed 8/29/66; Regulation 6.2423, filed 12/31/65.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
- 388-24-160 Aid to dependent child of unemployed parent—Financial need. [Regulation 6.243, filed 8/29/66; Regulation 6.243, filed 12/31/65.] Repealed by Order 356, filed 5/29/69.
- 388-24-180 Aid to families with dependent children—Children eighteen, nineteen, twenty years of age. [Order 530, § 388-24-180, filed 3/31/71, effective 5/1/71; Regulation 6.26, filed 7/13/65; Regulation 6.26, filed 1/24/64.] Repealed by Order 618, filed 10/27/71.
- 388-24-190 Coordination of public assistance and child welfare services—Responsibility for protective care for children. [Order 530, § 388-24-190, filed 3/31/71, effective 5/1/71; Regulation 6.271, filed 1/24/64.] Repealed by 89-12-079 (Order 2808), filed 6/7/89. Statutory Authority: RCW 74.08.090.
- 388-24-195 Coordination of public assistance and child welfare services—Transfer of cases involving services to children.

- [Regulation 6.272, filed 1/24/64.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-200 Reporting child neglect or abuse—Coordination of department services. [Statutory Authority: RCW 74.08.090, 89-12-079 (Order 2808), § 388-24-200, filed 6/7/89; Order 530, § 388-24-200, filed 3/31/71, effective 5/1/71; Regulation 6.273, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-205 Aid to dependent children—Foster family care. [This is reference section only.] Repealed by Order 917, filed 3/14/74.
- 388-24-207 Aid to families with dependent children-foster care—Summary of eligibility conditions. [Order 978, § 388-24-207, filed 10/28/74; Order 530, § 388-24-207, filed 3/31/71, effective 5/1/71; Order 469, § 388-24-207, filed 8/19/70; Order 291, § 388-24-207, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulation 6.281, filed 6/3/65; Regulation 6.281, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-210 Aid to families with dependent children-foster care—Assistance unit. [Order 530, § 388-24-210, filed 3/31/71, effective 5/1/71; Order 469, § 388-24-210, filed 8/19/70; Order 291, § 388-24-210, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulation 6.282, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-215 Aid to families with dependent children-foster care—Requirements. [Order 291, § 388-24-215, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulation 6.283, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-220 Aid to families with dependent children-foster care—Standards and requirements. [Order 978, § 388-24-220, filed 10/28/74; Order 530, § 388-24-220, filed 3/31/71, effective 5/1/71; Order 469, § 388-24-220, filed 8/19/70; Order 291, § 388-24-220, filed 6/12/68; Emergency Order 287, filed 5/1/68; Regulation 6.284, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-225 Aid to families with dependent children-foster care—Income and nonexempt resources. [Order 978, § 388-24-225, filed 10/28/74; Order 530, § 388-24-225, filed 3/31/71, effective 5/1/71; Order 291, § 388-24-225, filed 6/12/68; Regulation 6.285, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-230 Aid to families with dependent children-foster care—Authorization and payment. [Order 291, § 388-24-230, filed 6/12/68; Regulation 6.286, filed 1/24/64.] Repealed by Order 469, filed 8/19/70.
- 388-24-235 Aid to families with dependent children-foster care—Medical care. [Order 530, § 388-24-235, filed 3/31/71, effective 5/1/71; Order 469, § 388-24-235, filed 8/19/70; Order 291, § 388-24-235, filed 6/12/68; Regulation 6.287, filed 1/24/64.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-240 Aid to families with dependent children-foster care—Assignment of cases. [Order 291, § 388-24-240, filed 6/12/68; Regulation 6.288, filed 1/24/64.] Repealed by Order 469, filed 8/19/70.
- 388-24-243 Aid to families with dependent children-foster care—Nonprofit agency placement. [Order 530, § 388-24-243, filed 3/31/71, effective 5/1/71; Order 469, § 388-24-243, filed 8/19/70.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-24-250 Consolidated emergency assistance program—Conditions of eligibility. [Statutory Authority: RCW 74.04.660, 92-18-040 (Order 3446), § 388-24-250, filed 8/27/92, effective 9/27/92; 92-09-021 (Order 3359), § 388-24-250, filed 4/6/92, effective 5/7/92; 91-02-071 (Order 3121), § 388-24-250, filed 12/28/90, effective 1/1/91; 87-13-077 (Order 2503), § 388-24-250, filed 6/17/87. Statutory Authority: RCW 74.08.090, 85-20-022 (Order 2284), § 388-24-250, filed 9/23/85; 81-20-009 (Order 1704), § 388-24-250, filed 4/27/81; 80-16-039 (Order 1565), § 388-24-250, filed 11/3/80; Order 1176, § 388-24-250, filed 12/23/76; Order 1004, § 388-24-250, filed 1/24/75; Order 993, § 388-24-250, filed 12/31/74; Order 969, § 388-24-250, filed 9/13/74.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.090.
- 388-24-252 Consolidated emergency assistance program—Persons included in payment of grant. [Statutory Authority: RCW 74.04.660, 92-09-022 (Order 3360), § 388-24-252, filed 4/6/92, effective 5/7/92.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.090.
- 388-24-253 Exempt income and resources for CEAP. [Statutory Authority: RCW 74.04.660 and CFR 233.20 (a)(4)(ii)(c), 93-07-034 (Order 3527), § 388-24-253, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 74.04.660, 92-09-023 (Order 3361), § 388-24-253, filed 4/6/92, effective 5/7/92; 87-13-077 (Order 2503), § 388-24-253, filed 6/17/87. Statutory Authority: RCW 74.08.090, 85-20-022 (Order 2284), § 388-24-253, filed 9/23/85.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.090.
- 388-24-254 Determining income for CEAP. [Statutory Authority: RCW 74.04.660, 92-09-024 (Order 3362), § 388-24-254, filed 4/6/92, effective 5/7/92; 91-02-071 (Order 3121), § 388-24-254, filed 12/28/90, effective 1/1/91; 87-13-077 (Order 2503), § 388-24-254, filed 6/17/87. Statutory Authority: RCW 74.08.090, 85-20-022 (Order 2284), § 388-24-254, filed 9/23/85.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.090.
- 388-24-255 Consolidated emergency assistance program (CEAP)—Financial need and benefit amounts. [Statutory Authority: RCW 74.04.660, 92-09-025 (Order 3363), § 388-24-255, filed 4/6/92, effective 5/7/92; 87-13-077 (Order 2503), § 388-24-255, filed 6/17/87. Statutory Authority: RCW 74.08.090, 85-20-022 (Order 2284), § 388-24-255, filed 9/23/85; 81-20-009 (Order 1704), § 388-24-255, filed 9/25/81; 81-10-011 (Order 1643), § 388-24-255, filed 4/27/81; 80-16-039 (Order 1565), § 388-24-255, filed 11/3/80; Order 1176, § 388-24-255, filed 12/23/76; Order 969, § 388-24-255, filed 9/13/74.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.090.
- 388-24-260 Consolidated emergency assistance program—Payments. [Statutory Authority: RCW 74.08.090, 88-17-122 (Order 2675), § 388-24-260, filed 8/24/88. Statutory Authority: RCW 74.04.660, 87-13-077 (Order 2503), § 388-24-260, filed 6/17/87. Statutory Authority: RCW 74.08.090, 85-20-022 (Order 2284), § 388-24-260, filed 9/23/85; 82-24-006 (Order 1910), § 388-24-260, filed 11/18/82; 81-20-009 (Order 1704), § 388-24-260, filed 9/25/81; 81-10-011 (Order 1643), § 388-24-260, filed 4/27/81; 80-16-039 (Order 1565), § 388-24-260, filed 11/3/80; 78-12-001 (Order 1355), § 388-24-260, filed 11/3/78; Order 1176, § 388-24-260, filed 12/23/76; Order 969, § 388-24-260, filed 9/13/74.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.090.
- 388-24-265 Consolidated emergency assistance program (CEAP)—Assistance units. [Statutory Authority: RCW 74.04.660, 92-09-026 (Order 3364), § 388-24-265, filed 4/6/92, effective 5/7/92; 87-13-077 (Order 2503), § 388-24-265, filed 6/17/87. Statutory Authority: RCW 74.08.090, 85-18-041 (Order 2275A), § 388-24-265, filed 8/30/85; 83-22-066 (Order 2033), § 388-24-265, filed 11/2/83; 81-20-009 (Order 1704), § 388-24-265, filed 9/25/81; 80-16-039 (Order 1565), § 388-24-265, filed 11/3/80; Order 969, § 388-24-265, filed 9/13/74.] Repealed by 94-06-026 (Order 3707), filed 2/23/94, effective 3/26/94. Statutory Authority: RCW 74.08.090.

- 388-24-270 Consolidated emergency assistance program (CEAP)—Grant standards. [Statutory Authority: RCW 74.08.090. 85-20-022 (Order 2284), § 388-24-270, filed 9/23/85; 82-24-006 (Order 1910), § 388-24-270, filed 11/18/82; 82-11-001 (Order 1804), § 388-24-270, filed 5/6/82; 81-20-009 (Order 1704), § 388-24-270, filed 9/25/81; 81-10-011 (Order 1643), § 388-24-270, filed 4/27/81; 78-10-036 (Order 1338), § 388-24-270, filed 9/18/78; Order 993, § 388-24-270, filed 12/31/74; Order 969, § 388-24-270, filed 9/13/74.] Repealed by 87-13-077 (Order 2503), filed 6/17/87. Statutory Authority: RCW 74.04.660.
- 388-24-275 Emergency assistance to needy families with children—Aliens. [Statutory Authority: RCW 74.08.090. 78-10-036 (Order 1338), § 388-24-275, filed 9/18/78; Order 1004, § 388-24-275, filed 1/24/75.] Repealed by 80-16-039 (Order 1565), filed 11/3/80. Statutory Authority: RCW 74.08.090.
- 388-24-276 Application. [Statutory Authority: RCW 74.08.090. 81-20-009 (Order 1704), § 388-24-276, filed 9/25/81.] Repealed by 87-13-077 (Order 2503), filed 6/17/87. Statutory Authority: RCW 74.04.660.
- 388-24-360 Disability assistance. [Order 783, § 388-24-360, filed 3/16/73; Order 563, § 388-24-360, filed 5/19/71; Order 530, § 388-24-360, filed 3/31/71, effective 5/1/71; Regulation 6.30, filed 6/17/64; Regulation 6.30, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-365 Disability assistance—Summary of eligibility conditions. [Order 563, § 388-24-365, filed 5/19/71; Order 530, § 388-24-365, filed 3/31/71, effective 5/1/71; Order 365, § 388-24-365, filed 7/9/69; Regulation 6.31, filed 6/17/64; Regulation 6.31, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-370 Disability assistance—Permanent and total disability. [Order 563, § 388-24-370, filed 5/19/71; Order 530, § 388-24-370, filed 3/31/71, effective 5/1/71; Regulation 6.32, filed 6/17/64; Regulations 6.32, 6.321, et. seq., filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-375 Disability assistance—Application. [Order 563, § 388-24-375, filed 5/19/71.] Repealed by Order 917, filed 3/16/74.
- 388-24-380 Disability assistance—Local office responsibility. [Order 530, § 388-24-380, filed 3/31/71, effective 5/1/71; Regulation 6.33, filed 6/17/64; Regulation 6.33, filed 1/24/64.] Repealed by Order 563, filed 5/19/71.
- 388-24-382 Disability assistance—Periodic review of permanent and total disability. [Order 563, § 388-24-382, filed 5/19/71.] Repealed by Order 917, filed 3/14/74.
- 388-24-384 Disability assistance—Reapplication. [Order 563, § 388-24-384, filed 5/19/71.] Repealed by Order 917, filed 3/14/74.
- 388-24-390 Medical division representative's responsibility. [Regulation 6.34, filed 6/17/64; Regulation 6.343, filed 1/24/64.] Repealed by Order 530, filed 3/31/71, effective 5/1/71. Repealed by Order 563, filed 5/19/71.
- 388-24-392 Medical division representatives responsibility—State office review team supervisory function. [Order 563, § 388-24-392, filed 5/19/71.] Repealed by Order 917, filed 3/14/74.
- 388-24-400 Medical division representatives responsibility—Area review team—Composition—Function. [Order 609, § 388-24-400, filed 9/22/71; Order 563, § 388-24-400, filed 5/19/71; Order 530, § 388-24-400, filed 3/31/71, effective 5/1/71; Regulation 6.35, filed 6/17/64; Regulation 6.341, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-405 State office responsibility—Division of medical care. [Regulation 6.36, filed 6/17/64.] Repealed by Order 530, filed 3/31/71, effective 5/1/71.
- 388-24-410 State office responsibility—Refusal to accept available and recommended medical treatment. [Order 563, § 388-24-410, filed 5/19/71; Order 530, § 388-24-410, filed 3/31/71, effective 5/1/71; Regulation 6.37, filed 6/17/64, effective 8/1/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-455 Old age assistance—Summary of eligibility conditions. [Order 530, § 388-24-455, filed 3/31/71, effective 5/1/71; Order 365, § 388-24-455, filed 7/9/69; Order 247, § 388-24-455, filed 11/1/67; Regulations 6.40 and 6.41, filed 1/24/64.] Repealed by Order 917, filed 3/14/74.
- 388-24-475 Continuing general assistance—Summary of eligibility conditions. [Order 609, § 388-24-475, filed 9/22/71; Order 530, § 388-24-475, filed 3/31/71, effective 5/1/71; Order 365, § 388-24-475, filed 7/9/69; Order 344, § 388-24-475, filed 4/16/69; Order 291, § 388-24-475, filed 6/12/68; Emergency Order 287, filed 5/1/68; Order 247, § 388-24-475, filed 11/1/67; Regulation 6.51, filed 12/31/65; Regulation 6.51 filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-24-485 Continuing general assistance—Factors. [Regulation 6.52, filed 1/24/64.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
- 388-24-490 Continuing general assistance—Limitations. [Order 247, § 388-24-490, filed 11/1/67; Regulation 6.521, filed 1/24/64.] Repealed by Order 291, filed 6/12/68 and Emergency Order 288, filed 5/1/68.
- 388-24-495 Continuing general assistance—Unemployability. [Order 609, § 388-24-495, filed 9/22/71; Order 530, § 388-24-495, filed 3/31/71, effective 5/1/71; Order 247, § 388-24-495, 11/1/67; Regulation 6.522, filed 12/31/65; Regulation 6.522, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-24-500 Continuing general assistance—Refusal to accept available and recommended medical treatment. [Order 530, § 388-24-500, filed 3/31/71, effective 5/1/71; Order 247, § 388-24-500, filed 11/1/67; Regulation 6.523, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-24-505 Continuing general assistance—Standards for requirements. [Order 530, § 388-24-505, filed 3/31/71, effective 5/1/71; Regulation 6.524, filed 1/24/64.] Repealed by Order 841, filed 8/9/73.
- 388-24-510 Continuing general assistance—General assistance-unemployable person for federal aid recipient from another state. [Regulation 6.525, filed 1/24/64.] Repealed by Order 280, filed 2/14/68.
- 388-24-550 Assistance to minor child. [Statutory Authority: RCW 74.08.090. 85-18-041 (Order 2275A), § 388-24-550, filed 8/30/85; Order 1097, § 388-24-550, filed 2/13/76; Order 1049, § 388-24-550, filed 8/29/75; Order 1007, § 388-24-550, filed 2/13/75; Order 842, § 388-24-550, filed 8/9/73; Order 741, § 388-24-550, filed 11/22/72.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

**WAC 388-24-2070 Aid to families with dependent children-foster care—Summary of eligibility conditions.**  
To be eligible for aid to families with dependent children-foster care a child shall:

(1) Meet all the eligibility requirements in WAC 388-215-1000, except for the child's removal from the child's or a relative's home as specified in subsection (2); and

(2) Have been removed from a relative's home as a result of a judicial determination to the effect that remaining in the relative's home would be contrary to the child's welfare, for any reason, and who has been placed in foster care as a result of such determination; and

(3) Be under the direct care or supervision of the department in a licensed family foster home, nonprofit group home, or nonprofit child care institution; and

(4) Meet one of the following conditions:

(a) Be receiving AFDC for the month in which court proceedings leading to such determination were initiated; or

(b) Have been eligible to receive AFDC, had application been made, for the month in which court action for the child's removal was initiated; or

(c) Lived with a specified relative within six months prior to the month in which court proceedings were initiated, and would have been eligible for AFDC in and for the month in which court proceedings were initiated if in that

month the child had been living with such relative and application for AFDC had been made.

[Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2070, filed 7/27/94, effective 9/1/94.]

**WAC 388-24-2100 Aid to families with dependent children-foster care—Assistance unit.** The AFDC foster care assistance unit shall consist of only the eligible child.

[Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2100, filed 7/27/94, effective 9/1/94.]

**WAC 388-24-2150 Aid to families with dependent children-foster care—Requirements.** (1) The basic requirements of the eligible child shall be foster family home care, clothing, and personal incidentals.

(2) Additional requirements for the eligible child shall be school supplies when not provided by the school, needed transportation costs, and psychological services.

[Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2150, filed 7/27/94, effective 9/1/94.]

**WAC 388-24-2200 Aid to families with dependent children-foster care—Standards and requirements.** The basic requirements of the eligible child shall be care according to:

(1) The monthly cost standards for family foster home care in WAC 388-70-042, or

(2) The monthly cost standard for foster care and related services paid by the department to licensed nonprofit child caring agencies and institutions.

[Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2200, filed 7/27/94, effective 9/1/94.]

**WAC 388-24-2250 Aid to families with dependent children-foster care—Income and nonexempt resources.** The department shall take the income and resources of the child into consideration in determining need according to the rules in chapters 388-216, 388-217, and 388-218 WAC. The department shall determine and secure support from parents according to the rules in WAC 388-70-075. When the child's parents receive public assistance, the parents' non-exempt income and resources are used first to meet the parents' need including the need of the parents' other minor children.

[Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2250, filed 7/27/94, effective 9/1/94.]

**WAC 388-24-2350 Aid to families with dependent children-foster care—Medical care.** The department shall provide medical care to children receiving AFDC-FC in accordance with the rules and procedures which govern the granting of medical care to other children receiving care from foster care funds.

[Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2350, filed 7/27/94, effective 9/1/94.]

**WAC 388-24-2430 Aid to families with dependent children-foster care—Nonprofit agency placement.** (1) When a child is eligible for AFDC-FC and placed with a licensed nonprofit child-caring agency, the custody, planning

and casework service shall be developed and maintained by the nonprofit agency. The agency or institution caring for the child shall maintain direct contact with the child and foster home, and casework service to the parents where appropriate. The child-caring agency or institution shall make a quarterly progress report to the department authorizing payment for the child's care.

(2) The department has final responsibility for determining initial and ongoing eligibility for financial support and for approval of the placement and the plan for child care. No payment for care shall be made without the department's approval of such placement and plan by the department. The department shall maintain this control through written agreements, documentary reports and supervisory conferences with the nonprofit agency.

[Statutory Authority: RCW 74.08.090. 94-16-044 (Order 3759), § 388-24-2430, filed 7/27/94, effective 9/1/94.]

## Chapter 388-31 WAC

### LIFELINE TELEPHONE ASSISTANCE PROGRAM

#### WAC

388-31-010	Purpose of program.
388-31-015	Definitions.
388-31-020	Conditions of eligibility.
388-31-025	WTAP benefits.
388-31-030	Notification and eligibility periods.
388-31-035	WTAP fund.

**WAC 388-31-010 Purpose of program.** The Washington telephone assistance program (WTAP) is designed to help low-income households afford access to local exchange telephone service.

[Statutory Authority: RCW 80.36.440. 90-18-007 (Order 3063), § 388-31-010, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-010, filed 9/17/87.]

**WAC 388-31-015 Definitions.** (1) "Local exchange company" means a telecommunication company providing local exchange telecommunication service, i.e., the telephone company.

(2) "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.

[Statutory Authority: RCW 80.36.440. 90-18-007 (Order 3063), § 388-31-015, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229. 87-19-093 (Order 2541), § 388-31-015, filed 9/17/87.]

**WAC 388-31-020 Conditions of eligibility.** To receive WTAP benefits, an applicant shall:

- (1) Be a recipient of:
  - (a) Aid to families with dependent children (AFDC);
  - (b) Family independence program (FIP);
  - (c) Supplemental security income (SSI);
  - (d) General assistance (GA-U or GA-S);
  - (e) Food stamps;
  - (f) Refugee assistance;
  - (g) Medical coupons;
  - (h) Community options program entry system (COPES);

or

- (i) Chore services.

(2) Be an adult. For WTAP eligibility, the term adult may include a person seventeen years of age or younger who is:

(a) A financially needy payee of a qualifying assistance unit; and

(b) The responsible head of household.

(3) Make application to the local exchange company using the assigned department of social and health services case number; and

(4) Have local exchange telecommunications service billed in the applicant's name; and

(5) To be eligible for the monthly rate discount, subscribe to the lowest available local exchange flat rate service. Single party service shall qualify as the lowest available flat rate for a person otherwise eligible who is sixty years of age or older or who receives medical assistance.

[Statutory Authority: RCW 80.36.440, 90-18-007 (Order 3063), § 388-31-020, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229, 87-19-093 (Order 2541), § 388-31-020, filed 9/17/87.]

**WAC 388-31-025 WTAP benefits.** (1) Household benefits under WTAP shall be limited to funds available in the WTAP fund.

(2) Households participating in WTAP shall be eligible for a:

(a) Discount on local exchange flat rate services to the extent the local exchange flat rate exceeds the WTAP service rate as established by the Washington utilities and transportation commission. The local exchange flat rate shall include any federal end user access charges and any other charges necessary to obtain local exchange service;

(b) Waiver of deposit requirements on local exchange service; and

(c) Fifty percent discount on service connection fees.

Any connection fee discounts available from other programs shall be added to the WTAP discount, thus paying part or all the remaining fifty percent.

(3) Benefits under WTAP are limited to one residential access per household.

(4) The households's waiver of deposit and the fifty percent discount on service connection fees shall be available once per service year.

[Statutory Authority: RCW 80.36.440, 90-18-007 (Order 3063), § 388-31-025, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229, 87-19-093 (Order 2541), § 388-31-025, filed 9/17/87.]

**WAC 388-31-030 Notification and eligibility periods.** (1) The department shall notify recipients of qualifying assistance programs of their eligibility for WTAP.

(2) Recipient eligibility for WTAP shall continue from July 1 or the date qualifying assistance is approved, whichever is more recent, through the next June 30.

[Statutory Authority: RCW 80.36.440, 90-18-007 (Order 3063), § 388-31-030, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229, 87-19-093 (Order 2541), § 388-31-030, filed 9/17/87.]

**WAC 388-31-035 WTAP fund.** (1) Limited to funds available in the WTAP fund, the department shall reimburse local exchange companies for administrative and program expenses associated with the WTAP. The department shall:

(a) Reduce payment amount to the maximum extent possible by a waiver of all or part of the federal end user access charge;

(b) Reimburse from the WTAP fund;

(c) Limit payments to services provided after the household's eligibility for the WTAP is established; and

(d) Ensure local exchange companies fully document and support in detail all administrative and program expenses billed to the department in the required monthly invoices. The department shall limit reimbursable administrative expenses to:

(i) Salaries and benefits for documented time required for implementing and maintaining the WTAP, with the exception that time required for the correction of case number errors is not an allowable expense;

(ii) Documented travel expenses incurred for attending hearings, meetings, or training pertaining to the WTAP;

(iii) Documented expenses incurred for supplies and materials required to implement and maintain the WTAP;

(iv) Documented postage and handling for delivery of WTAP material;

(v) Change of service charges from a private line to a party line in order to participate in WTAP, not to exceed the amount tariffed, as necessary to meet the requirements of WAC 480-122-010 (3)(c);

(vi) Administrative charge for change of service orders specified by tariffs; and

(vii) Documented indirect costs associated with implementing and maintaining WTAP.

(2) The department shall recover its administrative costs from the WTAP fund.

(3) The department shall establish procedures for reimbursement from the WTAP fund and shall only reimburse for:

(a) Invoices submitted within ninety days following the month the expense occurred;

(b) Correct, verifiable, billing items; and

(c) Erroneous items which have been corrected within sixty days from the date the department returns the report of invoicing error to the local exchange company.

[Statutory Authority: RCW 80.36.440, 93-16-043 (Order 3604), § 388-31-035, filed 7/28/93, effective 8/28/93; 90-18-007 (Order 3063), § 388-31-035, filed 8/23/90, effective 9/23/90. Statutory Authority: 1987 c 229, 87-19-093 (Order 2541), § 388-31-035, filed 9/17/87.]

**Chapter 388-41 WAC**

**MEDICAL AUDIT DISPUTE RESOLUTION**

**WAC**

388-41-001	Authority.
388-41-003	Purpose.
388-41-010	Definitions.
388-41-020	Audit dispute conference.

**WAC 388-41-001 Authority.** These rules are promulgated under RCW 74.09.290, department audit and investigations, and RCW 74.08.090, rules and regulations.

[Statutory Authority: RCW 74.08.090 and 74.09.290, 93-24-058 (Order 3674), § 388-41-001, filed 11/24/93, effective 12/25/93.]

**WAC 388-41-003 Purpose.** The purpose of this chapter is to establish within the department, an audit dispute resolution process for medical providers.

[Statutory Authority: RCW 74.08.090 and 74.09.290. 93-24-058 (Order 3674), § 388-41-003, filed 11/24/93, effective 12/25/93.]

**WAC 388-41-010 Definitions.** (1) "Department" means the state department of social and health services.

(2) "Medical provider" means an institution, agency or individual who has a signed agreement with the department to furnish medical care and goods and/or services to recipients and who is eligible to receive payment from the department.

(3) "Sum certain" means a fixed amount of money due the department which will not change.

[Statutory Authority: RCW 74.08.090 and 74.09.290. 93-24-058 (Order 3674), § 388-41-010, filed 11/24/93, effective 12/25/93.]

**WAC 388-41-020 Audit dispute conference.** (1) A medical provider may dispute findings, identified in the draft audit report, to the office of nursing home/hospital audit (ONHHA) within forty-five days of receipt of the draft report. The medical provider's request shall include a statement specifying which portions of the draft audit are disputed. Unsubstantiated verbal information or instructions allegedly given by medical assistance administration (MAA) personnel to a provider will not be considered or disputed.

(2) At the providers request, the ONHHA shall hold a post audit conference after which a written decision regarding the disputed issues will be sent to all participating parties. Subsequent to the post audit conference and issuance of a written decision regarding the outcome, the ONHHA shall issue the final audit report.

(3) Except for nursing homes governed by WAC 388-96-904, when a dispute of audit findings continues, after ONHHA has issued the final report, the medical provider may submit a request for a second level dispute conference to the department, office of vendor services (OVS), contracts section.

(4) OVS-conducted dispute conference shall be informal and shall not be governed by the hearing procedure in the Administrative Procedure Act (chapter 34.05 RCW). The OVS-conducted resolution process shall:

(a) Constitute the final administrative remedy available under the contract; and

(b) Precede any action in a judicial or quasi-judicial tribunal.

(5) A medical provider's request for a second level final audit dispute conference shall:

(a) Be in writing;

(b) Be limited to disputed issues identified under subsection (1) of this section;

(c) State the provider's name, address, and core provider agreement number; and

(d) Be mailed to Office of Vendor Services, P. O. Box 45811, Olympia, Washington 98504, within thirty calendar days from the date the final audit report was received by the provider.

(6) Unless otherwise specified the department shall not consider a request for a final audit dispute conference which

does not meet the time period specified in subsection (5)(d) of this section.

(7) Following receipt of a request for a dispute conference, OVS shall, within ninety days:

(a) Determine when the dispute conference will be held; and

(b) Notify participants of the date and time of the conference.

(8) The department may grant the following extensions:

(a) ONHHA may grant extensions of time at their discretion if requested within the forty-five day period referenced under subsection (1) of this section;

(b) OVS may grant extensions of time at their discretion if requested within the thirty calendar days referenced under subsection (5)(d) of this section.

(9) ONHHA publication of a final audit report and identification of a sum certain due the department shall constitute the department's final audit position.

[Statutory Authority: RCW 74.08.090 and 74.09.290. 93-24-058 (Order 3674), § 388-41-020, filed 11/24/93, effective 12/25/93.]

## Chapter 388-43 WAC

### DEAF AND HARD OF HEARING SERVICES

#### WAC

388-43-001	Scope.
388-43-002	Regional centers.
388-43-003	Services.
388-43-005	Definitions.
388-43-010	Eligibility requirements.
388-43-020	Approval of application for initial device or request for replacement device.
388-43-030	Denial of initial application or request for replacement device.
388-43-040	Application renewal process.
388-43-050	Notice of approval or denial.
388-43-060	Review by department.
388-43-070	Distribution.
388-43-080	Training.
388-43-090	Ownership and liability.
388-43-100	TRS advisory committee appointment.
388-43-110	Telecommunications relay service.
388-43-120	Policies for transition.

**WAC 388-43-001 Scope.** (1) The office of deaf and hard of hearing services (ODHHS) within the department of social and health services (DSHS):

(a) Provides DSHS information relating to deaf, hard of hearing, and/or deaf-blind;

(b) Provides DSHS technical assistance regarding deafness;

(c) Provides DSHS training and workshops on deafness; and

(d) Assists DSHS in securing sign language interpreters services for DSHS deaf clients.

(2) ODHHS maintains and oversees the telecommunication access services (TDD relay and distribution program), and serves as administrator responsible for the DSHS advisory committee on deafness.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-001, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-002 Regional centers.** The office of deaf and hard of hearing services (ODHHS) shall contract with regional centers for the deaf and hard of hearing.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-002, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-003 Services.** (1) Within the available funds, contractors shall provide quality human services for a person who is deaf or hard of hearing.

(2) Within available funds, and as specified by contract, the department shall ensure the Washington regional service centers provide:

- (a) Information services relating to deafness services;
- (b) Coordination among private and public agencies, the office of deaf and hard of hearing services (ODHHS), regions, and the deaf community;
- (c) Training and consultative services to public and private agencies;
- (d) Advocacy for a deaf or hard of hearing client;
- (e) Assistance to a deaf or hard of hearing client in applying for and securing programs and services from DSHS;
- (f) Assistance and perform other duties relating to deafness as required by the contract; and
- (g) Share information among local deaf and hard of hearing organizations.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-003, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-005 Definitions.** The following definitions shall apply in this chapter, unless the context otherwise requires:

- (1) "Amplifier" means an electrical device for use with a telephone which amplifies the sounds being received during a telephone call or a telephone with built-in amplification.
- (2) "Applicant" means a person who applies for a teletypewriter (hereinafter TTY), amplifier, telebraille, large visual display, or signal device.
- (3) "Audiologist" means a person who has a masters or doctoral degree in audiology and a certificate of clinical competence in audiology from the American Speech, Hearing, and Language Association.
- (4) "Deaf" means a condition of severe or complete absence of auditory sensitivity where the primary effective receptive communication mode is visual or tactile, or both.
- (5) "Deaf-blind" means a hearing loss and a visual impairment that require use of a TTY to communicate effectively on the telephone, and may require a specific telecommunications device for a person with limited sight, as certified under WAC 388-43-010.
- (6) "Department" means the department of social and health services.
- (7) "Distribution center" means a facility under contract to DSHS services including but not limited to:
  - (a) Providing literature about TAS programs;
  - (b) Providing space for qualified trainers to instruct recipients in the use of telecommunications equipment;
  - (c) Point of contact for persons to communicate with ODHHS or TAS.

(8) "Federal poverty level guidelines" means the poverty level established by P.L. 97-35 § 52 (codified at 42 USC § 9747), § 673(2) (codified at 42 USC § 99202(2)) as amended; and the Poverty Income Guideline updated annually in the Federal Register.

(9) "Hard of hearing" means a condition of some absence of auditory sensitivity with residual hearing which may be sufficient to process linguistic information through audition with or without amplification under favorable listening conditions, or a condition of other auditory handicapping conditions.

(10) "Hearing disabled" means a hearing loss that requires use of either a TTY, telebraille, large visual display or an amplifier to communicate effectively on the telephone, and may require the use of a signal device to indicate when the telephone is ringing, as certified under WAC 388-43-010.

(11) "ODHHS" means the office of deaf and hard of hearing services, department of social and health services.

(12) "Official application date" means the date the department received the completed telecommunications equipment application form.

(13) "Qualified trainer" means a person knowledgeable about the appropriate use of TTYs, amplifiers, telebrailles, and/or signal devices, capable of instructing recipients with differing hearing and vision disabilities.

(14) "Recipient" means a person who or organization which has received a state-issued TTY, amplifier, telebraille, large visual display, or signal device.

(15) "School age" means a child five years to seventeen years of age.

(16) "Signal device" means a electronic device that alerts a hearing impaired or deaf-blind recipient of an incoming telephone call.

(17) "Speech disabled" means a speech disability that requires the use of a TTY to communicate effectively on the telephone.

(18) "TAS" means the telecommunications access service, governed by the office of deaf and hard of hearing services, department of social and health services.

(19) "Telebraille" means an electrical device for use with a telephone and TTY that utilizes a braille display to receive messages.

(20) "Telecommunications equipment/device" means amplifier, TTY, telebraille, large visual display, and signaling devices.

(21) "Telecommunications relay center" means a facility authorized by DSHS to provide telecommunications relay services.

(22) "Telecommunications relay service (TRS)" means a telephone service through facilities equipped with specialized equipment and staffed by communications assistants who relay conversations between people who use TTYs and people who use the general telephone network.

(23) "Teletypewriter (TTY)" means an electrical device for use with a telephone that utilizes a keyboard, acoustic coupler, and display screen to transmit and receive messages. Also known as "TDD" (telecommunications device for the deaf) or "TT" (text telephone).

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-005, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-010 Eligibility requirements.** (1) An eligible applicant shall:

- (a) Be hearing or speech disabled or deaf-blind; and
- (b) Be resident of Washington state; and
- (c) Be at least school age as defined under WAC 388-43-005(15); and
- (d) Meet total annual family income and family size requirements as set forth under section 020 of this chapter.

(2) An eligible applicant shall be certified in writing as hearing disabled, speech disabled, or deaf-blind by one of the following:

- (a) A person licensed to practice medicine in the state of Washington;
- (b) An audiologist in Washington as specified under WAC 388-43-005;
- (c) A vocational rehabilitation counselor in a local division of vocational rehabilitation office;
- (d) A deaf specialist or coordinator at one of the community service centers for the deaf and hard of hearing in the state.
- (e) A deaf-blind specialist or coordinator at Helen Keller regional office, Washington deaf-blind service center, or eye specialist; or
- (f) A certified speech pathologist practicing in the state of Washington.

(3) TAS may require additional documentation to determine if the applicant meets the eligibility requirements under sections 010 and 020 of this chapter.

(4) At the time an applicant applies for equipment, the applicant shall provide the department information on family income and family size.

(5) At the time an applicant applies for equipment, the department shall notify the applicant of the legal consequences if the applicant provides false information.

(6) The department shall ensure an eligible organization meets the following criteria:

- (a) The organization must provide a copy of the certificate of incorporation as a nonprofit organization and its bylaws, to indicate that the intent of the organization is to represent the hearing or speech disabled or deaf-blind persons statewide;
- (b) The organization must have represented hearing or speech disabled or deaf-blind persons statewide in the last three years; and
- (c) The organization must have a telephone number which is either listed or available through statewide publicity for the hearing disabled.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-010, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-020 Approval of application for initial device or request for replacement device.** (1) An applicant shall fill out an:

- (a) Application form; and
  - (b) Declaration of income statement.
- (2) If the department determines an applicant is eligible, TAS shall approve the application except as provided under WAC 388-43-030 (1)(a) or (b).
- (3) An eligible applicant's reported total family income and family size described under this subsection shall determine the applicant's level of financial responsibility in

obtaining the equipment under the following federal poverty guidelines:

(a) Federal Poverty Level (Annual Income)

Family Size	100%	166%	177%	189%	200%
1	6,970.0	11,570.2	12,336.9	13,173.3	13,940.0
2	9,430.0	15,653.8	16,691.1	17,822.7	18,860.0
3	11,890.0	19,737.4	21,045.3	22,472.1	23,780.0
4	13,450.0	23,821.0	25,399.5	27,121.5	28,700.0
5	16,810.0	27,904.6	29,753.7	31,770.9	33,620.0
6	19,270.0	31,988.2	34,107.9	36,420.3	38,540.0
7	21,730.0	36,071.8	38,462.1	41,069.7	43,460.0
8	24,190.0	40,155.4	42,816.3	45,719.1	48,380.0
*9	26,650.0	44,239.0	47,170.5	50,368.5	53,300.0
*10	29,110.0	48,322.6	51,524.7	55,017.9	58,220.0
*11	31,570.0	52,406.2	55,878.9	59,667.3	63,140.0
*12	34,030.0	56,489.8	60,233.1	64,316.7	68,060.0

\* More than 8 = Add \$2,460.00 for each additional person

(b) Sliding Scale of Participation  
(Percent of equipment cost applicant is required to pay)

Percent of Federal Poverty Level	Client Pays Percent of Equipment Cost
0 - 165	0
166 - 176	25
177 - 188	50
189 - 199	75
200 and above	100

(4) A recipient of equipment shall own the equipment, with the exception of a telebraille and tactile signalling device, if the department distributed the equipment before May 15, 1993. When a telecommunications device distributed before May 15, 1993 breaks after warranty has expired, the recipient shall renew his or her application for equipment as an original applicant as described under this chapter.

(5) The department shall provide an eligible recipient initial or replacement equipment based on the availability of equipment and/or funds.

(6)(a) Family size is an individual or an individual and the individual's spouse, if not legally separated, and the individual's dependents;

(b) Dependent means a relative who depends on the family income for at least half of their support.

(7) Income includes, but is not limited to:

- (a) Earned income, such as wages and tips;
- (b) Unearned income, such as interest, dividends, and pensions;

(c) Family's share of income from S corporations<sup>1</sup>, partnerships, estates, and trusts;

(d) Gains from the sale or exchange (including barter) of real estate, securities, coins, gold, silver, gems, or other property;

(e) Gain from the sale or exchange of the family's main home;

(f) Accumulation distributions from trusts;

(g) Original issue discount, distribution from SEPs<sup>2</sup> and DEC's<sup>3</sup>;

(h) Amounts received in place of wages from accident and health plans if the employer paid for the policy;

(i) Bartering income;

(j) Tier 2 and supplemental annuities under the Railroad Retirement Act;

(k) Life insurance proceeds from a policy the family cashed in if the proceeds are more than the premiums paid;



- (l) Endowments;
- (m) Lump-sum distribution;
- (n) Prizes and awards;
- (o) Gambling winnings;
- (p) Social Security;
- (q) Capital gains;
- (r) Child support received.

<sup>1</sup> An S corporation is a domestic corporation with one class of stock having 35 or less shareholders who are US citizens.

<sup>2</sup> An SEP is a Simplified Employee Pension.

<sup>3</sup> A DEC is a deductible Employee Contribution.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-020, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-030 Denial of initial application or request for replacement device.** (1) Denial of initial application. TAS shall deny an original application for a TTY, amplifier, telebraille, large visual display, or signal device if an applicant:

(a) Does not meet the eligibility requirements of WAC 388-43-010; or

(b) Has already been issued a similar device from TAS.

(2) Denial of replacement request. TAS shall deny a request for replacement of a TTY, amplifier, telebraille, large visual display, or signal device if the recipient:

(a) Reported a family income of one hundred sixty-five percent and above on the federal poverty level; or

(b) Subjected a previously issued device, either through negligence or intent, to abuse, misuse, unauthorized repair, or other negligent or intentional conduct which resulted in damage to the equipment; or

(c) Failed to file with the police a report of stolen equipment within fifteen working days of discovering the theft; or

(d) Failed to file with the police or the fire department a report of fire having damaged the equipment within fifteen working days of the incident of the fire; or

(e) Lost the equipment; or

(f) Failed to obtain approval from the department before moving or traveling out of state with state-loaned equipment.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-030, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-040 Application renewal process.** (1)

An applicant may renew application for telecommunications equipment when two years have elapsed since the initial distribution or when the equipment breaks, whichever comes later.

(2) When either two years have elapsed since initial distribution or the equipment breaks, the applicant shall:

(a) Complete a new application including recent information on total annual family income and family size.

(b) Undergo the same procedures as first-time applicants.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-040, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-050 Notice of approval or denial.** (1)

Approved applications. When an original application has been approved, TAS shall inform the applicant in writing of:

(a) The official date the department received the applicant's completed application form;

(b) The time line by which a qualified trainer will contact the applicant.

(2) A qualified trainer shall notify the eligible applicant:

(a) That the applicant was approved to receive a TTY, amplifier, telebraille, large visual display, or signal device; and

(b) To arrange for training and distribution.

(3) Denied applications. If the department denies an original application, TAS shall inform the applicant in writing of:

(a) The official date the applicant's completed application form was received by the department;

(b) The reasons for the denial; and

(c) Any applicable procedures for appeal, as well as the circumstances under which the applicant may re-apply.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-050, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-060 Review by department.** (1) An

applicant or recipient, whose application for an original or replacement device governed under this chapter has been denied, may request the department to review this decision. The applicant or recipient shall:

(a) Submit this request in writing to TAS specifying the basis for the request; and

(b) Ensure TAS receives this request within thirty days of the receipt of the denial notice.

(2) Within thirty days after TAS has received the request for review by ODHHS, the department shall inform the applicant or recipient in writing of the disposition of the request.

(3) If the applicant or recipient disagrees with the decision by the department, the applicant or recipient may appeal as described under chapters 10-08 and 388-08 WAC.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-060, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-070 Distribution.** (1) The department

shall issue personal service contracts to qualified persons or agencies to act as qualified trainers. The department shall ensure reasonable accessibility to such training for a person with a hearing or speech disability or for a person who is deaf-blind.

(2) A qualified trainer shall have various responsibilities, which include, but are not limited to:

(a) Conducting individual and group training for the applicants in the use of the equipment;

(b) Conducting individual and group training for the applicants in the use of the telecommunications relay service;

(c) Requiring all recipients, legal guardians, or legal custodians to sign:

(i) A conditions of acceptance form for state-owned equipment; or

(ii) A statement of rights and responsibilities for client-owned equipment.

(d) Distributing TTYs, amplifiers, telebrailles, large visual displays, and signal devices to applicants; and

(e) Submitting monthly reports and billing as required by TAS.

(3) In the use of any devices distributed under this chapter, neither the TAS nor the contracted qualified trainers shall provide:

- (a) Replacement batteries for any telecommunications equipment;
- (b) Replacement paper for TTYs;
- (c) Replacement light bulbs for signal devices;
- (d) Payment of the recipient's telephone bill; or
- (e) Any other extraneous cost incurred by the recipient.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-070, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-080 Training.** (1) The qualified trainers shall provide training on proper equipment use and care to all recipients, legal guardians, or legal custodians.

(2) The qualified trainers shall be responsible for determining the training needs of the recipients and the time and length of training that would be most appropriate.

(3) The department shall not issue a device until an applicant has demonstrated ability to properly utilize all equipment issued to the applicant. The department may waive this requirement through a written release in which the applicant attests that the applicant has the ability to properly utilize all equipment issued to the applicant.

(4) If the applicant is seventeen years of age or younger, the applicant's legal guardian or legal custodian shall attend the training on appropriate equipment use and care.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-080, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-090 Ownership and liability.** (1) The department shall provide TTYs, amplifiers, telebrailles, large visual displays, and signal devices to a person eligible under subsection (1)(a), (b), and (c) of this section at no charge in addition to the basic exchange rate if:

(a) The person is eligible for participation in the Washington telephone assistance program under RCW 80.36.470;

(b) The person's annual family income is equal to or less than one hundred sixty-five percent of the federal poverty level; or

(c) The person is a child five years to seventeen years of age whose parent or guardian has a family income less than or equal to two hundred percent of the federal poverty level.

(2) After determining the person may be eligible to receive the telecommunications equipment at no charge, the department shall:

(a) Loan the equipment as needed by the applicant; and

(b) Ensure the applicant understands that the equipment remains the sole property of the state of Washington.

(3) A recipient, the recipient's legal guardian, or the recipient's legal custodian shall return a state-loaned TTY and/or other device to the TAS or appropriate distribution center when the recipient:

(a) Moves from a permanent Washington residence to a location outside of Washington;

(b) Does not have need of the state-loaned telecommunications device; or

(c) Has been notified by TAS to return the device.

(4) A recipient, the recipient's legal guardian, or the recipient's legal custodian shall be liable for any damage to or loss of any device issued under this chapter.

(5) TAS may deny a replacement request if a previously issued device:

(a) Was neglected, abused, misused, or abused through unintentional conduct causing damage;

(b) Was not reported as stolen or burned to either police or fire department within fifteen working days; or

(c) Was lost.

(6) TAS shall establish policies for the sale or salvage of any device returned and not appropriate for reassignment.

(7) A person shall not remove a state-owned TTY, amplifier, telebraille, large visual display, or other signal device from the state of Washington for a period longer than ninety days without the written permission of TAS.

(8) TAS may grant permission to remove a state-owned TTY, amplifier, telebraille, large visual display, or signal device from the state for more than ninety days after determining it is in the best interest of the recipient and the department.

(9) A person eligible under subsection (1)(b) of this section with a family income greater than one hundred sixty-five percent and less than or equal to two hundred percent of the federal poverty level shall be assessed a charge for the cost of TTYs, amplifiers, telebrailles, large visual displays, and signal devices based on a sliding scale of charges established under WAC 388-43-020 (2)(a) and (b).

(10) The department shall determine all TTYs, amplifiers, telebrailles, large displays, and signal devices under chapter 304, Laws of 1987, for which the recipient paid all or part of the equipment's cost to be the sole property of the recipient. The department shall determine the level of financial responsibility toward the purchase of the equipment by the federal poverty level guidelines as described under WAC 388-43-020 (2)(a) and (b).

(11) The department shall provide an eligible recipient a two-year warranty on equipment valued at four hundred dollars or more.

(12) Limiting the number of TTYs per household. The department shall consider that the telecommunications equipment needs of all household members have been met when one TTY has been issued to that household, unless exceptional circumstances are defined and approved by the department.

(13) The department shall receive payment before an eligible recipient receives a TTY, amplifier, telebraille, large visual display, or a signal device.

(14) A recipient shall sign and agree to warranty requirements on a TTY, telebraille, or large visual display at the time the recipient purchases this equipment.

(15) A recipient shall not receive a financial refund for the return of a TTY, amplifier, telebraille, large visual display, or signal device unless:

(a) The equipment is returned to the TAS office within thirty days after it was received by the client; and

(b) The equipment is clean, in good condition and in its original packaging.

(16) The department shall charge a person, eligible under subsection (1)(b) of this section whose income exceeds two hundred percent of the federal poverty level, the entire

cost to the department of purchasing the equipment provided to that person.

(17) The department may waive part or all of the charges assessed under sections 010 and 020 if the department finds that:

(a) The eligible person requires telebraille equipment or other equipment of similar cost; or

(b) The charges normally assessed for the equipment under this subsection would create an exceptional or undue hardship on the eligible person.

(18) The department may determine certification of family income by the eligible person, the person's guardian, or head of household as sufficient to determine eligibility.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-090, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-100 TRS advisory committee appointment.** (1) The office of ODHHS and TAS shall select members for the TRS advisory committee per current DSHS procedures as mandated by the department's division of legislative and community relations. The TRS advisory committee shall include representation from:

(a) Major statewide organizations representing persons with hearing or speech disabilities;

(b) Organizations for persons with hearing or speech disabilities located in areas of the state with high populations of such persons;

(c) Organizations that reflect the different geographic regions of the state;

(d) The department;

(e) The Washington utilities and transportation commission;

(f) Local telephone exchange companies; and

(g) Agencies providing services to persons with hearing or speech disabilities, provided the persons are not employees or board members of an organization or agency under contract with ODHHS or TAS.

(2) The committee's voting members shall consist of thirteen persons or less.

(3) A member's term of office on the committee shall be two years with the possibility of re-appointment for the second term.

(4) Members as described under subsection (1) of this section shall have voting rights. Technical advisors to the committee shall serve as ex-officio members.

(5) The committee shall determine the appointment of the chairperson for that committee by vote of the membership.

(6) The committee shall submit reports four or more times per year to the administrators and operators of the TRS statewide relay service. The committee shall:

(a) Report on the extent to which the relay system is meeting the needs of disabled citizens in the state; and

(b) Include program elements that are successful, program elements in need of improvement, and any recommendations from the committee.

(7) The committee shall establish eligibility criteria for statewide organizations representing persons with hearing or speech disabilities in obtaining telecommunications devices under RCW 43.20A.725(1). In order to apply for equipment through the department, the organization shall be represent-

ing persons who are hearing or speech disabled and/or deaf-blind. The committee shall decide in which offices the equipment shall be installed if an organization has more than one office.

(8) The committee shall provide consultation to the department on the activities and money spent by the department for the TAS program.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-100, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-110 Telecommunications relay service.** The department shall award contracts for the operation and maintenance of the statewide telecommunications relay service.

[Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. 94-02-042 (Order 3691), § 388-43-110, filed 12/30/93, effective 1/30/94.]

**WAC 388-43-120 Policies for transition.** (1) A person issued telecommunications equipment from telecommunications access service (TAS) at or before November 15, 1993, shall become the owner of the equipment. TAS shall be absolved of all responsibility for replacement or repair of equipment issued at or before November 15, 1993. An owner issued equipment at or before November 15, 1993, shall be responsible for equipment repairs.

(2) A person issued telecommunications equipment at or before November 15, 1991, who still has the equipment and the equipment breaks shall re-apply for new telecommunications equipment under chapter 388-43 WAC.

(3) A person issued telecommunications equipment from 1988 through November 15, 1993, exchanged for reconditioned equipment at or before November 15, 1993, and who has exchanged equipment an average of less than once per year over the period of issue shall re-apply under chapter 388-43 WAC.

(4) A person with a history of exchanging equipment an average of one or more times per year since the original issue shall wait two years before re-applying for new equipment. If such person received reconditioned equipment, refer to subsection (5) of this section.

(5) A person with no history of damaged equipment and less than one equipment exchange per year who was issued reconditioned equipment in 1993 which has a technical malfunction may apply for new equipment under chapter 388-43 WAC.

(6) The department shall allow a person to apply for equipment under chapter 388-43 WAC who:

(a) Has not previously applied for equipment from TAS; and

(b) Meets the eligibility requirements of WAC 388-43-010 of this chapter.

(7) The department shall allow a person to re-apply for new equipment who:

(a) Received equipment from TAS more than two years ago; and

(b) Has lost contact with the TAS office.

(8) The department shall not allow a person who has lost contact with the TAS office and has had TAS equipment for less than two years to re-apply until two years after the last date the person received new equipment.

(9) There may be a person wishing to re-apply whose situation does not fit subsections (1) through (8) of this section. In such instances, the TAS office and office of deaf and hard of hearing services (ODHHS) shall make determination on a case-by-case basis. TAS and ODHHS shall use the following guidelines to determine when a person may re-apply:

- (a) Length of time the person had TAS equipment;
- (b) Person's history of taking care of equipment;
- (c) Person's history of exchanging equipment; and
- (d) Person's contact with the TAS office to advise of address and/or status changes.

[Statutory Authority: RCW 43.20A.725. 94-04-037 (Order 3700), § 388-43-120, filed 1/26/94, effective 2/26/94.]

**Chapter 388-46 WAC**

**RECIPIENT FRAUD—REFERRAL TO PROSECUTOR**

**WAC**

- 388-46-010 Fraud—Criminal prosecution.
- 388-46-100 Fraud—Federal food coupons and commodities.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 388-46-020 State office investigative units. [Regulation 17.20, filed 1/24/64.] Repealed by Order 540, filed 3/31/71, effective 5/1/71.
- 388-46-030 Methods of handling suspected fraud cases—Investigative unit help not required. [Regulation 17.31, filed 1/24/64.] Repealed by Order 540, filed 3/31/71, effective 5/1/71.
- 388-46-040 Methods of handling suspected fraud case—Investigative unit help needed. [Regulation 17.32, filed 1/24/64.] Repealed by Order 540, filed 3/31/71, effective 5/1/71.
- 388-46-050 Fraud—Referral to prosecutor. [Order 540, § 388-46-050, filed 3/31/71, effective 5/1/71; Regulation 17.40, filed 1/24/64.] Repealed by Order 801, filed 5/25/73.
- 388-46-060 Register of suspected fraud cases. [Regulation 17.50, filed 1/24/64.] Repealed by Order 540, filed 3/31/71, effective 5/1/71.
- 388-46-070 Complaints. [Regulation 17.60, filed 1/24/64.] Repealed by Order 540, filed 3/31/71, effective 5/1/71.
- 388-46-080 Case reading by investigative unit administrative assistant. [Regulation 17.70, filed 1/24/64.] Repealed by Order 540, filed 3/31/71, effective 5/1/71.
- 388-46-090 Fraud—Restitution of overpayment. [Order 540, § 388-46-090, filed 3/31/71, effective 5/1/71; Regulation 17.80, filed 1/24/64.] Repealed by Order 801, filed 5/25/73.

**WAC 388-46-010 Fraud—Criminal prosecution.**

(1) The department has a duty to refer all cases in which it has found substantial evidence supporting a finding of fraud to the county prosecuting attorney for possible criminal action. Prima facie evidence does not in itself provide a substantial basis for criminal prosecution.

(2) See WAC 388-44-020 for the definition of fraud and the department's responsibilities regarding investigations of suspected fraud.

(3) It is the county prosecuting attorney's responsibility to decide which cases he will prosecute. It is the responsibility of the department to establish a working relationship with the prosecutor and to refer to the prosecutor only those cases which are well-prepared and in keeping with the guidelines provided by the prosecutor.

[Order 801, § 388-46-010, filed 5/25/73; Order 540, § 388-46-010, filed 3/31/71, effective 5/1/71; Regulation 17.10, filed 1/24/64.]

**WAC 388-46-100 Fraud—Federal food coupons and commodities.** Chapter 388-46 WAC shall apply to those cases in which the department has found substantial evidence indicating fraudulent receipt of federal food coupons or commodities.

[Order 801, § 388-46-100, filed 5/25/73; Order 540, § 388-46-100, filed 3/31/71, effective 5/1/71; Regulation 17.90, filed 1/24/64.]

**Chapter 388-47 WAC**

**JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM**

**WAC**

- 388-47-010 Job opportunities and basic skills training program (JOBS)—Authority and purpose.
- 388-47-020 JOBS program—Definitions.
- 388-47-030 Assessment.
- 388-47-050 Employability plan.
- 388-47-070 JOBS program—Priority of services.
- 388-47-100 JOBS program—Participation requirements and exemptions.
- 388-47-105 JOBS program—Required notices.
- 388-47-107 Notice of employability plan decisions.
- 388-47-110 JOBS program—Education participation.
- 388-47-115 Funding approval of education and JOBS components.
- 388-47-120 JOBS program—Other education and training.
- 388-47-125 JOBS program—Community work experience program.
- 388-47-127 JOBS program—Work experience.
- 388-47-130 JOBS program readiness training—Job readiness training—Intensive job search.
- 388-47-135 JOBS program—On-the-job training.
- 388-47-140 JOBS program—Work supplementation program.
- 388-47-200 JOBS program—Good cause for refusal or failure to participate.
- 388-47-210 JOBS program—Sanctions for refusal or failure to participate.
- 388-47-215 JOBS program—Complaints and grievances.
- 388-47-220 JOBS program—Conciliation and fair hearings.
- 388-47-300 Indian tribal JOBS programs.

**WAC 388-47-010 Job opportunities and basic skills training program (JOBS)—Authority and purpose.** (1)

The job opportunities and basic skills training program (JOBS) is established under P.L. 100-485, as amended, 102 Stat. 2343, amending Title IV of the Social Security Act and establishing Title IV-F. The short title is the Family Support Act of 1988. Federal regulations for the JOBS program are described under Part 45, Code of Federal Regulations, Section 250.

(2) The purpose of the JOBS program is to:

(a) Encourage and assist needy children and parents, applying for or receiving assistance under the aid to families with dependent children (AFDC) program, to become economically independent through employment and training; and

(b) Obtain the education, training, and employment needed avoiding long-term welfare dependence.

(3) The department is the Title IV-A and Title IV-F agency, and has sole authority to carry out the JOBS program.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-010, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-020 JOBS program—Definitions.**

Except as specified in this chapter, the terms used in chapter 388-47 WAC shall have the same meaning applied to the AFDC program, and as terms defined under chapter 388-22 WAC.

(1) "Basic literacy level" means a minimum literacy level allowing a person to function at a level equivalent to grade 8.9.

(2) "Component" means any of the services or activities available under the JOBS program.

(3) "Contractor" means the employment security department.

(4) "CWEP" means the community work experience program.

(5) "Department" means the department of social and health services.

(6) "Education and training" means an activity below the post secondary level the contractor determines appropriate to a participant's employment goal. Education and training includes, but is not limited to:

(a) High school education or education designed preparing a person to qualify for a high school equivalency certificate;

(b) Basic and remedial education providing a person with a basic literacy level; and

(c) Education in English proficiency enabling a participant to understand, speak, read, or write the English language commensurate with the participant's employment goal.

(7) "Employability plan" means a written plan with any relevant supporting documents the contractor and a JOBS participant enters into and is designed to lead to economic self-sufficiency.

(8) "Intensive job search" means an active, directed, documented effort to secure employment. This activity may be a group or an individual search.

(9) "Job readiness training" means training activities that help prepare participants for work by assuring that participants are familiar with general work place expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market.

(10) "Job skills training" means vocational training for a JOBS participant in technical job skills for a specific occupational area.

(11) "Satisfactory progress in secondary and post-secondary education." There are two measures of satisfactory progress:

(a) Qualitative which means a grade point average sufficient to graduate; and

(b) Quantitative which means taking sufficient credit hours to be in full-time status as established by the institution, except that it shall be determined that satisfactory progress is being accomplished when the following mitigating circumstances exist:

(i) When school is coupled with another component;

(ii) School is coupled with work study, study hall, internship, or other activity approved in the employability plan;

(iii) Course work is only available for a lesser number of hours; or

(iv) When the course of study is available only at less hours.

(12) "On-the-job training" means job training in partially subsidized employment intended to develop into a full-time unsubsidized job.

(13) "Participant" means an applicant or recipient of AFDC volunteering for or required to engage in, JOBS program activities and is so engaged.

(14) "Post-secondary education" means education and training beyond high school. Post-secondary education must be provided by:

(a) An institution of higher education defined under section 1210(a) or section 481 (a)(b) or (c) of the Higher Education Act of 1965, as amended; or

(b) A vocational school meeting the provisions of section 435 (b) or (c) of the Higher Education Act of 1965, as amended; or

(c) A public institution the state legally authorizes to provide such a program within the state.

(15) "Self-initiated training" means education and training or post-secondary education a potential JOBS participant initiates before participation in a JOBS program.

(16) "Work experience" means a training assignment where a participant is placed in nonsalaried work with a public or private non-profit organization.

(17) "Work supplementation program" means an on-the-job training program subsidized by AFDC grant funds leading to a full-time unsubsidized job.

(18) "Little or no work experience" means, for purposes of defining membership in a target group, having less than either of the following within the last year:

(a) Three consecutive months of full-time paid employment;

(b) Six months of paid employment of at least seventy-five hours per month.

[Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-020, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-030 Assessment.** (1) The assessment is the first step in the process to help the person identify steps needed to achieve self-sufficiency. Assessment is a joint process conducted with the participant which to the maximum extent possible will identify and respond to the person's support service needs, educational, training and occupational skills, aptitudes and preferences.

(2) Assessment will be conducted for all persons within a reasonable time period prior to participation in any JOBS component.

(3) Initial assessment will be conducted by the department and will include appraisal of a person's needs for social services enabling participation in a JOBS component including but not limited to:

(a) Child care;

(b) Transportation requirements;

(c) Physical health;

(d) Legal problems;

(e) Family problems; and

(f) Other factors perceived to require social services intervention prior to participation in a JOBS component.

(4) Employability assessment will be conducted by the contractor and will follow the initial assessment and will include, but is not limited to, appraisal of the person's:

(a) Proficiencies, skills, deficiencies, prior work experience, interests and desires;

(b) Educational and supportive service needs; and

(c) Literacy level and English language proficiency.

(d) Testing services will be available for aptitude, literacy, interest and educational achievement. Testing tools used will be those generally accepted in the academic or employment and training industry.

(5) Completion of the assessment process will provide the information needed on which to base an employability plan.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-030, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-050 Employability plan.** (1) The employability plan will be developed jointly with the participant within a reasonable time period from the date the participant volunteers for JOBS employment and training services. To the maximum extent possible an employability plan will identify and respond to the participant's support service needs, educational, training and occupational skills, aptitudes and preferences. An employability plan shall include, but not be limited to:

(a) An employment goal;

(b) Necessary supportive services to enable JOBS participation;

(c) JOBS activities and components to be undertaken; and

(d) Labor market information related to the identified goal including:

(i) Average wage for the goal occupation.

(ii) Wage needed for economic self sufficiency for the participant.

(2) The plan will identify components necessary to achieve self sufficiency when a goal has been specified.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-050, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-070 JOBS program—Priority of services.** A person's participation in JOBS activities shall be in accordance with the priorities of service set forth in this section and based on criteria for approval of participation in individual JOBS components. The department shall require nonexempt parents under twenty-four years of age to actively participate in orientation, assessment, and either education, vocational training, or employment programs. The department shall require one or more parents in the aid to families with dependent children employable program to actively participate in orientation, assessment, and either job search education, training, or employment.

(1) The contractor shall give first priority for JOBS activity participation to target group volunteers. Target groups include:

(a) An AFDC recipient and applicant who received AFDC assistance for thirty-six or more of the preceding sixty months;

(b) A custodial parent under twenty-four years of age who did not complete high school and is not enrolled in high school, or a high school equivalent, at the time of application;

(c) A custodial parent under twenty-four years of age having little or no work experience in the preceding year; or

(d) A member of a family where the youngest child is within two years of ineligibility for AFDC because of age.

(2) The contractor shall give second priority for JOBS activity participation to other volunteers.

(3) The contractor shall give third priority for JOBS activity participation to nonexempt persons in a target group who do not volunteer.

(4) The contractor shall give fourth priority for JOBS activity participation to other nonexempt persons who do not volunteer.

(5) An AFDC applicant or recipient may volunteer for one or more JOBS components.

[Statutory Authority: RCW 74.25.020. 92-18-022 (Order 3442), § 388-47-070, filed 8/25/92, effective 9/25/92. Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-070, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-100 JOBS program—Participation requirements and exemptions.** (1) Applicants for, and recipients of, AFDC shall participate in JOBS activities including orientation, assessment, and employability development planning as a condition of eligibility for receipt of AFDC benefits, provided:

(a) All volunteers statewide for JOBS activities have been served or have been offered substantive JOBS program participation;

(b) There is a JOBS program administered in the community services office in the area the applicant or recipient resides; and

(c) The department guarantees child care and other support services necessary for participation in JOBS activities for approved plans and in accordance with the approved plan.

(2) A person shall be considered exempt and shall not be required to participate in JOBS if the person is:

(a) A child under sixteen years of age or under eighteen years of age attending full time elementary, secondary, vocational, or technical school;

(b) Ill, when the department determines on the basis of medical evidence or other sound basis, the illness or injury is serious enough to temporarily prevent entry into employment or training;

(c) Incapacitated, when the department verifies a physical or mental impairment, a physician or licensed or certified psychologist determines the incapacitation prevents the individual from engaging in employment or training under JOBS. This may include a period of recuperation after childbirth if prescribed by a physician;

(d) Sixty years of age or older;

(e) Residing in a location remote from a JOBS services site:

(i) A location is remote when a person must spend two hours or more round trip by reasonably available public or private transportation, exclusive of time necessary to transport a child to and from a child care facility; however

(ii) When normal round-trip commuting time in the area is two hours or more, the round-trip commuting time shall not exceed the accepted community standards.

(f) Needed in the home to care for another ill or incapacitated household member, as a physician or a licensed

or certified psychologist determines, and no other appropriate member of the household is available to provide the needed care;

(g) Working thirty or more hours a week;

(h) In the last six months of pregnancy, as medically verified beginning with the month following the month of required participation;

(i) The parent or other caretaker relative of a child two years of age or younger and personally providing care for the child; or

(j) The parent or other caretaker relative personally providing care for a child five years of age or younger unless the department assures:

(i) Child care is guaranteed; and

(ii) Participation in JOBS is not required for more than twenty hours per week.

(A) Only one parent or other caretaker relative in a case may be exempt under WAC 388-47-100 (2)(i).

(B) When a family is eligible for AFDC by reason of the unemployment of the parent who is the principal earner, only one parent may be exempt under WAC 388-47-100 (2)(i).

(k) A full-time volunteer serving under the Volunteers In Service to America (VISTA), under Title I of the Domestic Volunteer Service Act of 1973.

(3) The department shall:

(a) Reevaluate an exemption when the condition is expected to terminate, but no less frequently than at the redetermination of AFDC eligibility; and

(b) Promptly notify the recipient and appropriate service providers of a change in the recipient's exemption status.

(4) An applicant or recipient, claiming exemption from JOBS participation requirements, shall be considered exempt until the department determines the status.

(5) Indian tribes operating a tribal JOBS program shall determine exemption and participation requirements of their tribal members applying for or receiving AFDC.

(6) An applicant or recipient of AFDC shall not be required to participate in the JOBS program until notified by the department or the tribal entity operating a tribal JOBS program.

(7) When a qualifying parent in an AFDC-E family refuses or fails without good cause to participate in the JOBS program as required, the second parent shall be required to participate.

[Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-100, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-105 JOBS program—Required notices.** (1) The department shall at the time of application or redetermination inform AFDC applicants and recipients, in writing and orally, of the availability of JOBS program activities and supportive services they are eligible for, and agency and participant responsibilities, including:

(a) Education, employment and training;

(b) Supportive services including, but not limited to, informing of available child care options, how to select, obtain and assist in obtaining appropriate child care, child care during participation, transitional child care, transitional health care, transportation and other work-related services;

(c) The rights, responsibilities, and obligations of participants, including but not limited to:

(i) Grounds for exemption from participation;

(ii) Consequences for refusing or failing to participate, including the effect on volunteers; and

(iii) Requirement that the second parent in an AFDC-E family participate in JOBS if the qualifying parent is required to participate and fails or refuses to do without good cause, and consequences for failure of the second parent to so participate.

(d) The types and locations of child care services reasonably accessible to participants; and

(e) The obligation of the department to provide services to participants under this section.

(2) The department shall provide written notice to applicants and recipients of AFDC of the opportunity to participate in JOBS:

(a) Within one month of the determination of eligibility for AFDC; and

(b) Provide a clear description of how to enter the JOBS program.

[Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-105, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-107 Notice of employability plan decisions.** (1) Participants shall be notified in writing of decisions regarding the denial of employability plan activities including intentions to terminate services to support a plan. Such notification shall include:

(a) Activities denied;

(b) Specific reasons for each denial; and

(c) Amount of funds, level or other services denied.

(2) Participants shall be notified within ten days of the decision of denial.

(3) Participants shall be informed in the written notice of their right to appeal any part of the decision.

[Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-107, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-110 JOBS program—Education participation.** (1) The department will encourage a custodial parent to engage in an educational activity designed to achieve a high school education or qualify for a high school equivalency certificate when the custodial parent is not yet twenty years of age, has not completed a high school education or its equivalent, and is not otherwise exempt from participation.

(a) For purposes of subsection (1) of this section, custodial parent means the parent living with the child, including custodial parents exempt because of the youngest child's age.

(b) The contractor will encourage the custodial parent's full-time participation, as defined by the educational provider, in educational activities directed toward the attainment of a high school diploma or its equivalent. This includes a person who may be exempt because of the youngest child's age.

(c) The contractor may exclude a seventeen years of age or younger custodial parent from this provision providing any of the following exist:

(i) The determination is based upon an individual assessment, and does not rely solely on grade completion; or

(ii) The person is participating in another activity which will lead to self-sufficiency; or

(iii) The school or training institution refuses to admit the participant and alternative resources are not available; or

(iv) Provision is made for the individual to engage in an educational activity, or in skills training combined with education.

(d) The contractor will encourage a custodial parent eighteen or nineteen years of age to participate in training or work activities, subject to the twenty hour limit in WAC 388-47-100 (2)(j)(ii), instead of educational activities required in subsection (1) of this section if one of the following conditions is met:

(i) The parent fails to make good progress in the educational activity; or

(ii) The contractor determines, based on an educational assessment and the employment goal, participation in educational activities is inappropriate for the parent. Such determination must occur before an educational activity assignment and must be based on an employment goal described in the employability plan.

(2) The contractor will encourage full-time participation, as defined by the educational provider, in educational activities directed toward the attainment of a high school diploma or its equivalent for a person twenty years of age or older, not having a high school diploma or the equivalent, and not otherwise exempt from JOBS participation.

(3) The contractor will encourage educational activities as one component in a JOBS participant's employability plan, in accordance with the priorities in WAC 388-47-070.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-110, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-115 Funding approval of education and JOBS components.** (1) For the purpose of plan approval initial approving authority begins with the employment security department. The department of social and health services shall:

(a) Review approved plans within thirty calendar days of initial approval.

(b) Review disapproved plans within ten calendar days of denial.

(c) Review if the plan clearly violates department policy or whether the department has information which clearly indicates a concern with the plan.

(d) Joint agency administrative review will be conducted at the local level of any initial approval with which the department does not concur.

(2) The contractor shall fund approvable JOBS plan components in accordance with the following priorities:

(a) First priority shall be given to participants in an approved educational, training or employment plan whose JOBS or FIP plan is in process and is being re-authorized;

(b) Second priority shall be given to volunteers included in the target groups specified under WAC 388-47-070(1);

(c) Third priority shall be given to participants volunteering for basic education and job ready participants volunteering for intensive job search, on-the-job training or the work supplementation program;

(d) Fourth priority shall be given to all other recipients.

(3) Separate allocation may be established for each priority group.

(4) The contractor shall accept all employability plans approved under the family independence program (FIP) as approved under JOBS effective July 1, 1993.

(5) The contractor shall limit plan approval subject to the availability of funds and to a specific component.

(6) Funding approval for child care participants in a tribal JOBS program shall be subject to the provisions of this section.

(7) The contractor shall create a local obligational register. When funds have been exhausted for a priority group, a local waiting list shall be established. Ranking within each priority shall be on a first come first served basis using the date of request for participation in JOBS or FIP.

(8) If the funds appropriated for JOBS are available, the contractor shall approve the plan for the highest ranked person on the waiting list and obligate sufficient funds from the obligational register to cover the cost of:

(a) Training or education, component costs, child care, and support services necessary to complete the approved plan; or

(b) For participants in a tribal JOBS program, the cost of child care necessary to complete the approved plan.

(9) The contractor shall limit plan approval through the end of the state biennium. In obligating funds, the contractor shall obligate funds through the completion of the plan or the end of the biennium, whichever is earlier. Priority for subsequent years is established in subsection (2) of this section.

(10) The contractor's approval of a plan shall be by specific components. Requests to change to another component shall be subject to the availability of funds and other applicable criteria for component approval. If the contractor does not approve a change in components because of lack of funds, the contractor shall place the person on a waiting list.

(11) For self-initiated training that is approvable, the contractor will place the person on a local waiting list and if funds are available provide necessary child care and support services as provided in the approved plan. The contractor shall not pay for tuition, books, or other fees.

(12) A participant may choose to participate in training without child care and support services. For such persons, the contractor shall:

(a) Place the person on a local waiting list;

(b) Approve the plan subject to review of child care and support service needs when partial funds are available; and

(c) At such time as funds are available to fund the remainder of the plan offer support services.

(13) Participants shall utilize other funding sources such as Pell grants before JOBS funds are used. Plan approval shall be pended until grant or aid resources have been determined.

(14) Total JOBS costs shall not exceed the maximum of four thousand five hundred dollars per participant excluding child care.

[Statutory Authority: RCW 74.04.057. 93-12-060 (Order 3563), § 388-47-115, filed 5/27/93, effective 7/1/93. Statutory Authority: RCW 74.04.050. 92-12-045 (Order 3398), § 388-47-115, filed 5/29/92, effective 7/1/92; 91-02-092 (Order 3129), § 388-47-115, filed 12/31/90, effective 1/31/91.]



**WAC 388-47-120 JOBS program—Other education and training.** (1) Post secondary education is an appropriate plan for:

(a) Recipients who have completed high school and been tested for literacy; and

(b) Recipients who have demonstrated an aptitude for the education or training proposed; and

(c) Recipients whose long term goal requires substantial additional education and training.

(2) Post secondary education included in the employability plan shall be approved on a first come, first served basis within available funds. Plans denied for lack of funding will be placed on a waiting list.

(3) The contractor may approve post-secondary education included in the employability plan except when an assessment does not support the plan for any of the following reasons:

(a) The contractor is not allowed to approve education or training at a pervasively sectarian institution. A pervasively sectarian institution is defined by any of the following:

(i) Mandates chapel attendance; or

(ii) Requires prayer as a part of class attendance; or

(iii) Hires staff or faculty on the basis of religious affiliation.

(b) Objective indicators such as tests or prior high school completion determine the participant lacks the aptitude, skills, and abilities to complete the training;

(c) The participant possesses skills to support her family or to achieve self-sufficiency in the current local labor market;

(d) The occupational goal would not lead to self-sufficiency;

(e) Comparable training is available at lower cost to the JOBS program from another institution or employer;

(f) The participant does not meet the definition of satisfactory progress; or

(g) The component includes post-graduate education other than a teaching certificate.

(4) Participants may pursue post-secondary education which is not approved by the contractor. Such training may be approved by the JOBS program if sufficient progress toward self-sufficiency can be demonstrated.

(5) The contractor may terminate services in support of an approved activity if the participant does not maintain satisfactory progress as specified in the employability plan or does not participate in the educational or training activity.

(a) If support services are terminated an alternative plan shall be offered; and

(b) Termination of support services requires advance written notice;

(c) Eligibility for child care, transportation, and other support services shall be in accordance with applicable WAC;

(d) Participants shall have the right to appeal decisions made under this subsection through the fair hearings process.

(6) The contractor may approve self-initiated training subject to the same criteria as training developed as part of the employability plan process. The following conditions apply to the participant's self-initiated training:

(a) If the contractor approves self-initiated training or education, other JOBS activities may not be permitted to interfere with the approved education or training; and

(b) The JOBS program shall not pay the costs of tuition, books and fees for self-initiated training or education.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-120, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-125 JOBS program—Community work experience program.** An AFDC recipient may volunteer for the community work program (CWEP) component. CWEP is offered in the Mount Vernon and Wenatchee community services offices.

(1) CWEP may be an appropriate component for a participant who has:

(a) Achieved basic literacy and high school completion, or who has spent at least six months making an effort to achieve such completion; or

(b) Little or no recent work experience.

(2) Component approval will be based on a determination that:

(a) Component participation will assist the participant in achieving self-sufficiency;

(b) Component content is appropriate in order to access employment available, or projected to be available, in the local labor market;

(c) Participant can be reasonably expected to achieve completion of the component;

(d) Component is reasonable accessible within the local labor market; and

(e) Assignments to CWEP positions take into consideration the participant's prior training, proficiency, experience, skills, basic literacy, interests, and barriers to employment; and

(f) Component participation meets the conditions of funding in WAC 388-47-115.

(3) The contractor shall provide for coordination among CWEP and other JOBS component activities ensuring job placement has priority over participation in CWEP.

(4) A participant's CWEP component shall be limited to projects serving a useful public purpose in public or private nonprofit agencies.

(5) The maximum number of hours in a month a person is scheduled to work in a CWEP position is the number of hours resulting from dividing the family's AFDC monthly grant by the greater of:

(a) Federal minimum wage; or

(b) Applicable state minimum wage;

(c) The rate of pay for individuals employed in the same or similar occupation by the same employer at the same site.

(6) A person should not be assigned to a CWEP position for more than nine months and participation in this component may be for less than nine months.

(7) The maximum number of hours in a month a person may be required to participate in CWEP shall not exceed one hundred twenty-four hours.

(8) That portion of a recipient's aid the state is reimbursed by a child support collection except for the fifty dollars pass-through shall be excluded in determining the maximum number of hours worked.

(9) The contractor shall:

(a) Provide for a reassessment and revision, as appropriate, of the participant's employability plan after each six months of CWEP participation;

(b) Ensure CWEP positions do not fill established, unfilled position vacancies in the work site;

(c) Require appropriate standards of health, safety, and other reasonable conditions applicable to the work performance;

(d) Ensure a participant is not required to perform tasks in a way related to political, electoral, or partisan activities, or which would result in displacement of a person currently employed, or which involve religious or sectarian activities.

(e) Ensure a position has not been developed in response to the existence of a strike, lockout, or other bona fide labor dispute or violate any existing labor agreement between an employee and an employer;

(f) Provide support services enabling a person's participation, according to provisions in chapter 388-51 WAC;

(g) Not require the use of the participant's assistance or income or resources to pay participation costs;

(h) Ensure CWEP assignments shall not require a participant to travel unreasonable distances from home or to remain away from home overnight without the participant's consent; and

(i) Ensure agencies utilizing CWEP participants provide worker's compensation coverage through the department of labor and industries.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-125, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-127 JOBS program—Work experience.** An AFDC recipient may volunteer for participation in the work experience (WEX) component.

(1) WEX may be an appropriate component for a participant who has:

(a) Achieved basic literacy and high school completion, or who has spent at least six months making an effort to achieve such completion; and

(b) Little or no work experience.

(2) Component approval will be based on a determination that:

(a) Component participation will assist the participant in achieving self-sufficiency;

(b) Component content is appropriate in order to access employment available, or projected to be available in the local labor market;

(c) Participant can be reasonably expected to achieve completion of the plan;

(d) Component is reasonable accessible within the local labor market; and

(e) Meets conditions of funding in WAC 388-47-115; and

(f) WEX placements take into consideration the participant's prior training, proficiency, experience, basic literacy, interests, and barriers to employment.

(3) The contractor shall provide coordination among WEX and other JOBS component activities ensuring an AFDC recipient's job placement has priority over participation in WEX.

(4) The contractor shall limit WEX assignment to projects serving a useful public purpose in public and private non-profit organizations.

(5) The contractor shall limit WEX assignments to not more than twenty-six weeks per enrollment.

(6) The contractor shall assure;

(a) An assessment is provided following the completion of each WEX;

(b) Support services will be provided to WEX participants according to chapter 388-51 WAC;

(c) Agencies providing recipients WEX opportunities shall offer Workers' Compensation coverage on the same basis as regular employees;

(d) WEX provides appropriate standards of health, safety, and other reasonable working conditions at the work site;

(e) Participants are not required to perform tasks related to, political or partisan activities;

(f) WEX positions shall not exist as the result of a strike, lockout, or other bona fide labor dispute, and shall not violate any existing labor agreement between an employee and the employer;

(g) WEX positions shall not result in the displacement of a currently employed person;

(h) A participant shall not be required to use income or resources to pay participation costs; and

(i) WEX assignments shall not require a participant to travel unreasonable distances from home or to remain away from home overnight without the participant's consent.

(7) WEX assignments shall not be for more than one hundred twenty-four hours in any month.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-127, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-130 JOBS program readiness training—Job readiness training—Intensive job search.** (1) A person may volunteer to participate in intensive job readiness training or job search. Job readiness training will generally precede intensive job search.

(2) Job readiness training is appropriate for all recipients planning to enter a job search component. Those with a firm job lead, or with good job search skills may want to skip this component, but it will be made available to all recipients entering job search who want it.

(3) Job readiness training may include any of the following:

(a) Self-esteem building;

(b) Job search techniques;

(c) Resume writing skills;

(d) Skills on how to reach the hidden job market;

(e) Employer expectations; and

(f) Labor market information.

(4) Job search is appropriate for those recipients who have achieved basic literacy and high school completion, and who have recent work experience in the field they intend to look for work. Because entry into JOBS components is voluntary, those refusing other forms of education and training should be approved to look for work.

(5) Component approval will be based on a determination that:

(a) Component participation will assist the participant in achieving self-sufficiency;

(b) Component is appropriate in order to access employment available or projected to be available in the local labor market;

(c) Participant can be reasonably expected to achieve employment in the desired fields; and

(d) Meets the conditions of funding in WAC 388-47-115.

(6) For an initial intensive job search period, a person may participate in the program for eight consecutive weeks from the date the person makes a written request for AFDC providing:

(a) No person shall be required to participate in job search;

(b) The department may not delay the processing of a person's application for AFDC due to participation in job search; and

(c) The contractor may terminate job search if the assessment determines another JOBS activity is more appropriate.

(7) The subsequent job search component may not exceed eight weeks participation in any twelve-month period.

(8) The contractor may provide additional job search beyond that under subsections (1) and (2) of this section providing:

(a) Such job search shall be part of an education, training, or employment activity; and

(b) The job search is designed to improve the person's employment prospects; and

(c) The additional job search does not cause the participant to exceed the sixteen weeks of job search allowable in a twelve month period.

[Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-130, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-135 JOBS program—On-the-job training.** (1) This component is generally appropriate for those recipients who have completed high school, achieved basic literacy, and have work experience in the field they have chosen. However, they will generally have a training deficiency such as having worked on outdated equipment, or not having worked in the field in the last year.

(2) Component approval will be based on a determination that:

(a) Component participation will assist the participant in achieving self-sufficiency;

(b) Component content is appropriate in order to access employment available or projected to be available in the local labor market;

(c) Participant can be reasonably expected to complete the component;

(d) Component is reasonably accessible within the local labor market; and

(e) Meets the conditions of funding in WAC 388-47-115.

(3) A person may volunteer for on-the-job training (OJT), and shall be compensated:

(a) At the same rates, including benefits and periodic increases, as similarly situated employees or trainees; and

(b) In accordance with applicable law, but in no event less than the higher of the federal minimum wage or applicable state or local minimum wage law.

(4) Those OJT participants eligible for AFDC will receive support services and child care as approved for this component.

(5) If an OJT participant becomes ineligible for AFDC due to earned income rules or, in the case of a principal earner in an unemployed parent case, the one hundred hour rule, such individual shall:

(a) Remain a JOBS participant for the duration of the OJT; and

(b) Be eligible for support services as described under chapter 388-51 WAC.

(6) The contractor shall ensure the participant's OJT assignments meet the following conditions:

(a) State, or local safety and health standards;

(b) Assignments are not related to political, electoral, religious, or partisan activities;

(c) The employer shall provide industrial insurance coverage as required under Title 51 RCW; and

(d) The employer shall provide a recipient unemployment compensation coverage as required under Title 50 RCW.

(7) No work assignment under this program shall result in:

(a) The displacement of any currently employed worker or position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment job existing contracts for services or collective bargaining agreements;

(b) The employment or assignment of a participant or the filling of a position when:

(i) Any other individual is on layoff from the same or any equivalent position; or

(ii) The employer has terminated the employment of any regular employee or otherwise reduced its workforce with the effect of filling the vacancy so created with a participant subsidized under the program.

(iii) The assignment is to free an established unfilled position vacancy in the work site.

(c) Any infringement of the promotional opportunities of any currently employed individual.

(8) Funds available to carry out the program may not be used to assist, promote, or deter union organizing.

[Statutory Authority: RCW 74.04.050, 91-02-092 (Order 3129), § 388-47-135, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-140 JOBS program—Work supplementation program.** The contractor may operate the work supplementation program (WSP) for JOBS participants. The contractor's WSP is a voluntary program and participants in WSP are considered employed and will receive support services and child care as appropriate to support the approved component.

(1) An eligible employer shall certify to the contractor that the employee's employment complies with the following conditions:

(a) Work conditions are reasonable and not in violation of applicable federal, state, or local safety and health standards;

(b) Assignments are not related to political, electoral, or partisan activities;

(c) The employer shall provide industrial insurance coverage as required under Title 51 RCW;

(d) The employer shall provide a participant unemployment compensation coverage as required under Title 50 RCW;

(2) No work assignment under this program shall result in:

(a) The displacement of any currently employed worker or position, including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits, or result in the impairment of existing contracts for services or collective bargaining agreements;

(b) The employment or assignment of a participant or the filling of a position when:

(i) Any other individual is on layoff from the same or any equivalent position; or

(ii) The employer has terminated the employment of any regular employee or otherwise reduced its workforce with the effect of filling the vacancy so created with a participant subsidized under the program.

(iii) The assignment is to free an established, unfilled position vacancy in the work site.

(c) Any infringement of the promotional opportunities of any currently employed individual.

(3) Funds available to carry out the program may not be used to assist, promote, or deter union organizing.

(4) When a job does not last six months following the subsidization period, the contractor shall recover state supplement wages from an employer from the beginning of the subsidization period unless the employee:

(a) Voluntarily quits; or

(b) Is discharged for good cause due to misconduct, felony, or gross misdemeanor as determined under chapter 50.20 RCW.

(5) Jobs shall have promotional opportunities or reasonable opportunities for an employee's wage increase.

(6) Employers shall pay fifty percent or more of the employee's total wages.

(7) A participant shall be considered an AFDC recipient and remain eligible for Medicaid benefits even if the participant does not receive a residual cash grant.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-140, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-200 JOBS program—Good cause for refusal or failure to participate.** (1) The department is responsible for determining whether a person has good cause for refusal or failure to participate in an assigned JOBS component or activity, or to accept or retain employment.

(2) The determination of good cause shall include, but is not limited to the department independently:

(a) Determining if the person intentionally refused or failed to participate in JOBS;

(b) Documenting efforts to resolve the issues prior to conciliation;

(c) Reviewing the case record to determine potential causes for refusal or failure to meet program requirements and if the person may have had good cause for non participation.

(3) Good cause shall include, but is not limited to:

(a) A person is the parent or other needy caretaker of a child five years of age or younger and the activity or employment requires such individual to work more than twenty hours per week. This subsection shall not apply to a person subject to provisions as required under WAC 388-47-110 (1) and (2);

(b) A person's employment results in the family of the participant experiencing a net loss of income. A net loss of income results if the family's gross income, less necessary work-related expenses, is less than the cash assistance the person was receiving before employment. The participant's grant income includes, but is not limited to, earnings, unearned income, and cash assistance;

(c) A person's physical, mental, or emotional inability to perform the required activity;

(d) A person's court-ordered appearance or temporary incarceration;

(e) Exigent personal or family circumstances which would interfere with successful participation;

(f) Breakdown in transportation arrangements, with no readily accessible alternate transportation;

(g) Inclement weather preventing a person, and others similarly situated, from traveling to or participating in the prescribed activity;

(h) Breakdown in child care arrangements, or child care not available enabling participation;

(i) The nature of the required activity is hazardous to the participant;

(j) A person's required activity interrupt a program in process for permanent rehabilitation or self-support or conflicts with an imminent likelihood of reemployment in the person's regular occupation;

(k) Nonreceipt of participation requirements or a notice of appointment with program staff;

(l) Availability of a position because of a labor dispute; or

(m) A person's refusal to accept major medical treatment, for example major surgery, needed for employability;

(n) Supportive services enabling participation are not available;

(o) A person is homeless;

(p) An employer discriminating in terms of age, sex, race, color, religion, national or ethnic origin, physical or mental handicap, political affiliation, or marital status;

(q) Working hours or nature of employment interfere with the participant's religious observances, convictions, or beliefs as a member of a bona fide religious organization;

(r) Work involves conditions in violation of applicable health and safety standards;

(s) The employment, or offer of employment, does not provide for workers' compensation or other benefits afforded to a person similarly situated working for the same employer;

(t) The employment would cause a person to violate the terms of the person's existing union membership;

(u) As a condition of employment, the person is required to join, resign from, or refrain from joining any legitimate labor organization; or

(v) The employment involves unreasonable demands or conditions, such as working without getting paid on sched-

ule, or the employment exceeds the daily or weekly hours customary to the occupation;

(w) The wages of the employment do not meet minimum wage standards or are not customary for such work in the community. This does not apply to CWEP or work experience, as participants do not receive a wage;

(x) Refusal by an AFDC-E qualifying parent to accept employment of one hundred hours or more per month, the wages for which, less mandatory payroll deductions and necessary work-related expenses, would not equal or exceed the family's AFDC cash benefits. This does not apply to CWEP or work experience, which does not involve wages.

(4) If the department can not determine that good cause exists, it shall notify the person in writing of the opportunity to explain the circumstances, if any, which may constitute good cause for non participation in JOBS. The notice shall:

(a) Provide ten days advance notice of an appointment to discuss potential good cause;

(b) Provide a description of the program requirement the individual failed to meet;

(c) Inform the person of the right to provide an explanation of why they failed to meet the program requirement;

(d) Inform the person that lack of good cause may result in the AFDC grant being reduced;

(e) Inform the person of the right to conciliation;

(f) Inform the person that failure to respond to appointments to determine good cause will result in a good cause determination made from available information.

(5) If good cause is established and/or if the problem causing non compliance has been resolved the person shall be so notified in writing and when appropriate that the person can resume participation without further action.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-200, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-210 JOBS program—Sanctions for refusal or failure to participate.** (1) When an AFDC recipient required to participate in the JOBS program refuses or fails to participate in JOBS without good cause, the following sanctions shall apply during the following periods:

(a) For the first failure to comply, until the failure to comply ceases;

(b) For the second such failure to comply, until the failure to comply ceases or three months, whichever is longer;

(c) For a subsequent failure to comply, until the failure to comply ceases, or six months, whichever is longer.

(2) Failure to participate is a consistent pattern of non-cooperation in JOBS and includes, but is not limited to:

(a) Failure to meet the requirements for orientation, assessment, and employability development planning;

(b) Not appearing for appointments with JOBS staff;

(c) Not appearing for appointments with other than JOBS staff when referred for employment related activity, including social services; or

(d) Not accepting or continuing any required JOBS component activity.

(3) During the sanction period, the department shall not take into account the:

(a) Person's needs in determining the family's need for assistance and the amount of the assistance payment; or

(b) If the individual is the qualifying parent in a family eligible for the AFDC due to an unemployed parent, needs of the second parent in determining the family's need for assistance and the amount of the assistance payment unless the second parent is participating in the JOBS program.

(4) If the person's is the only dependent child, the department shall not take into account the person's needs in determining the family's need for assistance and the amount of the assistance payment.

(5) If a sanction is applied to the only caretaker relative in the family, the department may continue to make payments:

(a) For the remaining members of the assistance unit in the form of protective payments; or

(b) If a protective payee cannot be identified, on behalf of the remaining members of the assistance unit, to the sanctioned caretaker relative.

(6) The department shall notify, in writing, a person whose failure or refusal continues for three months of the person's option to end the sanction. The department's notice shall advise the sanctioned person may terminate:

(a) The first or second sanction by participating in the JOBS program or accepting employment; and

(b) A subsequent sanction after six months have elapsed by participating in the program or accepting employment.

(7) Imposition of sanction shall be preceded by a timely written notice of adverse action pursuant to WAC 388-33-376. Such notice shall contain:

(a) An explanation of the reasons for the proposed action;

(b) The factual reasons for the determination that the person failed to participate in JOBS without good cause;

(c) An explanation of the rights to a fair hearing and continued benefits;

(d) An explanation of how the sanction can be terminated by complying with program requirements;

(e) In the case of a household receiving AFDC due to the unemployment of a parent, an explanation of the sanction and benefit reduction to the second parent and the right of that parent to stop application of the sanction against the second parent by participating in the JOBS program.

(8) No sanction shall be imposed until conciliation has been attempted.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-210, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-215 JOBS program—Complaints and grievances.** (1) The contractor shall, at the time of assignment, inform a person volunteering for or participating in a JOBS activity or component of the person's right to file a complaint or grievance with the department regarding the person's participation.

(a) The department shall pursue the grievance in accordance with standard grievance procedures.

(b) The department shall further inform a person that filing such a complaint or grievance shall not preclude the person's rights to request a fair hearing by the department on the issue.

(2) An individual shall not be relieved of required JOBS activities pending the results of a filed grievance or request for a grievance hearing.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-215, filed 12/31/90, effective 1/31/91.]

**WAC 388-47-220 JOBS program—Conciliation and fair hearings.** (1) When the department has determined that a participant has refused or failed to participate without good cause in the JOBS program, the department shall conduct conciliation prior to the imposition of any sanction. Conciliation includes, but is not limited to:

- (a) Identification of the problem;
  - (b) Review of case record to determine potential causes for refusal or failure to meet program requirements; and
  - (c) Efforts to resolve the issues.
- (2) Prior to commencing conciliation the department must provide written notice containing:
- (a) The matter in dispute;
  - (b) The person's right to a conciliation period not to exceed thirty calendar days from the date of notice;
  - (c) The scheduling of an interview;
  - (d) The consequences of failing to resolve the dispute;
  - (e) The right to a fair hearing if the dispute can not be resolved through conciliation.

(3) Such notice shall be mailed within ten working days of identification of the dispute by the participant or the department.

(4) Conciliation is designed to resolve disagreements or misunderstandings over JOBS participation before they result in a sanction. The department shall:

- (a) Accomplish conciliation through a face-to-face meeting with the person;
- (b) Arrange a telephone interview with the person if a face-to-face meeting is not possible;
- (c) Continue conciliation if the participant is unable to be contacted. Additional attempts will be made and should continue for thirty days from the date of the first attempt is made;
- (d) Conciliation should determine if the situation is a result of a misunderstanding or failed communication and can therefore be resolved;

(e) During the conciliation interview, explain the individual's rights and responsibilities under JOBS, including the consequences of continued refusal to participate;

(f) Specify a person aggrieved or disadvantaged by the conciliation process, or a decision resulting from the conciliation process, may appeal through the department's standard grievance or fair hearing process.

(5) If successfully resolved no additional adverse action is taken by the department.

(6) If unsuccessfully concluded, conciliation may be terminated at or before expiration of 30 days from commencement by one of the following methods:

- (a) Written request by the person to terminate conciliation; or
- (b) Documented reasons by JOBS staff indicating the dispute cannot be resolved by conciliation.

(7) Either the department or the JOBS participant can initiate conciliation. A participant may request conciliation of any dispute orally or in writing by notifying the department that conciliation is desired and specifying the matter to be addressed.

(8) When conciliation ends and a notice of adverse action is issued, the affected person may contest the depart-

ment's proposed sanction. If the person's adverse action is not contested within ten days of issuance, the department's sanction shall be imposed under WAC 388-47-210.

(9) If a dispute is not resolved through conciliation, the department shall provide the person with an opportunity for a fair hearing. If the affected person requests a fair hearing, assistance may not be suspended, reduced, discontinued, or terminated until the fair hearing is concluded.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-220, filed 12/31/90, effective 1/31/91.]

#### **WAC 388-47-300 Indian tribal JOBS programs.**

(1) A person on AFDC that is a member of an Indian tribe operating a tribal JOBS program, shall be referred to their tribal JOBS program if the person resides in the geographic area served by the tribal JOBS program.

(2) The tribe shall be responsible for determining a person's good cause for nonparticipation.

(3) The department shall remove from the AFDC grant the needs of a person whom the tribe determines has not participated and who did not have good cause for nonparticipation.

(4) Within available funding and on a first-come-first-serve basis, the department shall provide child care, according to chapter 388-51 WAC, necessary for a tribal member to participate in the tribe's JOBS program. Under chapter 388-51 WAC, a participant in the tribal JOBS program shall be eligible for transitional child care.

(5) A participant in the tribal JOBS program shall receive all other supportive services from the tribal JOBS program.

(6) As a condition of eligibility for AFDC, the department may require an applicant and recipient living within the designated service area of a tribal JOBS program to provide the department their membership status in that tribe. The department shall explain to the person the reason for the request is to determine whether the person is to receive JOBS services from the department or the tribe.

[Statutory Authority: RCW 74.04.050. 91-02-092 (Order 3129), § 388-47-300, filed 12/31/90, effective 1/31/91.]

### **Chapter 388-49 WAC**

#### **FOOD ASSISTANCE PROGRAMS**

(Formerly chapter 388-54 WAC)

#### **WAC**

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**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

388-49-191	Household composition—Family independence program. [Statutory Authority: Chapter 74.21 RCW. 88-18-025 (Order 2684), § 388-49-191, filed 8/30/88.] Repealed by 89-03-053 (Order 2757), filed 1/13/89. Statutory Authority: Chapter 74.21 RCW.
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**WAC 388-49-010 Purpose of program.** The food stamp program promotes the general welfare and well-being of the nation's population by raising the nutritional levels of program participants. The program permits low-income households to obtain a more nutritious diet through increased purchasing power.

[Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-010, filed 12/31/87.]

**WAC 388-49-015 General provisions.** (1) The rules in this chapter are for the purpose of administering the food stamp program. Rules and definitions in other chapters of Title 388 of the Washington Administrative Code do not apply to provisions of this chapter unless specifically identified.

(2) The department of social and health services shall administer the food stamp program in accordance with an approved plan with the food and nutrition service (FNS) of the United States Department of Agriculture.

(3) The department shall comply with all FNS directives to reduce, suspend, or terminate all or any portion of the food stamp program.

(4) During a presidential or FNS-declared disaster, the department shall certify affected households in accordance with FNS instructions.

(5) The department shall retain:

(a) Food stamp case records for three years from the month of closure of each record; and

(b) Fiscal and accountable documents for three years from the date of fiscal or administrative closure.

(6) The department shall not discriminate against any applicant or participant in any aspect of program administration for reason of:

(a) Age;

(b) Race;

(c) Color;

(d) Sex;

(e) Handicap;

(f) Religious creed;

(g) Political beliefs; or

(h) National origin.

(7) The department shall display nondiscrimination posters provided by FNS in all offices administering the food stamp program.

(8) The department shall fully translate into the primary language of the limited English proficient applicants and recipients:

(a) Written notices of denial, termination, or reduction of benefits; and

(b) Written requests for additional information.

(9) A person believing the person has been subject to discrimination may file a written complaint with the:

(a) Food and nutrition service; or

(b) State office for equal opportunity.

(10) The department shall restrict use or disclosure of information obtained from applying or participating households to:

(a) A person directly connected with the administration or enforcement of the provisions of:

(i) The Food Stamp Act or regulations;

(ii) Other federal assistance programs; or

(iii) Federally assisted state programs providing assistance on a means-tested basis to a low-income person; and

(iv) Child support program under Title IV-D of the Social Security Act.

(b) An employee of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law; and

(c) A local, state, or federal law enforcement official, upon written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations. The written request shall include the:

- (i) Identity of the person requesting the information;
- (ii) Authority of the person to make the request;
- (iii) Violation being investigated; and
- (iv) Identity of the person about whom the information is requested.

(11) The department shall make the household's case file available to the household or household's representative for inspection during regular office hours as provided in chapter 388-320 WAC.

(12) The department shall make the following program information available to the public upon request during regular office hours:

(a) Federal regulations, federal procedures in FNS notices and policy memos, and the state plan of operation at the state office; and

(b) Washington Administrative Code and the *Food Stamp Procedures Manual* at the local office.

(13) The coupon allotment provided any eligible household shall not be considered income or resources for any purpose under any federal, state, or local laws.

(14) The department shall not permit a volunteer or other person not an employee of the department to conduct a certification interview or certify a food stamp applicant except:

- (a) During a presidential or FNS-declared disaster; or
- (b) A Social Security Administration (SSA) employee for a Supplemental Security Income (SSI) household as provided in WAC 388-49-040.

(15) The office of special investigation of the department, designated as the state law enforcement bureau, shall enter into an agreement with FNS to issue food stamps to state and local law enforcement agencies for the purpose of law enforcement and investigative activities.

(16) Redemption of food stamps shall be in accordance with 7 United States Code (USC) 2024 and 7 Code of Federal Regulations (CFR) 278.

(17) Misuse of food stamps issued under WAC 388-49-015(16) shall be a violation of RCW 9.91.140.

(18) The provisions of Title 18 of the United States Code, "Crimes and Criminal Procedures," relative to counterfeiting, misuse, and alteration of obligations of the United States are applicable to food coupons.

(19) The department shall offer voter registration assistance to clients during face-to-face interviews at:

- (a) Application;
- (b) Eligibility review or recertification; and
- (c) Change of address.

[Statutory Authority: RCW 74.04.050, Public Law 103-31 and Administrative Notice 94-38. 94-23-130 (Order 3809), § 388-49-015, filed 11/23/94, effective 1/1/95. Statutory Authority: RCW 74.04.510. 94-13-203 (Order 3744), § 388-49-015, filed 6/22/94, effective 7/23/94. Statutory Authority: RCW 74.04.510 and Washington vs. Sunchal Park-King Co. 92-1-03967-9. 93-13-132 (Order 3574), § 388-49-015, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.04.510. 89-18-058 (Order 2866), § 388-49-015, filed 9/1/89, effective 10/2/89; 89-07-001 (Order 2770), § 388-49-015, filed 3/2/89; 88-18-058 (Order 2685), § 388-49-015, filed 9/1/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-015, filed 12/31/87.]

**WAC 388-49-020 Definitions.** (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not a person committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by:

(a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or

(b) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated, in writing, by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), (c), or (d) who is a:

- (a) Person paying reasonable compensation to the household for lodging and meals; or
- (b) Foster child.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone seventeen years of age or younger, and under parental control.

(14) "Collateral contact" means oral contact in person or by telephone with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

(16) "Department" means the department of social and health services.

(17) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold



member when the care is necessary for a household member to seek, accept, or continue employment, or attend training or education preparatory to employment.

(18) "Destitute household" means a household with a migrant or seasonal farmworker with little or no income at the time of application and in need of immediate food assistance.

(19) "Disabled person" means a person who meets one of the following criteria:

(a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran:

(i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or

(ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.

(d) Is a surviving:

(i) Spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or

(ii) Child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;

(e) A surviving spouse or child of a veteran and:

(i) Entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC; and

(ii) Has a disability considered permanent under section 221(i) of the Social Security Act.

(f) Receives disability retirement benefits from a federal, state, or local government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

(i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

(ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.

(h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

(20) "Documentary evidence" means written confirmation of a household's circumstances.

(21) "Documentation" means the process of recording the source, date, and content of verifying information.

(22) "Elderly person" means a person sixty years of age or older.

(23) "Eligible food" means:

(a) For a homeless food stamp household, meals prepared and served by an authorized homeless meal provider; or

(b) For a blind or a disabled resident, meals prepared and served by a group living arrangement facility.

(24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

(25) "Equity value" means fair market value less encumbrances.

(26) "Expedited services" means providing food stamps within five calendar days to an eligible household which:

(a) Has liquid resources of one hundred dollars or less; and

(b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

(i) Standard utility allowance as set forth in WAC 388-49-505; or

(ii) Actual utility costs, whichever is higher; or

(d) Includes all members who are homeless individuals; or

(e) Includes a destitute migrant or seasonal farmworker.

(27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.

(28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

(29) "Food coupon" means food stamps and the two terms are interchangeable.

(30) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

(31) "Food stamp monthly reporting cycle" means the three-month reporting cycle consisting of the budget month, the process month, and the payment month.

(32) "Gross income eligibility standard" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

(33) "Group living arrangement" means a public or private nonprofit residential setting which:

(a) Serves not more than sixteen blind or disabled residents as defined under WAC 388-49-020(19); and

(b) Is certified by the appropriate state agency under section 1616(e) of the Social Security Act.

(34) "Head of household" means the person designated by the household to be named on the case file, identification card, and FCA card.

(35) "Household employment representative" means:

(a) The household member selected as the head of household for employment and training purposes and voluntary quit provisions. Selection is limited to households with:

(i) An adult parent of children, of any age, living in the household; or

(ii) An adult who has parental control over children, under eighteen years of age, living in the household; or

(b) The principal wage earner if no selection is made by the household, or the household is not entitled to make a selection.

(36) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

(37) "Homeless individual" means a person lacking a fixed and regular nighttime residence or a person whose primary nighttime residence is a:

(a) Supervised shelter designed to provide temporary accommodations;

(b) Halfway house or similar institution providing temporary residence for persons needing or coming out of institutionalization;

(c) Temporary accommodation in the residence of another person; or

(d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

(38) "Homeless meal provider" means a public or private nonprofit establishment (for example, soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by the division of income assistance (DIA) and authorized by food and nutrition service (FNS).

(39) "Household" means the basic client unit in the food stamp program.

(40) "Household disaster" means when food coupons, food purchased with food coupons, or food coupon authorization cards are destroyed by a natural disaster, such as flood, fire, etc.

(41) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

(42) "Inadvertent household error overissuance" means any overissuance caused by either:

(a) Misunderstanding or unintended error by a household:

(i) Not determined categorically eligible under WAC 388-49-180(1); or

(ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or

(b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can be calculated based on a change in net food stamp income and/or household size.

(43) "Ineligible household member" means the member excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;

(b) Failure to apply for or provide a Social Security number;

(c) Failure to comply with work requirements as described under WAC 388-49-360;

(d) Status as an ineligible alien;

(e) Status as an ineligible student; or

(f) Failure to sign the application attesting to the member's citizenship or alien status.

(44) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

(45) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

(46) "Intentional program violation," after August 8, 1983, means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or

(c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer,

acquisition, receipt, or possession of food stamp coupons or FCAs.

Intentional program violation which ended before August 8, 1983, consists of any action by a person or persons to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous nonfood items;

(e) Use or possess improperly obtained coupons or authorization cards; and

(f) Trade or sell coupons or authorization cards.

(47) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

(48) "Live-in attendant" means a person residing with a household to provide medical, housekeeping, child care, or other similar personal services.

(49) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

(50) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

(51) "Migrant farmworker" means a person working in seasonal agricultural employment who is required to be absent overnight from the person's permanent residence.

(52) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

(53) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as a:

(a) Roomer;

(b) Live-in attendant; or

(c) Person who does not purchase and prepare meals with the food stamp household except for persons described under WAC 388-49-190(2).

(54) "Nonstriker" means any person:

(a) Exempt from work registration the day before the strike for reasons other than their employment;

(b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;

(c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or

(d) Unable to work because workplace is closed to employees by employer in order to resist demands of employees, e.g., a lockout.

(55) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

(56) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

(57) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

(58) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

(59) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

(60) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

(61) "Principal wage earner" means the household member with the greatest source of earned income in the two months prior to the month of violation of employment and training and voluntary quit provisions, including members not required to register.

(62) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

(63) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

(64) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.

(65) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

(66) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

(67) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

(68) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

(69) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

(70) "Resident of an institution" means a person residing in an institution that provides the person with the majority of meals as part of the institution's normal service.

(71) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

(72) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

(73) "Roomer" means a person to whom a household furnishes lodging, but not meals, for compensation.

(74) "Seasonal farmworker" means a person working in seasonal agricultural employment who is not required to be absent overnight from the person's permanent residence.

(75) "Shelter costs" means:

(a) Rent or mortgage payments plus taxes on a dwelling and property;

(b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;

(c) Assessments;

(d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;

(e) Standard basic telephone allowance;

(f) Initial installation fees for utility services; and

(g) Continuing charges leading to shelter ownership such as loan repayments for the purchase of a mobile home including interest on such payments.

(76) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

(77) "Sibling" means a natural or an adopted brother, sister, half brother, half sister, or stepbrother or stepsister.

(78) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

(79) "Sponsored alien" means an alien lawfully admitted for permanent residence who has an affidavit of support or similar agreement executed by a person on behalf of the alien as a condition of the alien's admission into the United States as a permanent resident.

(80) "Spouse" means:

(a) Married under applicable state law; or

(b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(81) "Striker" means any person:

(a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or

(b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

(82) "Student" means any person:

(a) At least eighteen but less than fifty years of age;

(b) Physically and mentally fit for employment; and

(c) Enrolled at least half time in an institution of higher education.

(83) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

(84) "Temporary disability" means a nonpermanent physical illness or injury that incapacitates beyond the initial issuance month.

(85) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

(86) "Under parental control" means living with the parent or any adult other than the parent. A person is not under parental control when that person is:

(a) Receiving an AFDC grant as the person's own payee;

(b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under WAC 388-250-1400(2); or

(c) Married.

(87) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

(88) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

(89) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

[Statutory Authority: RCW 74.04.050, Administrative Notice 92-34 and Public Law 101-624 Section 1725. 94-20-042 (Order 3787), § 388-49-020, filed 9/28/94, effective 10/29/94. Statutory Authority: RCW 74.04.050. 94-16-038 (Order 3757), § 388-49-020, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510 and 7 CFR 271.2. 93-11-041 (Order 3551), § 388-49-020, filed 5/12/93, effective 7/1/93. Statutory Authority: RCW 74.04.050. 92-11-059 (Order 3390), § 388-49-020, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.04.510. 91-16-065 (Order 3224), § 388-49-020, filed 8/1/91, effective 9/1/91; 91-10-096 (Order 3170), § 388-49-020, filed 5/1/91, effective 6/1/91; 90-12-057 (Order 3015), § 388-49-020, filed 5/31/90, effective 7/1/90; 89-18-035 (Order 2854), § 388-49-020, filed 8/29/89, effective 9/29/89; 89-07-001 (Order 2770), § 388-49-020, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-16-081 (Order 2662), § 388-49-020, filed 8/2/88. Statutory Authority: RCW 74.04.510. 88-08-080 (Order 2618), § 388-49-020, filed 4/6/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-020, filed 12/31/87.]

**WAC 388-49-030 Filing an application.** (1) The department shall:

- (a) Make application forms readily available; and
- (b) Provide an application to any person requesting one.

(2) A person shall file an application by submitting the form to the CSO:

- (a) In person;
- (b) By mail; or
- (c) Through an authorized representative.

(3) A household consisting of SSI members may file an application at the Social Security Administration district office (SSADO).

(4) A person has a right to file an application on the same day he or she contacts the department.

(5) The department shall accept an incomplete application filed by a responsible household member or authorized representative who:

- (a) Completes the name and address; and
  - (b) Signs the application.
- (6) The department shall require one of the following persons to sign the application attesting to citizenship or alien status for all household members:

- (a) An adult household member; or
- (b) The applicant, in the absence of an adult household member.

[Statutory Authority: RCW 74.04.510. 91-14-081 (Order 3194), § 388-49-030, filed 7/1/91, effective 8/1/91; 89-07-001 (Order 2770), § 388-49-030, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-030, filed 12/31/87.]

**WAC 388-49-040 Supplemental security income (SSI) households.** (1) The department shall complete certification of food stamp applications processed by the Social Security Administration district office (SSADO) no later than thirty days after the date:

(a) A household consisting solely of persons eligible for or applying for SSI files an application at the SSADO; or

(b) An applicant is released from a public institution when the person filed an application before release.

(2) The department shall begin the expedited service time frame on the date the:

(a) Correct community services office (CSO) receives the application of a noninstitutionalized SSI household; or

(b) Applicant is released from a public institution.

(3) The department shall complete recertification when a SSI/food stamp household files a timely request through the SSADO.

[Statutory Authority: RCW 74.04.510. 91-14-082 (Order 3195), § 388-49-040, filed 7/1/91, effective 8/1/91. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-040, filed 12/31/87.]

**WAC 388-49-050 Authorized representative.** (1) An authorized representative shall be a person who:

(a) Applies for coupons on behalf of the household,

(b) Obtains coupons for the household, and

(c) May use the coupons to purchase food for the household.

(2) The department shall inform the household it will be held liable for any overissuance resulting from erroneous information supplied by the authorized representative.

(3) The department shall certify residents of alcohol or drug treatment centers through an authorized representative who is a designated employee of the facility.

(4) The department shall certify residents of group living arrangements:

(a) Through an authorized representative who is a designated employee of the facility, or

(b) Through an authorized representative of their own choosing, or

(c) On their own behalf.

(5) An employee of the department shall not act as an authorized representative without the written approval of the CSO administrator.

(6) An authorized representative may act on behalf of more than one household with CSO administrator approval.

(7) Persons disqualified for intentional program violation shall not be designated as authorized representatives unless no other is available.

(8) The department shall disqualify a person from acting as an authorized representative for up to one year when the authorized representative:

(a) Knowingly provides false information,

(b) Misrepresents the household's circumstances, or

(c) Misuses the food coupons.

(9) The department shall send written notice to the affected household and the authorized representative thirty

days prior to the disqualification in subsection (8) of this section.

[Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-050, filed 12/31/87.]

**WAC 388-49-060 Interview process.** (1) The department shall conduct a face-to-face interview before certification and recertification. The person the department interviews shall be:

- (a) Any responsible household member; or
- (b) An authorized representative.

(2) The person the department interviews may bring any person to the interview.

(3) Unless waived, the department shall conduct the interview at the:

- (a) CSO; or
- (b) Social Security Administration district office for SSI households.

(4) The department shall waive the required office interview if the household:

- (a) Does not have a responsible member able to visit the office because of hardships; and
- (b) Is unable to appoint an authorized representative; and

- (c) Requests a waiver; or
- (d) Consists solely of recipients of aid to families with dependent children or general assistance grant assistance and:

- (i) The food stamp recertification date is the same as the redetermination date for the assistance grant; and
- (ii) The redetermination for the assistance grant does not require a face-to-face interview; and
- (iii) The department conducts a face-to-face interview at least once every twelve months.

(5) If the department waives the required office interview, the department shall conduct the interview:

- (a) Through a scheduled home visit; or
- (b) Over the telephone.

[Statutory Authority: RCW 74.04.050 (7 CFR 273.2 (e)(i)). 94-01-066, (Order 3680), § 388-49-060, filed 12/8/93, effective 1/8/94. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-060, filed 12/31/87.]

**WAC 388-49-070 Public assistance households.** (1) The department shall accept one application from a household applying for food stamps and public assistance at the same time.

(2) When a household files an application requesting public assistance and food stamps, the department shall:

- (a) Conduct a single interview at initial application;
- (b) Not delay food stamp benefits pending determination of public assistance eligibility; and

(c) Not require a new food stamp application filing if the department denies the public assistance request.

(3) The department shall not require a new food stamp application if the department terminates public assistance eligibility during a certification period.

(4) The department shall provide food stamps, effective the date of application, to categorically eligible households:

- (a) Not denied food stamps; and
- (b) Determined categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150.

(5) The department shall reevaluate, within sixty days from the application date, any food stamp application from a household:

- (a) Applying for both food stamps and AFDC or SSI; and
- (b) Denied food stamps before a positive AFDC or SSI eligibility determination.

(6) The department shall provide food stamp benefits, effective the AFDC eligibility date, for households:

- (a) Filing joint applications; and
- (b) Found categorically eligible after being denied nonassistance food stamps.

[Statutory Authority: RCW 74.04.510. 90-12-056 (Order 3014), § 388-49-070, filed 5/31/90, effective 7/1/90; 89-18-027 (Order 2855), § 388-49-070, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-070, filed 12/31/87.]

**WAC 388-49-080 Expedited service.** (1) The department shall provide expedited service for applying households when the household:

- (a) Has liquid resources of one hundred dollars or less; and
- (b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

- (i) Standard utility allowance as set forth in WAC 388-49-505; or
- (ii) Actual utilities costs, whichever is higher; or
- (d) Includes all members who are homeless individuals;

or

(e) Includes a destitute migrant or seasonal farm worker whose liquid resources do not exceed one hundred dollars.

(2) The department shall provide food stamps to households eligible for expedited service by the end of the fifth calendar day following the date the application was filed.

(3) The department shall provide food stamps to residents of drug and alcohol treatment centers and group living arrangements eligible for expedited service, by the fifth calendar day following the date of application.

(4) When certifying a household eligible for expedited service, the department shall:

(a) Verify the applicant's identity through readily available documentary evidence, or if this is unavailable, through a collateral contact; or

(b) Verify the identity of the authorized representative who applies on behalf of the household; and

(c) Make a reasonable effort to complete verification as described in WAC 388-49-110 within the expedited processing standards;

(d) Require the applicant to register for work unless exempt or the authorized representative is applying for the household;

(e) Attempt to register other nonexempt household members for work without delaying expedited benefits;

(f) Issue benefits within five calendar days for expedited service; and

(g) Assist the household in obtaining necessary verification.

(5) The department shall not limit the number of times a household may receive expedited service provided the household:

(a) Completes the postponed verification requirements; or

(b) Was certified under the thirty-day processing standard since the last expedited certification.

(6) When a household is entitled to expedited service and a waiver of the office interview, the department shall:

(a) Conduct an out-of-office interview; and

(b) Complete the application process within the expedited service standard.

[Statutory Authority: RCW 74.04.050, Administrative Notice 93-53 and 7 CFR 274.2 (b)(3). 93-22-026 (Order 3654), § 388-49-080, filed 10/27/93, effective 11/27/93. Statutory Authority: RCW 74.04.510. 91-12-043 (Order 3187), § 388-49-080, filed 6/4/91, effective 7/5/91; 90-23-072 (Order 3097), § 388-49-080, filed 11/20/90, effective 12/21/90; 90-12-055 (Order 3013), § 388-49-080, filed 5/31/90, effective 7/1/90. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-080, filed 12/31/87.]

**WAC 388-49-090 Destitute household.** (1) The department shall consider a migrant or seasonal farm worker destitute when:

(a) The household's income for the month of application was received prior to the date of application and was from a terminated source, and/or

(b) The household's income for the month of application is from a new source and not more than twenty-five dollars will be received before the tenth calendar day after the date of application.

(2) The department shall calculate eligibility and benefit level for the month of application by:

(a) Using income the household receives between the first of the month and the date of application, and

(b) Disregarding income from a new source the household anticipates after the day of application.

(3) The department shall consider a household member changing jobs but continuing to work for the same employer to be receiving income from the same source.

[Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-090, filed 12/31/87.]

**WAC 388-49-100 Rights and responsibilities.** The department shall advise the household of the following:

(1) The right to:

(a) Receive an application upon request;

(b) File an application the day of receipt;

(c) If eligible, receive food stamps within thirty days after the application is filed;

(d) If eligible, receive expedited services;

(e) Have a fair hearing;

(f) Have information remain confidential;

(g) Be treated without discrimination because of age, handicap, color, sex, religion, race, national origin, or political beliefs; and

(h) Select an adult parent of children living in the household or an adult who has parental control over children living in the household as the household employment representative.

(2) The responsibility to:

(a) Report certain changes, and

(b) Submit a food stamp monthly report each month if applicable.

[Statutory Authority: RCW 74.04.050, Public Law 101-624 Section 1725 and Administrative Notice Memo 92-34. 94-18-129 (Order 3781), § 388-49-100, filed 9/7/94, effective 10/8/94. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-100, filed 12/31/87.]

**WAC 388-49-110 Verification.** (1) The department shall verify household eligibility from the following sources:

(a) Documentary evidence;

(b) Collateral contacts; and

(c) Scheduled home visits.

(2) The household has primary responsibility for providing documentary evidence. The department shall offer to assist in obtaining documentary evidence if it would be difficult or impossible for the household to obtain in a timely manner.

(3) At initial application, the department shall verify:

(a) Identity of:

(i) The person making the application; or

(ii) The authorized representative and the head of household.

(b) Immigration status of all alien household members;

(c) Residency;

(d) Gross nonexempt income;

(e) Actual utility expenses in excess of the standard utility allowance as specified in WAC 388-49-505;

(f) Medical care expenses as specified under WAC 388-49-500 (6) and (7);

(g) Dependent care expenses as specified under WAC 388-49-500 (6)(a);

(h) Disability;

(i) Resources of an alien's sponsor; and

(j) Actual shelter costs for households where all members are homeless as specified under WAC 388-49-020(36), if the shelter costs exceed the shelter amount as specified under WAC 388-49-500.

(4) At recertification, the department shall verify:

(a) A change in income or actual utility expenses claimed by a household if the source has changed or the amount has changed by more than twenty-five dollars since the verification was completed; and

(b) Medical care expenses as specified under WAC 388-49-500 (6) and (7).

(5) The department shall verify for monthly reporting households the following factors on a monthly basis:

(a) Gross nonexempt income;

(b) Utility expenses unless the standard utility allowance is used;

(c) Alien status, Social Security number, and residency, if changed;

(d) All other questionable information.

(6) The department shall verify questionable information.

[Statutory Authority: RCW 74.04.050, CFR 273.21(i) and Administrative Notices 94-53 and 94-30. 94-17-173 (Order 3774), § 388-49-110, filed 8/24/94, effective 9/24/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9. 92-09-032 (Order 3368), § 388-49-110, filed 4/7/92, effective 5/8/92. Statutory Authority: RCW 74.04.510. 90-23-073 (Order 3098), § 388-49-110, filed 11/20/90, effective 12/21/90; 89-07-001 (Order 2770), § 388-49-110, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-110, filed 12/31/87.]

**WAC 388-49-120 Application disposition.** (1) The department shall provide a household which completes the initial application process an opportunity to participate no later than thirty days following the date the application was filed.

(2) The department shall consider the date the application is filed as the date the:

(a) Application is received in the correct community services office (CSO) except for conditions described under subsection (2)(b) and (c) of this section; or

(b) Application is received in the Social Security Administration District Office (SSADO) from a noninstitutionalized household consisting solely of persons applying, or eligible, for Supplemental Security Income (SSI); or

(c) Applicant is released from a public institution when the person applied for SSI and food stamps through the SSADO before release.

(3) The department shall send a written approval or denial notice to all applicants as soon as a determination of eligibility and benefit level is made based on documentary evidence provided by the applicant. Such written notice shall be issued no later than thirty days after the date the application is filed.

(4) The department shall send the denial notice on the last working day before the thirtieth day when the thirtieth day falls on a weekend or a holiday.

(5) Except for denial notices described in section (3) and (4) above, the department shall send a denial notice after ten days when the household fails to respond to a written request for documentary evidence to establish eligibility.

(6) The department shall issue benefits to eligible households who have been denied, as described in subsection (5) of this section, when the household provides requested documentary evidence. Benefits shall be provided from:

(a) The date of application if the evidence is provided by the end of the initial thirty day period; or

(b) The day the household provided the missing verification if the evidence is provided by the end of the second thirty day period.

(7) The department shall delay the written notice until the thirtieth day when the household has been denied food stamps with an eligibility decision pending for AFDC or SSI.

(8) The household may voluntarily withdraw the application any time before the eligibility determination.

[Statutory Authority: RCW 74.04.510. 93-14-087 (Order 3540), § 388-49-120, filed 7/1/93, effective 8/1/93; 91-14-082 (Order 3195), § 388-49-120, filed 7/1/91, effective 8/1/91. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-120, filed 12/31/87.]

**WAC 388-49-150 Delayed and pended applications.**

(1) When the department does not determine eligibility or provide benefits within thirty days after the date of application, the department shall determine if the delay is the fault of the household or the department.

(2) When the delay is the fault of the household, the household shall:

(a) Lose benefits for the month of application,

(b) Have an additional thirty days to take the required action, and

(c) Be denied and be required to file a new application when the application process is not complete by the end of the second thirty-day period.

(3) When the delay is the fault of the department, the department shall take immediate corrective action:

(a) If the case file is complete, the department shall process the application.

(b) If the case file is incomplete, the department shall pend the application.

(c) If the case is incomplete after sixty days from the date of application, the department shall deny the application.

[Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-150, filed 12/31/87.]

**WAC 388-49-160 Certification periods.** The department shall certify households:

(1) Receiving assistance to coincide with the assistance review or to the end of the assistance period whichever is earlier;

(2) Consisting of migrants up to three months;

(3) Without earned income in which all members are elderly or disabled for up to twelve months;

(4) With little likelihood of change for six months;

(5) Reporting monthly for six months;

(6) Consisting of an individual with a minor child living with the individual's parent or sibling and purchasing and preparing food separately per WAC 388-49-190 (1)(e) up to six months; and

(7) All other households for up to three months.

[Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-160, filed 12/31/87.]

**WAC 388-49-170 Recertification.** (1) The department shall provide a notice of expiration to all eligible households:

(a) Not earlier than fifteen days prior to, and not later than, the first day of the household's last month of certification for a multi-month period; or

(b) At the time of certification if the household is certified for up to two months.

(2) A household provided a notice of expiration reappplies timely when the department receives the application by:

(a) The fifteenth day of the last month of certification, or

(b) The fifteenth day after the notice is received if the notice is provided at the time of certification.

(3) The department shall approve or deny households reapplying and completing the application process and shall notify the household of approval or denial:

(a) By the end of the current certification period, or

(b) Not later than thirty days after the last allotment when certified for one month.

(4) A household shall lose its right to uninterrupted benefits when it fails to:

(a) Submit a timely reapplication, or

(b) Appear for a face-to-face interview without good cause.

[Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-170, filed 12/31/87.]

**WAC 388-49-180 Categorical eligibility.** (1) The department shall determine households categorically eligible for food stamps when all household members are authorized to receive AFDC, SSI and/or continuing state-funded general assistance benefits, except when:

- (a) The entire household is:
  - (i) Institutionalized;
  - (ii) Disqualified for any reason from receiving food stamps; or
  - (iii) Terminated due to failure to comply with monthly reporting requirements under WAC 388-49-590.
- (b) Any member is disqualified for an intentional program violation;
- (c) Any member is an ineligible alien;
- (d) Any member is an ineligible student; or
- (e) The head of the household is disqualified for failure to comply with work registration requirements.

(2) The department shall exempt a categorically eligible household from the following food stamp eligibility requirements:

- (a) Resources;
- (b) Gross and net income standards;
- (c) Social Security number requirement;
- (d) Sponsored alien requirement; and
- (e) Residency requirement.

[Statutory Authority: RCW 74.04.510. 92-09-116 (Order 3374), § 388-49-180, filed 4/21/92, effective 5/22/92; 90-12-058 (Order 3016), § 388-49-180, filed 5/31/90, effective 7/1/90. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-180, filed 12/31/87.]

**WAC 388-49-190 Household concept.** (1) The department shall consider the following as households:

- (a) A person living alone;
- (b) A group of persons living together and purchasing and preparing meals together;
- (c) A person living with others and purchasing and preparing meals separate from the others;
- (d) A permanently disabled and elderly person unable to prepare meals provided the:
  - (i) Person's spouse shall be included in the household; and
  - (ii) Income of other individuals, except the person's spouse, living with the person does not exceed one hundred sixty-five percent of the poverty level.

(e) A person, spouse, and child living with the person's parent when the person, spouse, and child purchase and prepare meals separate from the parent;

(f) A person twenty-two years of age or older living with a parent when the person purchases and prepares meals separate from the parent; or

(g) A person, living with a sibling, who purchases and prepares meals separate from the sibling when the sibling is not under parental control of the person.

(2) The department shall consider the following as households regardless of the purchase and prepare arrangements:

- (a) A person seventeen years of age or younger who is under parental control of a member of the household and the person who is maintaining the control;
- (b) A parent and the parent's natural, adoptive, or stepchild twenty-one years of age or younger; or
- (c) A person and the person's spouse.

(3) The department shall consider the following persons living with the household as nonhousehold members who, if otherwise eligible, may qualify as a separate household:

- (a) Roomers;
- (b) Live-in attendants; or
- (c) Persons sharing living quarters with the household who purchase food and prepare meals separately from the household.

(4) The department shall consider the following persons living with the household as ineligible household members:

- (a) Persons disqualified for intentional program violation;
- (b) Persons disqualified because of noncompliance with work requirements as described under WAC 388-49-360;
- (c) Persons who are ineligible aliens;
- (d) Persons disqualified for failure to apply for or provide a Social Security number;
- (e) Persons who are ineligible students; or
- (f) Persons who fail to sign the application attesting to their citizenship or alien status.

[Statutory Authority: RCW 74.04.050, P.L. 103-66 and Administrative Notices 94-01, 94-02 and 94-03. 94-16-039 (Order 3762), § 388-49-190, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510. 91-10-098 (Order 3172), § 388-49-190, filed 5/1/91, effective 6/1/91; 90-14-064 (Order 3033), § 388-49-190, filed 6/29/90, effective 8/1/90; 89-07-001 (Order 2770), § 388-49-190, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-16-081 (Order 2662), § 388-49-190, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-190, filed 12/31/87.]

**WAC 388-49-200 Residents of institutions.** Residents of institutions are not eligible for participation in the food stamp program unless they are:

(1) Residents of federally subsidized housing for the elderly built under section 202 of the Housing Act of 1959 or section 236 of the National Housing Act;

(2) Residents in a drug or alcohol treatment and rehabilitation program;

(3) Residents of group living arrangements who are blind or disabled as defined under WAC 388-49-020(19);

(4) Women and children residing in a shelter for battered women and children; or

(5) Residents of public or private nonprofit shelters for homeless persons.

[Statutory Authority: RCW 74.04.510 and 7 CFR 273.1(e). 93-11-042 (Order 3550), § 388-49-200, filed 5/12/93, effective 7/1/93. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-200, filed 12/31/87.]

**WAC 388-49-210 Alcohol and drug treatment centers.** (1) Persons participating in a drug or alcohol treatment program on a resident basis may apply for food stamps provided the treatment program is administered by a public or private nonprofit organization certified by a state agency.

(2) The department shall determine a person's eligibility:

- (a) As a one-person household, or
- (b) As a household consisting of the resident and resident's child when:
  - (i) The resident's child resides in the facility with the parent; and
  - (ii) The resident is otherwise eligible for food stamps.



(3) The department shall determine a household's eligibility through an authorized representative who is an employee of and designated by the treatment center.

(4) The authorized representative shall:

(a) Be aware of the person's circumstances;

(b) Receive and use the food coupon allotment for meals served to the household; and

(c) Notify the department of changes in a household's income, resources, or circumstances within ten days of the change.

(5) The treatment facility shall:

(a) Be responsible for any misrepresentation or intentional program violation,

(b) Assume total liability for food coupons held on behalf of the household, and

(c) Send a monthly list of participating households signed by a center official to the CSO.

[Statutory Authority: RCW 74.04.050, P.L. 103-66 and Administrative Notices 94-01, 94-02 and 94-03. 94-16-040 (Order 3760), § 388-49-210, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-210, filed 12/31/87.]

**WAC 388-49-220 Group living arrangements.** (1)

A resident of a group living arrangement may apply for food stamps provided:

(a) The resident is blind or disabled as defined under WAC 388-49-020(19); and

(b) The group living arrangement is administered by a nonprofit organization certified by a state agency.

(2) A resident may apply:

(a) Through an authorized representative of the group home and be certified as a one-person household; or

(b) On the resident's own behalf and be certified according to the number of people in the person's household.

(3) An authorized representative shall:

(a) Be aware of the resident's circumstances;

(b) Receive and use the food coupon allotment for meals served to the resident; and

(c) Notify the department of changes in income, resources, or circumstances within ten days of the change.

(4) When the treatment facility acts as the authorized representative, the facility shall:

(a) Be responsible for any misrepresentation or intentional program violation;

(b) Assume total liability for food coupons held on behalf of the resident; and

(c) Send a monthly list of participating residents signed by an official to the CSO.

[Statutory Authority: RCW 74.04.510 and 7 CFR 273.1 (e)(1)(iii). 93-11-043 (Order 3549), § 388-49-220, filed 5/12/93, effective 7/1/93. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-220, filed 12/31/87.]

**WAC 388-49-230 Shelters for battered women and children.** (1) The department shall allow residents of a shelter for battered women and children to participate in the food stamp program.

(2) The department shall:

(a) Certify as a separate household a shelter resident who left a food stamp household containing a person abusing the resident;

(b) Provide an additional allotment as a separate household only once a month;

(c) Certify shelter residents on the basis of income, resources, and the expenses for which they are responsible; and

(d) Certify without regard to income, resources, and expenses of the former household.

[Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-230, filed 12/31/87.]

**WAC 388-49-240 Meals for the homeless.** Homeless food stamp recipients may use food stamps to purchase prepared meals from authorized homeless meal providers.

[Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-240, filed 12/31/87.]

**WAC 388-49-250 Boarders.** (1) The department defines a boarder as an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), (c), or (d), who is:

(a) A person paying reasonable compensation to the household for lodging and meals; or

(b) A foster child.

(2) The department shall not grant separate household status to boarders.

(3) The department shall consider a person paying less than reasonable compensation to be a member of the household that provides meals and lodging.

(4) The department shall include any boarder in the food stamp household, at the household's request.

(5) Residents of a commercial boarding home are not eligible for food stamps.

[Statutory Authority: RCW 74.04.510. 89-05-032 (Order 2762), § 388-49-250, filed 2/13/89. Statutory Authority: RCW 74.04.050. 88-16-083 (Order 2664), § 388-49-250, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-250, filed 12/31/87.]

**WAC 388-49-260 Nonhousehold and ineligible household members.** (1) For nonhousehold members, the department shall:

(a) Consider separate household eligibility for those persons defined in WAC 388-49-190(3);

(b) Not consider nonhousehold members when determining:

(i) Household size,

(ii) Income eligibility, or

(iii) Benefit level; and

(c) Consider the income and resources of nonhousehold members available to the household per WAC 388-49-410 and 388-49-485.

(2) For ineligible household members, the department shall:

(a) Not authorize food stamps for those persons defined in WAC 388-49-190(4);

(b) Not consider ineligible household members when determining income eligibility or benefit levels of the household; and

(c) Consider the income and resources of ineligible household members per WAC 388-49-410, 388-49-420, and 388-49-480.

[Statutory Authority: RCW 74.04.050, 88-16-081 (Order 2662), § 388-49-260, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-260, filed 12/31/87.]

**WAC 388-49-270 Sponsored aliens.** (1) The sponsored alien as defined in WAC 388-49-020 and the sponsored alien's spouse are responsible for providing information necessary to determine income and resources of the sponsor and the sponsor's spouse for three years from the sponsored alien's date of entry or admission as a lawful, permanent resident.

(2) The department shall recalculate income and resources when the sponsored alien switches sponsors during a certification period.

(3) The department shall verify:

(a) The income and resources of the sponsor and spouse;

(b) The number of aliens the sponsor agreed to support;

(c) The provision of the Immigration and Nationality Act under which the sponsored alien is admitted;

(d) The sponsored alien's date of entry as a lawful, permanent resident;

(e) The sponsored alien's date and place of birth and alien registration number;

(f) The number of dependents for federal income tax of the sponsor and spouse; and

(g) The name, address, and telephone number of the sponsor.

(4) If verification is not received on a timely basis, the department shall consider the sponsored alien and spouse ineligible household members.

(5) The provisions of this section do not apply to:

(a) An alien participating in the food stamp program as a member of the sponsor's household;

(b) An alien sponsored by an organization;

(c) An alien not required to have a sponsor under the Immigration and Nationality Act; or

(d) An alien required to have a sponsor under the Immigration and Nationality Act but exempted by federal regulations from the provisions of this section.

[Statutory Authority: RCW 74.04.510, 91-16-063 (Order 3225), § 388-49-270, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-270, filed 12/31/87.]

**WAC 388-49-280 Communal dining and delivered meals.** Elderly or disabled household members and spouses may use food coupons to purchase meals:

(1) Prepared at a communal dining facility authorized by FNS, or

(2) From a nonprofit meal delivery service authorized by FNS.

[Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-280, filed 12/31/87.]

**WAC 388-49-290 Identity.** The household shall provide verification of the identity of:

(1) Person making application, or

(2) Authorized representative and head of household when an authorized representative applies on behalf of a household.

[Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-290, filed 12/31/87.]

**WAC 388-49-300 Residency.** (1) Categorically eligible households, as described in WAC 388-49-180, do not have to meet residency requirements of this section.

(2) Household members shall live in the project area where the application is filed.

(3) The household shall provide verification of residency except in unusual cases where verification cannot reasonably be accomplished.

(4) The department shall not consider persons to be residents if they are in a project area solely for vacation purposes.

(5) No person may participate as a member of more than one household, or in more than one project area in any month unless that person is:

(a) A resident of a shelter for battered women and children, and

(b) Was a member of a household containing the person abusing him or her.

(6) The department shall not require a person to:

(a) Have a fixed residence, or

(b) Intend to reside permanently in the state.

[Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-300, filed 12/31/87.]

**WAC 388-49-310 Citizenship and alien status.** (1) The department shall require applicants to sign the application attesting to their citizenship or alien status as described under WAC 388-49-030(6).

(2) The department shall consider applicants failing to meet the requirements of subsection (1) of this section as ineligible household members under WAC 388-49-190(4), 388-49-420(5), and 388-49-480(2).

(3) The department shall consider the following persons residing in the United States eligible for participation in the food stamp program:

(a) A United States citizen; or

(b) An alien lawfully admitted for permanent residence;

or

(c) An alien who:

(i) Entered the United States before January 1, 1972, or some later date as required by law; and

(ii) Has continuously maintained residency in the United States since then; and

(iii) Is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the attorney general under section 249 of the Immigration and Nationality Act.

(d) An alien who qualified for entry after March 17, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion under sections 203 (a)(7), 207, and 208 of the Immigration and Nationality Act; or

(e) An alien qualified for conditional entry before March 18, 1980, under former section 203 (a)(7) of the Immigration and Nationality Act; or

(f) An alien granted asylum through an exercise of discretion by the attorney general under section 208 of the Immigration and Nationality Act; or

(g) An alien lawfully present in the United States as a result of:

(i) An exercise of discretion by the attorney general for emergent reasons or reasons deemed strictly in the public interest under section 212 (d)(5) of the Immigration and Nationality Act; or

(ii) A grant of parole by the attorney general.

(h) An alien living within the United States for whom the attorney general withheld deportation, under section 243 of the Immigration and Nationality Act, because the attorney general judges the alien is subject to persecution because of race, religion, or political opinion; or

(i) An alien having temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act; or

(j) An aged, blind, or disabled alien admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act; or

(k) An alien who is not aged, blind, or disabled admitted under section 245A of the Immigration and Nationality Act when:

(i) Permanent status has been gained; and

(ii) A five-year period has expired from date lawfully admitted.

(l) An alien who is:

(i) Granted family unity status by the immigration and naturalization service; and

(ii) Whose newly legalized alien spouse or parent is eligible to participate in the food stamp program.

(4) The household shall provide verification when:

(a) Citizenship is questionable; or

(b) One or more of its members are aliens.

(i) The department shall not contact the immigration and naturalization service to obtain information without the alien's written consent.

(ii) The department shall give the household failing to provide verification the option of:

(A) Withdrawing the application; or

(B) Participating without the alien member.

(5) An applicant shall be ineligible until:

(a) Questionable citizenship is verified; or

(b) Lawful alien status is verified.

(6) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant is a United States citizen when:

(a) The applicant cannot produce acceptable citizenship verification; and

(b) The household can reasonably explain why the verification is not available.

(7) The department shall notify immigration and naturalization services when any household member is ineligible because that person is present in the United States in violation of a known deportation order of the Immigration and Nationality Act.

(8) Lawfully admitted aliens who are ineligible include:

(a) Alien visitors;

(b) Tourists;

(c) Diplomats; and

(d) Students with temporary status.

[Statutory Authority: RCW 74.04.050, 92-14-030 (Order 3409), § 388-49-310, filed 6/23/92, effective 7/24/92; 91-11-019 (Order 3177), § 388-49-310, filed 5/7/91, effective 6/1/91. Statutory Authority: RCW 74.04.510, 89-16-106 (Order 2836), § 388-49-310, filed 8/2/89, effective 9/2/89; 89-07-001 (Order 2770), § 388-49-310, filed 3/2/89. Statutory Authority: RCW

74.04.050, 88-16-085 (Order 2666), § 388-49-310, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-310, filed 12/31/87.]

**WAC 388-49-320 Social Security number.** (1) Categorically eligible households, defined under WAC 388-49-180, are not subject to the provisions of this section.

(2) Prior to certification, a person applying for or participating in the food stamp program shall:

(a) Provide the Social Security number or numbers (SSN) for each member of the household; or

(b) Apply for and provide verification of SSN application if number is unknown or has not been issued.

(3) The department shall inform households:

(a) Where to apply for an SSN;

(b) What information is needed; and

(c) Failure to apply for or provide an SSN shall result in the disqualification of the person for whom the SSN is not obtained.

(4) The department shall disqualify any person failing to provide or apply for an SSN. The disqualification shall continue until the person provides an SSN.

(5) The department shall allow the person to participate for one month in addition to the month of application if a household member can show good cause why an SSN application has not been completed in a timely manner. The following criteria shall determine good cause:

(a) Good cause shall exist when:

(i) Documentary evidence or collateral information verifies the person has attempted to apply for an SSN; and

(ii) The person has made every effort to supply Social Security Administration with necessary information.

(b) Good cause does not include delays due to illness, lack of transportation, or temporary absence.

(6) The department shall make every effort to assist the household member to obtain documents necessary for SSN application.

(7) The department shall determine good cause for failure to apply monthly to allow the household member to continue on the food stamp program.

(8) The department shall not delay certification of an eligible household for verification of an SSN.

(9) The department shall determine the whole household to be ineligible if, after being notified an SSN was returned by the Social Security Administration (SSA) as not validated, the household refuses to provide the:

(a) Correct information; or

(b) Information SSA needs to verify the SSN.

[Statutory Authority: RCW 74.04.510, 89-16-063 (Order 2835), § 388-49-320, filed 7/31/89, effective 8/31/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-320, filed 12/31/87.]

**WAC 388-49-330 Student.** (1) A student, as defined under WAC 388-49-020, shall meet one of the following criteria to receive food stamps:

(a) Work and receive payment for a minimum of twenty hours per week. A self-employed student's minimum weekly earnings shall at least be equal to the federal minimum hourly wage multiplied by twenty hours;

(b) Work and receive money from a federal or state work study program;

(c) Be responsible for the care of a dependent household member under six years of age;

(d) Participate in the Job Opportunities and Basic Skill Training (JOBS) program;

(e) Be responsible for the care of a dependent household member at least six years of age, but under twelve years of age, and the department has determined adequate child care is not available during the regular school year to allow the student to:

(i) Attend class and satisfy the twenty hour work requirement; or

(ii) Participate in a state or federally financed work study program.

(f) Be a single parent responsible for the care of a dependent child twelve years of age or under regardless of the availability of adequate child care;

(g) Receive benefits from the aid to families with dependent children program; or

(h) Attend an institution of higher education through:

(i) The Job Training Partnership Act (JTPA);

(ii) A Food Stamp Act employment and training program;

(iii) Section 236 of the Trade Act of 1974; or

(iv) An approved employment and training program operated by state or local government.

(2) Student status begins the first day of the school term.

(3) Student status continues through normal periods of class attendance, vacation, and recess.

(4) Student status is lost when a student:

(a) Graduates;

(b) Is suspended;

(c) Is expelled;

(d) Drops out; or

(e) Does not intend to register for the next normal school term excluding summer school.

[Statutory Authority: RCW 74.04.050 and Public Law 102-237 Section 1727. 94-17-175 (Order 3777), § 388-49-330, filed 8/24/94, effective 10/1/94; 92-11-058 (Order 3387), § 388-49-330, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.04.510. 91-10-099 (Order 3173), § 388-49-330, filed 5/1/91, effective 6/1/91; 89-16-107 (Order 2837), § 388-49-330, filed 8/2/89, effective 9/2/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-330, filed 12/31/87.]

**WAC 388-49-340 Cooperation with quality control review.** (1) A household shall be ineligible if it refuses to cooperate in a quality control review.

(2) The household shall remain ineligible until the earlier of the following:

(a) Quality control review requirements are met, or

(b) Ninety-five days from the end of the annual quality control review period.

(3) Households reapplying after ninety-five days from the end of the annual quality control review period shall provide verification:

(a) Of all eligibility requirements prior to certification if not an expedited service household, or

(b) According to expedited service verification requirements in WAC 388-49-080 if the household is eligible for expedited service.

[Statutory Authority: RCW 74.04.050, Administrative Notice 94-14 and IPM 94-03. 94-18-034 (Order 3778), § 388-49-340, filed 8/30/94, effective 10/1/94. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-340, filed 12/31/87.]

**WAC 388-49-350 Food distribution program.** (1) The food distribution program is available to households living:

(a) On Indian reservations, or

(b) Near the reservation of a tribe where they are members.

(2) The program is administered by Indian tribal organizations approved by FNS.

(3) A household shall not receive benefits under the food stamp program and the food distribution program during the same calendar month.

[Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-350, filed 12/31/87.]

**WAC 388-49-360 Work registration and employment and training (E&T) program services.** (1) Unless exempt, the department shall register each individual between eighteen and sixty years of age, for employment at certification and once every twelve months thereafter. The department shall register a child reaching eighteen years of age during a certification period for work during the next recertification process.

(2) The department shall register sixteen and seventeen-year-old heads of households for employment unless the individuals are:

(a) Attending school; or

(b) Enrolled in an E&T program at least half time.

(3) The department shall exempt from work registration a person:

(a) Physically or mentally unfit for employment;

(b) Responsible for the care of a dependent child under six years of age or of an incapacitated person.

If a child's sixth birthday falls within a certification period, apply the exemption until the next recertification;

(c) Applying for or receiving unemployment compensation (UC);

(d) Subject to and participating in any work program under Titles IV-A and IV-C of the Social Security Act, as amended, or other E&T program;

(e) Employed or self-employed thirty hours or more per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty;

(f) Enrolled as a student half time or more in any recognized school, training program, or institution of higher education provided the students enrolled in higher education meet the eligibility conditions under WAC 388-49-020;

(g) Regularly participating in a drug addiction or alcoholic treatment and rehabilitation program;

(h) Complying with work requirements imposed as a participant in any refugee program; or

(i) Under contract or agreement with an employer as a migrant or seasonal farmworker.

(4) The department shall register each household member required to be work registered.

(5) The department shall accept an applicant's statement concerning the employability of each member of the household unless the information is questionable. The department shall verify any claim for exemption the department determines questionable.

(6) The department shall:

(a) Refer persons to E&T program services, unless the person is exempted by subsection (9) of this section; and

(b) Provide E&T program services to assigned applicants or recipients, either directly or through a contracted service provider, as specified in the state plan.

(7) Persons subject to E&T services shall participate in an E&T program service for:

(a) A minimum level of participation comparable to spending approximately twelve hours a month for two months during:

(i) An eight-week or two four-week period or periods, each time an applicant/recipient enters into the food stamp program; or

(ii) Each twelve months of continuous participation, whichever occurs sooner.

(b) A maximum level of participation not to exceed one hundred twenty hours. In any month, hours of participation may include a combination of:

- (i) An E&T program; and
- (ii) Workfare program; and
- (iii) Hours worked for compensation.

(8) The department shall require persons subject to E&T to:

(a) Report at a prescheduled time to the department or service provider and participate in an initial assessment interview. The department or service provider shall provide written information regarding:

- (i) An E&T plan developed jointly between the department or service provider and the participant;
- (ii) The grounds for noncompliance;
- (iii) The sanctions for noncompliance without good cause; and
- (iv) Provisions for ending noncompliance.

(b) Provide supplemental information regarding employment status or availability for work as requested;

(c) Report when referred to an employer, if the potential employment is suitable;

(d) Accept a bona fide offer of suitable employment;

(e) Complete reports as scheduled on the results of individual participation in all E&T services; and

(f) Appear for follow-up interviews.

(9) The department shall exempt from referral for E&T program services applicants or recipients who:

(a) Reside in an exempt county as specified in the state plan;

(b) Reside one hour or more travel distance from the service provider;

(c) Have no mailing address or message telephone; or

(d) Have a temporary incapacity expected to have a sixty-day or more duration.

(10) The department shall reimburse participants for expenses incurred in fulfilling E&T requirements as follows:

(a) An allowance of twenty-five dollars per participant month for transportation or other costs reasonably necessary and directly related to participation in the E&T program; and

(b) Dependent care costs directly related to participation in the E&T program, up to standards as set forth for the food stamp E&T program.

(i) A participant who is part of an AFDC household and resides in an area with work programs under Titles IV-A and IV-C of the Social Security Act, as amended, is not eligible for dependent care reimbursement under the E&T program.

(ii) An individual's participation in E&T activities shall be deferred if dependent care costs would exceed the published standards for E&T dependent care. Deferral shall continue until:

(A) A suitable component is available; or

(B) Circumstances change and monthly dependent care costs no longer exceed the limit.

(iii) Any portion of child care costs reimbursed may not be claimed as an expense and used in calculating the child care deduction.

(11) If a household member fails to comply with work registration or E&T program requirements without good cause, the department shall:

(a) Disqualify the entire household if the noncompliant member is the household employment representative; or

(b) Disqualify the noncompliant person if that person is not the household employment representative. The department shall treat the disqualified member as an ineligible household member.

(12) The department shall determine whether or not good cause exists before initiating sanction for refusal or failure to register for work or participate in E&T program services. The following circumstances shall constitute good cause for failure to register for work or participate in E&T program services. The following circumstances are not inclusive:

(a) Illness of the participant;

(b) Illness of another household member requiring the presence of the member;

(c) A household emergency;

(d) The unavailability of transportation; and

(e) Lack of adequate child care for children who reached six years of age, but are under twelve years of age.

(13) Within ten days of a determination of failure to comply the department shall determine whether good cause exists and, if not, provide notice to the household that contains:

(a) The particular act of noncompliance;

(b) The proposed period of disqualification;

(c) Notification that the individual or household may re-apply at the end of the disqualification period; and

(d) Information describing the action the individual or household may take to end or avoid the sanction.

(14) The disqualification period for noncompliance shall be for two months or until the noncompliant member moves from the household, becomes exempt for reasons other than subsection (3)(c) and (d) of this section, or complies, whichever is earlier.

(a) If the noncompliant member moves from the household, the household may resume participation.

(b) If the noncompliant member moves from the household and joins another household:

(i) As the household employment representative, the entire new household is ineligible for the remainder of the disqualification period; or

(ii) As other than the household employment representative, the department shall consider the noncompliant individual as an ineligible household member of the new household for the remainder of the disqualification period.

(c) If a new person, who has not committed a violation joins a sanctioned household:

(i) As the household employment representative, the period of ineligibility ends; or

(ii) As other than the household employment representative, the disqualification continues.

(15) The department shall consider a household member subject to work requirements of Titles IV-A or IV-C of the Social Security Act, as amended, or UC work registration and participation requirements, who fails to comply with such requirements, the same as under E&T program service requirements if the requirements were comparable. If a comparable E&T program service requirement does not exist, the household member shall lose exemption status as referenced under subsection (3)(d) of this section and shall register for work.

(16) At the end of the two-month disqualification period, a household may apply to re-establish eligibility. The individual may re-establish eligibility during the disqualification period if the reason for disqualification is corrected.

(17) Persons subject to reporting requirements who lose exemption status due to any reportable change of circumstance shall be work registered by the department when the case is processed.

(18) Persons who lose their exemption status due to a nonreportable change in circumstance shall be work registered at their next recertification.

(19) A registrant moving out of the jurisdiction of the department's local office where the registrant is registered shall reregister at the department local office in the new location.

(20) The household shall be held liable for any overissuances resulting from erroneous information given by the household member or the household's authorized representative.

(21) Each household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to:

(a) A determination of nonexempt status; or

(b) Failure to comply with work registration and employment and training program requirements; or

(c) Determination of noncompliance with a comparable work program under Titles IV-A and IV-C of the Social Security Act, as amended, or UC requirement.

(22) The department of social and health services shall administer the program and may contract E&T services through other agencies.

[Statutory Authority: RCW 74.01.510, 74.04.510, 7 CFR 273.7 (b)(1)(i), Public Law 103-66 Section 13922 and Administrative Notice 92-34. 94-22-030 (Order 3803), § 388-49-360, filed 10/26/94, effective 11/26/94. Statutory Authority: RCW 74.04.510. 89-19-025 (Order 2870), § 388-49-360, filed 9/12/89, effective 10/13/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-360, filed 12/31/87.]

**WAC 388-49-370 Unsuitable employment.** The department shall consider employment unsuitable when:

(1) The wage offered is less than the federal or state minimum wage, whichever is highest;

(2) The employment offered is on a piece-rate basis and the average hourly yield expected is less than the federal or state minimum wage, whichever is highest;

(3) The employee as a condition of employment is required to join, resign from, or refrain from joining any legitimate labor union;

(4) The work offered is at a site subject to strike or lockout at the time of offer unless:

(a) The strike is enjoined under the Taft-Hartley Act; or

(b) An injunction is issued under section 10 of the Railway Labor Act.

(5) The degree of risk to health and safety is unreasonable;

(6) The member is physically or mentally unfit to perform the employment as documented by medical evidence or reliable information from other sources;

(7) The employment offered within the first thirty days of registration is not in the member's major field of experience;

(8) The distance from the member's home to employment is unreasonable considering the wage, time and cost of commute:

(a) The department shall not consider employment suitable when daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility; and

(b) The department shall not consider employment suitable when the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the client to the job site.

(9) The working hours or nature of employment interferes with the member's religious observances, convictions, or beliefs.

[Statutory Authority: RCW 74.04.510. 89-19-025 (Order 2870), § 388-49-370, filed 9/12/89, effective 10/13/89.]

**WAC 388-49-380 Voluntary quit.** (1) A household where the household employment representative voluntarily quit his or her most recent job without good cause shall be ineligible if:

(a) The employment involved twenty hours or more per week or provided weekly earnings equivalent to twenty times the minimum wage;

(b) The quit occurred within sixty days prior to application or any time thereafter; and

(c) The household employment representative was, at the time of the voluntary quit, required to register for work as provided under WAC 388-49-360.

(2) Good cause for voluntarily quitting employment includes the following:

(a) Circumstances included under WAC 388-49-360(12);

(b) The employment is unsuitable as defined under WAC 388-49-370;

(c) Discrimination by an employer based on age, race, sex, color, handicap, religious belief, national origin, or political belief;

(d) Work demands or conditions rendering continued employment unreasonable, such as working without being paid on schedule;

(e) Acceptance by the household employment representative of employment or enrollment of at least half time in any recognized school, training program, or institution of higher education including fulfillment of the provisions under WAC 388-49-330, requiring the household employment representative to leave employment;

(f) Acceptance by any other household member of employment or enrollment at least half time in any recog-

nized school, training program, or institution of higher education in another county or similar political subdivision requiring the household to move thereby requiring the household employment representative to leave employment;

(g) Resignations by persons under sixty years of age recognized by the employer as retirement;

(h) Acceptance of a bona fide offer of employment of twenty hours or more a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the household employment representative, subsequently either does not materialize or results in employment of twenty hours or less a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

(i) Leaving a job in connection with patterns of employment where workers frequently move from one employer to another, such as migrant farm labor or construction work.

(3) A household where the household employment representative voluntarily quit their most recent job shall not be ineligible if the circumstances of the employment involve:

(a) Changes in employment status resulting from reduced hours of employment while working for the same employer;

(b) Termination of a self-employment enterprise; or

(c) Resignation from a job at the demand of an employer.

(4) An employee of the federal government or of a state or local government who participates in a strike against the government and is subsequently dismissed because of participation in the strike, shall be considered to have voluntarily quit a job without good cause.

(5) If a quit was without good cause, the department shall:

(a) Deny a household's application for a period of ninety days beginning with the day of quit; or

(b) For participating households, disqualify the household for three months. The disqualification shall start the first of the month following the adverse action period.

(6) The household shall have primary responsibility for providing verification. If the household and the department are unable to obtain verification, the department shall not deny the household access to the program.

(7) The household may re-establish eligibility during the disqualification, if otherwise eligible, and the person who caused the disqualification:

(a) Secures new employment:

(i) Comparable in monthly salary to the job the person quit; or

(ii) Of a lesser monthly salary, that is expected to improve the person's future employment prospects.

(b) Leaves the household;

(c) Becomes exempt from work registration for reasons other than under WAC 388-49-360 (3)(c) and (d); or

(d) Complies with requirements to correct the disqualification.

(8) If the noncompliant member moves from the household and joins another household:

(a) As the household employment representative, the entire new household is ineligible for the remainder of the disqualification period; or

(b) As other than the household employment representative, the department shall consider the noncompliant individual as an ineligible household member of the new household for the remainder of the disqualification period.

(9) If a new person who has not committed a violation joins a sanctioned household:

(a) As the household employment representative the period of ineligibility ends; or

(b) As other than the household employment representative, the disqualification continues.

[Statutory Authority: RCW 74.01.510, 74.04.510, 7 CFR 273.7 (b)(1)(i), Public Law 103-66 Section 13922 and Administrative Notice 92-34. 94-22-030 (Order 3803), § 388-49-380, filed 10/26/94, effective 11/26/94. Statutory Authority: RCW 74.04.510. 89-19-025 (Order 2870), § 388-49-380, filed 9/12/89, effective 10/13/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-380, filed 12/31/87.]

**WAC 388-49-390 Strikers.** (1) Households containing a striker as defined in WAC 388-49-020 shall be eligible if the household:

(a) Was eligible for benefits the day prior to the strike, and

(b) Is otherwise eligible at the time of application.

(2) A household shall not receive an increase in benefits as the result of a decrease in the income of the striker.

[Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-390, filed 12/31/87.]

**WAC 388-49-400 Resources—Allowable maximums.**

(1) Categorically eligible households, as defined in WAC 388-49-180, do not have to meet the resource limits or definitions in this section.

(2) Households not categorically eligible shall not exceed maximum allowable nonexempt resources of:

(a) Three thousand dollars for any household with a person sixty years of age or over, and

(b) Two thousand dollars for all other households.

(3) The department shall verify, if questionable, ownership and the value of all resources for households not categorically eligible.

[Statutory Authority: RCW 74.04.510. 90-23-075 (Order 3100), § 388-49-400, filed 11/20/90, effective 12/21/90. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-400, filed 12/31/87.]

**WAC 388-49-410 Resources—Exempt.** (1) The department shall exempt the following resources:

(a) An occupied home and surrounding property not separated by intervening property owned by others;

(b) An unoccupied home and surrounding property if the household:

(i) Is making a good faith effort to sell; or

(ii) Intends to return to the home and the house is unoccupied due to:

(A) Employment;

(B) Training for future employment;

(C) Illness; or

(D) Uninhabitability due to casualty or natural disaster.

(c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;

(d) Personal effects;

- (e) Household goods;
- (f) One burial plot per household member;
- (g) Cash value of:
- (i) Life insurance policies; and
- (ii) Pension funds.
- (h) Vehicles as provided under WAC 388-49-430;
- (i) That portion of real or personal property directly related to the maintenance or use of a vehicle excluded under WAC 388-49-430 (1)(a), (b), and (g);
- (j) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;
- (k) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;
- (l) Property essential to the employment or self-employment of a household member. Property excluded under this provision because the property is used by a self-employed farmer shall retain its exclusion for one year from the date the household member terminates self-employment from farming;
- (m) Resources held separately by a nonhousehold member or an ineligible student;
- (n) Indian lands:
  - (i) Held jointly with the tribe; or
  - (ii) Sold only with the approval of the Bureau of Indian Affairs.
- (o) Resources prorated as income for self-employed persons or eligible students. These funds, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;
- (p) Cash value of resources not accessible to the household;
- (q) Funds in a trust and the income produced by that trust, to the extent they are not available;
- (r) Resources excluded by express provision of federal law from consideration in the food stamp program;
- (s) Installment contracts or agreements for the sale of land or other property when it is producing income consistent with its fair market value;
- (t) Value of the property sold under an installment contract;
- (u) The value of property held for security if the purchase price is consistent with fair market value;
- (v) Real or personal property when:
  - (i) Secured by a lien as a result of obtaining a business loan; and
  - (ii) The security or lien agreement prohibits the household from selling the asset or assets.
- (w) Governmental payments designated for restoration of a home damaged in a disaster. The household must be subject to legal sanction if the funds are not used as intended;
- (x) Energy assistance payments or allowances made under federal, state, or local laws;
- (y) Resources of persons residing in shelters for battered women and children if:
  - (i) The resources are jointly owned with members of the former household; and
  - (ii) Access to the resources depends on the agreement of the joint owner.
- (z) Payments received under the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, as follows:

(i) Payments from the annuity fund established by P.L. 101-41 made to a Puyallup Tribe member upon reaching twenty-one years of age;

(ii) The investments or purchases made directly with the annuity payment up to the amount from the annuity fund payment; and

(iii) Payments from the trust fund established by P.L. 101-41 made to a Puyallup Tribal member.

(2) The department shall continue to exempt a household's funds commingled in an account with nonexempt funds for up to six months from the date the funds are commingled.

(3) The department shall exempt a resource of a household member who receives a supplemental security income (SSI) or aid to families with dependent children (AFDC) grant.

[Statutory Authority: RCW 74.04.050, Administrative Notice 94-03 sections 13923 and 13924, P.L. 103-66 and CFR 273.8 (c)(3), 273.8(g), and 273.8(h). 94-16-041 (Order 3756), § 388-49-410, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510. 92-09-117 (Order 3375), § 388-49-410, filed 4/21/92, effective 5/22/92; 91-23-087 (Order 3289), § 388-49-410, filed 11/19/91, effective 12/20/91; 91-10-097 (Order 3171), § 388-49-410, filed 5/1/91, effective 6/1/91; 90-11-004 (Order 2976), § 388-49-410, filed 5/3/90, effective 6/3/90; 89-18-030 (Order 2857), § 388-49-410, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.04.050. 88-16-081 (Order 2662), § 388-49-410, filed 8/2/88. Statutory Authority: RCW 74.04.510. 88-08-081 (Order 2619), § 388-49-410, filed 4/6/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-410, filed 12/31/87.]

**WAC 388-49-420 Resources—Nonexempt.** (1) The department shall consider the following resources nonexempt:

- (a) Liquid resources;
  - (b) Real and personal property not exempted by WAC 388-49-410; and
  - (c) Money secured in the form of a lump sum.
- (2) The value of a nonexempt resource, except for licensed vehicles as specified in WAC 388-49-430, shall be its equity value.
- (3) The department shall exempt funds having been commingled in an account with nonexempt funds for more than six months.
- (4) The department shall consider resources owned jointly by separate households available in their entirety to each household, unless:
- (a) The resource is inaccessible to one of the households, and
  - (b) Ownership is verified, if questionable.
- (5) The department shall consider resources of the following persons as available to the remaining household members:
- (a) Ineligible aliens;
  - (b) Persons disqualified for failure to meet Social Security number requirements;
  - (c) Persons disqualified for intentional program violation;
  - (d) Persons disqualified for failure to comply with work requirements as described under WAC 388-49-360; or
  - (e) Persons who fail to sign the application attesting to their citizenship or alien status.



(6) Excluding one thousand five hundred dollars, the department shall consider resources of an alien sponsor and spouse living together available:

(a) To the household as specified in WAC 388-49-270, for three years following the alien's admission to the United States for permanent residence;

(b) To the extent deemed resources are divided by the number of sponsored aliens applying for or participating in the program, if the alien can demonstrate the sponsor is sponsoring other aliens; and

(c) Until one of the following occurs:

(i) Alien obtains a new sponsor, should the alien lose a sponsor during the three-year limit;

(ii) The three-year period for applying the sponsored alien provisions expires; or

(iii) The sponsor dies.

[Statutory Authority: RCW 74.04.510. 91-22-046 (Order 3277), § 388-49-420, filed 10/31/91, effective 12/1/91; 91-10-097 (Order 3171), § 388-49-420, filed 5/1/91, effective 6/1/91; 90-23-075 (Order 3100), § 388-49-420, filed 11/20/90, effective 12/21/90; 89-07-001 (Order 2770), § 388-49-420, filed 3/2/89. Statutory Authority: RCW 74.04.050. 88-16-081 (Order 2662), § 388-49-420, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-420, filed 12/31/87.]

**WAC 388-49-430 Resources—Vehicles.** (1) The department shall exclude the entire value of a licensed vehicle even during periods of temporary unemployment if the vehicle is:

(a) Used for income-producing purposes over fifty percent of the time the vehicle is in use. A vehicle excluded under this provision because the vehicle is used by a self-employed farmer retains its exclusion for one year from the date the household member terminates self-employment from farming;

(b) Annually producing income consistent with its fair market value;

(c) Necessary for long distance travel, other than daily commuting, that is essential to the employment of a household member, ineligible alien, or disqualified person whose resources are considered available to the household;

(d) Necessary for subsistence hunting or fishing;

(e) Used as the household's home;

(f) Used to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household; or

(g) Necessary to transport a temporarily or permanently physically disabled:

(i) Household member;

(ii) Ineligible alien whose resources are available to the household; or

(iii) Disqualified person whose resources are available to the household.

The exclusion is limited to one vehicle per physically disabled person.

(2) The department shall count the equity value of an unlicensed vehicle even during periods of temporary unemployment unless the vehicle is:

(a) Annually producing income consistent with its fair market value (FMV) even if only used on a seasonal basis; or

(b) Work-related equipment necessary for employment or self-employment of a household member.

(3) The department shall consider unlicensed vehicles the same as licensed vehicles if the vehicles are driven by Indian tribal members on those reservations not requiring vehicle licensing.

(4) The department shall count toward the household's resource maximum either the FMV in excess of four thousand five hundred fifty dollars or the equity value of licensed vehicles, whichever is greater. Except, the department shall only count the FMV in excess of four thousand five hundred fifty dollars for the following vehicles:

(a) One licensed vehicle per household regardless of the vehicle's use; and

(b) Any other licensed vehicle used for:

(i) Transportation to and from employment;

(ii) Seeking employment; or

(iii) Transportation for training or education.

(5) The department shall determine the FMV using vehicles listed in publications written for the purpose of providing guidance to automobile dealers and loan companies.

[Statutory Authority: RCW 74.04.050, Administrative Notice 94-03 sections 13923 and 13924, P.L. 103-66 and CFR 273.8 (e)(3), 273.8(g) and 273.8(h). 94-16-041 (Order 3756), § 388-49-430, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.050 and 7 CFR 273.8(h). 93-16-044 (Order 3605), § 388-49-430, filed 7/28/93, effective 8/28/93. Statutory Authority: RCW 74.04.510. 91-16-064 (Order 3226), § 388-49-430, filed 8/1/91, effective 9/1/91; 89-18-030 (Order 2857), § 388-49-430, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-430, filed 12/31/87.]

**WAC 388-49-440 Resources—Transfer of property.**

(1) The department shall disqualify a household when any household member, including ineligible aliens or disqualified persons, has knowingly transferred any resource to qualify or attempt to qualify for benefits:

(a) Within three months immediately preceding the application for benefits, or

(b) After the household is determined eligible for benefits.

(2) The department shall disqualify the household for up to one year from the date the transfer is discovered.

(3) The department shall base the length of disqualification on the amount of the nonexempt transferred resources and other countable resources in excess of the allowable resource limits:

Amount In Excess	Disqualification
0 - 249.99	1 month
250 - 999.99	3 months
1,000 - 2,999.99	6 months
3,000 - 4,999.99	9 months
5,000 and over	1 year

(4) The department shall not apply the disqualification to the following types of transfers:

(a) Resources not affecting eligibility,

(b) Resources sold or traded at or near fair market value,

(c) Resources transferred between household members and ineligible aliens or disqualified persons of the same household, or

(d) Resources transferred for reasons other than to qualify.

[Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-440, filed 12/31/87.]

**WAC 388-49-450 Income—Earned.** (1) The department shall consider the following as earned income:

(a) Wages and salaries;  
 (b) Gross income from self-employment, including total gain from the sale of any capital goods or equipment related to the business, and excluding the cost of doing business. Self-employment income includes:

(i) Income from rental property if a household member is managing the property an average of twenty hours or more a week; and

(ii) Payments from a roomer; and

(iii) Payments from a boarder except for adult or child governmental foster care payments.

(c) Training allowances from vocational and rehabilitative programs:

(i) Recognized by federal, state, or local governments; and

(ii) Are not a reimbursement.

(d) Payments under Title I of the Domestic Volunteer Service Act;

(e) Advance on wages;

(f) Earnings by persons nineteen years of age and older from on-the-job training programs under JTPA;

(g) Money from the sale of blood or blood plasma;

(h) Military basic allowance for quarters and basic allowance for subsistence in lieu of provided housing and/or food; and

(i) Fellowships with work requirements.

(2) The department shall verify gross nonexempt earned income except for expedited service households:

(a) Prior to initial certification;

(b) At reapplication if amount has changed more than twenty-five dollars; and

(c) On a monthly basis for households subject to monthly reporting.

[Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (b)(1)(vi) and (c)(16), 94-22-032 (Order 3800), § 388-49-450, filed 10/26/94, effective 1/1/95. Statutory Authority: RCW 74.04.510 and 1992 § 479B, 93-17-032 (Order 3614), § 388-49-450, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.510, 89-11-101 (Order 2800), § 388-49-450, filed 5/24/89; 89-05-032 (Order 2762), § 388-49-450, filed 2/13/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-450, filed 12/31/87.]

**WAC 388-49-460 Income—Unearned.** (1) The department shall consider unearned income to include, but not be limited to:

(a) An annuity, pension, or retirement;

(b) Veteran or disability benefits;

(c) Workmen or unemployment compensation;

(d) Old-age, survivors, or social security benefits;

(e) Strike benefits;

(f) Payment from federally aided assistance programs based on need;

(g) Support and alimony payments made directly to the household from a person residing outside the household;

(h) Child support refund payments received by AFDC recipients from office of support enforcement;

(i) Adult and child governmental foster care payments, provided the foster care recipient is a food stamp household member;

(j) Educational benefits less excluded amounts (see income exclusions in WAC 388-49-470):

(i) Scholarships;

(ii) Educational grants including loans where repayment is deferred;

(iii) Fellowships without work requirements; and

(iv) Veteran benefits.

(k) Payments from government-sponsored programs;

(l) Cash prizes, awards, lottery winnings, or gifts;

(m) Dividends, interest, or royalties;

(n) Gross income minus the cost of doing business from rental property if a household member is not managing the property at least twenty hours a week;

(o) Money withheld to recoup an intentional noncompliance overpayment from a federal, state, or local means-tested program;

(p) Direct money payments, such as interest, dividends, and royalties which are a gain or benefit;

(q) Money legally obligated and otherwise payable to the household, but diverted by the provider of the payment to a third party, for a household expense; and

(r) Deemed income from an alien's sponsor.

(2) The department shall disregard the following as unearned income:

(a) Money from any source voluntarily returned by a household member to repay a prior overpayment from the same source;

(b) Child support payments assigned to office of support enforcement received by AFDC recipients.

(3) The department shall verify gross nonexempt unearned income except for expedited service households:

(a) Before initial certification;

(b) At recertification if amount changes more than twenty-five dollars; and

(c) On a monthly basis for households subject to monthly reporting if the income changes.

[Statutory Authority: RCW 74.04.050 and 7 CFR 273.9 (b)(2)(ii) and (iv), 94-22-033 (Order 3801), § 388-49-460, filed 10/26/94, effective 1/1/95. Statutory Authority: RCW 74.04.510 and 7 CFR 273.11(k), 94-16-042 (Order 3761), § 388-49-460, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510, 89-24-040 (Order 2911), § 388-49-460, filed 12/1/89, effective 1/1/90; 89-05-032 (Order 2762), § 388-49-460, filed 2/13/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-460, filed 12/31/87.]

**WAC 388-49-470 Income—Exclusions.** (1) The department shall exclude the following income:

(a) Money withheld from an income source to repay a prior overpayment from that same income source except for money withheld to recoup an intentional noncompliance overpayment from a federal, state, or local means-tested program;

(b) Income specifically excluded by any federal statute from consideration as income in the food stamp program;

(c) The earned income of household members who are:

(i) Twenty-one years of age or under; and

(ii) Attending elementary or secondary school at least half time.

(d) Infrequent or irregular income, received during a three-month period by a prospectively budgeted household, that:

- (i) Cannot be reasonably anticipated as available; and
- (ii) Shall not exceed thirty dollars for all household members.

(e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred;

(f) Nonrecurring lump sum payments;

(g) Income used for the cost of producing self-employment income;

(h) Educational assistance financed in whole or in part with Title IV funds or issued by the Bureau of Indian Affairs;

(i) Educational assistance to the extent such assistance is earmarked by the school or actually paid by the student for the following educational expenses:

- (i) Tuition;
- (ii) Mandatory fees, including rental or purchase of equipment, materials, and supplies related to pursuing the course of study;
- (iii) Books;
- (iv) Supplies;
- (v) Transportation; and
- (vi) Miscellaneous personal expenses.

(j) Reimbursements for past or future expenses to the extent the reimbursements do not:

- (i) Exceed the actual expense; and
  - (ii) Represent a gain or benefit to the household.
- (k) Any gain or benefit not in money;
- (l) Vendor payments as defined in WAC 388-49-020;

(m) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;

(n) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs;

(o) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.

Number in Grant Assistance Unit	Energy Exclusion
1	\$ 55
2	71
3	86
4	102
5	117
6	133
7	154
8 or more	170

(p) Support payments owed to a household member, but specified by the support court order or other legally binding written support or alimony agreement to go directly to a third-party beneficiary rather than to the household;

(q) Support payments on behalf of a household member, not required by the support court order or other legally binding written support or alimony agreement and paid directly to a third party rather than to the household;

(r) Payments from the individual and family grant program;

(s) Public assistance payments:

- (i) Over and above the regular warrant amount;
- (ii) Not normally a part of the regular warrant; and
- (iii) Paid directly to a third party on behalf of the household.

(t) From Jobs Training Partnership Act programs:

- (i) Allowances; and
- (ii) Earnings from on-the-job training by household members under parental control and eighteen years of age and younger.

(u) Cash donations based on need:

- (i) Received directly by the household;
- (ii) From one or more private, nonprofit, charitable organizations; and
- (iii) Not exceeding three hundred dollars in any federal fiscal year quarter.

(v) Earned income credit;

(w) Governmental foster care payments received by households with foster care individuals who are considered to be boarders under WAC 388-49-020(10).

(2) When earnings or amount of work performed by a household member described in subsection (1)(c) of this section, cannot be differentiated from the earnings or work performed by other household members, the department shall:

(a) Prorate the earnings equally among the working members; and

(b) Exclude the household member's pro rata share.

(3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the department shall exclude:

- (a) Any identifiable portion intended and used for the care and maintenance of the person out of the household; or
- (b) The lesser of:

(i) The actual amount used from a single payment for the care of a person outside the household; or

(ii) A pro rata share of the single payment when the single payment does not identify the portion intended for the care of the person outside the household.

[Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (c)(16). 94-22-029 (Order 3802), § 388-49-470, filed 10/26/94, effective 1/1/95. Statutory Authority: RCW 74.04.510, P.L. 103-66 (8-10-93) and 7 CFR 273.11(k). 94-16-074 (Order 3766), § 388-49-470, filed 7/29/94, effective 9/1/94. Statutory Authority: RCW 74.04.510 and 1992 § 479B. 93-17-032 (Order 3614), § 388-49-470, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (b)(5), (c)(2), and (c)(6). 92-22-051 (Order 3475), § 388-49-470, filed 10/28/92, effective 12/1/92. Statutory Authority: RCW 74.04.510 and Public Law 102-237. 92-11-063 (Order 3392), § 388-49-470, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.04.510. 92-03-119 (Order 3316), § 388-49-470, filed 1/21/92, effective 2/21/92; 91-06-004 (Order 3141), § 388-49-470, filed 2/21/91, effective 3/24/91; 90-15-028 (Order 3040), § 388-49-470, filed 7/13/90, effective 8/13/90; 89-24-040 (Order 2911), § 388-49-470, filed 12/1/89, effective 1/1/90; 89-11-101 (Order 2800), § 388-49-470, filed 5/24/89; 88-21-096 (Order 2716), § 388-49-470, filed 10/19/88; 88-08-079 (Order 2617), § 388-49-470, filed 4/6/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-470, filed 12/31/87.]

**WAC 388-49-480 Income—Ineligible household members.** (1) The department shall determine eligibility and benefit level for households containing persons disquali-

fied for intentional program violation or persons disqualified for failure to meet work requirements described in WAC 388-49-360 as follows:

(a) The entire income of the disqualified persons shall be considered available to the remaining household members;

(b) The entire household's allowable earned income, standard deduction, medical, dependent care, and excess shelter deduction shall be considered in their entirety; and

(c) The household's coupon allotment shall not be increased as a result of the exclusion of one or more persons.

(2) The department shall determine eligibility and benefit level for households containing persons ineligible because of alien status, disqualification for refusal to obtain or provide a Social Security number, or failure to sign the application attesting to their citizenship or alien status as follows:

(a) A pro rata share of the income of the ineligible persons shall be counted as income to the remaining household members;

(b) The twenty percent earned income deduction shall apply to the ineligible persons' earned income attributed to the household; and

(c) The portion of the household's allowable shelter and dependent care expense which is paid by or billed to the ineligible members shall be divided evenly among all members of the household, providing the ineligible members have income.

(3) The department shall not consider the income of ineligible students.

(4) The department shall exclude ineligible or disqualified household members when determining the household's size for purposes of:

(a) Assigning a benefit level; and

(b) Comparing the household's monthly income to the income eligibility standards.

[Statutory Authority: RCW 74.04.510, 91-15-088 (Order 3209), § 388-49-480, filed 7/23/91, effective 8/23/91; 89-07-001 (Order 2770), § 388-49-480, filed 3/2/89. Statutory Authority: RCW 74.04.050, 88-16-081 (Order 2662), § 388-49-480, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-480, filed 12/31/87.]

#### **WAC 388-49-485 Income—Nonhousehold members.**

(1) The department shall consider as income cash payments to the household from a nonhousehold member as defined in WAC 388-49-020.

(2) The department shall not consider the following as available to the household:

(a) The nonhousehold member's income; and

(b) Payments made by a nonhousehold member to a third party for the benefit of the household.

(3) When the nonhousehold member's earnings cannot be differentiated from the earnings of other household members, the department shall:

(a) Prorate the earnings equally among the working members; and

(b) Exclude the nonhousehold member's pro rata share.

(4) When the household shares deductible expenses with nonhousehold members, the department shall allow only the amount paid or contributed by the household as a deduction.

[Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-485, filed 12/31/87.]

**WAC 388-49-490 Income—Sponsored aliens.** The following provisions shall apply to those aliens for whom a sponsor has signed an affidavit of support or similar statement on or after February 1, 1983:

(1) The department shall consider portions of the gross income of a sponsor and sponsor's spouse (if living with the sponsor) as unearned income of the sponsored alien. The income of an alien sponsor shall be deemed available for three years following the alien's admission for permanent residence to the United States.

(a) The total monthly earned and unearned income of the sponsor and sponsor's spouse, if living with the sponsor, less earned income deduction, and the amount of the gross income eligibility standard for a household size equal to the sponsor, the sponsor's spouse, and all dependents shall be deemed monthly income of the alien when the sponsored alien's household:

(i) Applies for, or

(ii) Is recertified for program participation.

(b) Actual money paid to the alien by the sponsor or sponsor's spouse in excess of the deemed amount shall be considered income to the alien.

(c) If the sponsored alien can demonstrate the sponsor is sponsoring other aliens, the income deemed available shall be divided by the number of sponsored aliens applying for, or participating in, the program.

(2) The department shall consider the amount deemed in determining the eligibility and benefit level of the alien's household.

(3) The department shall verify the income of the alien's sponsor and sponsor's spouse if living with the sponsor at the time of the alien's application or recertification for program participation.

(4) If an alien switches sponsors during the certification period, deemed income would be recalculated based on the required information about the new sponsor as soon as possible after the information is supplied by the alien and verified by the department.

[Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-490, filed 12/31/87.]

**WAC 388-49-500 Income—Deductions.** (1) The department shall allow the following deductions when computing net income:

(a) A standard deduction of one hundred thirty-four dollars per household per month;

(b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8);

(c) A dependent care deduction of the actual amount incurred not to exceed two hundred dollars for each dependent age one year old or younger and one hundred seventy-five dollars for each other dependent when care is necessary for a household member to:

(i) Seek, accept, or continue employment; or

(ii) Attend training or education preparatory to employment.

(d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred or anticipated to be incurred by an elderly or disabled household member;

(e) A deduction for legally obligated child support paid for a person who is not a member of the household;

(f) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, child support, and dependent care deductions. The shelter deduction shall not exceed two hundred thirty-one dollars;

(g) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.

(2) A household's shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if the:

(i) Household intends to return to the home;

(ii) Current occupants, if any, are not claiming shelter costs for food stamp purposes; and

(iii) Home is not being leased or rented during the household's absence.

(b) Charges for the repair of the home substantially damaged or destroyed due to a natural disaster;

(c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs. A household may incur a separate utility charge when the household:

(i) Has not yet received a billing for utilities;

(ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or

(iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard allowance.

(d) Actual utility costs rather than the standard utility allowance if the household is:

(i) Not entitled to the standard utility allowance; or

(ii) Requesting use of actual utility bills. A monthly telephone standard shall be allowed for households incurring telephone expenses if the household is not entitled to claim the standard utility allowance.

(e) A shelter amount of one hundred thirty-nine dollars when all household members are homeless as specified under WAC 388-49-020(36) and the household incurs or expects to incur:

(i) Monthly shelter costs no greater than one hundred thirty-nine dollars; or

(ii) Unverified shelter costs exceeding one hundred thirty-nine dollars.

(3) A household may switch between actual utility costs and the standard utility allowance:

(a) At each recertification; and

(b) One additional time during each twelve-month period following the initial certification action.

(4) The department shall provide excess medical or shelter deductions effective with supplemental security income (SSI) eligibility when households:

(a) Become categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150 after a food stamp application;

(b) Receive food stamps as a nonassistance household until becoming categorically eligible; or

(c) Become categorically eligible after denial of nonassistance food stamps.

(5) The department shall not provide a deduction for that portion of a deductible expense, described under this section, paid by an excluded:

(a) Reimbursement; or

(b) Vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments.

(6) The department shall verify:

(a) Dependent care costs including changes, except in prospective budgeting;

(b) Incurred and anticipated medical expenses and the reimbursement amounts resulting in a deduction only at application, recertification, and when the household reports a change in medical expenses; and

(c) Actual shelter costs for homeless households when such costs exceed the amount in subsection (2)(e) of this section.

(7) If medical reimbursement cannot be verified, the department shall certify the household without allowing the deduction.

[Statutory Authority: RCW 74.04.500 and 7 CFR 273.9 (d)(1) and (5)(i). 95-02-023 (Order 3814), § 388-49-500, filed 12/28/94, effective 1/28/95. Statutory Authority: RCW 74.04.510 and Public Law 103-66. 94-20-041 (Order 3786), § 388-49-500, filed 9/28/94, effective 10/29/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (e)(5)(ii). 94-12-042 (Order 3738), § 388-49-500, filed 5/26/94, effective 7/1/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (a)(3), (d)(I), (d)(5)(i) and (ii). 93-23-033 (Order 3666), § 388-49-500, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a). 92-22-055 (Order 3473), § 388-49-500, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (e)(5)(i). 92-09-031 (Order 3367), § 388-49-500, filed 4/7/92, effective 5/8/92. Statutory Authority: RCW 74.04.510. 91-23-090 (Order 3292), § 388-49-500, filed 11/19/91, effective 12/20/91; 90-23-074 (Order 3099), § 388-49-500, filed 11/20/90, effective 12/21/90; 90-12-054 (Order 3012), § 388-49-500, filed 5/31/90, effective 7/1/90; 89-23-083 (Order 2901), § 388-49-500, filed 11/17/89, effective 12/18/89; 88-23-085 (Order 2726), § 388-49-500, filed 11/18/88; 88-08-078 (Order 2616), § 388-49-500, filed 4/6/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-500, filed 12/31/87.]

**WAC 388-49-505 Utility allowances.** (1) The department shall:

(a) Establish an annualized standard utility allowance for use in calculating shelter costs;

(b) Obtain FNS approval of the methodology used to establish the standard utility allowance;

(c) Establish a separate annualized telephone allowance;

(d) Obtain FNS approval of the methodology used to establish the telephone allowance.

(2) The annual standard utility allowance shall be two hundred twelve dollars.

(3) The monthly telephone standard shall be twenty-eight dollars.

[Statutory Authority: RCW 74.04.050 and 7 CFR 273.9 (d)(6)(v) and (vi). 94-17-174 (Order 3776), § 388-49-505, filed 8/24/94, effective 10/1/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (d)(6)(vi) and Letter of Approval from Food and Nutrition Services. 93-18-024 (Order 3626), § 388-49-505, filed 8/25/93, effective 10/1/93. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a). 92-22-055 (Order 3473), § 388-49-505, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.04.510. 91-08-013 (Order 3154), § 388-49-505, filed 3/26/91, effective 4/26/91; 89-23-083 (Order 2901), § 388-49-505, filed 11/17/89, effective 12/18/89;

88-23-085 (Order 2726), § 388-49-505, filed 11/18/88. Statutory Authority: RCW 74.04.050. 88- 04-042 (Order 2593), § 388-49-505, filed 1/28/88.]

**WAC 388-49-510 Income eligibility standards.** (1) Categorically eligible households, as described in WAC 388-49-180, are not subject to the provisions of this section.

(2) The department shall determine eligibility on the basis of gross income and net food stamp income except for households in subsection (3) of this section.

(3) The department shall determine eligibility on the basis of net food stamp income for households containing an elderly or disabled member.

(4) The gross and net monthly maximum income standards as established by the department of agriculture are as follows:

Gross Monthly Income Standard	
Household Size	Maximum Standard
1	\$ 798
2	1,066
3	1,335
4	1,604
5	1,872
6	2,141
7	2,410
8	2,678
9	2,947
10	3,216
Each additional person	+269

Net Monthly Income Standard	
Household Size	Maximum Standard
1	\$ 614
2	820
3	1,027
4	1,234
5	1,440
6	1,647
7	1,854
8	2,060
9	2,267
10	2,474
Each additional person	+207

[Statutory Authority: RCW 74.04.050 and 7 CFR 273.9(a). 94-20-045 (Order 3790), § 388-49-510, filed 9/28/94, effective 10/29/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9 (a)(3), (d)(l), (d)(5)(i) and (ii). 93-23-033 (Order 3666), § 388-49-510, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.04.510 and 7 CFR 273.9(a). 92-22-055 (Order 3473), § 388-49-510, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.04.510. 91-23-090 (Order 3292), § 388-49-510, filed 11/19/91, effective 12/20/91; 90-23-074 (Order 3099), § 388-49-510, filed 11/20/90, effective 12/21/90; 89-23-083 (Order 2901), § 388-49-510, filed 11/17/89, effective 12/18/89; 88-23-085 (Order 2726), § 388-49-510, filed 11/18/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-510, filed 12/31/87.]

**WAC 388-49-515 Eligibility determinations.** The department shall:

(1) Determine eligibility prospectively for each issuance month for all households;

(2) Budget income for eligible households prospectively or retrospectively according to WAC 388-49-520, 388-49-

530, or 388-49-535 after eligibility has been determined for each month; and

(3) Provide appropriate notice to the household as described in WAC 388-49-600.

[Statutory Authority: RCW 74.04.050. 88-16-082 (Order 2663), § 388-49-515, filed 8/2/88.]

**WAC 388-49-520 Prospective income budgeting.**

(1) The department shall budget income, income deductions, and income exclusions prospectively for the first two beginning months, except for student financial aid.

(2) The department shall budget income, income deductions, and income exclusions prospectively for the entire certification period for:

(a) Households in which all adult members are elderly or disabled and do not have earned income;

(b) Migrant households;

(c) Seasonal farmworker households; and

(d) Households in which all members are homeless individuals.

(3) The department shall budget the following income, income deductions, and income exclusions prospectively, except as provided under WAC 388-49-535(7):

(a) Public assistance as defined under WAC 388-22-030 except for Supplemental Security Income (SSI); and

(b) Income from a new household member for the first two months of participation when the:

(i) Household timely reports the new member; and

(ii) New member has not received benefits within the last calendar month.

[Statutory Authority: RCW 74.04.510, 74.04.570 and 7 CFR 273.21 (f)(2)(iii). 93-17-030 (Order 3611), § 388-49-520, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.510. 92-16-018 (Order 3425), § 388-49-520, filed 7/23/92, effective 9/1/92; 92-03-086 (Order 3311), § 388-49-520, filed 1/15/92, effective 2/15/92; 91-12-025 (Order 3184), § 388-49-520, filed 5/31/91, effective 7/1/91; 90-17-117 (Order 3051), § 388-49-520, filed 8/21/90, effective 9/21/90. Statutory Authority: RCW 74.04.050. 88-16-082 (Order 2663), § 388-49-520, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-520, filed 12/31/87.]

**WAC 388-49-530 Retrospective income budgeting.**

The department shall:

(1) Budget income retrospectively in months other than beginning months for all:

(a) Households except those described under WAC 388-49-520(2); and

(b) Types of income except those described under WAC 388-49-520(3).

(2) Consider income exclusions and deductions retrospectively when budgeting income for households described under subsection (1) of this section.

(3) Use the household composition as of the last day of the budget month unless a member leaves or enters the household during the process month.

(4) Disregard income received:

(a) In a beginning month if the income was:

(i) From a source no longer providing income to the household; and

(ii) Included in the household's prospective budget.

(b) From a discontinued source when the household reports the discontinuance of that income at least ten days before the start of the payment month for:

- (i) A nonassistance household member who applies for and begins to receive a public assistance grant; or
- (ii) A household receiving both public assistance and food stamps, when the discontinued income results in an increase in the public assistance grant.

[Statutory Authority: RCW 74.04.510. 92-16-017 (Order 3426), § 388-49-530, filed 7/23/92, effective 9/1/92; 91-12-025 (Order 3184), § 388-49-530, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.04.050. 88-16-082 (Order 2663), § 388-49-530, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-530, filed 12/31/87.]

**WAC 388-49-535 Special circumstances—Income budgeting.** The department shall:

(1) Budget additional public assistance payments either prospectively or retrospectively, using only the amount authorized for the month the income is received.

(2) Budget countable student financial aid retrospectively.

(3) Annualize and then prorate the following income to determine eligibility and benefit levels in the beginning months if:

(a) Self-employment income is received other than monthly; or

(b) Contract income is received in less than one year.

(c) After the first beginning months, the department shall use actual income received in the corresponding budget month.

(4) When a participating household member establishes a new household:

(a) Remove that member from the prior household; and

(b) Use the method of income budgeting that was in effect in the prior household.

(5) Consider either prospectively or retrospectively over the period the expense is intended to cover, expenses that have been averaged if the household:

(a) Has expenses that fluctuate or are billed less often than monthly; and

(b) Chooses to have the expenses averaged.

(6) When adding or deleting a household member, add or delete that person's income, following change of circumstance rules in WAC 388-49-610.

(7) Consider income exclusions and deductions retrospectively in households having income budgeted both prospectively and retrospectively.

[Statutory Authority: RCW 74.04.510, 74.04.570 and 7 CFR 273.21 (f)(2)(iii). 93-17-030 (Order 3611), § 388-49-535, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.04.510. 91-12-025 (Order 3184), § 388-49-535, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.04.050. 88-16-082 (Order 2663), § 388-49-535, filed 8/2/88.]

**WAC 388-49-550 Monthly allotments.** (1) The department shall determine the value of the allotment a household receives.

(2) The monthly allotment shall equal the thrifty food plan (TFP) for the household size reduced by thirty percent of the household's net income. The department shall use the monthly allotment standards as established by the food and nutrition service.

<u>Household Size</u>	<u>Thrifty Food Plan</u>
1	115
2	212

3	304
4	386
5	459
6	550
7	608
8	695
9	782
10	869
Each additional member	+ 87

(3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) The department shall base the allotment on a thirty-day month.

(b) The department shall not issue an allotment for less than ten dollars.

(4) The department shall issue a full month's allotment to households applying within one calendar month of a prior certification period.

(5) The department shall determine the value of the monthly allotment a household receives by:

(a) Multiplying the household's net monthly income by thirty percent;

(b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents; and

(c) Subtracting the result from the thrifty food plan for the appropriate household size.

(6) One- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month when the department shall not issue an allotment for less than ten dollars.

(7) The department shall issue an identification card to each certified household.

[Statutory Authority: RCW 74.04.050 and 7 CFR 273.10 (e)(4)(ii)(F) and FNS ADM Memo 07-19-94. 94-21-041 (Order 3795), § 388-49-550, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 74.04.050, Administrative Notice 94-03 and P.L. 103-66 section 13916. 94-16-045 (Order 3755), § 388-49-550, filed 7/27/94, effective 9/1/94. Statutory Authority: RCW 74.04.510 and 7 CFR 273.10 (e)(4)(ii)(F). 93-22-028 (Order 3656), § 388-49-550, filed 10/27/93, effective 11/27/93. Statutory Authority: RCW 74.04.510. 91-23-088 (Order 3290), § 388-49-550, filed 11/19/91, effective 12/20/91; 90-23-077 (Order 3102), § 388-49-550, filed 11/20/90, effective 12/21/90; 89-22-132 (Order 2894), § 388-49-550, filed 11/1/89, effective 12/2/89; 89-05-031 (Order 2760), § 388-49-550, filed 2/13/89; 88-23-082 (Order 2728), § 388-49-550, filed 11/18/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-550, filed 12/31/87.]

**WAC 388-49-560 Issuance.** (1) The department shall issue food coupons through a:

(a) Food coupon authorization (FCA) system staggered through the tenth of the month; or

(b) Direct coupon mail out system staggered through the tenth of the month.

(2) For FCAs issued on or after the twentieth of the month, the department shall issue a valid FCA:

(a) Until the end of the month and issue a valid replacement FCA if the household is unable to transact the FCA before the expiration date; or

(b) For the current month's benefits valid in the following month.

(3) The department shall issue the prorated allotment for the initial month and the allotment for the first full month at the same time for eligible households applying on the sixteenth of the month or after, except for households ineligible for the initial month or the second month.

(4) The department shall not transact or restore an FCA with an expired validity date, except as specified under WAC 388-49-560(2).

(5) The department shall maintain issuance records for a period of three years from the month of origin.

[Statutory Authority: RCW 74.04.050 and 7 CFR 274.2 (b)(3). 93-22-027 (Order 3655), § 388-49-560, filed 10/27/93, effective 11/27/93. Statutory Authority: RCW 74.04.050 and 7 CFR 274.3 (e)(1). 93-04-069 (Order 3509), § 388-49-560, filed 1/29/93, effective 3/1/93. Statutory Authority: RCW 74.04.050. 92-15-039 (Order 3417), § 388-49-560, filed 7/9/92, effective 8/9/92; 90-12-084 (Order 3022), § 388-49-560, filed 6/1/90, effective 7/2/90; 88-02-031 (Order 2575), § 388-49-560, filed 12/31/87.]

**WAC 388-49-570 Replacement allotments.** (1) A household may request a replacement not to exceed a one-month allotment for:

(a) A food coupon authorization (FCA) or coupons received, but subsequently destroyed in a household disaster;

(b) An FCA or coupons lost in or stolen from the mail;

(c) An FCA stolen after receipt; or

(d) Food purchased with coupons and destroyed in a disaster.

(2) To request a replacement, the household shall:

(a) Report the destruction or theft within ten days of the incident; or

(b) Report the nonreceipt within the period of intended use; and

(c) Sign an affidavit attesting to the destruction, theft, or nonreceipt within ten days of the report.

(3) The department shall not issue both a household disaster allotment to a household and a replacement allotment in a food and nutrition service (FNS) declared disaster.

(4) When a request for replacement is received, the department shall:

(a) Verify the disaster or theft;

(b) Determine if the coupons or FCA were validly issued, actually mailed, and if sufficient time has elapsed for delivery;

(c) Issue a replacement within ten days of the request if the household is eligible for replacement.

(5) The department shall deny a request for replacement when:

(a) Coupons were mailed by certified mail and a signed receipt of delivery is obtained by the post office from any person residing or visiting at the household-provided address;

(b) Coupons or an FCA are lost or misplaced after receipt;

(c) Coupons are stolen after receipt;

(d) The household was issued two countable replacements within the previous five months for FCAs or coupons lost in or stolen from the mail or for FCAs stolen after receipt; or

(e) The household was issued two countable replacements within the previous five months for FCAs or coupons destroyed in a household disaster. This limit is in addition to the limit under subsection (5)(d) of this section.

(6) The department shall not consider a replacement countable under subsection (5)(d) and (e) of this section if:

(a) The original or replacement issuance is returned to the department;

(b) The original or replacement FCA is not transacted; or

(c) The replacement is issued due to department error.

(7) The department shall deny or delay replacing an FCA when documentation substantiates the replacement request is fraudulent. The department shall:

(a) Inform the household of its right to a fair hearing; and

(b) Continue the denial or delay pending the hearing decision.

(8) The department shall use other delivery methods after two requests are received within a six-month period for replacement of:

(a) An original or replacement FCA; or

(b) Coupons lost in the mail.

(9) If delivery of a partial allotment is reported, the department shall:

(a) Verify the coupon loss was due to damage in the mail before delivery or a discrepancy in the issuance unit's inventory; and

(b) Issue the remainder of the allotment if the partial allotment is an issuance unit error regardless of the number of times the household receives replacements within a six-month period.

(10) The department shall provide replacement for coupons received and found to be mutilated or improperly manufactured.

(a) The replacement shall equal the value of the improperly manufactured or mutilated coupons.

(b) Coupons shall not be replaced if less than three-fifths of the mutilated coupons remain.

(c) The household shall surrender the mutilated or improperly manufactured coupons to the department.

[Statutory Authority: RCW 74.04.510. 89-18-059 (Order 2867), § 388-49-570, filed 9/1/89, effective 10/2/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-570, filed 12/31/87.]

**WAC 388-49-580 Restoration of lost benefits.** (1) The department shall restore benefits when:

(a) A loss was caused by department error;

(b) An administrative disqualification for intentional program violation was reversed;

(c) A rule or instruction specifies restoration of lost benefits; or

(d) A court action finding benefits were wrongfully withheld.

(2) The department shall restore benefits, even if the household is currently ineligible, for not more than twelve months before whichever of the following occurred first:

(a) The month the department receives a restoration request;

(b) The month the department is notified or discovers a loss has occurred;

(c) The date the household initiated a fair hearing request when a request for restoration was not received; or

(d) The date court action was initiated when the household has taken no other action to obtain a restoration.



- (3) The department shall notify the household of:
- (a) Its entitlement;
  - (b) The amount of benefits to be restored;
  - (c) The method of restoration;
  - (d) The right to request a fair hearing within ninety days of the date the household is notified; and
  - (e) Any offsetting to be done.

(4) If the household disagrees with the amount of benefits being restored, the department shall issue the amount determined by the department. If a fair hearing decision overturns the department, the department shall restore any lost benefits.

(5) If household composition has changed, the department shall restore the lost benefits to:

- (a) First, the household containing a majority of the persons who were household members at the time of the loss; or
- (b) Second, the household containing the head of the household at the time of the loss.

[Statutory Authority: RCW 74.04.510. 92-08-035, § 388-49-580, filed 3/24/92, effective 4/24/92. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-580, filed 12/31/87.]

**WAC 388-49-590 Monthly reporting.** (1) The department shall require the following households to return a completed monthly report by the fifth day of the process month describing the household circumstances during the budget month:

- (a) A household with nonexempt earned income or with a recent work history except a:
  - (i) Migrant or seasonal farm worker household; or
  - (ii) Household in which all members are homeless persons; or
  - (iii) Household with a recent work history in which all adult members are elderly or disabled.

(b) An AFDC household subject to monthly reporting.

(2) A household with a recent work history shall report for two months:

- (a) Beginning the month following the month of opening at initial application; or
- (b) After the last month of earnings during the certification period.

(3) The department shall require a household reporting monthly to verify the factors specified under WAC 388-49-110(5).

(4) The department shall notify a household if:

- (a) Its monthly report is late;
- (b) Its monthly report is incomplete; or
- (c) Additional information is needed.

(5) If the household furnishes a completed report to the department by the end of the process month, the department shall:

- (a) Accept the monthly report; and
  - (b) Continue benefits if the household remains eligible.
- (6) The department shall:

- (a) Terminate a household failing to return a completed report by the end of the process month; and
- (b) Notify the household that it may return a completed monthly report by the last day of the payment month to receive reinstated benefits.

(7) The department shall not require a household that reports monthly to report changes before reporting on the monthly report.

[Statutory Authority: RCW 74.04.050. 94-07-080 (Order 3708), § 388-49-590, filed 3/16/94, effective 5/1/94. Statutory Authority: RCW 74.04.050 and 7 CFR 273.21 (k)(2)(ii). 92-22-048A (Order 3471), § 388-49-590, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 74.04.510. 92-12-042 (Order 3395), § 388-49-590, filed 5/29/92, effective 7/1/92; 90-23-073 (Order 3098), § 388-49-590, filed 11/20/90, effective 12/21/90; 90-10-064 (Order 2974), § 388-49-590, filed 5/1/90, effective 6/1/90. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-590, filed 12/31/87.]

**WAC 388-49-600 Notices to households.** (1) The department shall notify a certified household of any change:

- (a) At least ten days before the change; or
- (b) By the date benefits are to be received for a household reporting changes on the monthly report.

(2) The department is not required to provide advance notice when:

- (a) The federal or state government makes mass changes;
- (b) The department determines all household members have died;
- (c) The household moves from the state;
- (d) The department restored lost benefits and previously notified the household in writing when the increased allotment would terminate;

(e) The department notified the household at the time of certification that allotments would vary from month to month;

(f) The household's benefits are reduced because a public assistance grant is approved; or

(g) A household member is disqualified for intentional program violation or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member.

[Statutory Authority: RCW 74.04.510. 91-11-087 (Order 3181), § 388-49-600, filed 5/21/91, effective 6/1/91; 90-09-036 (Order 2967), § 388-49-600, filed 4/11/90, effective 5/12/90. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-600, filed 12/31/87.]

**WAC 388-49-610 Changes—Prospective budgeting.**

(1) The department shall act on changes occurring in the first beginning month, changes for households described under WAC 388-49-520(2), and changes in the income described under WAC 388-49-520(3) which affect benefit increases as follows:

(a) If the change is verified within ten days after the change is reported, budget the change for the next allotment; or

(b) If the change is not verified within ten days after the change is reported, budget the change for the next allotment after the verification is received.

(2) The department shall act on changes affecting a benefit decrease following adverse action notice rules in WAC 388-49-600 unless the household requests:

- (a) A fair hearing; and
- (b) Continuation of benefits.

[Statutory Authority: RCW 74.04.510. 93-13-133 (Order 3575), § 388-49-610, filed 6/23/93, effective 7/24/93. Statutory Authority: RCW 74.04.050. 88-16-080 (Order 2661), § 388-49-610, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-610, filed 12/31/87.]

**WAC 388-49-620 Changes—Retrospective budgeting.** Changes in a budget month for households under retrospective budgeting shall be effective in the corresponding issuance month except that the addition or deletion of a household member and his or her income shall be considered prospectively.

[Statutory Authority: RCW 74.04.050, 88-16-080 (Order 2661), § 388-49-620, filed 8/2/88; 88-02-031 (Order 2575), § 388-49-620, filed 12/31/87.]

**WAC 388-49-630 Changes—Reporting requirements.** The department shall require a household certified for more than one month and not subject to mandatory monthly reporting to report the following changes within ten days of the date the change becomes known to the household:

- (1) Change in the source of income;
- (2) Change in the amount of gross monthly income of more than twenty-five dollars, except for public assistance income;
- (3) Change in the household composition, such as the addition or loss of a household member;
- (4) Change in residence and resulting change in shelter cost;
- (5) The acquisition of licensed vehicles;
- (6) The end of a temporary disability when the temporary disability is the reason for exempting the value of a vehicle; and
- (7) When nonexempt liquid resources exceed two thousand dollars or three thousand dollars for households with one or more members sixty years of age or older.

[Statutory Authority: 74.04.510, Administrative Notices 94-30, 94-53 and Section 5(e) of the Food Stamp Act of 1977. 94-17-171 (Order 3773), § 388-49-630, filed 8/24/94, effective 10/1/94. Statutory Authority: RCW 74.04.510, 92-16-016 (Order 3427), § 388-49-630, filed 7/23/92, effective 9/1/92; 91-22-045 and 91-24-039 (Orders 3276 and 3276A), § 388-49-630, filed 10/31/91 and 11/27/91, effective 12/1/91 and 2/1/92. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-630, filed 12/31/87.]

**WAC 388-49-640 Overissuances.** (1) The department shall establish claims and take collection action against households and household members for administrative error, inadvertent household error, or intentional program violation resulting in overissuances except as provided in subsections (3), (10), and (11) of this section.

(2) The department shall establish an overissuance claim against any household:

- (a) Receiving more food stamp benefits than it was entitled to receive; or
- (b) Containing an adult member who was an adult member of another household receiving more benefits than it was entitled to receive.

(3) The department shall not establish an administrative error claim or an inadvertent household error claim if an overissuance occurred because:

- (a) The department failed to ensure the household:
  - (i) Signed the application form;
  - (ii) Completed a current work registration form; or
  - (iii) Was certified in the correct project area.
- (b) The household transacted an expired food coupon authorization (FCA) unless the household had altered the FCA.

(4) The department shall hold all persons who were adult members of the household at the time of the overissuance jointly and severally liable for the overissuance.

(a) The department shall establish an overissuance claim and pursue collection action against any or all of these persons.

(b) If the household composition changes, the department may establish an overissuance claim and pursue collection action against any household containing a person who was an adult member of the household receiving the overissuance.

(5) The department shall not collect more than the amount of the overissuance.

(6) The department shall not establish an:

(a) Administrative error overissuance unless the department has:

(i) Discovered the overissuance within twelve months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(b) Inadvertent household error overissuance unless the department has:

(i) Discovered the overissuance within twenty-four months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(c) Intentional program violation overissuance unless the department has:

(i) Discovered the overissuance within seventy-two months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(7) Except as provided in subsection (8) of this section, the amount of the overissuance shall be the difference between:

- (a) The monthly allotment actually authorized; and
- (b) The monthly allotment the household should have been authorized.

(8) When determining the monthly allotment the household should have been authorized, the department shall not apply the twenty percent earned income deduction:

(a) To that portion of earned income which the household intentionally failed to report;

(b) When the department has determined that the household committed an intentional program violation.

(9) The amount of the household's and/or household member's liability for an overissuance shall be the difference between:

- (a) The amount of the overissuance; and
- (b) Any lost benefits not previously restored or used as an offset.

(10) The department shall initiate collection action on all inadvertent household or administrative error claims unless:

- (a) The claim is collected through offset;
- (b) The administrative error claim is less than one hundred dollars;
- (c) The inadvertent household error claim is less than thirty-five dollars;

(d) The department cannot locate the liable household;  
or

(e) The department determines collection action will prejudice an inadvertent household error claim case referred for possible prosecution or administrative disqualification.

(11) The department shall initiate collection action against the liable household whose member is found to have committed an intentional program violation unless:

(a) The household has repaid the overissuance;

(b) The department cannot locate the household; or

(c) The department determines collection action will prejudice the case against a household member referred for prosecution.

(12) The department shall initiate collection action by providing the household a demand letter.

(13) A household or household member may repay an overissuance except as provided in subsections (14) through (18) of this section by:

(a) A lump sum;

(b) Regular installments under a payment schedule agreed to by the household or household member and the department; and/or

(c) Allotment reductions.

(14) When the allotment reduction is the method of collection, the department shall reduce a currently participating household's allotment to repay an:

(a) Inadvertent household error overissuance by the greater of:

(i) Ten percent of the household's monthly allotment; or

(ii) Ten dollars per month.

(b) Intentional program violation overissuance by the greater of:

(i) Twenty percent of the household's monthly entitlement; or

(ii) Ten dollars per month.

(c) Administrative error overissuance by the amount agreed to by the household.

(15) A household member and/or the department may request the payment schedule be renegotiated.

(16) The department shall ensure the negotiated monthly installment amount is not less than the amount which could be recovered through allotment reduction when:

(a) A current participating household is liable for an inadvertent household error or an intentional program violation; and

(b) An installment payment schedule is the method of collection.

(17) The department shall reduce the allotment to repay an inadvertent household error or an intentional program violation overissuance without additional notice if, after notification of failure to make payment in accordance with a repayment schedule, the household member fails to:

(a) Make the overdue payments; or

(b) Request renegotiation of the payment schedule.

(18) The department shall reduce the household's allotment if:

(a) The household member fails to respond to the demand letter:

(i) Within ten days of the date the inadvertent household error overissuance notice is mailed; or

(ii) Upon receipt of the intentional program violation overissuance notice or the next business day if received on a nonbusiness day.

(b) The household is liable for an inadvertent household error or an intentional program violation claim.

(19) The department shall suspend collection action when:

(a) Collection action has not been initiated as provided in subsection (10) of this section;

(b) A liable household member cannot be located; or

(c) The cost of further collection action is likely to exceed the amount that can be recovered.

(20) The department may accept offers of compromise for overissuances when:

(a) The department has already established the account receivable for the overissuance and taken steps to recover the overissuance; and

(b) The amount offered approximates the net amount expected to be collected prior to the expiration of the collection period allowed by statute.

(21) The department shall write-off amounts from its account receivable records and release any applicable liens prior to the expiration of the collection period allowed by statute when there is:

(a) No further possibility of collection;

(b) An account receivable balance after payment of an accepted offer of compromise; or

(c) An account receivable balance after a claim has been in suspense for three consecutive years, as provided in subsection (19) of this section.

(22) The department may initiate collection action to satisfy a food stamp overissuance which occurred in another state when the department:

(a) Determines that the originating state does not intend to pursue collection in Washington state; and

(b) Receives the following from the originating state:

(i) Documentation of the overissuance computation;

(ii) Overissuance notice prepared for the client; and

(iii) Proof of service that the client received the overissuance notice.

[Statutory Authority: RCW 74.04.510 and 7 CFR 273.18(1). 94-23-131 (Order 3810), § 388-49-640, filed 11/23/94, effective 1/1/95. Statutory Authority: RCW 74.04.510, 92-12-043 (Order 3396), § 388-49-640, filed 5/29/92, effective 7/1/92; 91-22-047 (Order 3278), § 388-49-640, filed 10/31/91, effective 12/1/91; 88-08-039 (Order 2610), § 388-49-640, filed 4/1/88. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-640, filed 12/31/87.]

#### **WAC 388-49-650 Alien sponsor overissuances.** (1)

When an overissuance to a sponsored alien results from incorrect information provided by the alien's sponsor, the department shall consider both the alien and sponsor liable to repay the overissuance.

(2) The department shall initiate collection regardless of the current food stamp eligibility of the sponsored alien or sponsored alien's household.

(3) When the alien's sponsor had good cause for reporting the incorrect information, the department shall consider the sponsored alien solely liable for the inadvertent household error overissuance.

(4) When good cause does not exist, the department shall initiate collection against:

- (a) The alien's sponsor, or
  - (b) The sponsored alien's household, or
  - (c) Both at once, or
  - (d) The party deemed most likely to repay first.
- (5) The department shall initiate collection action against the sponsored alien's household as an inadvertent household error when:
- (a) Collection action is taken first against the alien's sponsor, and
  - (b) The alien's sponsor does not respond within thirty days, or
  - (c) Incorrect information concerning the alien's sponsor or sponsor's spouse was supplied by the sponsored alien through misunderstanding or unintended error.
- (6) The department shall initiate collection action against an alien's sponsor as an inadvertent household error provided:
- (a) The sponsor is informed in writing the department will not hold the sponsor responsible for repayment if good cause is demonstrated, and
  - (b) A department representative contacts the sponsor.
- (7) The department shall accept a lump sum or regular installment payments from the sponsor.
- (8) The department shall refund to the sponsored alien or alien's sponsor household any amount they repay in excess of the overissuances.
- (9) The department shall pursue a determination of intentional program violation against a sponsored alien's household if misrepresentation or fraud is alleged.

[Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-650, filed 12/31/87.]

**WAC 388-49-660 Intentional program violations—Administrative disqualification hearings.** Administrative disqualification hearings are governed by chapter 388-08 WAC and this section. If a provision in this section conflicts with a provision in chapter 388-08 WAC, the provision in this section controls.

- (1) The department shall refer an individual who has no prior intentional program violation but who is suspected of committing an intentional program violation for an administrative disqualification hearing when:
- (a) The overissuance caused by the suspected intentional program violation is four hundred fifty dollars or more; and
  - (b) At the time of referral, the individual resides:
    - (i) In Washington state; or
    - (ii) Outside Washington but within one hour's reasonable drive to a community services office; and
  - (c) The department determines that administrative proceedings will not jeopardize criminal prosecution.
- (2) The department shall refer an individual who has committed one or more intentional program violations and who is suspected of committing another intentional program violation when:
- (a) The act of suspected intentional program violation occurred:
    - (i) After the department mailed the administrative decision disqualifying the individual for the most recent intentional program violation; or

(ii) After entry of the order in criminal proceedings that caused the individual to be disqualified for the most recent intentional program violation; and

- (b) At the time of referral, the individual resides:
  - (i) In Washington state; or
  - (ii) Outside Washington but within one hour's reasonable drive to a community services office; and
- (c) The department determines that administrative proceedings will not jeopardize criminal prosecution.
- (3) The department shall:
  - (a) Give thirty days or more advance notice of the hearing date to the person alleged to have committed an intentional program violation as defined in WAC 388-49-020; and
  - (b) Obtain proof of receipt of the notice.
- (4) The notice of hearing shall comply with WAC 10-08-040 and contain the following information:
  - (a) The allegations;
  - (b) A summary of the department's evidence;
  - (c) A statement of how and where interested parties may examine the evidence;
  - (d) A statement that if the person or a representative fails without good cause to appear at the hearing, the administrative law judge and the review judge will make a decision based solely on the evidence and argument the department presents;
  - (e) A statement that the person has ten days from the date of the scheduled hearing to file a request with the administrative law judge:
    - (i) Showing good cause for failure to appear; and
    - (ii) Seeking a new hearing; and
  - (f) A statement that if a telephone hearing is scheduled, the person may request an in-person hearing by filing a request with the administrative law judge one week or more prior to the date of the hearing.
- (5) The person or a representative shall have the right to one continuance of up to thirty days provided a request is filed ten days or more prior to the hearing date.
- (6) The department shall conduct the hearing without the person or a representative if either person fails to appear at the hearing without good cause.
  - (a) The administrative law judge and the review judge shall base the decision solely on the evidence and argument the department presents.
  - (b) The person has ten days from the date of the scheduled hearing to file a request with the administrative law judge:
    - (i) Showing good cause for failure to appear; and
    - (ii) Requesting the hearing be reinstated.
- (7) The administrative law judge shall grant a request to change a scheduled telephone hearing to an in-person hearing if the person or representative:
  - (a) Files the request one week or more before the date the hearing is scheduled; or
  - (b) Files the request one week or less before the date the hearing is scheduled if the person shows good cause for having the hearing conducted in person.
- (8) The administrative law judge shall advise the person or representative they may refuse to answer questions during the hearing.

(9) The department shall bear the burden of proof for demonstrating intentional program violation with clear and convincing evidence.

(10) The department shall follow the decision-rendering in WAC 388-08-406.

(11) The department shall make a final decision and notify the household member of the decision within ninety days of the date the individual receives the notice of hearing.

(12) The department may combine an overissuance fair hearing and an administrative disqualification hearing into a single hearing when the facts alleged for each arise out of the same or related circumstances. When combined:

(a) The hearing procedures and time frames shall be those applicable to an administrative disqualification hearing;

(b) The household loses its right to a subsequent fair hearing on the overissuance; and

(c) The department shall give prior notice to:

(i) The person alleged to have committed the intentional program violation; and

(ii) The person alleged to be liable for the overissuance.

[Statutory Authority: RCW 74.04.510. 92-12-044 (Order 3397), § 388-49-660, filed 5/29/92, effective 7/1/92; 89-23-082 (Order 2900), § 388-49-660, filed 11/17/89, effective 1/1/90; 89-12-035 (Order 2804), § 388-49-660, filed 6/1/89; 88-08-040 (Order 2609), § 388-49-660, filed 4/1/88. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-660, filed 12/31/87.]

**WAC 388-49-670 Intentional program violations—Disqualification penalties.** (1) The department shall disqualify the person or persons committing an intentional program violation, but not the entire household, as defined in WAC 388-49-020.

(2) The department shall apply disqualification penalties as follows:

(a) If the violation occurred in whole or in part after the household was notified of the following penalties, the department shall apply the following disqualification periods:

(i) Six months for the first disqualification;

(ii) Twelve months for the second disqualification; and

(iii) Permanently for the third disqualification.

(b) The department shall disqualify the person or persons for three months:

(i) If the violation ended before the department notified the household of the penalties in subsection (2)(a) of this section; and

(ii) If the department determined the disqualification in an administrative hearing.

(c) The department shall consider multiple violations as only one disqualification when the violations occur before the department notified the household of the penalties, as described in subsection (2)(a) of this section.

(d) Court-ordered disqualifications are for the length of time specified by the court. The department shall:

(i) Recommend that a disqualification penalty, as provided in subsection (2)(a) of this section, be imposed in addition to any civil or criminal intentional program violation penalties;

(ii) Initiate the disqualification period for the currently eligible person or persons within forty-five days of the date the:

(A) Disqualification is ordered if the court does not specify a date; or

(B) Court finds such person or persons guilty if the court specifies a disqualification date.

(iii) Impose a disqualification period as specified in subsection (2)(a) of this section if the court fails to address or specify a disqualification period; and

(iv) Not initiate or continue an intentional program violation disqualification period contrary to a court order.

(3) The department shall provide written notice of disqualification to the person or persons before the disqualification. The department shall ensure the notice informs the:

(a) Participating person or persons of the disqualification and the effective date of the disqualification; or

(b) Nonparticipating person or persons that the disqualification period will be deferred until such time as the person or persons applies for and is found eligible for benefits.

(4) The department shall provide written notice to the remaining household member or members, if any:

(a) Of the allotment the household will receive during the period of disqualification; or

(b) That the household must re-apply because the certification period has expired.

(5) The department shall recognize an intentional program violation determined in another state or political jurisdiction.

(6) The department shall apply disqualification penalties against a person for trading food coupons for controlled substances or firearms. The department shall impose:

(a) A one year disqualification penalty for the first occasion of a finding by a federal, state, or local court of the trading of food coupons for a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(b) A permanent disqualification for:

(i) The second occasion of a finding by a federal, state, or local court of the trading of food coupons for a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) The first occasion of a finding by a federal, state, or local court of the trading of food coupons for firearms, ammunition, or explosives.

[Statutory Authority: RCW 74.04.510 and P.L. 103-66 section 13942. 94-16-043 (Order 3758), § 388-49-670, filed 7/27/94, effective 8/27/94. Statutory Authority: RCW 74.04.510. 89-12-034 (Order 2803), § 388-49-670, filed 6/1/89. Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-670, filed 12/31/87.]

**WAC 388-49-680 Agency conference.** (1) The department shall offer a conference to households contesting denial of expedited services. This conference shall be scheduled within two working days unless the household requests a later date.

(2) The department shall offer a conference to households adversely affected by an agency action.

(3) The department shall advise the household the conference:

(a) Is optional, and

(b) Will not delay or replace the fair hearing.

(4) An eligibility supervisor or CSO administrator shall attend the conference with the household member and/or representative.

[Statutory Authority: RCW 74.04.050. 88-02-031 (Order 2575), § 388-49-680, filed 12/31/87.]

**WAC 388-49-690 Fair hearings.** Fair hearings in the food stamp program are governed by this section and chapter 388-08 WAC. If a provision in this section conflicts with a provision in chapter 388-08 WAC, the provision in this section shall govern.

(1) At application and any time a household disagrees with a department decision, the department shall inform the household, in writing, of the:

- (a) Right to a hearing,
- (b) Method to request a hearing,
- (c) Right to have a household member present their case, and
- (d) Availability of free legal representation.

(2) The household has the right to a fair hearing on:

- (a) An action by the department or loss of benefits occurring in the prior ninety days;
- (b) A denial of a request for restoration of any benefits lost more than ninety days, but less than a year before the request; or
- (c) Any dispute of current benefit level at any time within a certification period.

(3) The department shall grant an alien's sponsor household the right to a fair hearing to contest:

- (a) A determination that the sponsor was at fault for providing incorrect information; or
- (b) The overissuance amount.

(4) A request for a hearing is any oral or written request by a household or its representative. The person must request a hearing within ninety days of the household's receipt of the decision being appealed.

(5) The department shall provide advance notice of the hearing to all involved parties at least ten days before the hearing.

(6) Before and during the hearing, a household or its representative with written authorization may inspect the department's files containing information related to the issue in the hearing request.

(7) The department shall not release confidential information including:

(a) Name of persons providing information about the household without its knowledge; and

(b) Nature and status of pending criminal prosecutions.

(8) The department shall:

(a) Assist the household in preparing the hearing request;

(b) Advise the household of its right to reapply for benefits pending the hearing;

(c) Upon request, provide bilingual interpreters; and

(d) Upon request, provide the household or its representative:

(i) Material needed to determine if a hearing should be requested or to prepare for a hearing;

(ii) Free copies of pertinent material from the case record; and

(iii) Information of legal services available to the client.

(9) The department shall withdraw a fair hearing request when the client so requests in writing.

(10) The administrative law judge or department shall not dismiss or withdraw a fair hearing request because a client fails to attend a prehearing or agency conference.

(11) The department shall make a final decision within sixty days of the receipt of the hearing request. The

department shall:

(a) Extend the time by the number of days a hearing is continued based on a request by or with the agreement of the household; and

(b) Expedite hearing requests from households planning to move from the state before the hearing decision is normally made.

(12) The department shall carry out the hearing decision to:

(a) Provide lost benefits when:

(i) The household is incorrectly denied benefits, or

(ii) Fewer benefits are issued than are due.

(b) Increase benefits within ten days of the receipt of the decision;

(c) Decrease benefits in the first scheduled issuance following the receipt of the decision; and

(d) Establish a claim for an overissuance if the department action is correct.

(13) The department shall, upon written request made within one year of the hearing, provide the household a free copy of the tape recording of the hearing.

[Statutory Authority: RCW 74.04.510, 89-22-131 (Order 2893), § 388-49-690, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-690, filed 12/31/87.]

**WAC 388-49-700 Fair hearings—Continuation of benefits pending.** (1) The department shall continue benefits at the contested or previous level pending a fair hearing if:

(a) The client requests a hearing within the period specified by the notice of adverse action;

(b) The certification period is not expired;

(c) The household does not waive continuation of benefits; and

(d) Households subject to monthly reporting submit a completed monthly report timely for each month of continued benefits.

(2) The department shall reduce or terminate benefits if a hearing request is not made within the period specified in the notice, unless failure to make the request is for good cause.

(3) Once continued or reinstated, the department shall not reduce or terminate benefits before receipt of the hearing decision unless:

(a) The certification period expires;

(b) The administrative law judge issues a preliminary determination, in writing, stating:

(i) The sole issue is one of federal law or regulations; and

(ii) The household's claim the department improperly computed benefits or misapplied such law or regulation is invalid.

(c) The household fails to request a new hearing after receiving a notice of adverse action on a change occurring pending the hearing decision;

(d) A mass change occurs while the hearing decision is pending; or

(e) A household whose certification period expired has made a timely application for a new certification period pending receipt of a hearing decision.

(4) For households subject to monthly reporting, the department shall continue benefits within five working days from the day the:

(a) Request for continued benefits is received for an issue other than nonreceipt of a monthly report; or

(b) Completed monthly report is returned when termination is solely for failure to submit a monthly report, and the completed monthly report is submitted by the last day of the payment month.

(5) The department shall act on reported changes without regard to the matter at issue in the hearing:

(a) During the certification period;

(b) When a monthly report is received; or

(c) When a timely application is made for a new certification period pending receipt of a hearing decision.

(6) The department shall promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

(7) The department shall establish a claim for all overissuances if the department's action is upheld by the hearing decision.

[Statutory Authority: RCW 74.04.050, 93-04-034 (Order 3505), § 388-49-700, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.04.510, 92-12-042 (Order 3395), § 388-49-700, filed 5/29/92, effective 7/1/92; 89-22-131 (Order 2893), § 388-49-700, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-700, filed 12/31/87.]

**Chapter 388-51 WAC**

**JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM CHILD CARE AND OTHER WORK-RELATED SUPPORTIVE SERVICES AND TRANSITIONAL CHILD CARE**

**WAC**

388-51-010	Child care and other work-related supportive services—Purpose.
388-51-020	Definitions.
388-51-040	Assurances and responsibilities under JOBS, income assistance, and transitional child care.
388-51-110	JOBS, income assistance, and transitional child care programs.
388-51-115	JOBS, income assistance, and transitional child care programs—Eligible children and recipients.
388-51-120	JOBS, income assistance, and transitional child care program—Payment.
388-51-123	JOBS, income assistance, and transitional child care programs—Effective dates.
388-51-130	Income assistance and transitional child care programs—Effect on eligibility and payments.
388-51-135	JOBS, income assistance, and transitional child care—Hearings.
388-51-140	Income assistance child care program—Conversion.
388-51-155	Transitional child care—Purpose and initial eligibility.
388-51-160	Transitional child care—Co-payment.
388-51-170	Transitional child care—Ongoing eligibility.
388-51-180	Child care overpayments.
388-51-210	Other supportive services.
388-51-250	Transitional supportive services.
388-51-260	Supportive services overpayments.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

388-51-100	Child care—Payment. [Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-100, filed 12/31/90, effective 1/31/91.] Repealed by 92-08-033, filed
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3/24/92, effective 4/24/92. Statutory Authority: 1991 c 16.

388-51-125 Jobs and income assistance child care program—Responsibilities. [Statutory Authority: 1991 c 16, 92-08-033, § 388-51-125, filed 3/24/92, effective 4/24/92.] Repealed by 93-12-059 (Order 3566), filed 5/27/93, effective 7/1/93. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211.

388-51-150 Other supportive services. [Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-150, filed 12/31/90, effective 1/31/91.] Repealed by 93-12-059 (Order 3566), filed 5/27/93, effective 7/1/93. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211.

388-51-200 Transitional supportive services. [Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-200, filed 12/31/90, effective 1/31/91.] Repealed by 93-12-059 (Order 3566), filed 5/27/93, effective 7/1/93. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211.

388-51-300 Transitional child care. [Statutory Authority: RCW 74.08.090, 90-06-032 (Order 2944), § 388-51-300, filed 3/1/90, effective 4/1/90.] Repealed by 93-12-059 (Order 3566), filed 5/27/93, effective 7/1/93. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211.

**WAC 388-51-010 Child care and other work-related supportive services—Purpose.** The purpose of this program is to provide child care and other support services necessary to assist families with dependent children to become self-sufficient.

[Statutory Authority: 1991 c 16, 92-08-033, § 388-51-010, filed 3/24/92, effective 4/24/92. Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-010, filed 12/31/90, effective 1/31/91.]

**WAC 388-51-020 Definitions.** Except as specified in this chapter, terms used under chapter 388-51 WAC shall have the same meaning applied to the AFDC program, as terms defined under chapters 388-22 WAC and 388-29, and to the JOBS program under chapter 388-47 WAC.

(1) "Able" means physically and/or mentally capable of caring for a child in a responsible manner.

(2) "Applicable standards" means standards and practices related to child care under chapter 388-73 WAC or, in the case of a tribal JOBS program, tribal law.

(3) "Child care overpayment" means any child care payment received by or for an assistance unit for a month which exceeds the amount the unit was eligible to receive.

(4) "Co-payment" means the computed amount which the parent pays toward the child's cost of care.

(5) "JOBS" means the job opportunities and basic skills training program for eligible AFDC families which assists obtaining education, training, and employment needed to avoid long-term welfare dependence.

(6) "Support services" means child care, and other services provided for under federal law, that may be required enabling an AFDC applicant or recipient to pursue employment, education, and training under chapter 388-47 WAC.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211, 93-12-059 (Order 3566), § 388-51-020, filed 5/27/93, effective 7/1/93. Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-020, filed 12/31/90, effective 1/31/91.]

(4) For households subject to monthly reporting, the department shall continue benefits within five working days from the day the:

(a) Request for continued benefits is received for an issue other than nonreceipt of a monthly report; or

(b) Completed monthly report is returned when termination is solely for failure to submit a monthly report, and the completed monthly report is submitted by the last day of the payment month.

(5) The department shall act on reported changes without regard to the matter at issue in the hearing:

(a) During the certification period;

(b) When a monthly report is received; or

(c) When a timely application is made for a new certification period pending receipt of a hearing decision.

(6) The department shall promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

(7) The department shall establish a claim for all overissuances if the department's action is upheld by the hearing decision.

[Statutory Authority: RCW 74.04.050, 93-04-034 (Order 3505), § 388-49-700, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.04.510, 92-12-042 (Order 3395), § 388-49-700, filed 5/29/92, effective 7/1/92; 89-22-131 (Order 2893), § 388-49-700, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 74.04.050, 88-02-031 (Order 2575), § 388-49-700, filed 12/31/87.]

**Chapter 388-51 WAC**

**JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM CHILD CARE AND OTHER WORK-RELATED SUPPORTIVE SERVICES AND TRANSITIONAL CHILD CARE**

**WAC**

388-51-010	Child care and other work-related supportive services—Purpose.
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388-51-250	Transitional supportive services.
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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

388-51-100	Child care—Payment. [Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-100, filed 12/31/90, effective 1/31/91.] Repealed by 92-08-033, filed
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3/24/92, effective 4/24/92. Statutory Authority: 1991 c 16.

388-51-125 Jobs and income assistance child care program—Responsibilities. [Statutory Authority: 1991 c 16, 92-08-033, § 388-51-125, filed 3/24/92, effective 4/24/92.] Repealed by 93-12-059 (Order 3566), filed 5/27/93, effective 7/1/93. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211.

388-51-150 Other supportive services. [Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-150, filed 12/31/90, effective 1/31/91.] Repealed by 93-12-059 (Order 3566), filed 5/27/93, effective 7/1/93. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211.

388-51-200 Transitional supportive services. [Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-200, filed 12/31/90, effective 1/31/91.] Repealed by 93-12-059 (Order 3566), filed 5/27/93, effective 7/1/93. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211.

388-51-300 Transitional child care. [Statutory Authority: RCW 74.08.090, 90-06-032 (Order 2944), § 388-51-300, filed 3/1/90, effective 4/1/90.] Repealed by 93-12-059 (Order 3566), filed 5/27/93, effective 7/1/93. Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211.

**WAC 388-51-010 Child care and other work-related supportive services—Purpose.** The purpose of this program is to provide child care and other support services necessary to assist families with dependent children to become self-sufficient.

[Statutory Authority: 1991 c 16, 92-08-033, § 388-51-010, filed 3/24/92, effective 4/24/92. Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-010, filed 12/31/90, effective 1/31/91.]

**WAC 388-51-020 Definitions.** Except as specified in this chapter, terms used under chapter 388-51 WAC shall have the same meaning applied to the AFDC program, as terms defined under chapters 388-22 WAC and 388-29, and to the JOBS program under chapter 388-47 WAC.

(1) "Able" means physically and/or mentally capable of caring for a child in a responsible manner.

(2) "Applicable standards" means standards and practices related to child care under chapter 388-73 WAC or, in the case of a tribal JOBS program, tribal law.

(3) "Child care overpayment" means any child care payment received by or for an assistance unit for a month which exceeds the amount the unit was eligible to receive.

(4) "Co-payment" means the computed amount which the parent pays toward the child's cost of care.

(5) "JOBS" means the job opportunities and basic skills training program for eligible AFDC families which assists obtaining education, training, and employment needed to avoid long-term welfare dependence.

(6) "Support services" means child care, and other services provided for under federal law, that may be required enabling an AFDC applicant or recipient to pursue employment, education, and training under chapter 388-47 WAC.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211, 93-12-059 (Order 3566), § 388-51-020, filed 5/27/93, effective 7/1/93. Statutory Authority: RCW 74.04.050, 91-02-086 (Order 3126), § 388-51-020, filed 12/31/90, effective 1/31/91.]



**WAC 388-51-040 Assurances and responsibilities under JOBS, income assistance, and transitional child care.** (1) The department shall assure:

- (a) Supportive services needed to enable a participant with an approved employability plan to participate in accordance with that approved plan in the JOBS program;
  - (b) Child care services meet applicable standards of state or tribal law as described under WAC 388-15-170(8);
  - (c) An entity providing child care allows parental access;
  - (d) The child's individual needs are taken into account when the department provides or arranges for child care and other supportive services; and
  - (e) Child care provided or claimed for payment is related to a person's JOBS program participation or employment hours.
- (2) The department shall:
- (a) Inform applicants or recipients about child care and supportive services available under this chapter;
  - (b) Respond to requests for child care services within a reasonable period of time;
  - (c) Inform applicants or recipients of the types and locations of child care services available to help them select child care services;
  - (d) Inform applicants or recipients of the child care options for which the department can make payment as described under WAC 388-51-110. The department shall:
    - (i) Provide information on transitional child care to all families terminating from AFDC; and
    - (ii) Include information on how to request transitional child care in the informational material provided to families terminating from AFDC.
  - (e) Inform applicants or recipients of their rights and responsibilities in relation to child care and support services;
  - (f) Provide timely child care payments to the provider; and
  - (g) Provide advance and adequate notice to recipients of reduction, suspension, or termination of child care benefits.
- (3) The recipient shall:
- (a) Choose the provider and make the child care arrangements;
  - (b) Immediately notify the department of any change in providers;
  - (c) Pay the in-home care giver when the department pays the applicant or recipient for in-home care;
  - (d) Pay any required co-payment;
  - (e) Supply the department with necessary information to allow payment to the authorized provider; and
  - (f) Immediately notify the provider when the department discontinues or changes the child care authorization.
- (4) The provider shall provide:
- (a) Parental access;
  - (b) Constant supervision of a child under care throughout the time such person is the provider;
  - (c) Developmentally appropriate activities for a child under provider's care; and
  - (d) Access to attendance records by appropriate state and federal government representatives.
- (5) The provider shall meet licensing and contracting requirements as required under chapters 388-150 and 388-155 WAC.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-040, filed 5/27/93, effective 7/1/93. Statutory Authority: RCW 74.04.050. 91-02-086 (Order 3126), § 388-51-040, filed 12/31/90, effective 1/31/91.]

**WAC 388-51-110 JOBS, income assistance, and transitional child care programs.** (1) The department shall guarantee child care by:

- (a) Paying providers for center care or family day care when the provider is:
  - (i) Licensed under chapter 74.15 RCW and either chapters 388-73, 388-150, or 388-155 WAC;
  - (ii) Exempt from licensure under chapter 74.15 RCW and chapters 388-73, 388-150, or 388-155 WAC;
  - (iii) A tribal day care center meeting the requirements of tribal law and certified by the department;
  - (iv) A child care facility, certified by the department, on a military installation; or
  - (v) A child care facility operated on public school property by a school district.
- (b) Paying the recipient for in-home care provided the care taker meets the requirements as described under WAC 388-15-170 (7) and (8). In-home care shall include care given in the child's home or in a relative's home if the relative is:
  - (i) An adult sibling living outside the child's home; or
  - (ii) Grandparents, aunts, uncles, or first cousins.
- (c) Allowing the dependent care earnings disregard for employed AFDC recipients. The department shall allow a disregard when the household:
  - (i) Received AFDC on October 13, 1988, based on application of the dependent care disregard, and has remained continuously eligible for grant assistance since that time. Such households shall have the option to use the disregard or state-paid child care;
  - (ii) Was employed on September 30, 1991, and has not converted to the state-paid, child care system; or
  - (iii) Is subject to retrospective budgeting and is converting to state-paid child care. When the household incurred child care costs in the corresponding budget month, the department shall allow both state-paid, child care and a child care earnings disregard for the month of conversion and the month thereafter.
- (2) Within the child care guarantee of this section, the department shall authorize payment for child care to allow:
  - (a) An AFDC applicant or recipient to participate in:
    - (i) JOBS orientation or assessment;
    - (ii) Job search that is part of an approved employability plan under chapter 388-47 WAC; or
    - (b) An AFDC recipient to participate in:
      - (i) Work-related barrier removal activities, as approved by the department for participation in employment or activities under chapter 388-47 WAC;
      - (ii) In an approved education or training or other component activity under chapter 388-47 WAC; or
      - (iii) Employment, either to accept or maintain.
    - (c) A family eligible for transitional child care to participate in employment activities.
  - (3) The department shall take the individual needs of the child into account.
  - (4) The department shall not guarantee child care for two-parent households where one parent is able and available

to care for the children. See "able" as defined under section 020 of this chapter.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-110, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16. 92-08-033, § 388-51-110, filed 3/24/92, effective 4/24/92.]

**WAC 388-51-115 JOBS, income assistance, and transitional child care programs—Eligible children and recipients.** (1) The department shall authorize necessary child care if the dependent child is:

- (a) Included in the same assistance unit as the recipient; or
- (b) For transitional child care, meets the requirements of WAC 388-51-170(4); or
- (c) Included in the household, but is not in the recipient's assistance unit because the child is receiving SSI benefits or foster care benefits under Title IV-E of the Social Security Act; and
- (d) Twelve years of age or younger; or
- (e) Physically or mentally (including emotionally) incapable of self-care, as verified by a licensed medical practitioner or licensed or certified psychologist; or
- (f) Under court supervision.

(2) The department shall not authorize child care to a recipient not included in the assistance unit because the recipient is:

- (a) An undocumented alien;
- (b) A recipient of SSI; or
- (c) A nonneedy relative.

(3) The department shall authorize JOBS and income assistance child care to employed recipients not included in the assistance unit due to a sanction with children meeting the requirements of subsection (1) of this section.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-115, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16. 92-08-033, § 388-51-115, filed 3/24/92, effective 4/24/92.]

**WAC 388-51-120 JOBS, income assistance, and transitional child care program—Payment.** (1) The department's payment for child care shall not exceed the local market rate for child care. The department shall establish the market rate based on representative samples of local child care providers.

(2) The child care rates shall be as published by the department.

(3) The department's payment for child care shall:

- (a) Relate to a person's hours of participation under chapter 388-47 WAC or hours of employment; and
- (b) Include transportation time between the place of employment or participation site for activity under chapter 388-47 WAC and the child care provider.

(4) The department may authorize child care payments for JOBS or income assistance child care for up to two weeks for a person waiting to enter education or training, or other component activity approved under chapter 388-47 WAC, or employment.

(5) The department may authorize JOBS, income assistance, or transitional child care for a period not to exceed one month when:

(a) Child care arrangements would otherwise be lost; and

(b) The component activity or employment is scheduled to begin within that period.

(6) The department may pay for initial one-time fees for registration or equipment which are required by an authorized child care provider if such fees are:

- (a) Required of all parents whose child is in care; and
- (b) Needed to maintain a child care arrangement.

(7) The department shall not pay ongoing annual registration fees.

(8) Notwithstanding WAC 388-51-110 (1)(b), the department may establish a protective payee due to mismanagement when the recipient fails to pay the in-home care provider when:

(a) The department has issued a child care warrant to the correct address and twelve or more working days have passed since the issuance date; and

(b) The recipient has not reported the warrant lost, stolen, or destroyed.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-120, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16. 92-08-033, § 388-51-120, filed 3/24/92, effective 4/24/92.]

**WAC 388-51-123 JOBS, income assistance, and transitional child care programs—Effective dates.** (1) The department shall authorize JOBS and income assistance child care for:

(a) Orientation or assessment, to coincide with participation in orientation or assessment provided the household has applied for assistance;

(b) Employment, to coincide with the start of employment or the date of eligibility for assistance, whichever is later, so long as the employment is timely reported by the eighteenth day of the process month. If the employment is not timely reported, the effective date for child care benefits shall be the date of request for child care;

(c) Other approved activities, to coincide with the date of request for child care or the date the activity commenced or was approved, whichever is later.

(2) The department shall authorize transitional child care for eligible families as required under WAC 388-51-155(3).

(3) The department shall provide timely notice to recipients for changes in payment when the change results in a discontinuation, suspension, reduction, termination, or forces a change in child care arrangements:

(a) Except, as required under WAC 388-51-120 (4) and (5), the department shall terminate child care benefits to coincide with the termination of a component activity or assistance, provided timely notice for the change in child care has been given; and

(b) Timely notice requirements shall not apply for other changes in the manner of payment.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-123, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16. 92-08-033, § 388-51-123, filed 3/24/92, effective 4/24/92.]

**WAC 388-51-130 Income assistance and transitional child care programs—Effect on eligibility and payments.**

(1) Except as provided under WAC 388-28-570 (6)(a)(iv),

388-51-110 (1)(c), and subsections (2) and (3) of this section, the department shall determine AFDC eligibility and payment amounts without the dependent care disregard for households subject to the income assistance child care program.

(2) The department shall determine payment amounts with the dependent care disregard for households receiving both state-paid child care and the earnings disregard for the month of conversion and the month thereafter.

(3) When eligible, an employed applicant's eligibility for income assistance child care starts with the first day of AFDC eligibility.

(4) The department shall not consider the child care benefits provided under this chapter as income or resources when determining AFDC, food stamp program eligibility, or payment amount. Income received as a child care provider shall be treated according to the requirements under chapters 388-28 and 388-49 WAC.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-130, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16. 92-08-033, § 388-51-130, filed 3/24/92, effective 4/24/92.]

**WAC 388-51-135 JOBS, income assistance, and transitional child care—Hearings.** (1) Applicants or recipients shall be entitled to fair hearings under chapter 388-08 WAC on any action affecting child care benefits except for changes resulting from a change in policy or law.

(2) Recipients of JOBS and income assistance child care payments shall not be eligible for continued child care benefits pending the outcome of a fair hearing.

(3) Recipients of transitional child care benefits are eligible for continued benefits pending the outcome of a fair hearing. Continued benefits may not extend beyond the family's twelve-month eligibility period.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-135, filed 5/27/93, effective 7/1/93. Statutory Authority: 1991 c 16. 92-08-033, § 388-51-135, filed 3/24/92, effective 4/24/92.]

**WAC 388-51-140 Income assistance child care program—Conversion.** (1) The department shall convert/subject households to the state-paid income assistance child care program as follows:

(a) At application. The department shall consider a reapplication following a break in assistance of one month or more as an application;

(b) For existing cases starting employment after October 1, 1991, when employment starts; and

(c) For existing cases that are employed on October 1, 1991, at the next eligibility review or the month thereafter, or upon the recipient's request, if earlier.

(2) Recipients that cease to be eligible for assistance at conversion because of the loss of the child care earnings disregard shall receive transitional benefits, if otherwise eligible.

[Statutory Authority: 1991 c 16. 92-08-033, § 388-51-140, filed 3/24/92, effective 4/24/92.]

**WAC 388-51-155 Transitional child care—Purpose and initial eligibility.** (1) The department shall:

(a) Guarantee transitional child care to families who become ineligible for AFDC as described under subsection (2) of this section; and

(b) Permit such AFDC-ineligible families to accept or retain employment.

(2) A family shall be eligible for transitional child care provided the family:

(a) Is ineligible for AFDC due solely or in part because of increased hours of, or increased income from, employment or the loss of income disregards due to time limitations;

(b) Received AFDC in three or more of the six months immediately preceding the first month of ineligibility; and

(c) Request orally or in writing transitional child care benefits and provides the information necessary for determining eligibility and fees.

(3) A family's eligibility for transitional child care shall begin with the first month the AFDC family is ineligible for AFDC for reasons described under subsection (2) of this section, and shall continue for a period of twelve consecutive months.

(4) Families may begin receiving child care in any month during the twelve-month eligibility period. The department shall allow retroactive benefits for child care paid by an eligible family during this twelve-month period when the:

(a) Provider meets requirements as described under WAC 388-51-110(1); and

(b) Family requests benefits during the twelve-month period.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-155, filed 5/27/93, effective 7/1/93.]

**WAC 388-51-160 Transitional child care—Co-payment.** (1) The caretaker relative shall contribute to the transitional child care cost based on the family's ability to pay according to a sliding scale based on the AFDC need standard as described under WAC 388-29-001(15) and 388-29-100(1).

(a) Families with gross income, at or below one hundred percent of the needs standard, shall contribute five dollars per month toward the transitional child care cost.

(b) Families with gross income exceeding one hundred percent of the needs standard shall contribute toward the transitional child care cost at the rate of twenty-five percent of the income exceeding one hundred percent of the needs standard, but not less than five dollars per month.

(c) In computing the effects of income on transitional child care co-payment levels, AFDC rules as described under chapter 388-28 WAC shall apply.

(d) The department shall calculate co-payments for the transitional child care total cost without regard to the number of children receiving care.

(2) The department shall calculate co-payments:

(a) At the time of the initial eligibility determination;

(b) When monthly income decreases; and/or

(c) When household size increases.

(3) A person failing to pay the required co-payment shall be subject to termination as required under WAC 388-51-170 (1)(c).

(4) A family shall pay the co-payment for transitional child care directly to the child care provider.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-160, filed 5/27/93, effective 7/1/93.]

**WAC 388-51-170 Transitional child care—Ongoing eligibility.** (1) A family's eligibility for transitional child care ceases to exist for a remaining portion of the twelve-month period when the caretaker relative:

(a) Terminates employment without good cause. Good cause for failure to retain employment includes, but is not limited to:

(i) Physical, mental, or emotional inability to perform the required activity;

(ii) Court-ordered appearance or temporary incarceration;

(iii) Family or individual emergency or crises;

(iv) Breakdown in transportation arrangements, with no readily accessible alternate transportation;

(v) Inclement weather preventing a person and others similarly situated from traveling to, or participating in, the prescribed employment;

(vi) The nature of the employment is hazardous to the individual;

(vii) The employment wages do not meet minimum wage standards or are not customary for the work in the community;

(viii) The employment was obtained due to a vacancy caused by a labor dispute;

(ix) Refusal to accept major medical treatment needed to continue employment, for example, major surgery;

(x) Refusal to continue employment when the wages, less mandatory payroll deductions and necessary work-related expenses, do not equal or exceed the family's AFDC cash benefit;

(xi) Illness or incapacity of another household member requiring the caretaker relative's care; or

(xii) Child care problems and/or loss of a child care provider.

(b) Fails to cooperate with the department in establishing and enforcing child support obligations;

(c) Fails to pay required co-payment fees; or

(d) Child is no longer dependent, except for deprivation by unemployment.

(2) A family's eligibility for child care shall be reinstated only when:

(a) The caretaker relative loses a job with good cause and finds another job, the department may qualify the family for the remaining portion of the twelve-month eligibility period; or

(b) Back co-payment fees are paid or satisfactory arrangements are made to make full payments.

(3) Siblings of children eligible for transitional child care, if needy and otherwise eligible, who enter or return to a household, shall be eligible to receive transitional child care benefits.

(4) The department shall not consider transitional child care benefits as income or resources when determining AFDC or food stamp program eligibility or payment amount.

Income received as a child care provider shall be treated according to chapters 388-28 and 388-49 WAC.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-170, filed 5/27/93, effective 7/1/93.]

**WAC 388-51-180 Child care overpayments.** (1) In those areas not expressly covered under WAC 388-51-180, recipients of JOBS, income assistance, and/or transitional child care benefits shall be subject to and covered by chapter 388-44 WAC.

(2) The department shall include, but not limit a child care overpayment to:

(a) Vendor payments for child care provided during a period when a child was not eligible for public assistance;

(b) Payments made pending a fair hearing when the fair hearing decision subsequently finds against the client;

(c) Payments made during the ten-day advance notice period when the client is ineligible for payment; and

(d) Continued payments received by the recipient because the appropriate ten-day advance period extends into the next month.

(3) The department shall calculate the amount of the child care overpayment based on the amount of child care payment the client or the child care provider receives for which the assistance unit was not entitled.

(4) When establishing an overpayment, the department shall reduce any child care overpayment by the amount of any child care underpayment where applicable.

(5) The department shall recover overpayments from:

(a) The assistance unit which was overpaid;

(b) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member; or

(c) Any member of the overpaid assistance unit whether or not currently a recipient.

(6) When a provider has claimed payment for child care services not provided, the department shall establish the overpayment in the provider's name.

(7) The department shall attempt recovery of an overpayment in all cases:

(a) Of fraud;

(b) Involving current recipients of child care benefits; and

(c) Where cost of recovery does not exceed the overpayment amount.

(8) In recovering overpayments from a family currently receiving child care benefits, the department shall consider a family's income level and financial obligations, including household expenses, when determining repayment requirements. Such families shall retain a reasonable amount of funds to meet the needs of the assistance unit.

(9) The department may only make recovery of child care overpayments from current Title IV-A child care recipients from child care benefits. Recovery may not interfere with child care arrangements.

(10) The department may make any recoveries of child care overpayments from AFDC benefit payments only on a voluntary request from a family receiving AFDC benefits.

(11) The department shall recover overpayments from families no longer receiving child care payments as required under WAC 388-44-150.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-180, filed 5/27/93, effective 7/1/93.]

**WAC 388-51-210 Other supportive services.** The department and the JOBS contractor may provide other supportive services payment or reimbursement for other supportive services expenses enabling a person to participate in the JOBS program.

(1) The expenditures for a participant's supportive services shall be subject to the maximum limits as indicated in the state's supportive services plan.

(2) Supportive services shall be as outlined in the JOBS supportive services state plan and shall include but not be limited to:

- (a) Transportation costs;
- (b) Tools and equipment;
- (c) License fees, including union initiation fees and licenses required by law, employer, or union for participation in JOBS or employment; and
- (d) One-time work-related expenses necessary for a participant to accept or maintain employment. These expenses shall be allowed only when:

(i) The participant has a bona fide job expected to last thirty days or more;

(ii) Other funds are not available; and

(iii) Such expenses are required for the type of work.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-210, filed 5/27/93, effective 7/1/93.]

**WAC 388-51-250 Transitional supportive services.** The department or the contractor may provide transitional supportive services, as outlined in the JOBS supportive services state plan, to a JOBS participant who loses eligibility for AFDC.

(1) Services provided within thirty days following AFDC termination include, but are not limited to transportation, one-time work-related expenses, and social services; and

(2) Counseling services for job retention may be provided for up to ninety days following AFDC termination.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-250, filed 5/27/93, effective 7/1/93.]

**WAC 388-51-260 Supportive services overpayments.** (1) In those areas not expressly covered by WAC 388-51-260, it is the intent of the department that recipients of JOBS and/or transitional supportive services benefits be subject to and covered by chapter 388-44 WAC.

(2) "Supportive services overpayment" means any supportive service payment received by or for an assistance unit or JOBS participant that exceeds the amount the unit was eligible to receive.

(3) The amount of the supportive services overpayment shall be the amount of payment received by the assistance unit or vendor for which the assistance unit was not entitled.

(4) For current recipients of supportive services benefits, recovery of support services overpayments may be made only from support services benefits. Any recovery of an overpayment may be made from AFDC benefit payments only upon voluntary request from a family receiving AFDC benefits.

(5) Recovery of overpayments from families no longer receiving supportive services payments follow WAC 388-44-150.

[Statutory Authority: Family Support Act P.L. 100-485, ESHB 1330 and 1991 c 16 § 211. 93-12-059 (Order 3566), § 388-51-260, filed 5/27/93, effective 7/1/93.]

## Chapter 388-52 WAC

### SERVICES INVOLVING OTHER AGENCIES

#### WAC

388-52-150	Vocational rehabilitation services.
388-52-155	Vocational rehabilitation services—Training expenses.
388-52-160	Comprehensive employment and training program—Definitions.
388-52-163	Comprehensive employment and training program—Services provided.
388-52-166	Comprehensive employment and training program—Participation of recipient.
388-52-169	Treatment of recipient's income from CETA.
388-52-172	Release of information to prime sponsors of CETA program.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-52-156	Vocational rehabilitation services for disabled—Time limitation on training. [Order 542, § 388-52-156, filed 3/31/71, effective 5/1/71.] Repealed by Order 854, filed 9/13/73.
388-52-175	Vocational rehabilitation services for disabled—Division of costs between department and division of vocational rehabilitation. [Order 465, § 388-52-175, filed 6/23/70; Regulation 20.245, filed 1/24/64.] Repealed by Order 542, filed 3/31/71, effective 5/1/71.
388-52-185	Vocational rehabilitation services for disabled—Time limitation on training. [Order 465, § 388-52-185, filed 6/23/70; Regulation 20.246, filed 1/24/64.] Repealed by Order 542, filed 3/31/71, effective 5/1/71.
388-52-200	Vocational rehabilitation services for nondisabled. [Regulation 20.25, filed 1/24/64.] Repealed by Order 465, filed 6/23/70.
388-52-225	Other considerations in joint case planning. [Regulation 20.255, filed 1/24/64.] Repealed by Order 465, filed 6/23/70.

#### WAC 388-52-150 Vocational rehabilitation services.

(1) The local office shall utilize the resources of the vocational rehabilitation division in behalf of incapacitated recipients of continuing general assistance and AFDC who are eligible for and for whom vocational rehabilitation services are feasible.

(2) Vocational rehabilitation services for blind persons are provided by the division.

[Order 975, § 388-52-150, filed 10/11/74; Order 542, § 388-52-150, filed 3/31/71, effective 5/1/71; Order 465, § 388-52-150, filed 6/23/70; Regulation 20.24, filed 1/24/64.]

**WAC 388-52-155 Vocational rehabilitation services—Training expenses.** (1) The vocational rehabilitation division provides funds for expenses directly attributable to

participation in a vocational rehabilitation plan. It does not pay for any item provided for in public assistance standards for requirements except for continuing general assistance recipients who are receiving rehabilitation services from the division.

(2) The division provides full maintenance costs for continuing general assistance recipients while they are receiving rehabilitation services. The local office shall terminate assistance to such recipients effective with the beginning of vocational rehabilitation maintenance payment.

(3) For an AFDC recipients receiving services from the division

(a) The assistance payment shall include all requirements as provided in the monthly standards for basic requirements but shall not include any costs directly attributable to the rehabilitation plan with the exception of necessary child care for a plan approved by the local office.

(b) If it is necessary for a recipient to leave the home to carry out the vocational rehabilitation plan, the grant shall be re-computed; separate assistance units shall be established for the vocational rehabilitation client and for the other members of his family.

[Order 975, § 388-52-155, filed 10/11/74; Order 542, § 388-52-155, filed 3/31/71, effective 5/1/71.]

**WAC 388-52-160 Comprehensive employment and training program—Definitions.** (1) "Act" as used in WAC 388-52-160 through 388-52-172 means the Comprehensive Employment and Training Act (CETA).

(2) Allowance

(a) "Basic training allowance" - a weekly payment to defray living costs during participation in training.

(b) "Dependent's allowance" - an additional weekly payment of five dollars per week for each dependent over two, up to a maximum of four additional dependents, for a maximum additional allowance of twenty dollars a week for six or more dependents.

(c) "Incentive allowance" - a thirty dollar weekly payment in lieu of the basic allowance to a participant receiving public assistance.

(d) "Additional allowance" - a payment to a participant for training expenses, for subsistence or for emergency needs.

(3) "Consortium" - an agreement among local units of government to develop and sponsor a manpower program.

(4) "Participant" - an individual who qualifies for and receives service or who takes part in the activities of a CETA program.

(5) "Prime sponsor" - a unit of government, or a combination of units of government, or a rural concentrated employment program which has entered into an agreement with the U.S. Department of Labor to provide manpower services under the act.

(6) "Public service employment" is employment by a government agency to provide services within the scope of its normal responsibility and for which wages and salaries are funded by Title II of the act.

[Order 975, § 388-52-160, filed 10/11/74.]

**WAC 388-52-163 Comprehensive employment and training program—Services provided.** (1) Manpower

services under the comprehensive employment and training act are provided by local government units acting as prime sponsors of the program in the local area. Public assistance recipients are priority candidates for services from the program.

(a) Title I of the act provides for basic education and vocational training, employment orientation and counseling, work experience, job placement, and a variety of supportive services.

(b) Title II of the act provides for the establishment and operation of public service employment programs.

(2) Benefits to participants under Title I of the act may consist of basic training allowance; incentive payments to persons receiving public assistance; wages from employment under CETA other than public service employment; payments for transportation and other expenses of participation; and a variety of supportive services such as child care, residential support and family planning.

[Order 975, § 388-52-163, filed 10/11/74.]

**WAC 388-52-166 Comprehensive employment and training program—Participation of recipient.** (1) If an AFDC participant is certified and assigned to the CETA program by WIN, WIN rules regarding participation requirements are applicable.

(2) He/she is required to participate only if assigned by WIN/E&T.

[Statutory Authority: RCW 74.08.090. 81-10-011 (Order 1643), § 388-52-166, filed 4/27/81; 79-03-013 (Order 1368), § 388-52-166, filed 2/15/79; Order 975, § 388-52-166, filed 10/11/74.]

**WAC 388-52-169 Treatment of recipient's income from CETA.** (1) An individual receiving a CETA basic training allowance shall not concurrently receive an AFDC or continuing general assistance grant.

(2) For payments and wages under Title I of CETA see WAC 388-28-570 (2)(b) and 388-28-515 (2)(c).

(3) For payments received from CETA for training expenses see WAC 388-28-578(1).

(4) If payments are received from CETA for purposes other than those cited in subsections (1), (2), and (3), WAC 388-28-578 is applicable.

(5) For wages and salaries received for public service employment under CETA see WAC 388-28-570 (2)(b)(i).

[Order 975, § 388-52-169, filed 10/11/74.]

**WAC 388-52-172 Release of information to prime sponsors of CETA program.** When information in regard to an individual's public assistance status is requested from CETA staff, the policies in WAC 388-48-010, 388-48-030, and 388-48-070 are applicable.

[Order 975, § 388-52-172, filed 10/11/74.]

## Chapter 388-55 WAC REFUGEE ASSISTANCE

### WAC

388-55-010	Common eligibility conditions.
388-55-020	Work and training eligibility conditions.
388-55-030	Treatment of income.

388-55-040 Refugee medical assistance.

**WAC 388-55-010 Common eligibility conditions.**

(1) The department shall grant assistance to refugees within the provisions of P.L. 96-212, the Refugee Assistance Program to applicants who provide proof, in the form of documentation issued by Immigration and Naturalization Service (INS), of one of the following statuses:

(a) Admittance from any country having parole status as a refugee asylee or parolee under Section 212 (d)(5) of the Immigration and Naturalization Act (INA);

(b) Admittance from any country as a conditional entrant under Section 203 (a)(7) of the INA;

(c) Admittance from any country as a refugee under Section 207 of the INA;

(d) Granted asylum under Section 208 of the INA;

(e) Admittance with an immigration status that entitled the individual to refugee assistance prior to enactment of the Refugee Act of 1980;

(f) Admittance as an Amerasian immigrant from Vietnam admitted through the orderly departure program, under section 584 of the Foreign Operations Appropriations Act, incorporated in the FY88 Continuing Resolution P.L. 100-202; and

(g) Admitted for permanent residence, provided the individual previously held one of the statuses described in subsection (1)(a), (b), (c), or (d) of this section.

(2) The department shall transfer eligible refugees to the AFDC, FIP, and/or Medicaid programs retroactively effective October 1, 1977, or as of such date as the refugees qualified for refugee assistance, whichever is later. The department shall regard such refugees as recipients rather than new applicants and shall disregard the recipient's income accordingly.

(3) The department shall determine eligibility for AFDC or Medicaid before determining eligibility for the refugee assistance program for applications from refugees not currently receiving refugee cash assistance and/or medical assistance.

(a) If the applicant is not eligible for AFDC or FIP, then the department shall determine eligibility under the refugee assistance program.

(b) If the applicant is not eligible for Medicaid, then the department shall determine eligibility under the refugee assistance medical program.

(4) The department shall waive requirements of categorical relatedness of federal assistance programs, except for mandatory monthly reporting, for refugee assistance program. Requirements under WAC 388-24-044 apply.

(5) The department shall determine as not eligible for refugee assistance, refugees terminated from the AFDC program because of refusal to comply with eligibility requirements.

(6) Except as specified in subsection (7) of this section, the department shall provide assistance to all refugees, regardless of family composition, at the AFDC monthly standards. The department shall treat income and resources according to AFDC standards. The department shall not consider resources which are unavailable, including property remaining in other countries, in determining eligibility for financial assistance.

(7) Applicants for and recipients of refugee assistance are not eligible for the thirty dollar plus one-third of the remainder exemption from earned income.

(8) The department shall treat the refugee family unit including United States citizen children born in this country, as a single assistance unit under the refugee assistance program under the provisions of WAC 388-24-050.

(9) Beginning October 1, 1991, for new applicants and beginning December 1, 1991, for current recipients, the department shall consider refugees meeting the criteria in this section as eligible for refugee assistance only during the eight-month period beginning the first month the refugee entered the United States.

(10) The department shall not consider full-time students in an institution of higher education eligible for refugee assistance, unless participating in a department-approved job or language training program not to exceed twelve months.

(11) The department shall notify the voluntary agency (VOLAG) sponsoring the refugee when the refugee applies for assistance.

(12) Refugees meeting the criteria in this section are eligible for additional requirements for emergent situations under chapter 388-29 WAC.

[Statutory Authority: RCW 43.20A.550. 91-24-046 (Order 3299), § 388-55-010, filed 11/27/91, effective 12/28/91; 91-01-122 (Order 3120), § 388-55-010, filed 12/19/90, effective 1/19/91; 89-17-029 (Order 2846), § 388-55-010, filed 8/8/89, effective 9/8/89; 89-03-008 (Order 2752), § 388-55-010, filed 1/6/89; 84-13-028 (Order 2111), § 388-55-010, filed 6/13/84; 83-13-069 (Order 1969), § 388-55-010, filed 6/16/83; 82-10-061 (Order 1800), § 388-55-010, filed 5/5/82; 81-08-061 (Order 1630), § 388-55-010, filed 4/1/81; 79-02-025 (Order 1367), § 388-55-010, filed 1/17/79, effective 3/1/79; 78-04-037 (Order 1283), § 388-55-010, filed 3/20/78; Order 1188, § 388-55-010, filed 2/18/77; Order 1173, § 388-55-010, filed 11/24/76; Order 1160, § 388-55-010, filed 10/6/76; Order 1079, § 388-55-010, filed 12/24/75; Order 1041, § 388-55-010, filed 8/7/75.]

**WAC 388-55-020 Work and training eligibility conditions.**

(1) The department requires all applicants for and recipients of a financial grant under the refugee assistance program and each member of the family group of which the applicants and recipients are a part to register for employment with the state employment service or other designated employment agency. Exemptions to employment registration are:

(a) A person sixteen through eighteen years of age attending secondary school or an equivalent level of vocational or technical training full time or any person under sixteen, regardless of school attendance; or

(b) A person ill, incapacitated, or over sixty-five years of age; or

(c) A person whose presence in the home is required because of illness or incapacity of another member of the household; or

(d) A mother or other caretaker caring for a child five years of age or under; or

(e) A mother or other caretaker of a child, when the nonexempt father or other nonexempt adult relative in the home is registered and has not refused to accept employment without good cause; or

(f) A person employed at least thirty hours per week; or

(g) A person of any age while enrolled and participating in a CSO-approved employability training program intended

to have a definite short-term (less than one year) employment objective.

(2) The department shall not exempt from registration or acceptance of employment a refugee solely because of inability to communicate in English.

(3) For purposes of this section, training shall mean participation in any available and appropriate social service program providing job or language training as approved in the personal employment plan.

(4) Refusal of an employable adult refugee to register with the employment service provider without good cause and/or refusal to accept, continue, or participate in a training or employment opportunity or referral, from any source the department determines appropriate shall also result in the following:

(a) Ineligibility for refugee assistance for thirty days from the date of refusal of work or training opportunity, for an applicant. The dependent family of such an ineligible applicant may apply for and receive assistance if otherwise eligible;

(b) Termination of assistance the first of the following month after the date of original refusal if an employable refugee recipient continues to refuse an offer of employment or training. The department shall allow the refugee at least ten days written notice of the termination of assistance and the reason therefore;

(c) The sanction for persons identified in subsection (4)(a) and (b) is applied in the following manner:

(i) If the assistance unit includes other individuals, the grant is reduced by the amount included on behalf of the refugee for three months after the first occurrence and six months for the second and each subsequent occurrence;

(ii) If such individual is the only individual in the assistance unit, the department shall terminate the grant for three months after the first occurrence and six months for the second and each subsequent occurrence;

(iii) The department shall notify the recipient's voluntary agency (VOLAG) if action is taken according to subsection (4)(b)(i) or (ii) of this section, provided the provisions for safeguarding information in chapter 388-320 WAC are met; and

(iv) A decision by the refugee to accept employment or training, made at any time before the effective date of termination, shall result in the continuation of assistance without interruption if the refugee continues to meet the eligibility requirements for continued assistance.

[Statutory Authority: RCW 43.20A.550. 89-03-008 (Order 2752), § 388-55-020, filed 1/6/89; 84-13-028 (Order 2111), § 388-55-020, filed 6/13/84; 83-13-069 (Order 1969), § 388-55-020, filed 6/16/83.]

**WAC 388-55-030 Treatment of income.** (1) With the exception of the thirty dollar and one-third exemption, adult refugee recipients shall be eligible for earned income exemptions as specified in WAC 388-28-570, regardless of assistance unit composition.

(2) The income of a refugee dependent child shall be treated as specified in WAC 388-28-535.

(3) All refugee recipients sixty-five years of age or older, or blind or disabled will be referred immediately to the Social Security Administration for SSI benefits. The SSI

applicant will be included in the assistance grant at the AFDC standard until payments are received.

[Statutory Authority: RCW 43.20A.550. 83-13-069 (Order 1969), § 388-55-030, filed 6/16/83.]

**WAC 388-55-040 Refugee medical assistance.** (1) A refugee receiving a continuing assistance grant is eligible for medical assistance as specified in WAC 388-82-010(1).

(2) The department shall determine the nonrecipient refugee eligibility for medical care as specified in chapter 388-83 WAC. The department shall base eligibility on medical and financial need only; requirements of categorical relatedness are waived.

(3) The department shall apply WAC 388-55-030(1) in determining the amount of participation in medical costs for refugee medical assistance recipients.

(4) The refugee financial assistance recipient who becomes ineligible because of increased income from employment shall remain eligible for medical assistance for four calendar months beginning with the month of ineligibility provided:

(a) In the case of a single individual assistance unit the individual:

(i) Receives assistance in at least three of the six months immediately preceding the month of ineligibility; and

(ii) Continues employment.

(b) In the case of a multiple individual assistance unit:

(i) The family received assistance in at least three of the six months immediately preceding the month of ineligibility; and

(ii) A member of the family continues employment.

(5) Medical need is not an eligibility factor for subsection (4)(a) or (b) of this section.

(6) Refugee recipients shall have continuing eligibility for financial and medical assistance redetermined at least once in every six months of continuous receipt of assistance.

(7) Effective October 1, 1991, for new applicants and effective December 1, 1991, for current recipients, persons meeting the criteria in this section are eligible for refugee assistance only during the eight-month period beginning in the first month the person entered the United States.

[Statutory Authority: RCW 43.20A.550. 91-24-046 (Order 3299), § 388-55-040, filed 11/27/91, effective 12/28/91; 89-03-008 (Order 2752), § 388-55-040, filed 1/6/89; 83-13-069 (Order 1969), § 388-55-040, filed 6/16/83.]

## Chapter 388-60 WAC

### DOMESTIC VIOLENCE PERPETRATOR PROGRAM STANDARDS

#### WAC

388-60-005	Scope.
388-60-120	Treatment focus.
388-60-130	Treatment modality.
388-60-140	Program policies and procedures.
388-60-150	Treatment staff qualifications.
388-60-160	Orientation and continuing professional education requirements.
388-60-170	Cooperation with domestic violence victim programs.
388-60-180	Knowledge of law and justice system practices.

**WAC 388-60-005 Scope.** The scope of this chapter is to establish domestic violence perpetrator program



standards. As authorized under ESHB 1884, April 1991 and RCW 26.50.150, programs providing treatment to perpetrators only of domestic violence shall meet this chapter's domestic violence perpetrator program standards that:

- (1) Accept perpetrators of domestic violence into treatment to satisfy court orders; or
- (2) Represent the programs as ones that treat domestic violence perpetrators.

[Statutory Authority: 1992 HB 1884, 93-10-024 (Order 3539), § 388-60-005, filed 4/28/93, effective 5/29/93.]

**WAC 388-60-120 Treatment focus.** (1) The program shall focus treatment primarily on ending the physical, sexual, and psychological violence, holding the perpetrator accountable for:

- (a) Such perpetrator's violence; and
  - (b) Changing such perpetrator's behavior.
- (2) The program shall base the perpetrator's treatment on strategies and philosophies which do not blame the victim. The program shall include education about individual, cultural, and family dynamics of domestic violence.

[Statutory Authority: 1992 HB 1884, 93-10-024 (Order 3539), § 388-60-120, filed 4/28/93, effective 5/29/93.]

**WAC 388-60-130 Treatment modality.** (1) The domestic violence perpetrator programs shall require participants to participate in weekly group treatment sessions unless there is a documented, clinical reason for another modality. Other therapies may be concomitant with the weekly group treatment sessions described under this chapter, but may not substitute for the domestic violence perpetrator program treatment sessions. The department shall define other examples of therapies as:

- (a) Individual therapy;
  - (b) Marital therapy;
  - (c) Family therapy;
  - (d) Substance abuse evaluations or therapy;
  - (e) Medication reviews; or
  - (f) Psychiatric interviews.
- (2) The foremost goal of a perpetrator's treatment is to increase the victim's safety by changing the perpetrator's abusive behavior. Concomitant marital or family therapy may not be consistent with the goal of victim safety. In such cases, the program should not pursue these concomitant with domestic violence perpetrator treatment.

[Statutory Authority: 1992 HB 1884, 93-10-024 (Order 3539), § 388-60-130, filed 4/28/93, effective 5/29/93.]

**WAC 388-60-140 Program policies and procedures.** The program complying with the Washington standards for domestic violence perpetrator programs shall adopt and implement treatment program policies and procedures which address, at a minimum, the following issues:

- (1) Victim safety. The program shall:
  - (a) Have policies and procedures which adequately assess the safety of the victim of the perpetrator.
  - (b) Take the following steps to protect the safety of the victim:
    - (i) Notify the victim of the applicant's acceptance or rejection for treatment services;

(ii) Encourage victims to make plans to protect themselves and their children; and

(iii) Inform victims of the availability of outreach, advocacy, emergency services, and safety planning offered by domestic violence victim programs.

(2) Nondiscrimination. The programs shall not discriminate against any applicant based on:

- (a) Race;
- (b) Age;
- (c) Gender;
- (d) Disability;
- (e) Religion;
- (f) Marital status;
- (g) Political affiliation;
- (h) Educational attainment;
- (i) Socio-economic class;
- (j) Ethnicity;
- (k) National origin; or
- (l) Sexual orientation.

When feasible, the programs shall provide culturally sensitive services. The programs shall review program curricula, publications, and audio-visual materials to ensure adherence to these standards of cultural sensitivity and nondiscrimination.

(3) Screening authority and responsibilities. The programs shall operate within the following scope of authority and responsibility:

- (a) Authority to accept or reject all referrals;
- (b) Develop and utilize criteria for acceptance or rejection for treatment services; and
- (c) Accept responsibility to and shall have authority to impose any conditions on participation in treatment services that the program deems appropriate.
- (4) Rights of participants.
  - (a) The programs shall acknowledge the:
    - (i) Obligation to provide the highest level of quality service to participants; and
    - (ii) Rights of participants to be treated with respect and dignity.
  - (b) Program staff, board, and volunteers shall:
    - (i) Not engage in, condone, or tolerate acts of sexual harassment or exploitation of employees, student interns, program participants, or battered victims of participants; and
    - (ii) Establish a climate in all relationships with colleagues and participants based on respect for one another.
- (5) Confidentiality.

(a) Right to confidentiality. Programs shall adhere to the standards of confidentiality promulgated in chapter 18.19 RCW for registered counselors. Communications between the participant and the program shall be confidential unless specifically exempted from confidentiality by the participant's release of information or by law.

(b) Waiver of confidentiality—mandatory releases. To facilitate communication necessary for periodic safety checks and case monitoring, the program shall require the perpetrator to sign the following releases:

- (i) A release for the program to:
  - (A) Inform the victim and victim's community advocates and legal advocates that the perpetrator is in treatment with the program; and
  - (B) Provide information for safety purposes to the victim and the victim's community/legal advocates.

(ii) A release to prior and current treatment agencies to provide information on the perpetrator to the program; and

(iii) A release for the program to provide information on the perpetrator to relevant legal entities including:

- (A) Lawyers;
- (B) Courts;
- (C) Parole;
- (D) Probation;
- (E) Child protective services; and
- (F) Child welfare services.

(iv) A release for the program to notify any person whose safety appears to be at risk for the participant's potential for violence and lethality, including but not limited to:

- (A) The victim;
- (B) Any children;
- (C) Significant others;
- (D) Victims advocates; or
- (E) Police.

(c) Optional releases. Programs may require a participant to sign a release permitting the program to provide the victim with periodic reports regarding the participant's participation. Programs are not required to obtain this release or to provide this information to victims.

(d) Victim confidentiality. The program shall treat information provided by the victim to the program as confidential unless the victim provides explicit permission for the disclosure of the information. If a new offense has occurred, the victim will be asked to contact the appropriate law enforcement agency and the local domestic violence victim's program.

(e) Confidentiality in group activities. The program counseling and educational groups shall be:

(i) Confidential, except as provided under subsection (5)(b) of this section; and

(ii) Closed to those other than participants, program staff and/or volunteer group leaders, and others specifically invited by the group leaders. Others specifically invited by group leaders may include:

(A) Professionals and those offering interpretation services for the deaf and/or hearing impaired or language translation/interpretation; and

(B) Others bringing specific information critical to the group.

(f) The program shall obtain a written agreement for confidentiality with all participants and invited guests. The confidentiality agreement shall prohibit disclosure of identities of participants or participant-specific information except as specific participants provide written permission for disclosure.

(g) The program shall only audio or video tape group sessions when all participants grant a written consent. The consent form shall detail the specific uses for the tape to which the participant consents. The program shall obtain additional consent statements from each participant to permit use of the tape for other than the purposes specified in the original consent.

(6) Intake/assessment. The program shall conduct an individual, complete, clinical intake/assessment interview of a perpetrator and compile a written document, including, at a minimum:

- (a) Current and past violence history;

- (b) A complete diagnostic evaluation;

- (c) A substance abuse assessment;

- (d) History of threats of homicide or suicide;

- (e) History of ideation of homicide or suicide;

- (f) A lethality risk assessment;

- (g) Possession of, access to, or a history of use of weapons;

- (h) Degree of obsessiveness and dependency on the perpetrator's victim;

- (i) History of episodes of rage;

- (j) History of depression and other mental health problems;

- (k) History of having sexually abused the battered victim and others;

- (l) History of the perpetrator's domestic violence victimization and/or sexual abuse victimization;

- (m) Access to the battered victim;

- (n) Criminal history;

- (o) Assessment of cultural issues;

- (p) Assessment of learning disabilities, literacy, and special language needs; and

- (q) Review of other diagnostic evaluations of the perpetrator.

(7) Treatment plan.

(a) The program shall base a participant's treatment on the clinical intake/assessment. The program shall develop a treatment plan that adequately and appropriately addresses the needs of the individual participant.

(b) The program shall:

(i) Evaluate whether a participant should be required to engage in drug and alcohol, mental health, or other treatment services while the person is a participant in the program;

(ii) Develop a treatment plan accordingly; and

(iii) Make appropriate referrals outside the agency. If treatment by other providers is contra-indicated, then the program shall determine prioritization of treatment;

(iv) Determine the sequence of adjunct services if concurrent treatment is not clinically appropriate.

(c) Programs shall consider issues relating to the participant's prior victimization in designing the treatment plan.

(i) Programs shall consider the appropriateness of domestic violence victim services for participants who present extensive histories of prior victimization.

(ii) In light of consistent research findings that victims of domestic violence are female in ninety-five percent of domestic violence incidents, the program shall give special consideration to female participants with regard to prior domestic violence victimization.

(8) Contract with program participants. The program shall require a participant to enter into a formal contract for services. The program's contract shall include, at a minimum, the following elements:

(a) Statement of program treatment philosophy consistent with these program standards, including:

- (i) No victim blaming;

- (ii) Stop all forms of battering;

- (iii) Holding the abuser accountable; and

- (iv) Primary concern for the safety of victims.

(b) An Agreement to cooperate with program rules;

(c) An agreement to:

- (A) Stop violent and threatening behaviors;

(B) Be nonabusive and noncontrolling in relationships;  
 (C) Develop and adhere to a responsibility plan;  
 (D) Comply with all court orders;  
 (E) Cooperate with the rules for group participation; and  
 (F) Execute all necessary documents for release of information to battered victims, law enforcement, the courts, probation, and others as appropriate and as described under subsection (5)(b) and (c) of this section.

(d) Attendance policies and consequences of inadequate attendance;

(e) The expectation of active participation, including sharing personal experiences, values, and attitudes, and completing group activities and assignments;

(f) Other program expectations, such as written exams, concurrent treatment requirements, rules regarding possession of weapons, and any other conditions on participation in the program;

(g) Criteria for administrative and contractual discharge and completion of treatment;

(h) The right to confidentiality within the specified limits, and the requirement that participants safeguard the confidentiality of other group members;

(i) Duty of the program to warn and protect victims, law enforcement, and third parties related to any risk of serious harm posed by the participant;

(j) Requirement that the participant:

(i) Provide documents related to prior violence, prior or concurrent treatment services; or

(ii) Execute appropriate releases to authorize document provision by others with whom the participant has had privileged communication.

(k) Fees/methods of payment; and

(l) Drug and alcohol policy, including the requirement that the client attend sessions free of drugs or alcohol.

(9) Program educational curriculum requirements. The program shall identify and utilize an educational curriculum for program participants. The program shall address at least the following topics and issues:

(a) Belief systems which legitimize and sustain violence against women, and/or use of violence or threat of violence to establish power and control over a partner;

(b) Definitions of abuse, battering, and domestic violence as described in the program standards within this chapter;

(c) Accountability of batterers for their actions and the need to avoid victim-blaming;

(d) Forms of abuse including:

(i) Physical;

(ii) Emotional and sexual abuse;

(iii) Economic manipulation or domination;

(iv) Property destruction;

(v) Stalking;

(vi) Terroristic threat; and

(vii) Acts jeopardizing the well-being and safety of battered partners, children, pets, other family members, and friends.

(e) Washington state law and practice regarding domestic violence;

(f) Opportunities for each participant to identify all of their abusive conduct, the pattern of that conduct, and cultural supports which legitimize or excuse that conduct;

(g) Techniques for achieving nonabusive or noncontrolling conduct;

(h) Opportunities to examine values or beliefs which facilitate abuse;

(i) Adverse legal and social consequences for batterers;

(j) Impact of abuse and battering of children and incompatibility of violence and abuse with responsible parenting;

(k) Necessity of meeting financial and legal obligations to family members; and

(l) Opportunity and assistance for a participant to develop a responsibility plan to ensure accountability for the participant's commitment to divest all abusive power and control over the victim.

(10) Minimum treatment period. The program shall:

(a) Define the minimum treatment period as the period of time required for the participant to complete the criteria for completion of treatment defined by the program. The program may not define satisfactory completion of treatment solely as a certain period of time or a certain number of sessions; and

(b) At a minimum, equate the treatment period to twelve or more months of accountability to the program. The program's twelve-month minimum treatment period shall include attendance at a minimum of:

(i) Twenty-six weekly group sessions to the completion of treatment criteria as described under subsection (11) of this section; and

(ii) Continue with monthly face-to-face contact with the treatment provider until the twelve-month period is complete.

(11) Satisfactory completion of treatment. The program shall establish written criteria for satisfactory completion of treatment. At a minimum, the program shall include the following criteria for completion of treatment:

(a) Completion of the minimum treatment period requirements;

(b) Attendance at weekly group sessions and all other required treatment periods;

(c) Cooperation with group rules throughout treatment services;

(d) Cessation of violence and threats of violence while a participant in the program;

(e) Cessation of other abusive and controlling conduct while a participant in the program;

(f) Adherence to the participant's responsibility plan;

(g) Compliance with court orders; and

(h) Compliance with other conditions and provisions of the contract for treatment services, such as compliance with substance abuse treatment requirement.

(12) Notification of completion of treatment. The program shall:

(a) Notify the court of completion of treatment by any court-mandated participant;

(b) When feasible, notify the victim of completion of treatment by the participant; and

(c) Specify only that the participant has been given a contractual discharge which is based on adequate compliance with the contract and any court order.

(13) Reoffense and noncompliance. The program shall establish and implement written policies regarding consequences for reoffense and noncompliance with program policies.

(14) Termination without completion of treatment.

(a) The program shall develop guidelines for discharge so that:

(i) Discharge decisions are uniform and predictable; and  
(ii) Discrimination does not occur against any participant, except as the program is not able to provide adequate treatment services based on the stage of its current development, personnel, or resources, based on:

- (A) Race;
- (B) Age;
- (C) Gender;
- (D) Disability;
- (E) Religion;
- (F) Martial status;
- (G) Political affiliation;
- (H) Educational attainment;
- (I) Socio-economic class;
- (J) Ethnicity;
- (K) National origin; or
- (L) Sexual orientation.

(b) The program shall document, in writing, noncompliance with the program participant contract, with a court order, probation agreement, or group rules.

(c) The program shall determine if termination of a participant's treatment without completion shall be made when the following circumstances occur:

(i) Continued abuse, particularly physical violence;  
(ii) Failure to maintain regular attendance;  
(iii) Failure to make appropriate use of the treatment program;

(iv) Failure to comply with other treatment conditions or provisions which are part of the participant's contract, such as involvement in a recovery program for drugs and alcohol, failure to continue involvement with mental health treatment;

- (v) Failure to pay fees;
- (vi) Violation of any of the group rules; and
- (vii) Violation of any provisions of a court order.

(d) The program shall use consistent procedures to notify the court of termination without completion of court-mandated clients.

(e) The program shall establish and maintain procedures for notification of victims of termination without completion of treatment.

[Statutory Authority: 1992 HB 1884, 93-10-024 (Order 3539), § 388-60-140, filed 4/28/93, effective 5/29/93.]

#### **WAC 388-60-150 Treatment staff qualifications.**

(1) Paid and volunteer treatment staff.

(a) All paid and volunteer staff with direct treatment contact with participants shall be:

(i) Registered as counselors or certified as mental health professionals as required under chapter 18.19 RCW; and  
(ii) Free of criminal convictions involving moral turpitude.

(b) Each paid or volunteer staff person, including persons providing supervision, shall have participated in:

(i) A minimum of thirty hours of training in domestic violence from an established domestic violence victim program; and

(ii) A minimum of thirty hours of training from:

(A) An established domestic violence perpetrator treatment services program complying with these program standards; or

(B) Out-of-state domestic violence perpetrator treatment program which would meet these standards.

(c) During the two-year period beginning on the date of adoption of these standards, a program which has not yet completed administrative procedures for certification but which meets those requirements shall be deemed an "established domestic violence perpetrator treatment program complying with these program standards."

(d) Each paid or volunteer staff person providing direct treatment to participants shall have completed a minimum of two hundred fifty hours of a combination of supervised direct treatment contact with perpetrators and domestic violence victim advocacy services. Of the required two hundred fifty hours, a paid or volunteer staff person shall complete a minimum of one hundred twenty-five hours in supervised direct treatment contact with perpetrators.

(e) Each paid or volunteer staff person providing direct treatment to participants shall hold at least a bachelor's degree, or year-for-year experience equivalent to a bachelor's degree.

(2) Trainees. The program shall consider as a trainee a paid or volunteer staff person who has not completed a minimum of two hundred fifty hours of a combination of supervised direct treatment contact with perpetrators and domestic violence victim advocacy services. A trainee may serve as a co-facilitator of groups, but a trainee may not have sole responsibility for facilitation of groups, except in programs in which a qualified supervisor is present on-site, as defined under subsection (3) of this section.

(3) Staff providing supervision of treatment staff.

(a) Each program shall have at least one person providing supervision to paid and volunteer treatment staff who meets all of the following requirements:

(i) Has a minimum of three years of experience working with both perpetrators and victims of domestic violence;  
(ii) Has had a minimum of one year of experience in group facilitation;

(iii) Has completed a minimum of five hundred hours of supervised direct treatment contact with perpetrators and domestic violence victim advocacy services. Of the five hundred hours, the person providing supervision shall complete a minimum of two hundred fifty hours in supervised direct treatment contact with perpetrators; and

(iv) Holds at least a master's degree or year-for-year experience equivalent to a master's degree.

(b) Either on-site or off-site supervision may be provided by a person meeting the qualifications required under subsection (3)(a) of this section. The programs shall establish and implement policies, procedures, and supervision schedules ensuring adequate supervision for all treatment staff.

[Statutory Authority: 1992 HB 1884, 93-10-024 (Order 3539), § 388-60-150, filed 4/28/93, effective 5/29/93.]

#### **WAC 388-60-160 Orientation and continuing professional education requirements.**

(1) The program shall provide orientation for new paid and volunteer staff to

acquaint the staff with the program's philosophy, organization, curriculum, policies, procedures, and goals.

(2) The program shall provide paid and volunteer staff with ongoing training and supervision by a trainer with expertise in domestic violence victim services and perpetrator treatment.

(3) A paid or volunteer staff:

(a) Member having direct treatment contact with participants shall complete a minimum of twenty hours of continuing professional education within each calendar year;

(b) Member's education shall include four or more hours of training per year on issues of sexism, racism, and homophobia, and their relationship to domestic violence;

(c) Member's training in domestic violence, alcohol/drug abuse, mental health, or other issues relating to the treatment of domestic violence perpetrators shall qualify that member's training as continuing professional education; and

(d) Member may obtain continuing professional education through classes, seminars, workshops, video or audio tapes, or other self-study programs.

[Statutory Authority: 1992 HB 1884, 93-10-024 (Order 3539), § 388-60-160, filed 4/28/93, effective 5/29/93.]

**WAC 388-60-170 Cooperation with domestic violence victim programs.** The program shall show evidence of establishing and maintaining cooperative relationships with local domestic violence victim programs, including:

(1) Evidence of establishment of referral mechanisms between the domestic violence victim services programs; and

(2) Batterer treatment programs.

[Statutory Authority: 1992 HI 1884, 93-10-024 (Order 3539), § 388-60-170, filed 4/28/93, effective 5/29/93.]

**WAC 388-60-180 Knowledge of law and justice system practices.** The program shall show evidence of an understanding of the laws pertaining to domestic violence and the operation of the justice system. At a minimum, programs shall be familiar with:

(1) State laws regulating the response to domestic violence by the criminal justice system;

(2) Relief available to victims of domestic violence afforded by:

(a) Washington domestic violence law and civil protection orders;

(b) Criminal no-contact orders; and

(c) Civil restraining orders.

(3) Local law enforcement, prosecution, and court and probation policies regarding domestic violence cases.

[Statutory Authority: 1992 HB 1884, 93-10-024 (Order 3539), § 388-60-180, filed 4/28/93, effective 5/29/93.]

### Chapter 388-70 WAC

#### CHILD WELFARE SERVICES—FOSTER CARE— ADOPTION SERVICES—SERVICES TO UNMARRIED PARENTS

#### WAC

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**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

- 388-70-014 Eligibility for foster care—Need. [Order 1123, § 388-70-014, filed 6/7/76; Order 1040, § 388-70-014, filed 8/7/75; Order 965, § 388-70-014, filed 8/29/74; Order 913, § 388-70-014, filed 3/1/74.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-015 Foster care—Definition. [Order 623, § 388-70-015, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-016 Placement of child in foster care. [Order 1138, § 388-70-016, filed 7/29/76; Order 1123, § 388-70-016, filed 6/7/76; Order 965, § 388-70-016, filed 8/29/74; Order 913, § 388-70-016, filed 3/1/74.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-017 Rights of natural parents of child. [Order 1123, § 388-70-017, filed 6/7/76; Order 913, § 388-70-017, filed 3/1/74.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-018 Foster care—Duration of service. [Order 623, § 388-70-018, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-019 Responsibility of foster parents. [Order 913, § 388-70-019, filed 3/1/74.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-020 Services offered. [Regulation 70.020, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-025 Foster care—Eligibility. [Order 623, § 388-70-025, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-030 Application and requests for child welfare services. [Regulation 70.030, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-040 Foster care—Request for services. [Order 623, § 388-70-040, filed 10/27/71; Regulation 70.040, filed 3/22/60.] Repealed by Order 913, filed 3/1/74.
- 388-70-043 Foster care—Authorization for placement. [Order 763, § 388-70-043, filed 1/10/73; Order 623, § 388-70-043, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-046 Foster care—Rights of natural parents of child. [Order 623, § 388-70-046, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-047 Emergency foster care assistance. [Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-70-047, filed 9/1/78; Order 1052, § 388-70-047, filed 9/10/75.] Repealed by 85-13-062 (Order 2242), filed 6/18/85. Statutory Authority: RCW 74.08.090.
- 388-70-049 Payment standards—Foster care in boarding school. [Order 913, § 388-70-049, filed 3/1/74.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-050 Requests from parents. [Regulation 70.050, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-052 Overpayments of foster care. [Order 913, § 388-70-052, filed 3/1/74.] Repealed by Order 1186, filed 2/3/77.
- 388-70-053 Payment standards—Incentive plan. [Statutory Authority: RCW 74.08.090. 80-12-005 (Order 1534), § 388-70-053, filed 8/22/80.] Repealed by 85-13-062 (Order 2242), filed 6/18/85. Statutory Authority: RCW 74.08.090.
- 388-70-055 Foster care—Responsibility of foster parents. [Order 623, § 388-70-055, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-056 Transportation and other expenses—Reimbursement. [Statutory Authority: RCW 74.08.090. 85-13-062 (Order 2242), § 388-70-056, filed 6/18/85; 78-09-098 (Order 1335), § 388-70-056, filed 9/1/78; Order 1123, § 388-70-056, filed 6/7/76; Order 965, § 388-70-056, filed 8/29/74; Order 913, § 388-70-056, filed 3/1/74.] Repealed by 87-09-027 (Order 2481), filed 4/9/87. Statutory Authority: Chapter 74.13 RCW.
- 388-70-060 Services to the child in his own home. [Regulation 70.060, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-065 Foster care—Payment. [Order 623, § 388-70-065, filed 10/27/71.] Repealed by Order 825, filed 7/26/73.
- 388-70-070 Referrals to juvenile court. [Regulation 70.070, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-080 Foster care. [Regulation 70.080, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-085 Foster care—Determination of parents' financial ability to support child. [Order 623, § 388-70-085, filed 10/27/71.] Repealed by Order 918, filed 3/14/74.
- 388-70-090 Payment for foster care. [Regulation 70.090, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-100 Adoption services. [Regulation 70.100, filed 3/22/60.] Repealed by Order 1167, filed 10/27/76.
- 388-70-110 Services to unmarried parents. [Order 1020, § 388-70-110, filed 4/29/75; Order 689, § 388-70-110, filed 6/15/72; Regulation 70.110, filed 3/22/60.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-111 Services to unmarried parents—Duration of service. [Order 689, § 388-70-111, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-112 Services to unmarried parents—Persons eligible. [Order 1020, § 388-70-112, filed 4/29/75; Order 689, § 388-70-112, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-114 Services to unmarried parents—Payment. [Order 689, § 388-70-114, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-116 Services to unmarried parents—Parents' responsibility. [Order 689, § 388-70-116, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-118 Services to unmarried parents—Services available. [Order 689, § 388-70-118, filed 6/15/72.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-120 Medical care. [Regulation 70.120, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-130 Foster homes. [Regulation 70.130, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-140 Interstate movement of children. [Regulation 70.140, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-150 Adoption studies for the superior court. [Regulation 70.150, filed 3/22/60.] Repealed by Order 1167, filed 10/27/76.
- 388-70-175 Veterans' benefits—Types of care. [Order 623, § 388-70-175, filed 10/27/71.] Repealed by Order 825, filed 7/26/73.
- 388-70-180 Foster family care—Standards for payment. [Order 825, § 388-70-180, filed 7/26/73; Order 763, § 388-70-180, filed 1/10/73; Order 654, § 388-70-180, filed 2/9/72; Order 623, § 388-70-180, filed 10/27/71; Order 554, § 388-70-180, filed 4/1/71; Order 418, § 388-70-180, filed 12/31/69; Regulation 70.180, filed 7/27/67; Regulation 70.180, filed 2/23/67, 12/28/66, 10/13/66, 3/31/66, 6/24/64, 9/26/63, 6/30/60, 3/22/60.] Repealed by Order 913, filed 3/1/74.
- 388-70-183 Payment standards for regular foster family care. [Order 825, § 388-70-183, filed 7/26/73.] Repealed by Order 913, filed 3/1/74.
- 388-70-185 Payment standards for receiving home care. [Order 825, § 388-70-185, filed 7/26/73.] Repealed by Order 913, filed 3/1/74.
- 388-70-187 Payment standards for specialized foster family care—Child with special needs. [Order 825, § 388-70-187, filed 7/26/73.] Repealed by Order 913, filed 3/1/74.
- 388-70-190 Payment standards for foster care in boarding school. [Order 825, § 388-70-190, filed 7/26/73 and repealed by Order 913, filed 3/1/74; Order 418, § 388-70-190, filed 12/31/69; Regulation 70.190, filed 7/27/67; Regulation 70.190, filed 3/31/66, 6/24/64, 9/26/63, 6/30/60, 3/22/60.] Repealed by Order 623, filed 10/27/71.
- 388-70-200 Payment standards for foster care in boarding school—Payment to foster family receiving public assistance. [Order 623, § 388-70-200, filed 10/27/71; Order 554, §

- 388-70-200, filed 4/1/71; Order 418, § 388-70-200, filed 12/31/69; Regulation 70.200, filed 9/26/63; Regulation 70.200, filed 3/22/60.] Repealed by Order 913, filed 3/1/74.
- 388-70-201 DSHS—Private child caring agency relationships—Legal basis. [Order 1123, § 388-70-201, filed 6/7/76.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-210 Payment standards for foster care in boarding school—Payment to relative. [Order 623, § 388-70-210, filed 10/27/71; Regulation 70.210, filed 9/26/63; Regulation 70.210, filed 3/22/60.] Repealed by Order 913, filed 3/1/74.
- 388-70-211 DSHS—Private child caring agency relationships—General terms. [Order 1123, § 388-70-211, filed 6/7/76.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-216 Contractual relationships. [Order 1123, § 388-70-216, filed 6/7/76.] Repealed by Order 1186, filed 2/3/77.
- 388-70-220 Payment standards for foster care in boarding school—Earnings of foster child. [Order 623, § 388-70-220, filed 10/27/71; Regulation 70.220, filed 6/24/64; Regulation 70.220, filed 9/26/63; Regulation 70.220, filed 3/22/60.] Repealed by Order 913, filed 3/1/74.
- 388-70-221 Responsibilities of private child caring agencies and DSHS for placement and care. [Order 1123, § 388-70-221, filed 6/7/76.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-222 Payment standards for foster care in boarding school—Out-of-state authorization—Payment. [Order 623, § 388-70-222, filed 10/27/71.] Repealed by Order 913, filed 3/1/74.
- 388-70-225 Retroactive increase in old-age, survivors, and disability insurance and railroad retirement benefits—1965 amendments—Foster care. [Regulation 70.221, filed 10/1/65.] Repealed by Order 623, filed 10/27/71.
- 388-70-230 Child care agency, institution, or maternity home—Setting rates of payment. [Order 1186, § 388-70-230, filed 2/3/77; Order 1116, § 388-70-230, filed 4/28/76; Order 965, § 388-70-230, filed 8/29/74; Regulation 70.230, filed 12/21/64, effective 2/1/65; Regulation 70.230, filed 6/24/64, 9/26/63, 8/28/62, 6/30/60, 3/22/60.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-235 Required reports—Content—Penalty for late reporting. [Order 1186, § 388-70-235, filed 2/3/77; Order 965, § 388-70-235, filed 8/29/74; Regulation 70.231, filed 12/24/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-240 Computation of per capita expenditures. [Regulation 70.232, filed 12/24/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-245 Nonprofit institution and maternity home—Rate setting—Exclusions. [Order 855, § 388-70-245, filed 9/13/73; Regulation 70.233, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-250 Nonprofit agency—Commercial operations. [Regulation 70.234, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-255 Voluntary agency licensed foster family care—Rate setting. [Order 1186, § 388-70-255, filed 2/3/77; Order 1123, § 388-70-255, filed 6/7/76; Order 855, § 388-70-255, filed 9/13/73; Regulation 70.235, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-260 New agency—Rate negotiated. [Regulation 70.236, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-270 Proprietary agency—Rate setting. [Regulation 70.237, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-275 Nonsubmission of reports—Late reporting—Penalties. [Regulation 70.238, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-280 Vouchering payment. [Order 1132, § 388-70-280, filed 7/8/76; Regulation 70.239, filed 12/21/64, effective 2/1/65.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.
- 388-70-300 (Appendix A) Informational list of voluntary child care agencies and institutions and agreed rates. [Appendix A, filed 12/21/64, effective 2/1/65.] Repealed by Order 623, filed 10/27/71.
- 388-70-320 Use of resources other than state department of public assistance medical program. [Regulation 70.240, filed 9/26/63.] Repealed by 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.

**WAC 388-70-010 Foster care—Legal basis.** (1) The department is authorized by RCW 74.13.020 to provide foster care.

(2) Foster care payments are vendor payments of public assistance funds. See WAC 388-22-030(72).

(3) Beginning October 1, 1983, the placement goal for the foster care program is to limit the number of children who remain in care in excess of twenty-four months to no more than thirty-five percent of the foster care population.

[Statutory Authority: 1982 c 118. 82-23-006 (Order 1901), § 388-70-010, filed 11/4/82. Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-70-010, filed 9/1/78; Order 965, § 388-70-010, filed 8/29/74; Order 913, § 388-70-010, filed 3/1/74; Order 623, § 388-70-010, filed 10/27/71; Regulation 70.010, filed 3/22/60.]

**WAC 388-70-012 Foster care—Definitions.** (1) "Foster care" is a 24-hour per day substitute care for the child whose parents cannot or will not provide normal family care for him. Foster care may be provided in either a licensed foster family home or group care facility.

(2) "Foster care" includes

- (a) The determination of need for foster care,
- (b) Payment for the care of a child in an approved family foster home (see WAC 388-70-022(2)),
- (c) The purchase of care from an approved private child placement agency, group home, or maternity home,
- (d) The referral of child to a private child caring agency or institution, in order to meet the child's specific needs,
- (e) The determination of the needs of the child,
- (f) The placement of the child in the type of foster care facility which best meets its needs,
- (g) Medical services according to the rules of the department's medical program,

(h) Supervision of the foster care placement. This may be direct supervision through departmental casework services; or indirect supervision through evaluation of periodic reports as specified in WAC 388-70-235 from private child caring agencies, institutions or maternity homes with whom the department has contractual arrangements.

[Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-70-012, filed 9/1/78; Order 1123, § 388-70-012, filed 6/7/76; Order 913, § 388-70-012, filed 3/1/74.]

**WAC 388-70-013 Authorization for foster care placement.** A child may be placed in foster care only under the following circumstances:

(1) The child has been placed in temporary residential care after having been taken into custody pursuant to chapter 13.32A RCW, Runaway Youth Act. A child shall in no event remain in temporary residential care for more than seventy-two hours from the time of initial contact with the law enforcement officer, except as otherwise provided in this section.

(2) A petition, by child, parent or parents, or the department requesting alternative residential placement for the child has been filed pursuant to RCW 13.32A.120 or 13.32A.140, or approved pursuant to RCW 13.32A.170, or upon a child having been admitted directly by RCW 13.32A.090.

(3) A child has been placed in shelter care as provided in the following:

(a) The child has been taken into custody and placed in shelter care when there is probable cause to believe, pursuant to RCW 26.44.050, that the child is abused or neglected and the child would be injured or could not be taken into custody as provided in RCW 13.34.050.

(b) A petition has been filed with the juvenile court alleging the child is dependent; that the child's health, safety, and welfare will be seriously endangered if not taken into custody and the juvenile court enters an order placing the child in shelter care. See RCW 13.34.050 and 13.34.060.

(c) No child shall be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody, unless a court order has been entered for continued shelter care.

(d) No child shall be detained for longer than thirty days without a court order, authorizing continued shelter care.

(4) A juvenile court has determined a child is dependent and the court's order of disposition issued pursuant to RCW 13.34.130 removes the child from his or her home.

(5) A juvenile court has terminated the parent and child relationship pursuant to chapter 13.34 RCW and placed the custody of the child with the department or a licensed child placing agency.

(6) The child and his or her parent or parents agree to the arrangement and/or continuation of alternative residential placement pursuant to RCW 74.13.031, as evidenced by a written consent to placement subject to limitations in subsection (8) of this section.

(7) If a child is to be placed in group care, such placement shall only be made when the department has assessed the child's and family's needs and determined group care is the most appropriate placement option.

(a) The department will only provide financial support for a child's group care placement when the placement is in a licensed group care facility, and

(b) The department has custody of the child and the authority to remove the child in a cooperative manner after at least seventy-two hours notice to the child care provider; such notice may be waived in emergency situations.

(8) The child's parent or parents or legal guardian or guardians has voluntarily requested, on forms prescribed by the department, the placement of the child by the department or a licensed child placement agency into foster care and the department concurs such placement is currently necessary.

(a) By the end of one hundred eighty days, the child shall return to his or her parent or guardian unless the juvenile court has made a judicial determination that return

to the parent or guardian is contrary to the welfare of the child, or that continued placement in foster care is in the best interest of the child.

(b) The DCFS regional administrator or area manager may grant exceptions to the one hundred eighty-day limit on voluntary placements subject to the following limitation:

(i) DSHS conducted an administrative review fulfilling the requirements of P.L. 96-272 and the review chairperson recommends continuation of voluntary placement; and

(ii) The exception shall not cause the child to remain in care for greater than eighteen months without a court review hearing which meets the dispositional hearing requirements of P.L. 96-272; and

(iii) The child's return to the home is imminent; or

(iv) The child is seventeen years of age or older.

[Statutory Authority: RCW 74.08.090. 88-17-059 (Order 2669), § 388-70-013, filed 8/17/88; 86-04-030 (Order 2337), § 388-70-013, filed 1/29/86. Statutory Authority: RCW 74.12.340. 82-16-064 (Order 1849), § 388-70-013, filed 7/30/82. Statutory Authority: RCW 74.08.090. 82-06-001 (Order 1764), § 388-70-013, filed 2/18/82. Statutory Authority: RCW 74.13.109 and 74.08.090. 81-18-031 (Order 1686), § 388-70-013, filed 8/27/81. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-70-013, filed 9/10/79. Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-70-013, filed 9/1/78; Order 1186, § 388-70-013, filed 2/3/77; Order 1123, § 388-70-013, filed 6/7/76.]

**WAC 388-70-022 Payment of foster care.** (1) Payment is made for foster care upon:

(a) Documentation of the need for the type and level foster care as determined by the department and

(b) Documentation of authority for the placement of a child in foster care as required by WAC 388-70-013 and

(c) Receipt of a request for payment of the care to be provided.

(2) All persons and agencies to whom the department makes payment must be appropriately licensed and approved, or, if not subject to licensing, be certified or otherwise approved as meeting licensing or other appropriate requirements of the department.

(3) Payment is made for out-of-state foster care placements only after approval from the two state offices involved.

(4) Authorization of payment is the responsibility of social services. The determination of the amount of parental support, except when stated in a superior court order, is the responsibility of the office of support enforcement.

(5) Foster care payments may be made to persons granted guardianship according to section 51, chapter 155, Laws of 1979.

[Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-70-022, filed 9/10/79. Statutory Authority: RCW 74.08.090. 79-04-062 (Order 1384), § 388-70-022, filed 3/28/79; 78-09-098 (Order 1335), § 388-70-022, filed 9/1/78; Order 1260, § 388-70-022, filed 12/29/77, effective 2/1/78; Order 1123, § 388-70-022, filed 6/7/76; Order 913, § 388-70-022, filed 3/1/74.]

**WAC 388-70-024 Payment of foster care—Effective date.** (1) A foster care payment is effective the date a child is placed in care if an application for foster care payment is received within seven working days of placement. If an application is not received within seven working days of placement, the effective date of care is the date the application is received.



(2) The effective date of termination of family foster care payments for children in family foster care is the date:

(a) The child no longer needs foster care.

(b) The child reaches the age of eighteen. If the child is attending but has not finished high school or equivalent at the age of eighteen and has a need for continued family foster care services, payments may be continued until the date the high school program or equivalent is completed. Such payments shall not be extended beyond age twenty-one.

(3) Payment for group foster care is limited to children who are at least six years of age but under the age of eighteen. The effective date of termination of foster care payments for children in group foster care is the date:

(a) The child no longer needs group foster care.

(b) The child has been in group care eighteen consecutive months.

(c) The child reaches the age of eighteen. If the child is attending but has not finished high school or equivalent at the age of eighteen and has a need for continued group care services, payments may be continued until the date the high school program or equivalent is completed or the child has spent eighteen consecutive months in group care, whichever comes first.

[Statutory Authority: RCW 74.12.340, 82-16-064 (Order 1849), § 388-70-024, filed 7/30/82. Statutory Authority: RCW 74.08.090, 82-04-070 (Order 1753), § 388-70-024, filed 2/3/82; 78-09-098 (Order 1335), § 388-70-024, filed 9/1/78; Order 1123, § 388-70-024, filed 6/7/76; Order 1040, § 388-70-024, filed 8/7/75; Order 1020, § 388-70-024, filed 4/29/75; Order 913, § 388-70-024, filed 3/1/74.]

**WAC 388-70-031 Foster parent liability fund.** (1) The state of Washington, department of social and health services, under chapter 283, Laws of 1991, establishes a fund to pay liability claims on behalf of foster parents licensed under chapter 74.15 RCW. The department shall administer this fund and shall pay a foster parent's liability claim subject to available funds, individual claim limits, and eligibility criteria as established under this chapter.

(2) The department's foster parent liability fund shall provide foster parent liability injury and property damage claims made by a:

(a) Third party;

(b) Natural parent; or

(c) Guardian or guardian ad litem.

(3) A foster parent liability coverage shall:

(a) Only apply to an occurrence arising from a foster parent's act or omission in the good faith provision of foster child care and supervision; and

(b) Be subject to all legal limitations on a foster parent's liability.

[Statutory Authority: RCW 74.08.090, 91-24-044 (Order 3297), § 388-70-031, filed 11/27/91, effective 12/28/91.]

**WAC 388-70-032 Period of coverage.** The department's coverage under the foster parent liability fund shall be effective for claims arising out of occurrences on or after July 1, 1991.

[Statutory Authority: RCW 74.08.090, 91-24-044 (Order 3297), § 388-70-032, filed 11/27/91, effective 12/28/91.]

**WAC 388-70-033 Persons eligible for coverage.** A person eligible for foster parent liability fund coverage shall be a foster parent licensed by the department or a licensed child placing agency as described under chapter 74.15 RCW.

[Statutory Authority: RCW 74.08.090, 91-24-044 (Order 3297), § 388-70-033, filed 11/27/91, effective 12/28/91.]

**WAC 388-70-034 Limits of coverage.** (1) The foster parent's liability fund coverage shall be limited to twenty-five thousand dollars per occurrence. "Occurrence" shall be defined for purposes of this WAC as the event precipitating the claim.

(2) The foster parent's claim for a twenty-five thousand dollar limitation per occurrence shall apply regardless of whether there are multiple claims arising from the same occurrence.

(3) For purposes of this section, the department shall consider a liability claim against one or more foster parents occupying the same household as a single occurrence claim.

(4) The department's aggregate coverage of the foster parent liability fund shall be limited to the availability of funds specifically appropriated for the foster parent coverage minus costs associated with administering the coverage.

(5) The department foster parent liability fund shall pay a claim on behalf of a licensed foster parent, within the occurrence and aggregate funding limits, for personal injury or property damage of a third party arising from a foster parent's act or omission in the good faith provision of family foster care and supervision of a foster child.

(6) The department shall not make a payment of claims from this liability fund if the foster parent is not liable to the third party or the foster child's natural parent or guardian because of any:

(a) Immunities;

(b) Limitations; or

(c) Exclusions provided by law.

(7) The department's coverage under this foster parent liability fund shall be in excess of any other available liability insurance.

(8) The department shall not pay a foster parent money from this liability fund unless the foster parent exhausts all proceeds available from another valid and collectible liability insurance.

[Statutory Authority: RCW 74.08.090, 91-24-044 (Order 3297), § 388-70-034, filed 11/27/91, effective 12/28/91.]

**WAC 388-70-035 Exclusions.** (1) The department's foster parent liability fund shall not pay any liability fund claims arising out of a foster parent's illegal conduct or bad faith acts in providing family foster care.

(2) A foster parent's illegal conduct or bad faith act shall include, but is not limited to any:

(a) Loss arising out of a dishonest, fraudulent, criminal or intentional act or omission;

(b) Loss arising out of licentious, immoral, or sexual behavior;

(c) Actual giving of any alcoholic beverage, which causes or contributes to the intoxication of a foster child, for whatever reason or cause; and

(d) Judgment based on alienation of affection against a foster parent.

(3) The department shall specifically exclude the following from foster parent's liability fund coverage:

(a) A claim based on an occurrence not arising from the family foster care relationship. This exclusion shall include a foster child's act occurring:

(i) As a result of the foster child's visit to or with the natural parent; or

(ii) While temporarily assigned outside the jurisdiction of the foster parent.

(b) A bodily injury or property damage arising out of the operation or use of any motor vehicle, aircraft, or water craft owned by, operated by, rented to, or loaned to any foster parent; or

(c) An injury or damage arising out of an occurrence before July 1, 1991.

[Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-035, filed 11/27/91, effective 12/28/91.]

**WAC 388-70-036 Subrogation.** (1) If the department pays a liability fund claim to a foster parent, the department shall be subrogated to a foster parent's rights of recovery against any person or organization against whom the foster parent may have a legal claim.

(2) The foster parent shall sign and deliver to the department any documents necessary to secure such foster parent's rights of subrogation for the state.

[Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-036, filed 11/27/91, effective 12/28/91.]

**WAC 388-70-037 Investigation of claims.** (1) The department may conduct an appropriate investigation of any foster parent liability fund claim.

(2) The foster parent shall fully cooperate with the department for any liability fund claims filed against the foster parent.

[Statutory Authority: RCW 74.08.090. 91-24-044 (Order 3297), § 388-70-037, filed 11/27/91, effective 12/28/91.]

**WAC 388-70-041 Payment standards—Foster family care.** (1) The standards of payment in WAC 388-70-042 through 388-70-048 for foster family care for children eligible for departmental support apply equally to foster family homes under the direct supervision of the department and those under the supervision of voluntary child care agencies.

(2) The payment plan for all types of foster family care shall be determined through the study of the needs and resources of each child. The plan must, in all cases, be discussed with the foster parent so that he knows the basis for payment and the amount included for each item. The case record must also contain an explicit statement of the financial arrangement.

[Order 913, § 388-70-041, filed 3/1/74.]

**WAC 388-70-042 Payment standards—Regular foster family care.** Foster care payment standards shall be as follows. Effective May 1, 1985, exceptions to the standards may be approved by a DCFS administrator or designee.

(1) The board payment for foster care of a child in a family foster home is one hundred thirty-four dollars and thirty-five cents per month for a child less than six years of age, one hundred seventy-four dollars and fifty-three cents per month for children six through eleven years of age, and two hundred nine dollars and sixty-eight cents per month for a child twelve and over. For the purposes of determining the payment for board, the child's birthdate is considered to be the first of the month in which his or her birthday occurs.

(2) Foster parents shall be provided twenty-eight dollars and sixty-five cents per month for personal incidentals including school supplies for children less than age six; thirty-one dollars and seventeen cents for children age six through eleven years; and thirty-three dollars and forty-five cents for a child twelve and over. A monthly clothing allowance of twenty-one dollars is paid for children under twelve years, while twenty-four dollars and ninety-five cents is paid for children twelve years and older.

(3) An initial clothing allowance for children placed in foster care is provided to supplement a child's clothing supply, where necessary, at the time a child is placed in foster care. This allowance may not exceed one hundred dollars unless otherwise authorized by a DCFS administrator.

(4) Additional individual child-specific amounts may be authorized by a DCFS administrator or his or her designee.

[Statutory Authority: RCW 74.08.090. 86-04-030 (Order 2337), § 388-70-042, filed 1/29/86; 85-13-062 (Order 2242), § 388-70-042, filed 6/18/85; 81-09-042 (Order 1634), § 388-70-042, filed 4/15/81; 79-11-085 (Order 1445), § 388-70-042, filed 10/24/79; Order 1260, § 388-70-042, filed 12/29/77, effective 2/1/78; Order 1149, § 388-70-042, filed 8/26/76; Order 1052, § 388-70-042, filed 9/10/75; Order 963, § 388-70-042, filed 8/19/74; Order 913, § 388-70-042, filed 3/1/74.]

**WAC 388-70-044 Payment standards—Receiving home care—Standards for using.** (1) The purpose and/or use of a receiving home is to allow the department or private agency to care for a child in a foster family home on a temporary, emergent, or interim basis in order that there be sufficient time for the development of a plan including the involvement of the child whenever possible.

(2) There are two types of receiving homes:

(a) Regular receiving homes for children age zero through seventeen, and

(b) Specialized receiving homes for children age twelve through seventeen who are runaways or in conflict with their parents.

(3) Receiving homes supported by the department shall be limited to the number the DCFS administrator determines necessary in his or her geographical area. The criteria to be followed are:

(a) Each DCFS office or private agency shall document need for a receiving home and present the request in writing, giving the specifics, to the DCFS administrator.

(b) All receiving homes shall be licensed as foster family homes.

(c) The need for a receiving home or homes must carry a direct relationship to the department's or private agency's type of program and service responsibilities.

(d) The intent of the service is to allow the department or private agency to develop and carry out a suitable plan for the child.

(4) Length of stay guidelines for receiving homes are as follows:

(a) Regular receiving homes provide care up to thirty days;

(b) Specialized receiving homes provide care up to fifteen days.

(5) Every six months the DCFS administrator shall receive a written report on each receiving home, resubstantiating continued use and need.

(6) Foster family homes regularly providing care for children on a temporary, emergent, or interim basis and are available for placement twenty-four hours per day shall be designated as regular or specialized receiving homes.

(a) Regular receiving homes shall be paid thirty-three dollars and thirty-two cents per month for each bed available for the emergency placement of children. In addition, the daily rate for receiving home care shall be twelve dollars and twenty cents per day per child.

(b) Specialized receiving homes shall be paid sixty-seven dollars and seventeen cents per month for each bed available for the emergency placement of children. In addition, the daily rate for specialized receiving home care shall be sixteen dollars and sixty-six cents per day per child.

(7) Other foster homes occasionally providing temporary, emergent, or interim care shall not be designated as receiving homes nor receive the retainer fee, but shall be reimbursed for such care at the receiving home rate of twelve dollars and twenty cents per day per child.

(c) Payments in excess of the standards in subsection (6)(a) and (b) of this section may be authorized by the DCFS administrator or his or her designee for individual, child-specific situations.

(8) Temporary or emergency care for a child shall not exceed thirty days. After thirty days, the rate for children remaining in care in a receiving home shall be that for regular full-time foster care except as authorized by the DCFS administrator. Clothing and personal incidentals are purchased for the child in receiving home care as needed.

(9) Private group care facilities may, at the discretion of the DCFS administrator, be utilized to provide interim care for children and youths requiring care in a group setting. Unless an alternate agreement is made, contracted group care facilities shall be paid for providing interim care at their established daily rate.

[Statutory Authority: RCW 74.08.090, 86-04-030 (Order 2337), § 388-70-044, filed 1/29/86; 85-13-062 (Order 2242), § 388-70-044, filed 6/18/85; 81-09-042 (Order 1634), § 388-70-044, filed 4/15/81; 79-11-085 (Order 1445), § 388-70-044, filed 10/24/79; 78-09-098 (Order 1335), § 388-70-044, filed 9/1/78; Order 1260, § 388-70-044, filed 12/29/77, effective 2/1/78; Order 1208, § 388-70-044, filed 4/29/77; Order 1149, § 388-70-044, filed 8/26/76; Order 1052, § 388-70-044, filed 9/10/75; Order 965, § 388-70-044, filed 8/29/74; Order 963, § 388-70-044, filed 8/19/74; Order 913, § 388-70-044, filed 3/1/74.]

**WAC 388-70-048 Payment standards—Specialized rate foster family care—Child with special needs.** In addition to the basic rate for regular foster family home care specified in this chapter, an additional amount may be paid for the specialized care of a child with special needs as determined by the department. The additional amounts are:

(1) Children with behavioral/emotional problems \$ 140.63 per month

(2) Intellectually/physically handicapped children \$ 140.63 per month

[Statutory Authority: RCW 74.08.090, 86-04-030 (Order 2337), § 388-70-048, filed 1/29/86; 85-13-062 (Order 2242), § 388-70-048, filed 6/18/85; 81-09-042 (Order 1634), § 388-70-048, filed 4/15/81; 79-11-085 (Order 1445), § 388-70-048, filed 10/24/79; 78-09-098 (Order 1335), § 388-70-048, filed 9/1/78; Order 1149, § 388-70-048, filed 8/26/76; Order 1052, § 388-70-048, filed 9/10/75; Order 963, § 388-70-048, filed 8/19/74; Order 913, § 388-70-048, filed 3/1/74.]

**WAC 388-70-051 Education related foster care.** (1) Licensed foster care will be provided for a handicapped child away from his home when requested by a school district and in concurrence with the wishes of the parents.

(2) Payment will be made by the school district when the only need for foster care arises from the need for an education. The department may pay the cost of foster care if the primary reason for placement in foster care is not educational.

[Statutory Authority: RCW 74.08.090, 78-09-098 (Order 1335), § 388-70-051, filed 9/1/78; Order 924, § 388-70-051, filed 4/15/74.]

**WAC 388-70-054 Temporary absence of child from foster care.** (1) When a child is temporarily absent from a foster care facility, the actual number of days absent will be paid by the department, provided:

(a) The number of consecutive days of absence does not exceed fifteen within a thirty-day period;

(b) Written notification is provided to the responsible center or DCFS office three days in advance of planned visits exceeding seventy-two hours;

(c) The planned visits of less than seventy-two hours are reported to the responsible center or DCFS office in the child's quarterly progress report prepared by the private agency;

(d) The responsible center or DCFS office is notified on the next working day following the child's unplanned absence (notification may be made by a telephone call to the center or DCFS office followed by written notification within five working days from the facility);

(e) A licensed vacant bed is held for the child;

(f) The child will be accepted back by the facility; and

(g) The center or DCFS office is notified of the date of child's return.

(2) Written verification to the absent child's responsible center or DCFS office will contain the following information:

(a) Planned visits;

(i) Child's name,

(ii) Where the child will visit,

(iii) Beginning and ending dates of the absence, and

(iv) A statement as to whether or not the child's unoccupied bed is being held for the child's return to the facility.

(b) Unplanned absences;

(i) Child's name, age, and home address;

(ii) Time and date the child left the premises;

(iii) A statement as to whether the child is acceptable back by the facility; and

(iv) A statement as to whether or not the child's unoccupied bed will be held for the child's return to the facility.

(3) In respect to absences from foster homes supervised by voluntary child-placing agencies, the preceding procedures will apply.

(4) When there is a planned temporary absence from a child foster family home supervised by a center or DCFS office, the service worker will be involved in the plan. In the case of an unplanned absence, the foster parents will notify the service worker orally, as soon as is practical, of the child's name, time, and date the child left the premises and whether or not the child's unoccupied bed will be held.

(5) In addition to the preceding requirements, the following limitations are placed on the payments for temporary absences of children from a children's group foster care facility and/or a child foster family home:

(a) A child's cumulative total of forty-five days absence within a six-month period is the maximum allowable for payment.

(b) With adequate justification of unusual circumstances, an exception may be submitted for consideration of extension of the consecutive fifteen days and the accumulative forty-five days limitation.

[Statutory Authority: RCW 74.08.090, 85-13-062 (Order 2242), § 388-70-054, filed 6/18/85; 79-11-105 (Order 1449), § 388-70-054, filed 10/31/79; Order 1123, § 388-70-054, filed 6/7/76; Order 965, § 388-70-054, filed 8/29/74; Order 913, § 388-70-054, filed 3/1/74.]

**WAC 388-70-058 Reimbursement for damage or loss caused by child in foster family care.** (1) Within the limits of the amount allotted for this purpose, the department may reimburse foster family providers caring for children in DCFS-approved placements, for some damages or losses incurred by the provider and caused by children in their care. Unless an exception is granted by the DCFS administrator, claims shall be limited to three hundred dollars per item or one thousand dollars aggregate per occurrence no matter what type of coverable loss is incurred. Claims must be submitted to the department within thirty days of their occurrence. Determination of the payability of claims will be made by the department's DCFS administrator. Exceptions to the limit may be made by the DCFS administrator. Reimbursement will be based upon documentation of the cost of replacement and of the cause of the loss.

(2) The sole recourse for an appeal of an award, or failure to make an award, shall be to request a rereview by the DCFS administrator.

[Statutory Authority: RCW 74.08.090, 85-13-062 (Order 2242), § 388-70-058, filed 6/18/85; 80-04-055 (Order 1495), § 388-70-058, filed 3/21/80.]

**WAC 388-70-062 Payment for foster care to family receiving public assistance.** When a child is placed in foster care with a family receiving public assistance, the payments to the foster family for the child's board, clothing, and personal incidentals shall not be considered a resource to the family.

[Order 913, § 388-70-062, filed 3/1/74.]

**WAC 388-70-064 Payment for foster care to relative.** (1) State foster care funds shall not be expended for a child living with a relative eligible to receive AFDC on behalf of the child unless the relative has been appointed guardian for a child pursuant to RCW 13.34.231 and the

relative was receiving AFDC-FC (IV-E) on behalf of the child prior to the establishment of the guardianship.

(2) Natural parents, adoptive parents, and stepparents are not eligible to receive foster care payments.

(3) Relatives providing care to children potentially eligible for both AFDC and AFDC-FC (IV-E) must be given the choice of applying for either program.

(4) Homes of relatives eligible to receive AFDC grants need not be licensed; those paid from foster care funds must be licensed or certified as meeting licensing requirements per WAC 388-73-020.

(5) Other than a child's parents, persons not subject to licensing are grandparents, brothers, sisters, stepbrothers, stepsisters, uncles, aunts and first cousins.

[Statutory Authority: RCW 74.08.090, 82-24-068 (Order 1915), § 388-70-064, filed 12/1/82; 80-06-069 (Order 1504), § 388-70-064, filed 5/22/80; Order 913, § 388-70-064, filed 3/1/74.]

**WAC 388-70-066 Foster care out-of-state—Authorization—Payment.** (1) With the consent of the interstate compact program manager, foster parents may be permitted to remove from the state a child in a permanent foster home. If the child is subject to court order, permission from the court must also be obtained. When the foster family moves to another state, arrangements with another social agency for supervision of the foster home placement are required. Such arrangements for supervision are not required when the family leaves the state during a vacation. Payments are continued at the department's current rates.

(2) When a child, legally a resident of the state of Washington, is placed in foster care in another state by the welfare department of that state, foster care payments are made at the rate requested by the state, providing payment does not exceed the department's current rates.

(3) State office approval of out-of-state placement is required before payment is made.

[Statutory Authority: RCW 74.08.090, 85-13-062 (Order 2242), § 388-70-066, filed 6/18/85; 78-09-098 (Order 1335), § 388-70-066, filed 9/1/78; Order 913, § 388-70-066, filed 3/1/74.]

**WAC 388-70-068 Earnings of foster child.** An older child in foster care may be wholly or partially able to meet the cost of his maintenance. Exempt earned income standards which apply to AFDC also apply in foster care. See WAC 388-28-535(3).

[Statutory Authority: RCW 74.08.090, 83-04-061 (Order 1943), § 388-70-068, filed 2/2/83; Order 913, § 388-70-068, filed 3/1/74.]

**WAC 388-70-069 Resources and unearned income of foster child.** (1) If a child in foster care is entitled to financial benefits the income received shall be used on behalf of the child to help pay for the cost of the foster care received, except for resources held in trust for an American Indian child according to provisions in WAC 388-28-650.

(a) Income includes SSI, RSDI, veteran's benefits, railroad retirement benefits, inheritances, or any other payments for which the child is eligible, unless specifically exempted by the terms and conditions of the receipt of the income.

(b) Receipt of other income as described above shall not relieve the child's responsible parent(s) of the liability for

payment of child support in accordance with WAC 388-70-075 through 388-70-084.

(2) Any person, agency, or court which receives any payments on behalf of a child in foster care shall remit such payments to the office of support enforcement, in accordance with WAC 388-70-082.

(3) Resources in the control of a child in foster care shall be treated in accordance with WAC 388-28-400 through 388-28-455.

[Statutory Authority: RCW 74.08.090, 83-04-061 (Order 1943), § 388-70-069, filed 2/2/83; Order 1123, § 388-70-069, filed 6/7/76.]

**WAC 388-70-075 Parents' obligation to support child in foster care.** (1) Parents of children in foster care paid by the department satisfy their legal obligation to support their children when there is a superior court order for support by paying the amounts specified in the order or in the absence of a superior court order, by paying the amount determined under RCW 74.20A.055 and regulations promulgated in chapter 388-11 WAC.

(2) The provision for a written agreement between the department and the responsible parent(s) for payment of support for a child placed in foster care provided for in RCW 74.20A.030 shall not be utilized. In lieu thereof, in the absence of a superior court order requiring support from a parent of a child receiving foster care, the regulations promulgated in chapter 388-11 WAC shall provide the exclusive constitutional remedies to assert debts claimed under RCW 74.20.292, 74.20A.030 and/or 74.20A.250 and/or 26.16.205.

(3) The office of support enforcement is responsible on behalf of the department of social and health services to take action under the provisions of chapter 74.20A RCW and chapter 388-11 WAC to enforce support obligations as to children in foster care paid for by the department.

[Order 1123, § 388-70-075, filed 6/7/76; Order 918, § 388-70-075, filed 3/14/74; Order 623, § 388-70-075, filed 10/27/71.]

**WAC 388-70-078 Standards for parental participation in cost of foster care—Minimum scale recommended to court.** Recommendations to the superior court, specifically including the juvenile court, to establish, raise, lower, release or forgive support payments for a child placed in foster care may be made only by staff of the office of support enforcement and will be made only in accordance with the provisions of WAC 388-11-190. No department or private child care staff other than the staff of the office of support enforcement may make statements to or agreements with parent(s) or their representatives as to support enforcement matters affecting an amount of support debt.

[Order 1123, § 388-70-078, filed 6/7/76; Order 918, § 388-70-078, filed 3/14/74.]

**WAC 388-70-080 Referral of child in foster care to department's office of support enforcement.** A referral by the CSO to the respective district office of support enforcement serving that region is to be made for every foster care placement in which the department participates in payment for care, except for classes of cases, if any, in which the office of support enforcement has determined it would not be

cost effective to pursue collection, or classes of cases exempt by law from collection action.

[Statutory Authority: RCW 74.08.090, 83-17-003 (Order 1992), § 388-70-080, filed 8/5/83; Order 1123, § 388-70-080, filed 6/7/76; Order 1048, § 388-70-080, filed 8/29/75; Order 1016, § 388-70-080, filed 4/1/75; Order 918, § 388-70-080, filed 3/14/74.]

**WAC 388-70-082 Parents' foster care payments to be remitted to department.** All payments for the benefit and/or costs of care of children receiving foster care paid for by the department shall be paid to the department's office of support enforcement, unless there is a court order directing payment through a clerk of the court. Payments, pursuant to a court order, paid through a clerk of the court shall be sent to the office of support enforcement pursuant to RCW 74.20.101.

[Order 1123, § 388-70-082, filed 6/7/76; Order 918, § 388-70-082, filed 3/14/74.]

**WAC 388-70-084 Assignment of child support judgment and limited power of attorney.** When there is a superior court order providing for payment of support from a parent to the person or agency having custody, the department shall advise the person or agency having custody that such judgment representing support for the child in, or to be placed in, foster care is, by law (RCW 74.20A.030 and 74.20A.250), deemed in favor of the department as long as the child receives assistance. The person or agency having custody shall acknowledge this subrogated right to the department by execution of an assignment of judgment and limited power of attorney, which shall remain in effect as long as such child receives foster care assistance.

[Order 1123, § 388-70-084, filed 6/7/76; Order 918, § 388-70-084, filed 3/14/74.]

**WAC 388-70-091 Foster care planning for Indian children—Definitions.** For the purposes of these rules, the term "Indian" includes the following groups:

- (1) An enrolled Indian:
  - (a) Any person who is enrolled or eligible for enrollment in a recognized tribe.
  - (b) Any person determined, or eligible to be found, to be an Indian by the Secretary of the Interior.
  - (c) An Eskimo, Aleut or other Alaskan native.
- (2) A Canadian Indian: Any person who is a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.
- (3) An unenrolled Indian: A person considered to be an Indian by a federally or nonfederally recognized Indian tribe or urban Indian/Alaskan native community organization.

[Order 1167, § 388-70-091, filed 10/27/76.]

**WAC 388-70-092 Foster care for Indian children—Tribal sovereignty.** Neither the licensing of Indian foster homes nor the placement and supervision of Indian children within the exterior boundaries of an Indian reservation, shall in any way abridge the sovereignty of an Indian nation or tribe nor shall compliance with these rules and regulations be deemed a relinquishment of sovereign authority by an Indian nation or tribe or by the state of Washington.

[Order 1167, § 388-70-092, filed 10/27/76.]

**WAC 388-70-093 Foster care for Indian children—Services.** Documented efforts shall be made to avoid separating the Indian child from his parents, relatives, tribe or cultural heritage. Consequently:

(1) In the case of Indian children being placed in foster care by the department or for whom the department has supervisory responsibility, the local Indian child welfare advisory committee, predesignated by a tribal council, or appropriate urban Indian organization shall be contacted. Members of that committee will serve as resource persons for the purposes of cooperative planning and aid in placement.

(2) The resources of the tribal government, department and the Indian community shall be used to locate the child's parents and relatives to assist in locating possible placement resources, and to assist in the development of a plan to overcome the problem that brought the child to the attention of the authorities and/or the department.

(3) In planning foster care placements for Indian children, demonstrable consideration shall be given to tribal membership, tribal culture and Indian religions. The case record shall document the reasons and circumstances of casework decisions and consideration in those regards.

(4) The following resources for foster home placement of Indian children will be explored and followed in the following order: Relatives' homes, homes of other Indian families of same tribe, other Indian foster parents and non-Indian foster homes specifically recruited and trained in cooperation with the local Indian child welfare advisory committee to meet the special needs of Indian foster children and in the geographic proximity that will insure continuation of the parent-child relationship. The training of non-Indian foster parents shall be designed and delivered in cooperation with the above committee and/or persons designated by the committee.

(5) For each Indian child who will be in care for more than 30 days, including those for whom adoption is planned, the ESSO shall make documented effort to complete two copies of the "family ancestry chart" (except in those cases where parents specifically indicate in writing they do not want the child enrolled). One copy will be retained in the child's file; the other will be forwarded to the bureau of Indian affairs office or the department of Indian affairs agency in Canada serving that child's tribe or band. The BIA of the department of Indian affairs agency will review the chart for possible enrollment eligibility in conjunction with the enrollment committee of the appropriate tribe or urban Indian community.

(6) The ESSO shall develop its social resources and staff training programs designed to meet the special needs of Indian children through coordination with tribal, Indian health service, bureau of Indian affairs social service staff, appropriate urban Indian and Alaskan native consultants, national, state and local Indian welfare organizations and ESSO child welfare advisory committees.

(7) The ESSO shall make diligent and demonstrable efforts to recruit facilities and/or homes particularly capable of meeting the special needs of Indian children with the assistance of the local Indian child welfare advisory committees.

(1995 Ed.)

[Order 1167, § 388-70-093, filed 10/27/76.]

**WAC 388-70-095 Foster care for Indian children—Serious injury, death, abandonment, child abuse, neglect, incarceration.** When an Indian child in foster care dies, is seriously injured, abandoned or incarcerated, in addition to other appropriate notifications, the department shall promptly advise the ESSO Indian child welfare advisory committee and appropriate tribal council. WAC 388-15-131(4) provides for notification about child abuse/neglect incidents.

[Order 1255, § 388-70-095, filed 12/1/77; Order 1167, § 388-70-095, filed 10/27/76.]

**WAC 388-70-160 Guardianship of estate of child.**

(1) The department accepts guardianship of the estate of a child when:

(a) The child has been separated from his family and the person who would normally act as his guardian is unable to do so,

(b) The child subject to court order and custody or supervision is placed with the local office,

(c) The estate is insufficient to maintain the child during his minority,

(d) The estate is in the form of cash or negotiable bonds.

(2) The secretary of the department acts as payee of RSI benefits on behalf of the child. When the secretary or his designee signs a certificate of guardianship, the department agrees with the bureau of RSI:

(a) To apply all benefits received for the child to his use and benefit

(b) That the child's insurance benefit will not be claimed:

(i) For any period in which the earnings of the child or individual, upon whose earnings the child's benefit is based, are in excess of the legal limitations established by the Social Security Act, or

(ii) If the child dies, or

(iii) If the child is adopted by a person other than the child's stepparent, grandparent, uncle, or aunt, or

(iv) If the child marries, or

(v) After the child attains age 18.

(c) To notify the bureau of RSI promptly when any of the above events occur.

(3) The local office acting as agent of the secretary shall give the same supervision and services as those available to other children under its care.

[Statutory Authority: RCW 74.08.090, 78-09-098 (Order 1335), § 388-70-160, filed 9/1/78; Order 965, § 388-70-160, filed 8/29/74; Order 913, § 388-70-160, filed 3/1/74; Regulation 70.160, filed 3/22/60.]

**WAC 388-70-170 Veterans' benefits.** By agreement with the regional office of the veterans' administration, the secretary of the department may receive benefits on behalf of children who have been placed by court order under the supervision or custody of the local office.

[Order 913, § 388-70-170, filed 3/1/74; Regulation 70.170, filed 3/22/60.]

**WAC 388-70-410 Adoption services for children—Legal basis—Purpose.** (1) RCW 74.13.020 defines "child welfare services" as "public social services including

adoption services which strengthen, supplement or substitute for parental care and supervision."

(2) The purpose of the department's adoption program is to meet the needs of children who are in the department's care and custody.

[Order 1167, § 388-70-410, filed 10/27/76.]

**WAC 388-70-420 Definitions.** (1) Adoption: Adoption is a legal and social process provided for by law to establish the legal relationship of child and parent when they were not so related by birth.

(2) Department placements: Families applying for placements through the adoption exchanges in which the department participates.

(3) Independent placements: Families anticipating placement by a doctor or attorney and applying for preplacement or next friend reports.

(4) Intercountry placements: The child for adoptive placement is not a resident and/or citizen of the United States.

(5) Department: Means the department of social and health services including any division, office or unit thereof.

[Order 1167, § 388-70-420, filed 10/27/76.]

**WAC 388-70-430 Eligibility for adoption service.**

(1) Children: Adoption services may be provided any child supervised by the department in foster care or at the request of their parents prior to foster care placement.

(2) Families: Families applying for the adoption services provided by the department are resources for children and not subject to service eligibility requirements.

[Order 1167, § 388-70-430, filed 10/27/76.]

**WAC 388-70-440 Adoption services for children.**

(1) Adoption services for children include:

(a) Casework with parents focused on a permanent home for their child/ren;

(b) Casework with children;

(c) Petitioning the court for termination of parental rights;

(d) Determination of children's medical and social needs;

(i) Psychiatric and psychological evaluations as well as any needed medical evaluations are provided;

(e) Adoptive family home studies (preplacement reports);

(f) Evaluation of adoption resources;

(g) Adoption placements which best meet the child/ren's needs;

(h) Counseling and/or referral of families and children after placement;

(i) Next friend reports for the court.

(2) The social planning for a child in the department's permanent custody shall be continuously reviewed by its economic and social service, regional and state offices to assure that the child is moved as rapidly as possible into adoptive status.

(3) The planning for children continuing in foster care under the department's supervision shall be reviewed every six months to determine their need for adoption services.

(4) Exploration of adoptive resources for a child will be relatives, current foster parents, and registered approved families.

[Order 1167, § 388-70-440, filed 10/27/76.]

**WAC 388-70-450 Adoptive planning for Indian children by department staff.** (1) Definitions: For the purposes of these rules the term "Indian" includes the following groups:

(a) Enrolled Indian

(i) Any person who is enrolled or eligible for enrollment in a recognized tribe.

(ii) Any person determined, or eligible to be found, to be an Indian by the secretary of the interior.

(iii) An Eskimo, Aleut or other Alaskan native.

(b) Canadian Indian: A person who is a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.

(c) Unenrolled Indian: A person considered to be an Indian by a federally or nonfederally recognized tribe or urban Indian/Alaskan native community organization.

(2) An adoptive family shall be considered Indian if one or both parents are Indian by the above definitions.

(3) In adoptive planning for Indian children, the unique tribal, cultural and religious sovereignty of Indian nations, tribes and communities shall be recognized. When consistent with the wishes of the biological parents and/or the child, the adoption of Indian children by Indian families is the primary goal.

(4) Standards implementing the policy are:

(a) Adoption exchange. In the referrals for an Indian child, adoptive homes having the following characteristics shall be given preference in the following order, each category being allowed 30 days before proceeding to the next.

(i) An Indian family of the same tribe as the child.

(ii) A Washington Indian family considering tribal cultural differences.

(iii) An Indian family from elsewhere in the United States or Canada through the adoption resource exchange of North America. Attention shall be given to matching the child's tribal culture to that of the adoptive family.

(iv) Any other family which can provide a suitable home to an Indian child, as well as instill pride and understanding in the child's tribal and cultural heritage.

(b) Foster parent adoptions: As a part of the total evaluation for approving a foster parent adoption of an Indian child, ESSO service staff shall document the foster family's past performance and future commitment in exposing the child to its Indian tribal and cultural heritage. The child's wish to be involved in his Indian culture shall be considered.

(c) When an Indian child, in the custody of an out of state agency, is referred for potential adoptive parents residing in Washington, documentation shall be obtained that assures the department's standards for planning for Indian children have been complied with.

(5) Local staff shall consult with an Indian child welfare committee in planning for placement of Indian children.

[Order 1167, § 388-70-450, filed 10/27/76.]

**WAC 388-70-460 Adoption services for families.****(1) Department placements:**

(a) Applications are accepted from families residing in the state of Washington based upon the anticipated children needing placement;

(b) Upon acceptance of an application, a home study shall be initiated by the ESSO staff and one of the following decisions reached;

(i) Application to adopt is withdrawn by family;

(ii) Application to adopt is denied;

(iii) Family is approved for adoptive placement and registered at the central office exchange.

(c) A family shall be removed from the central office exchange registry for any of the following reasons:

(i) A child has been placed with the family;

(ii) The family decides to receive adoption services from any other agency or through an independent placement;

(iii) The wife is pregnant;

(iv) The family and/or caseworker decide that adoption is no longer an appropriate plan;

(v) The family physically leaves the state.

(d) A family removed from the central office exchange registry may reapply for adoption services; their situation at the time of reapplication shall be evaluated;

(e) Families will be informed in writing of action taken according to the rules of this section and of their right to have a fair hearing only on action taken on their application for services or removal from the central registry.

**(2) Independent placements**

(a) ESSO staff may respond to Washington families' requests for preplacement studies and next friend reports depending on staff time and other community resources available.

(b) An office not providing service on independent placements shall inform the superior court in its area of the available community resource that is available for preplacement and next friend reports.

(c) When an ESSO employee is appointed next friend and the required preplacement report has not been filed in accordance with RCW 26.32.200 through 26.32.270, the situation shall be brought to the attention of the attorney general.

**(3) Intercountry placements:**

(a) Families will apply to the international child placing agency of their choice.

(b) Upon the written request to the central office by the family's chosen agency, the department may provide the cooperative services. The child's agency must agree to continue its financial and social responsibility for the anticipated child until the decree of adoption is final.

(c) A request for preplacement study for an independent inter-country adoptive placement shall be denied.

[Order 1167, § 388-70-460, filed 10/27/76.]

**WAC 388-70-470 Interstate procedures.** (1) The state of Washington is a member of the Interstate Compact on the Placement of Children (chapter 26.34 RCW).

(2) No child for whom the department has responsibility for adoptive planning shall be sent from the state without prior approval of the compact administrators of the state of Washington and the receiving state.

(3) ESSO staff shall not provide supervisory services on an interstate adoptive placement unless the interstate compact forms or their equivalent have been signed by the compact administrators of the two states.

[Order 1167, § 388-70-470, filed 10/27/76.]

**WAC 388-70-480 Record confidentiality.** (1) All records and information obtained by the department in providing adoption services are confidential as specified in RCW 26.36.010, 26.36.020, 26.36.030, and 26.36.050.

(2) Upon the issuance of the decree of adoption, a child's record is sent to the central office for archiving.

(3) Information from an archived record required for the medical and/or emotional treatment of an adopted child may be obtained from the central office adoption specialist, under the authority of RCW 26.36.050. The request for information will be made by the professional treating the child and include the adoptive parents' written authorization to release the information.

[Order 1167, § 388-70-480, filed 10/27/76.]

**WAC 388-70-510 Adoption support for children—Legal basis—Purpose.** (1) The legal basis for the adoption support program is RCW 74.13.100 through 74.13.145 and P.L. 96-272.

(2) The purpose of the program is to encourage the adoption of hard-to-place children, that is, the child who would have to live out his or her childhood without the security and stability of a permanent adoptive home if support payments were not made. The program includes children cared for by both public and voluntary child care agencies. Interpretation of the statute and the philosophy of the adoption support program shall emphasize a flexible approach to subsidized adoption, focusing on the welfare of the child; rules shall not be adversely applied to the child's welfare.

[Statutory Authority: RCW 43.20A.550, 82-02-023 (Order 1744), § 388-70-510, filed 12/30/81; Order 1037, § 388-70-510, filed 7/29/75.]

**WAC 388-70-520 Adoption support for children—Definitions.** As used in these rules:

(1) "Adoption" means the granting of the adoption decree consistent with chapter 26.33 RCW.

(2) "Adoption support payment" means the financial remuneration resulting from an agreement whereby the department continues financial responsibility beyond the legal consummation of the adoption.

(3) "Agreement" means a contract between the prospective adoptive parent and the department providing adoption support payments following the completion of the adoption support agreement signed by all parties.

(4) "Corrective-rehabilitative services" shall include, but not be limited to:

(a) Medical care;

(b) Psychological services;

(c) Physical therapy;

(d) Prosthesis;

(e) Speech and hearing therapy;

(f) Cosmetic surgery; or

(g) Orthodontia.



(5) "Department" means the department of social and health services.

(6) "Family" means any prospective parent having the character, judgment, sense of responsibility, and disposition making the prospective parent suitable as an adoptive parent of a child, but lacking the necessary resources to care for a hard-to-place for adoption child.

(7) "Hard-to-place for adoption child" means a child registered for three months with the Washington Adoption Resource Exchange (WARE) or the Northwest Adoption Exchange (NWAEE) without identifying a nonsubsidized adoptive family resource. The child's registration with the exchanges is not necessary when:

(a) A foster parent desires to adopt a child having been in the foster parent's home for six months or more before a child is legally free for adoption;

(b) The child has close emotional ties to the current foster family which, if severed, may cause emotional damage to the child; and

(c) The foster family is identified as the adoptive family of choice by the agency staff having responsibility for the child.

(8) "Secretary" means the secretary of department or the secretary's designee.

(9) "Special needs" is the department's designation given to a child when the child presents a specific factor or condition the department reasonably concludes may prevent the child's placement with an adoptive parent without providing adoption support. The child's special need factors or conditions may include but are not limited to:

(a) Ethnic background;

(b) Age;

(c) Inclusion in a sibling group;

(d) Medical diagnosis; or

(e) Physical, mental, or emotional handicap.

(10) "The act" means the statutes authorizing adoption support codified as RCW 74.13.100 through 74.13.145.

[Statutory Authority: RCW 43.20A.550. 93-07-030 (Order 3524), § 388-70-520, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 43.20A.550 and HB 2602. 90-23-076 (Order 3101), § 388-70-520, filed 11/20/90, effective 12/21/90; Order 1037, § 388-70-520, filed 7/29/75.]

**WAC 388-70-530 Adoption support for children—Eligible child.** (1) A child the department considers for adoption support shall be registered with the office given administrative authority for the program.

(2) A child meeting the department's eligibility criteria for ongoing adoption support is a child:

(a) Who was or is residing in a foster home or a child caring institution or who, in the judgment of the department, is both eligible for, and likely to be placed in, a foster home or a child caring institution;

(b) Who is legally free for adoption;

(c) Who is seventeen years of age or younger at the time the contract is signed;

(d) For whom adoption is the most appropriate plan;

(e) Who has a "special needs" factor or condition; and

(f) Who is hard-to-place for adoption.

(3) The department may, within limited funds, register a child with the office given administrative authority for the program for a limited adoption support reconsideration program if the child met the criteria for ongoing adoption

support in Washington state at the time of the adoption based on documented evidence available at the time of the adoption. The child and the child's family shall be current residents of the state of Washington.

[Statutory Authority: RCW 43.20A.550 and HB 2602. 90-23-076 (Order 3101), § 388-70-530, filed 11/20/90, effective 12/21/90. Statutory Authority: RCW 43.20A.550. 82-02-023 (Order 1744), § 388-70-530, filed 12/30/81; Order 1037, § 388-70-530, filed 7/29/75.]

**WAC 388-70-540 Adoption support for children—Application.** (1) The prospective adoptive family shall apply to the department for adoption support for the child.

(2) The application for ongoing adoption support shall be jointly completed by the prospective adoptive parents and the adoptive parents' referring agency or the department's local office. The family and the social worker shall mutually determine the type and amount of support payment according to the criteria under WAC 388-70-560.

(3) Those families seeking adoption support reconsideration shall complete the application for adoption support reconsideration. The adoptive family shall provide the department:

(a) A cost estimate of the child's proposed corrective-rehabilitative services;

(b) A current medical evaluation of the child's preadoptive special needs, and the current need for medical and counseling services; and

(c) Permission to request and review preadoptive information from the adoption agency facilitating the child's adoption.

(4) The adoptive family shall provide the department a copy of the family's most recent federal income tax return which must accompany the application for adoption support. If the family is not required to file a federal income tax return, the adoptive family shall submit to the department a financial statement as required.

[Statutory Authority: RCW 43.20A.550 and HB 2602. 90-23-076 (Order 3101), § 388-70-540, filed 11/20/90, effective 12/21/90; Order 1037, § 388-70-540, filed 7/29/75.]

**WAC 388-70-550 Adoption support for children—Types and amounts of payments.** (1) The two types of support payments are monthly maintenance, medical (corrective-rehabilitative) service, or a combination of these.

(2) The department payment for monthly maintenance shall not exceed the monthly cost for established foster care and specialized foster care as required under WAC 388-70-042 and 388-70-048.

(3) The medical needs of a child in the adoption support program shall be met from the department's medical services program.

(a) The department's payment of the costs of the child's medical services shall be made directly to the physician or provider of the services according to the department's established procedures.

(b) Before entering an agreement for medical services, the department's office of personal health services shall review and approve the medical needs of a particular child. Following the department's review and approval, all medical services requested by the adopting parents shall be:

(i) Coordinated through the adoption support program; and

(ii) Furnished according to the department's medical programs when there is no other resource available during the effective period of the family's agreement with the department.

(c) The adoptive family's requests for orthodontics, psychiatric care, physical therapy, and appliances shall require special procedures. The adoptive family's requests shall be submitted to the department and the department's approval obtained before the service is rendered to the adoptive child.

(4) The family's ongoing adoption support eligibility may continue if the child:

(a) Has not reached eighteen years of age, or twenty-one years of age if the child has not yet completed high school or high school equivalent and is a full-time high school student;

(b) If not eighteen years of age, continues to be the adoptive family's legal responsibility; and

(c) Continues receiving financial support from the adoptive family.

(5) The department's adoption support reconsideration agreement with the family shall specify the length of time the adoption agreement is in effect.

[Statutory Authority: RCW 43.20A.550 and HB 2602. 90-23-076 (Order 3101), § 388-70-550, filed 11/20/90, effective 12/21/90. Statutory Authority: RCW 43.20A.550. 82-02-023 (Order 1744), § 388-70-550, filed 12/30/81. Statutory Authority: RCW 74.13.109. 80-08-028 (Order 1516), § 388-70-550, filed 6/25/80; Order 1037, § 388-70-550, filed 7/29/75.]

**WAC 388-70-560 Adoption support for children—Criteria governing amount of payment.** (1) The factors considered by the department in setting the amount of any payment(s) shall include the size of the family including the adoptive child, the usual living expenses of the family, the special needs of any family member including his educational needs, the family income, the family resources and plan for savings, the medical care and hospitalization needed by the family and the family's means of purchasing or otherwise obtaining the care, and any other expense likely to be needed by the child to be adopted.

(2) The specific amount of support to be requested in the application shall be based on an individual social determination arrived at between the family and their caseworker. The decision as to the amount of a monthly support payment shall be based on a realistic evaluation of the child's need to live in the particular family and the cost of the living expenses of the individual family. Due to changes in the family's economic circumstances or the needs of the child, support payments may be modified or discontinued and later resumed. The monthly maintenance may increase as a child reaches different foster care age payment categories, but this must be requested by the adoptive family.

[Order 1037, § 388-70-560, filed 7/29/75.]

**WAC 388-70-570 Adoption support for children—Agreement for adoption support.** An agreement shall constitute a binding contract between the department and the prospective adoptive family to provide adoption support for a child after adoption. The agreement shall be completed in accordance with RCW 74.13.124, and P.L. 96-272 Sec. 475(2), and shall, at minimum, include the following:

(1) The amount of adoption support payments and any additional assistance which is to be provided as a part of the agreement including, where appropriate, indication of eligibility for Title XIX and Title XX services.

(2) A stipulation that the agreement shall remain in effect regardless of the state of residence of the adoptive family:

(a) In case of a move outside of the state of Washington, for eligible children, Title XIX services shall remain the responsibility of the state of Washington.

(b) In case of a move outside of the state of Washington, for eligible children, Title XX services shall become the responsibility of the new state of residence.

(3) A stipulation that the agreement must be renewed each year, with termination from the program resulting from the adoptive parents' failure to renew.

[Statutory Authority: RCW 43.20A.550. 82-02-023 (Order 1744), § 388-70-570, filed 12/30/81; Order 1037, § 388-70-570, filed 7/29/75.]

**WAC 388-70-580 Adoption support for children—Review of support payment.** (1) Each agreement under the act and these regulations shall be reviewed annually when any parent(s) receives more than one lump sum payment. At the time of such annual review and at other times during the year when changed conditions (including variations in medical opinions, prognosis and costs) are deemed by the secretary to warrant such action, appropriate adjustments in the payments shall be made based upon changes in the needs of the child or in the adoptive parent's income, resources or expenses. Any modification in the support payment shall result in a new agreement signed by the parents, the program coordinator and secretary of the department.

(2) Any parent who is a party to an agreement may request in writing at any time, a review of the amount of any payment or level of continuing payments as provided in RCW 74.13.118. The review shall be initiated not later than thirty days from the receipt of the request.

(3) Any adjustment in payment may be retroactive to the date the request was received by the secretary. If the request is not acted on within thirty days after receipt by the secretary, the parent may invoke the right to a fair hearing.

(4) The annual review shall be conducted according to RCW 74.13.118 and 74.13.121.

[Order 1037, § 388-70-580, filed 7/29/75.]

**WAC 388-70-590 Adoption support for children—Appeal from secretary's decision—Hearing.** (1) Adoptive parents have the right to a fair hearing to contest:

(a) A decision by the secretary to increase or decrease the level of payment or payments for the support of an adoptive child without the mutual acceptance of the adoptive parents. Notification of proposed changes in the level of a payment or payments for the support of an adoptive child shall be made to the adoptive parents in writing personal service or other means showing proof of receipt. The notice shall state the grounds upon which the secretary proposes such action;

(b) The decision of the secretary made pursuant to a written request by the adoptive parent or parents to adjust the amount of any payment or the level of continuing payments; such hearing may be requested thirty days

following the date of receipt of the request by the secretary if the secretary has failed to take action upon such request;

(c) The decision of the secretary as to whether any standard or part of a standard adopted by the secretary after the date of an initial agreement, which standard or part is used by the secretary making any review and adjustment, is more generous than the standard in effect as of the date of the initial determination with respect to such agreement.

(2) A hearing must be requested within thirty days of the receipt of written notice by the adoptive parents of the decision of the secretary sought to be reviewed. A request for a hearing shall be made by personal service or other means showing proof of receipt.

(3) A hearing held pursuant to this section shall be conducted in accordance with chapter 388-08 WAC and RCW 74.08.080 except as specifically provided in the act and this section. A hearing and the results thereof shall be confidential and shall not be revealed to any other person, institution or agency, public or private.

(4) Denial of an initial request for support payments and social decisions based on the appropriateness of the individual(s) to adopt a child shall not be subject to any review or hearing.

[Statutory Authority: RCW 34.05.220 (1)(a) and 74.13.109. 90-04-072 (Order 2995), § 388-70-590, filed 2/5/90, effective 3/1/90; Order 1037, § 388-70-590, filed 7/29/75.]

**WAC 388-70-595 Reimbursement for nonrecurring adoption finalization costs.** (1) The department shall agree to reimburse an adoptive parent for the adoptive parent's nonrecurring expense payment of the child's legal adoption process when the department determines the child:

- (a) Has special needs;
- (b) Cannot or should not be returned to the home of the child's parents; and
- (c) Cannot be adopted without adoption assistance.

(2) The adoptive parent's nonrecurring adoption costs necessary to complete the adoption process shall include:

- (a) Reasonable and necessary adoption fees;
- (b) Court costs;
- (c) Attorney fees; and
- (d) Costs associated with the:
  - (i) Adoption study;
  - (ii) Health and psychological examination;
  - (iii) Supervision of the placement before adoption; and
  - (iv) Cost of transportation, lodging, and food incurred for the child or adoptive parent while completing preplacement visits.

(3) Before the final decree of adoption, the department and adoptive parent shall sign an agreement specifying the nature and amount of the nonrecurring expenses the department pays. The department and adoptive family agreements for retroactive payment of nonrecurring adoption costs may be signed for otherwise qualifying adoption occurring after January 1, 1987, and before October 1, 1990.

[Statutory Authority: RCW 43.20A.550 and HB 2602. 90-23-076 (Order 3101), § 388-70-595, filed 11/20/90, effective 12/21/90.]

**WAC 388-70-600 Local Indian child welfare advisory committee—Purpose.** The intent of WAC 388-70-096, 388-70-450, and 388-70-600 through 388-70-640 is

to ensure protection of the Indian identity of Indian children, their rights as Indian children, and the maximum utilization of available Indian resources for Indian children. To ensure the realization of this intent, information about each current and future case involving Indian children for whom the department of social and health services has a responsibility shall be referred to a local Indian child welfare advisory committee on an ongoing basis according to procedures which recognize the privacy rights of the families.

The purposes of local Indian child welfare advisory committees are:

(1) To promote relevant social service planning for Indian children.

(2) To encourage the preservation of the Indian family, tribe, heritage, and identity of each Indian child served by the department of social and health services.

(3) To assist in obtaining participation by representatives of tribal governments and Indian organizations in departmental planning for Indian children for whom the department has a responsibility.

[Order 1167, § 388-70-600, filed 10/27/76.]

**WAC 388-70-610 Local Indian child welfare advisory committee—Membership.** Local Indian child welfare committees shall be established within each region. The number and locations of the local committees shall be mutually determined by the Indian tribal governments and urban Indian organizations served by that region and the DSHS regional administrator.

(1) The committee shall consist of representatives designated by tribal government and urban Indian organizations. The regional administrator shall appoint committee members from among those individuals designated by Indian authorities. These members should be familiar with and knowledgeable about the needs of children in general as well as the particular needs of Indian children residing in the service area.

(2) The committee may also include bureau of Indian affairs and/or Indian health service staff if approved by participating tribal councils and urban Indian organizations.

(3) The DSHS regional administrator and/or the ESSO administrator shall appoint a member of his child welfare supervisory staff as a liaison member of the committee.

(4) The local Indian child welfare advisory committee is an ad hoc advisory committee not specifically authorized by statute. As such its members are not entitled to per diem and travel expenses for the performance of advisory committee functions. This rule shall not be construed, however, to prohibit expense payments to members who are otherwise qualified for and perform services compensable under other programs such as the volunteer programs.

[Order 1167, § 388-70-610, filed 10/27/76.]

**WAC 388-70-615 Local Indian child welfare advisory committee—Subcommittees.** Each committee may appoint a subcommittee of permanent members to participate in reviewing the situation of an individual child or children for the purpose of recommending future planning actions.

[Order 1167, § 388-70-615, filed 10/27/76.]

**WAC 388-70-620 Local Indian child welfare advisory committee—Functions.** (1) The functions of the local Indian child welfare advisory committee are:

(a) Assistance to DSHS staff in cooperative planning for Indian children.

(b) Consultation to DSHS staff regarding the provision of adoption, foster care and child protective services on behalf of Indian children.

(c) Reviewing the situations of Indian children.

(d) Assisting in the implementation of recommended plans.

(e) Assisting in the recruitment of and making recommendations regarding the licensing of foster and adoptive homes for Indian children and providing culturally relevant services to Indian children.

(f) Requests the ESSO administrator to initiate reviews of casework decisions that the committee believes to be detrimental to the best interests of Indian children.

(g) Acts in an advisory capacity to the regional administrator and ESSO administrator regarding the department's implementation and monitoring of the rules related to foster care, child protection, and adoption services to Indian children and their families.

[Order 1167, § 388-70-620, filed 10/27/76.]

**WAC 388-70-630 Local Indian child welfare advisory committee—Meetings.** Each committee and the regional administrator and/or ESSO administrator will mutually agree as to time, place and frequency and conduct of official committee meetings.

[Order 1167, § 388-70-630, filed 10/27/76.]

**WAC 388-70-640 Local Indian child welfare advisory committee—Confidentiality.** The members of the local child welfare advisory committee shall agree to abide by RCW 74.04.060 and the rules of confidentiality binding the DSHS staff.

[Statutory Authority: RCW 74.15.030. 89-05-063 (Order 2743), § 388-70-640, filed 2/15/89; Order 1167, § 388-70-640, filed 10/27/76.]

**WAC 388-70-700 Juvenile records.** (1) Except as otherwise provided by law the department shall comply with the requirements of RCW 13.04.270 through 13.04.276 as amended by chapter 155, Laws of 1979 regarding the confidentiality, sealing, accuracy, release to public, inquiry and challenge, transfer and destruction of juvenile custody and child care records. This section applies to entries in records or records created after July 1, 1978 in which a juvenile court action other than a juvenile offender has been initiated.

(2) A juvenile, his or her parents or attorney, may upon written request, inquire to the department as to the existence and content of custody or care records. The inquiry shall provide the name of the juvenile, the approximate date the juvenile was in contact with the department, the nature of the contact, the location of the contact, and the purpose of the request.

(3) The department will make written response to the inquiry within twenty-one calendar days after receipt. The department will give priority to, and expedite processing,

inquiries which involve pending litigation. The department shall provide to the juvenile, his or her parents or attorney making the inquiry, information regarding the location, nature and content of any records in the department's possession except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to the order of the court: *Provided*, That if the court determines that limited release of the information is appropriate the court may specify terms and conditions for release of the information; or

(b) If the information or record has been by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric or medical services for the juvenile and the juvenile has a legal right to receive these services without the consent of any person or agency then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile.

(4) A juvenile, his or her parents or attorney, who wishes to challenge the information contained in the department records shall notify the department in writing. The notification shall provide:

(a) The name of the juvenile;

(b) If the records are alleged to be inaccurate; a statement of those portions alleged to be inaccurate; and

(c) If the continued possession of the record is being challenged, a statement as to the reason why the record should be destroyed.

(5) The department will review the notification of challenge to the record and make a written response within thirty calendar days. The response shall indicate the corrections which have been or will be made and indicate the basis for denial of any requested corrections. If appropriate, the department's response will also include a statement indicating whether the records have been destroyed or transferred to another juvenile justice or child care agency.

[Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-70-700, filed 9/10/79. Statutory Authority: RCW 74.08.090. 78-09-098 (Order 1335), § 388-70-700, filed 9/1/78.]

## Chapter 388-71 WAC

### INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

#### WAC

388-71-005	Duty to provide.
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388-71-045	Retention of jurisdiction.
388-71-050	Financial responsibility.
388-71-055	Penalty for illegal placement.

**WAC 388-71-005 Duty to provide.** Under chapter 26.34 RCW it is the responsibility of the state of Washington

to cooperate with the other states party to the Interstate Compact on the placement of children to the end that:

(1) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(2) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(3) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(4) Appropriate jurisdictional arrangements for the care of children will be promoted.

[Order 1081, § 388-71-005, filed 12/24/75.]

**WAC 388-71-010 Definitions.** As used in this compact:

(1) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(2) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings or causes to be sent or brought any child to another party state.

(3) "Receiving state" means the state to which a child is sent, brought or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(4) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

[Order 1081, § 388-71-010, filed 12/24/75.]

**WAC 388-71-015 Conditions for placement.** (1) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein. All state laws, rules and regulations regarding placement of American Indian Children shall be complied with by the sending agency and receiving state.

(2) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(a) The name, date and place of birth of the child;

(b) The identity and address or addresses of the parents or legal guardian;

(c) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child;

(d) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(3) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to subsection (2) may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(4) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

[Order 1081, § 388-71-015, filed 12/24/75.]

**WAC 388-71-020 Condition under which compact applies.** The compact is applied under the following conditions:

(1) When a sending agency in a member state wishes to place a specific child for whom it holds legal custody or placement responsibility in: A specific boarding or foster family home in another compact state; a specific relative home in another compact state; a specific child-caring institution in another compact state; or equivalent facilities for the child are not available in the sending agency's jurisdiction, and institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

(2) When a sending agency in a member state has placed a child for adoption or foster care in a home within the state and intends to continue the placement if the family plans to move to another compact state prior to the consummation of the adoption or during the continuance of the foster care status.

(3) When a "person" in a compact state (included in the legal definition of "sending agency"[]) wishes to place a child who is in his or her custody in: A specific boarding or foster family home in another compact state; or a specific preadoptive family home (independent adoption) in another compact state; or a specific relative home in another compact state except as excluded under WAC 388-71-025; or a specific child-caring institution in another compact state.

[Order 1081, § 388-71-020, filed 12/24/75.]

**WAC 388-71-025 Exemptions.** The interstate compact legislation does not apply in the following circumstances:

(1) When a potential boarding or adoptive family makes a routine inquiry or application to a compact state where they do not reside and this state wishes to have the home studied as a possible resource for any one of a number of

children needing placement. The family should be directed to apply in the state in which they reside.

(2) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or nonagency guardian in the receiving state.

(3) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

[Order 1081, § 388-71-025, filed 12/24/75.]

#### **WAC 388-71-030 Child leaving Washington state.**

For a child leaving the state of Washington:

(1) The ESSO, voluntary agency or court in Washington completes sections I, II and III of the request to place child (Form ICPC-100A), five copies of which are forwarded to the office of social service, attention: Deputy compact administrator. Summary's regarding the child and in the case of foster family care or an adoptive placement, the prospective foster or adoptive family are to accompany the request for placement.

(2) The Washington deputy compact administrator will forward copies of the referral request and summaries to the compact administrator of the receiving state, who will forward them to their local agency requesting a recommendation within 30 days of the suitability of the plan.

(3) Upon receipt from the receiving state of their approval or disapproval of the plan for the child, the Washington deputy compact administrator will inform the local agency by forwarding copies of the returned forms and other information.

(4) Local agencies (the sending agency and the agency in the receiving state responsible for supervision) are responsible for ongoing planning during the continuance of placement.

[Order 1081, § 388-71-030, filed 12/24/75.]

#### **WAC 388-71-035 Child entering Washington state.**

For a child entering Washington:

(1) The compact administrator of the sending state will forward request to place child forms to the Washington deputy compact administrator, together with summaries for the child and in the case of foster family care or an adoptive placement, the prospective foster or adoptive family. The compact administrator will forward the request to the appropriate local Washington agency.

(2) The local Washington agency will:

(a) Provide the requested service;

(b) Make a determination regarding the suitability of the plan; and

(c) Forward such study and recommendation to the Washington compact administrator within 30 days.

(3) The Washington compact administrator will notify the compact administrator in the sending state as to approval or disapproval of the proposed placement. The completed form shall be forwarded with the additional information considered necessary.

(4) Local agencies (the sending agency and the agency in the receiving state responsible for supervision) are responsible for ongoing planning during the continuance of placement.

[Order 1081, § 388-71-035, filed 12/24/75.]

**WAC 388-71-040 Procedures for change in placement status.** When there is a change in the placement status of the child, such as placement terminated by adoption or by a change in plans for the child, the supervising agency (the receiving state) shall initiate interstate compact report on placement status of child, notifying the state compact administrator. The compact administrator of the receiving state is responsible for forwarding copies of the report to the sending state administrator.

[Order 1081, § 388-71-040, filed 12/24/75.]

**WAC 388-71-045 Retention of jurisdiction.** The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

[Order 1081, § 388-71-045, filed 12/24/75.]

**WAC 388-71-050 Financial responsibility.** (1) The amount of financial responsibility for a child is determined by the sending state.

(2) In the event of financial default, the provisions of RCW 26.16.205 and 26.20.030 shall apply.

(3) Any agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the director of the office of program planning and fiscal management in the case of the state and of the treasurer in the case of a subdivision of the state.

[Order 1081, § 388-71-050, filed 12/24/75.]

**WAC 388-71-055 Penalty for illegal placement.** (1) The sending, bringing, or causing to be sent of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children. Any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place or care for children. (See RCW 26.34.010 Article IV.)

(2) Further, according to RCW 26.34.080, any person, firm, corporation, association or agency which places a child in the state of Washington without meeting the requirements set forth herein, or any person, firm, corporation, association

or agency which receives a child in the state of Washington, where there has been no compliance with the requirements set forth herein, shall be guilty of a misdemeanor. Each day of violation shall constitute a separate offense.

[Order 1081, § 388-71-055, filed 12/24/75.]

### Chapter 388-73 WAC

#### CHILD CARE AGENCIES—MINIMUM LICENSING/ CERTIFICATION REQUIREMENTS

##### WAC

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**WAC 388-73-010 Authority.** The following rules are adopted pursuant to chapter 74.15 RCW, RCW 74.08.044 and chapter 155, Laws of 1979. Unless otherwise provided these rules shall apply to all categories of agencies.

[Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-010, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-010, filed 9/8/78.]

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

388-73-420	Orientation and training—Family day care home. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-420, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-422	Capacity—Family day care home. [Statutory Authority: RCW 74.15.030. 89-11-005 (Order 2796), § 388-73-422, filed 5/4/89; 78-10-006 (Order 1336), § 388-73-422, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-423	Staffing—Family day care. [Statutory Authority: RCW 74.15.030. 89-11-005 (Order 2796), § 388-73-423, filed 5/4/89.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-424	Family day care—Program and equipment. [Statutory Authority: RCW 74.15.030. 89-11-005 (Order 2796), § 388-73-424, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-424, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-424, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-426	Family day care—Fire safety. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-426, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-428	Family day care—Health inspection. [Statutory Authority: RCW 74.15.030. 89-11-005 (Order 2796), § 388-73-428, filed 5/4/89.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-450	Required personnel—Day care centers. [Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-450, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-450, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-452	Program—Day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-452, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-454	Toddlers and preschool children—Day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-454, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-458	Furnishings and equipment—Day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-458, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-460	Play areas—Day care centers. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-460, filed 9/8/78.] Repealed by 92-15-043 (Order 3418), filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 74.15.030.
388-73-608	Nursing service. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-608, filed 9/8/78.] Repealed by 92-08-056, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 74.15.030.
388-73-716	Leisure time activities. [Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-716, filed

**WAC 388-73-012 Definitions.** (1) Terms defined under chapter 74.15 RCW shall have the same meanings when used in this chapter except as otherwise provided herein.

(2) "Capacity" means the maximum number of persons under care at a given moment in time.

(3) "Child," "youth," and "juvenile" means any individual under the chronological age of eighteen years of age.

(4) "Developmentally disabled person" means an individual suffering from a mental and/or physical deficiency rendering the individual incapable of assuming responsibilities expected of the socially adequate person, including self-direction, self-support, and social participation.

(5) "Full-time care provider" or "full-time care facility" means a foster family home for children or expectant mothers, group care facility, maternity home, crisis residential center, and juvenile detention facility.

(6) "Home of community concern" means a non-traditional family home whose composition or culture is sufficiently diverse from the standards of the community at large so that a mishap or scrutiny of the license might raise concerns about the appropriateness of licensing and placement of children, and might subject the department to notoriety.

(7) "Infant" means a child under one year of age.

(8) "Premises" means the buildings wherein the facility is located and the adjoining grounds over which the operator of the facility has direct control.

(9) "School-age child" means a child five years of age through twelve years of age enrolled in a kindergarten or elementary school.

(10) "Secure detention facility" and "juvenile detention facility" means a facility, primarily for the care of juvenile offenders, operated so as to ensure all entrances and exits from the facility are locked, barred, or otherwise controlled so as to prevent escapes.

(11) "Semisecure facility" means any facility, including but not limited to crisis residential centers or specialized foster homes, operated in a manner to reasonably assure youth placed there will not run away: *Provided*, That such facility shall not be a secure institution or facility as defined by the federal Juvenile Justice and Prevention Act of 1974 and regulations and clarifying instructions promulgated thereunder. A child shall not be locked in the facility or any part thereof, nor be otherwise controlled by the use of physical restraints except as provided in WAC 388-73-048.

(12) "Severely and multiply-handicapped child" is a child diagnosed as primarily dependent for most activities of daily living, except for persons requiring the services of skilled health care providers.



[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-012, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-012, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-012, filed 2/29/84. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-012, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-012, filed 9/8/78.]

**WAC 388-73-014 Persons and organizations subject to licensing.** Persons and organizations operating the following types of facilities are subject to licensing under chapter 74.15 RCW and RCW 74.08.044:

(1) "Group care facility for children" means an agency maintained and operated for the care of a group of children on a twenty-four-hour basis;

(2) "Child-placing agency" means an agency placing children for temporary care, continued care, or for adoption;

(3) "Maternity service" means an agency providing or arranging for care or services to expectant mothers regardless of age, before or during confinement, or providing care as needed to mothers and their infants after confinement. See WAC 388-73-702;

(4) "Day care facility" means an agency regularly providing care for children for periods of less than twenty-four hours. Separate requirements are adopted for the following subcategories of day care facilities:

(a) A "mini-day care program" means a day care facility for the care of twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care and supervision the children are placed; or

(b) A "day treatment program" means an agency providing care, supervision, and appropriate therapeutic and educational services during part of the twenty-four-hour day for a group of persons under eighteen years of age and the persons are unable to adjust to full-time regular or special school programs or full-time family living because of:

- (i) Disruptive behavior;
- (ii) Family stress;
- (iii) Learning disabilities; or
- (iv) Other serious emotional or social handicaps.

(5) "Foster family home" means a person or persons regularly providing care on a twenty-four-hour basis to one or more, but not more than four, children, expectant mothers, or developmentally disabled persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or developmentally disabled person is placed;

(6) "Large foster family home" means a foster family home with at least two adult residents in the home providing care on a twenty-four-hour basis to five or six children or developmentally disabled persons;

(7) "Crisis residential center" means an agency operating under contract with the department to provide temporary, protective care to children in a semisecure residential facility in the performance of duties specified and in the manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036. Separate requirements are adopted for the following subcategories of crisis residential centers:

(a) A regional crisis residential center is a structured group care facility whose primary and exclusive functions are those of a crisis residential center;

(b) A group care facility functioning partially or exclusively as a crisis residential center;

(c) A foster family home functioning either partially or exclusively as a crisis residential center and has been designated as a crisis residential center by the department.

(8) A "facility for severely and multiply-handicapped children" means a group care facility providing residential care to a group of nonambulatory children whose severe, disabling, multiple physical, and/or mental handicaps will require intensive personal care, and may require skilled health care, physical therapy, or other forms of therapy.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-014, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-014, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-014, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-014, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-014, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-014, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-014, filed 9/8/78.]

**WAC 388-73-016 Exceptions to rules.** (1) In individual cases the department, at its discretion for good cause, may waive specific requirements and may approve alternative methods of achieving the intent of specific requirements.

(2) The waiver and approval under subsection (1) of this section may not jeopardize the safety or welfare of the persons in care.

(3) The department may approve a waiver request only for a specific purpose or child and for a specific period of time not exceeding the expiration date of the license. (The licensee may apply anew for the waiver when reapplying for a license.)

(4) The department may limit or restrict a license issued to a licensee or applicant in conjunction with a waiver.

(5) Waivers shall be in writing and a copy of the waiver maintained by the licensee.

(6) The department's denial of a licensee's or applicant's waiver request shall not be subject to appeal under chapter 34.05 RCW.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-016, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-016, filed 5/4/89; 78-10-006 (Order 1336), § 388-73-016, filed 9/8/78.]

**WAC 388-73-018 Persons and organizations not subject to licensing.** In addition to those persons and organizations which are exempt from the requirements of this chapter as provided in chapter 74.15 RCW, persons caring for a child in the child's own home whether related to the child or not are exempt.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-018, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-018, filed 9/8/78.]

**WAC 388-73-019 Effect of local ordinances.** Licenses are issued or denied on the basis of applicants' compliance with the department's minimum licensing requirements. The enforcement of local ordinances such as zoning regulations and local building codes is the responsibility of appropriate local officials.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-019, filed 9/8/78.]

**WAC 388-73-01950 Fire standards.** All group care facilities, mini-day care centers, and maternity centers shall

conform to the rules and regulations adopted by the Washington state fire marshal's office establishing minimum standards for the prevention of fire and for the protection of life and property against fire. The Washington state fire marshal's standards are found in chapter 212-55 WAC.

[Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-01950, filed 7/9/92, effective 8/9/92; 83-02-060 (Order 1933), § 388-73-01950, filed 1/5/83.]

**WAC 388-73-020 Certification of juvenile detention facility and exempt agency.** (1) An agency legally exempt from licensing may not be licensed. However, at the agency's request, such agency may be certified by the department as meeting licensing and other pertinent requirements, if investigation proves such to be the case, to enable the agency to be eligible for the receipt of funds or for other legitimate purposes. In such cases, unless otherwise clearly evident from the text, requirements and procedures for licensing apply equally to certification.

(2) Juvenile detention facilities operated by juvenile courts, shall be certified in accord with the provision of RCW 74.13.034, and requirements promulgated pursuant thereto. Except as otherwise indicated by the text, the requirements for licensing group care facilities also apply to the certification of juvenile detention facilities.

[Statutory Authority: RCW 74.15.030. 83-02-060 (Order 1933), § 388-73-020, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-020, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-020, filed 9/8/78.]

**WAC 388-73-022 Application or reapplication for license or certification—Investigation.** (1) A person or organization applying for a license or for certification under this chapter shall:

- (a) Submit the application on forms prescribed by the department;
- (b) Comply with department procedures;
- (c) Initiate the application in the name of the person or legal entity responsible for the operation of the agency; and
- (d) Include with the application:
  - (i) Employment and educational history of the person charged with the active management of the agency;
  - (ii) Completed forms enabling the department to:
    - (A) Perform a criminal history check;
    - (B) Check the central registry of child abuse for each staff or volunteer of the agency having unmonitored access to the child, expectant mother, or developmentally disabled person; and
    - (C) Share this information with the applicant or licensee.
- (2) The department may:
  - (a) Require additional information from the applicant, licensee, their staff, and a member of their household as the department deems necessary including, but not limited to:
    - (i) Sexual deviancy evaluations;
    - (ii) Substance and alcohol abuse evaluations;
    - (iii) Psychiatric evaluations;
    - (iv) Psychological evaluations; and
    - (v) Medical evaluations.
  - (b) Perform corollary investigations of the applicant, licensee, their staff, and member of their households as the department deems necessary, including accessing of criminal histories and law enforcement files.

[Statutory Authority: RCW 74.15.030. 90-20-076 (Order 3069), § 388-73-022, filed 9/28/90, effective 10/29/90; 86-24-059 (Order 2445), § 388-73-022, filed 12/2/86. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-022, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-022, filed 9/8/78.]

**WAC 388-73-024 Licenses for homes supervised by licensed agency.** (1) Foster family homes certified by a licensed child-placing agency as meeting licensing requirements for foster family homes shall accept children only from the:

- (a) Certifying child-placing agency; or
  - (b) Department when the child is in the legal custody and/or supervision of the department and each placement by the department is approved in writing by the child-placing agency responsible for supervision of the home.
- (2) Licenses issued under this section are valid only as long as the homes remain under the supervision of the certifying licensed agency and operate in accordance with licensing requirements.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-024, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-024, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-024, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-024, filed 9/8/78.]

**WAC 388-73-026 Licensing of employees.** (1) Staff of the department or a member of that person's household, and staff of a child-placing agency or a member of that household, are prohibited from obtaining a license or adoptive services under this chapter from their agency if such staff are involved directly or in an administrative or supervisory capacity in:

- (a) The licensing or certification process;
  - (b) The placement of persons in a licensed or certified facility; or
  - (c) Authorizing payment for such persons.
- (2) These individuals may apply to another agency to provide foster or adoptive care.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-026, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-026, filed 9/8/78.]

**WAC 388-73-028 Limitations on licenses and dual licensure.**

The department shall not issue a license to an applicant for both day care and for full-time care nor for both children and adults in the same facility, except that expectant mothers and their children may receive care in the same facility.

(1) The department may authorize an exception only if it is clearly evident that care of one category of client does not interfere with the safety and quality of care provided to the other categories of clients.

(2) In such circumstances, the total number of clients in all categories shall not exceed the number permitted by the most stringent capacity limitation of the categories concerned.

(3) The licensee or applicant shall request an additional exception if the licensee wishes to exceed the more stringent capacity limitations.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-028, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-028, filed 9/8/78.]

**WAC 388-73-030 General qualifications of licensee, adoptive applicant, and persons on the premises.** (1) The adoptive applicant, licensee, staff, and other person on the premises shall be a person of good character.

(2) The licensee or adoptive applicant shall demonstrate that the licensee or adoptive applicant, child care staff, volunteer, and other person having access to a person under care have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of the person under care.

(3) The licensee, adoptive applicant, staff, and other person on the premises shall not have been:

(a) Convicted of, found to be a perpetrator of, or have a charge pending of child abuse and/or any crime involving physical harm to another person; nor

(b) Found to:

(i) Be a perpetrator of substantiated or founded child abuse; nor

(ii) Have been an alleged perpetrator of an incident of child abuse where the department found the evidence supports the allegation.

(4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, adoptive applicant, child care staff, volunteer, and other person having access to children in care meet the qualifications in subsections (1), (2), and (3) of this section. This information may include, but is not limited to:

(a) Sexual deviancy evaluations;

(b) Substance and alcohol abuse evaluations;

(c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-030, filed 3/26/92, effective 4/26/92; 90-20-076 (Order 3069), § 388-73-030, filed 9/28/90, effective 10/29/90; 78-10-006 (Order 1336), § 388-73-030, filed 9/8/78.]

**WAC 388-73-032 Age of licensee.** Applicants for a license under this chapter shall be a least eighteen years of age.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-032, filed 9/8/78.]

**WAC 388-73-034 Posting of license.** All licensees, except for foster family homes for children, expectant mothers, and developmentally disabled adults shall post the original license issued under this chapter in a place conspicuous to the public.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-034, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-034, filed 9/8/78.]

**WAC 388-73-036 Licensure—Denial, suspension, or revocation.** (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of each applicant, licensee, and chief executive officer, if any, to operate the agency under the law and this chapter. Such persons shall be considered separately and jointly as applicants or licensees and if any one be deemed disqualified by the department in accordance with chapter

74.15 RCW or this chapter, the department may deny, suspend, revoke, or not renew the license:

(a) The department shall disqualify any individual engaging in illegal use of drugs or excessive use of alcohol;

(b) The department shall disqualify any individual who has been convicted of an offense listed in chapter 388-330 WAC;

(c) The department shall disqualify any individual convicted of a felony or released from a prison within seven years of the date of application for the license because of the conviction, if:

(i) The conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation, or administration of an agency; and

(ii) The department determines, after investigation, the person has not been sufficiently rehabilitated to warrant public trust.

(d) The department shall not grant a license to an applicant who, in this state or elsewhere:

(i) Has been denied a license to operate an agency for the care of children, expectant mothers, or developmentally disabled adults; or

(ii) Had a license to operate such an agency suspended or revoked.

(e) An applicant may establish by clear, cogent, and convincing evidence the ability to operate an agency under this chapter. The department may waive the provision in subdivision (1)(d) of this section and license the applicant.

(2) The department may deny, suspend, revoke, or not renew a license for failure to comply with the provisions of chapter 74.15 RCW, and rules contained in this chapter. The department shall deny, suspend, revoke, or not renew for any of the following reasons:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation including:

(i) Making materially false statements on the application; or

(ii) Material omissions which would influence appraisal of the applicant's suitability.

(b) Permitting, aiding, or abetting the commission of any illegal act on the premises;

(c) Permitting, aiding, or abetting the abuse, neglect, exploitation, or cruel or indifferent care to a person under care;

(d) Repeatedly:

(i) Providing insufficient personnel relative to the number and types of persons under care; or

(ii) Allowing a person unqualified by training, experience, or temperament to care for or be in contact with the person under care.

(e) Misappropriation of the property of a person under care;

(f) Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;

(g) Failure to provide adequate supervision to a person under care;

(h) Refusal to admit authorized representatives of the department or state fire marshal to inspect the premises;

(i) Refusal to permit authorized representatives of the department to have access to the records necessary for the operation of the agency or to permit the department representatives to interview agency staff and clients;

(j) Knowingly having an employee or volunteer on the premises who has made misrepresentation or significant omissions on the application for employment or volunteer service; and

(k) Refusal or failure to supply necessary additional department-requested information.

(3) The department may deny, suspend, revoke, or not renew or modify a license for violation of any condition or limitation upon licensure including, but not limited to, providing care for:

(a) More children than the number for which the agency is licensed; or

(b) Children of ages different from the ages for which the agency is licensed.

(4) The department's notice of a denial, revocation, suspension, or modification of a license is governed by RCW 43.20A.205. The provider's right to an adjudicative proceeding is in the same law.

(a) A provider contesting a department licensing decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the office of appeals; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the department decision being contested.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20A.205, this chapter, and chapter 388-08 WAC. If any provision of this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

(5) The department may deny, suspend, revoke, or not renew a license when the agency fails to comply with the federal Indian Child Welfare Act, P.L. 95-608, chapters 13.04 and 13.34 RCW, WAC 388-73-044, Special Requirements Regarding American Indians, or WAC 388-70-600 through 388-70-640, relating to local Indian child welfare advisory committees.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-036, filed 3/26/92, effective 4/26/92; 90-20-076 (Order 3069), § 388-73-036, filed 9/28/90, effective 10/29/90. Statutory Authority: RCW 34.05.220 (1)(a) and 74.15.030. 90-04-072 (Order 2995), § 388-73-036, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.15.030. 89-11-005 (Order 2796), § 388-73-036, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-036, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-036, filed 9/8/78.]

**WAC 388-73-038 Licensed capacity.** (1) The number of persons for whom the department will license an agency is dependent upon the evaluation of:

(a) The physical accommodations of the agency;

(b) The numbers and skills of the licensee, staff, family members and volunteers; and

(c) The ages and characteristics of the persons to be served.

(2) An agency shall not be licensed for the care of more persons than permitted by the rules regarding the category of care for which the license is sought.

(3) The department may license an agency for the care of fewer persons than normally permitted by the rules based on the evaluation of items listed in section (1) above.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-038, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-038, filed 9/8/78.]

**WAC 388-73-040 Discrimination prohibited.** The licensee shall comply with federal and state statutory and regulatory requirements regarding nondiscrimination in employment practices and client services.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-040, filed 9/8/78.]

**WAC 388-73-042 Religious activities.** The licensee shall:

(1) Respect the rights of persons in care to observe the tenets of the person's faith and shall facilitate those rights consistent with state and federal laws;

(2) Not punish persons in care for exercising these rights;

(3) Submit a written description of any religious policies and practices to the department and provide a copy to the child and, if possible, to the family upon admission.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-042, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-042, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-042, filed 9/8/78.]

**WAC 388-73-044 Special requirements regarding American Indians.** (1) Implementation of the licensing statute will recognize the unique tribal, cultural and religious sovereignty of Indian nations, tribes and communities. The licensing of a child care agency on sovereign Indian soil shall in no way abridge the sovereignty of an Indian nation nor shall compliance with these rules and regulations be deemed to be a relinquishment of sovereign authority.

(2) For the purposes of these rules, the term "Indian" includes the following groups:

(a) An enrolled Indian:

(i) Any person who is enrolled or eligible for enrollment in a recognized tribe.

(ii) Any person determined, or eligible to be found, to be an Indian by the secretary of the interior.

(iii) An Eskimo, Aleut or other Alaskan native.

(b) A Canadian Indian: Any person who is a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.

(c) An unenrolled Indian: A person considered to be an Indian by a federally or nonfederally recognized Indian tribe or urban Indian/Alaskan native community organization.

(3) Prior to planning, development, and delivery of social services to Indian children and families, agencies shall obtain a written statement from the parent or Indian custodian regarding the preference of child placement.

(4) When an agency has an Indian child in its caseload, the agency shall develop social service resources and staff training programs designed to meet the special needs of such children through coordination with tribal, Indian Health Service and Bureau of Indian Affairs social service staff and appropriate urban Indian and Alaskan native consultants.

(5) In addition to reports required by WAC 388-73-056, an agency shall report to a child's tribal council the serious injury or death or abandonment of an enrolled Indian child or an Indian child eligible for enrollment.

(6) In planning foster care and adoptive placements for Indian children, agencies shall give consideration in the following order:

- (a) Relatives;
- (b) An Indian family of the same tribe as the child;
- (c) An Indian family of a Washington Indian tribe of a similar culture to that tribe;
- (d) Any other family which can provide a suitable home for an Indian child, such suitability to be determined through consultation with a local Indian child welfare advisory committee.

(7) When foster care or adoptive placement of a nonenrolled Indian child is planned, agencies shall compile the Portland area office of the bureau of Indian affairs' form "family ancestry chart," or appropriate equivalent. Agencies shall take appropriate steps to enroll eligible children in their respective tribes.

(8) Agencies serving Indian children shall make efforts to recruit facilities and/or homes particularly capable of meeting the special needs of such children. Indian children shall be placed preferentially in Indian foster homes. Indian children can be placed in non-Indian foster homes specifically recruited and trained to meet the special needs of Indian foster children only with the consent of the LICWAC or the child's tribe for a four-month period in a particular non-Indian home. Each such placement shall only be extended by the consent of the LICWAC or the child's tribe on a month-by-month basis.

(9) When an agency has an Indian child in its caseload, the agency shall have a written policy and procedures statement on legal practices which shall reflect the rights of Indian children and families based upon their unique social-legal status guaranteed by treaty and federal law.

(10) If not contrary to the wishes of a child and/or his parent(s), in the adoptive placement of Indian children adoptive homes having the following characteristics agencies shall give preference in the following order:

- (a) An Indian family of the same tribe as the child within thirty days from the time the child is determined to be legally and otherwise ready for adoptive planning.
- (b) Within an additional thirty days, a Washington Indian family; considering first a family of similar cultural background, for example, eastern or western Washington.
- (c) Within an additional thirty days, an Indian family from elsewhere in the United States or Canada, through the Adoption Resource Exchange of North America, or other recognized adoption agency outside of Washington state. Attention shall be given to matching the child to an Indian family whose culture is similar to that of his natural parents, such as, Coastal, Plateau, Plains, Southwest, Woodland.

(d) Any other family who can provide a suitable home to an Indian child, as well as instill pride and understanding in the child's tribal and cultural heritage. Such placements shall only be made with the consent of the LICWAC or the child's tribe. Each such placement shall be reviewed by the LICWAC or the child's tribe at the end of one year to assess the suitability of the non-Indian home. No other reviews shall take place after this.

(11) All agencies shall:

- (a) Consult with the LICWAC on case planning, development and service delivery;
- (b) Utilize the LICWAC to assist in the recruitment of appropriate tribal and urban Indian foster care and adoptive homes for Indian children;
- (c) Utilize the LICWAC in the development and provision of staff training;
- (d) Complete a "Verification of American Indian status" form for each family applying for foster care or adoptive care of Indian children. The verification form shall be complete and on file, with review and approval by the LICWAC, prior to placement. When Indian homes are not available, agencies shall place Indian children with the consent of LICWAC or the child's tribe and for a four-month period in a particular non-Indian home specifically recruited and trained to meet the special needs of Indian children. Each such placement shall only be extended by the consent of LICWAC or the child's tribe on a month-by-month basis; and
- (e) Comply with all requirements of the Federal Indian Child Welfare Act, 25USC1901, et. seq. and all requirements of state laws pertaining to foster care, guardianship, termination, or adoption proceedings involving Indian children.

[Statutory Authority: RCW 74.15.030. 89-05-063 (Order 2743), § 388-73-044, filed 2/15/89; 81-20-011 (Order 1703), § 388-73-044, filed 9/25/81; 78-10-006 (Order 1336), § 388-73-044, filed 9/8/78.]

**WAC 388-73-046 Discipline.** (1) Disciplinary practices shall be stated in writing. Discipline shall be a responsibility of the licensee or staff, and shall not be prescribed or administered by persons under care. Discipline shall be based on an understanding of the individual's needs and stage of development and shall be designed to help the individual develop inner control, acceptable behavior and respect for the rights of others.

(2) Discipline shall be fair, reasonable, consistent and related to the individual's behavior. Cruel and unusual discipline, discipline hazardous to health, and frightening or humiliating discipline shall not be administered.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-046, filed 9/8/78.]

**WAC 388-73-048 Corporal punishment.** (1) Corporal punishment is prohibited.

(2) The use of such amounts of physical restraint as may be reasonable and necessary to:

- (a) Protect persons on the premises from physical injury,
- (b) Obtain possession of a weapon or other dangerous object,
- (c) Protect property from serious damage, shall not be construed to constitute corporal punishment.

(3) Mechanical restraints may not be used. These include but are not limited to: Handcuffs, belt restraints, and locked time-out rooms.

(4) Physical restraints which could be injurious are not to be used. These include but are not limited to: A large adult sitting on or straddling a small child, sleeper holds, arm twisting, hair holds, and throwing children and youths against walls, furniture, or other large immobile objects.

(5) The restrictions listed in subsections (3) and (4) of this section immediately preceding do not apply to juvenile detention facilities.

(6) Staff employed in group care facilities where it may be necessary to restrain children shall be trained in the use of appropriate restraining techniques.

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-048, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-048, filed 9/8/78.]

**WAC 388-73-050 Abuse, neglect, exploitation.**

Licensees shall protect persons, while in the licensee's care, from child abuse or neglect as defined in RCW 26.44.020(12).

[Statutory Authority: RCW 74.15.030. 83-02-060 (Order 1933), § 388-73-050, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-050, filed 9/8/78.]

**WAC 388-73-052 Interstate placement of children.**

(1) An agency accepting or making an interstate placement of a child shall do so in accordance with chapters 26.34 RCW and 388-71 WAC.

(2) For a child who is in the care of a crisis residential center and who has legal residence outside the state of Washington and who refuses to return home, provisions of chapter 13.24 RCW (interstate compact on juveniles) shall apply.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-052, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-052, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-052, filed 9/8/78.]

**WAC 388-73-054 Client records and information—**

**All agencies.** (1) Agencies shall maintain records and information concerning persons in care in such a manner as to preserve their confidentiality. For American Indian children, see WAC 388-73-044. Records giving the following information on each person under care shall be maintained at the licensed facility. The agency's records shall contain, at a minimum, the following information:

(a) Identifying information, including:

(i) Name;

(ii) Birthdate;

(iii) For full-time care providers, dates of admission, absences, and discharge; and

(iv) For day care providers, daily attendance.

(b) Identifies information for parents or other persons to be contacted in case of emergency:

(i) Names;

(ii) Addresses; and

(iii) Telephone numbers, if any (home and business).

(c)(i) Dates and kinds of illnesses and accidents;

(ii) Medication and treatments prescribed;

(iii) Time given and by whom;

(iv) Except for crisis residential centers and certified juvenile detention facilities, dates and types of immunization; and

(v) Other pertinent information relating to the person's health.

(d) Written parental consent (or court order) for providing medical care and emergency surgery, except as such care is otherwise authorized by law;

(e) Names, addresses, and telephone numbers of persons authorized to take the person under care out of the facility;

(f) Authorization for acceptance of the person under care. Juvenile detention facilities and crisis residential centers shall record the time and date a placement is made, the names of the person and organization making the placement, and the reasons for the placement;

(g) In addition, for day care facilities a completed application signed by the parent, guardian, or responsible relative;

(h) For day care facilities, a written consent signed by the parent or parents for all transportation provided by the caregiver, trips, and swimming if the child will be participating in these activities;

(i) A copy of the report sent to the department licenser of all accidents, injuries, and illnesses requiring inpatient hospitalization occurring to the child while the child is present at the facility; and

(j) Immunization records as per WAC 388-73-140 (4) and (5).

(2) The agency's records of severely and multiply handicapped children shall also contain:

(a) Information obtained upon admission including identifying and social data, an inventory of personal belongings, medical history, and a report of a physical examination and diagnosis by a physician;

(b) Information about the child's daily care including all plans, treatments, medications, observations, teaching, examinations, physicians' orders, allergic responses, consent authorizations, releases, diagnostic reports, and revisions of assessments;

(c) A summary upon discharge including diagnoses, treatments, and prognosis by the person responsible for the total plan of care, instructions given to the person providing continuing care, and a record of any referrals directed toward continuity of care; and

(d) Appropriate information if the child has died including the time and date of death, apparent cause of death, appropriate notification of the physician and relevant others (including the coroner if necessary), and the disposition of the body and personal effects.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-054, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-054, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-054, filed 2/29/84. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-054, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-054, filed 9/8/78.]

**WAC 388-73-056 Reporting of illness, death, injury, epidemic, child abuse, or unauthorized absence—All facilities.** The licensee shall immediately report to the persons indicated the following events:

(1) To the agency licensing the home, responsible relative, and child's placement worker (if any), death, serious injuries which include, but are not limited to:

(a) Casting;

(b) Hospitalization of a child in care; or

(c) Life-threatening illness.

(2) To the department of social and health services' child protective services or law enforcement any instance where there is reasonable cause to believe that child abuse,

neglect, or exploitation may have occurred. See chapter 26.44 RCW and WAC 388-73-044 and 388-73-050;

(3) To the local public health department any occurrence of food poisoning or communicable disease as required by the state board of health; and

(4) To the placement agency (if any) or responsible relative the unauthorized absence of a child.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-056, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-056, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-056, filed 12/2/86. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-056, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-056, filed 9/8/78.]

**WAC 388-73-057 Reporting of circumstantial changes.** An agency shall report to the department changes in circumstances which might constitute grounds for reclassification of agency as to category of license or continued eligibility for license and major changes in staff or program, including the following:

(1) Changes in agency's address, location, designated space, and phone number. A license is valid only for address indicated on the license;

(2) Changes in the maximum number, age ranges, and sex of persons licensee wishes to serve as compared to specifications in the license;

(3) Change of agency's chief executive, and the death, retirement, or incapacity of a licensee. A license is valid only for the person or organization named on the license.

(4) Occurrence of a fire on licensed premises, major structural changes, or damage to premises from any causes and plans for major remodeling of facility;

(5) Change in name of a licensed corporation, or name by which a facility is commonly known, and changes in agency's articles of incorporation and bylaws;

(6) Marriage or divorce of a foster parent or other change in household composition affecting eligibility for license or number of persons that may be served; and

(7) The hiring of any new staff person who might have contact with the children in care or the addition of any new volunteer who might have contact with the children in care.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-057, filed 3/26/92, effective 4/26/92; 85-13-064 (Order 2244), § 388-73-057, filed 6/18/85; 78-10-006 (Order 1336), § 388-73-057, filed 9/8/78.]

**WAC 388-73-058 Earnings, allowances, personal belongings.** Except for crisis residential centers, juvenile detention facilities, and foster family homes, full-time child care providers shall give each child a regular allowance based on his or her age, needs, and ability to handle money. Group care facilities shall account for allowances given and for children's earnings, if any, in a ledger or other appropriate record maintained for this purpose. When a person is discharged, he or she shall be permitted to take his or her personal belongings and all of his or her money, or be fully informed about the transfer of his or her money to another facility.

[Statutory Authority: RCW 74.15.030. 84-06-030 (Order 2081), § 388-73-058, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-058, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-058, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-058, filed 9/8/78.]

**WAC 388-73-060 Work assignments.** Agencies shall not use persons under care to carry the responsibility for basic maintenance of the facility and equipment.

(1) Persons under care may perform household tasks insofar as appropriate to the program and as part of a planned learning experience.

(2) For a person under care, work assignments shall be appropriate to the age and physical condition of the person under care.

(3) For persons under care, work assignments other than household tasks which are part of the treatment plan may be performed insofar as appropriate to the age and physical condition of the person under care and adequate monetary compensation shall be provided.

[Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-060, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-060, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-060, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-060, filed 9/8/78.]

**WAC 388-73-062 Transportation.** When a licensee provides transportation for persons under care:

(1) The vehicle shall be in a safe operating condition. The driver shall have a current driver's license;

(2) There shall be at least one adult supervisor other than the driver in a vehicle when:

(a) There are more than seven preschool-aged children in the vehicle; or

(b) Staff-to-child ratio guidelines require a second staff person.

(3) Licensee or driver shall carry liability and medical insurance;

(4) The licensee's vehicles shall provide seat belts or other appropriate safety devices for all passengers. The number of passengers shall not exceed the vehicle's seating capacity. Buses approved by the state patrol shall not be required to be equipped with seat belts;

(5) Day care facilities transporting children shall have written parental permission.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-062, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-062, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-062, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-062, filed 9/8/78.]

**WAC 388-73-064 Clothing.** Full-time care providers are responsible to provide or arrange for appropriate clothing for the persons under care.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-064, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-064, filed 9/8/78.]

**WAC 388-73-066 Personal hygiene.** Licensees are responsible to provide or arrange for items needed for good grooming and personal hygiene for persons under care.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-066, filed 9/8/78.]

**WAC 388-73-068 Personnel policies.** (1) Each employee or volunteer having unmonitored access to children, expectant mothers, or developmentally disabled persons shall have completed an application for employment on a form prescribed by the department and forms enabling the

department to complete a criminal history check and check of the central registry of child abuse and to share this information with the licensee. Misrepresentation by the prospective employee or volunteer shall be grounds for termination or denial of employment or volunteer service, as the case may be.

(2) All agencies employing five or more persons shall have written policies covering qualifications and duties of staff and volunteers.

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-068, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-068, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-068, filed 9/8/78.]

**WAC 388-73-069 Consumption of alcoholic beverages.** Except for family foster homes, licensees and staff may not consume or have in their possession or on their person alcoholic beverages on the premises while children are in care.

[Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-069, filed 7/9/92, effective 8/9/92; 86-24-059 (Order 2445), § 388-73-069, filed 12/2/86.]

**WAC 388-73-070 Training.** (1) All agencies with employees shall have an in-service training program for developing and upgrading staff skills.

(2) For agencies employing five or more persons, the training plan shall be in writing.

(3) Staff shall be made aware of the licensee's policies and procedures and the rules contained in this chapter.

(4) The agency shall provide or arrange for training in practice skills for its staff responsible for delivering the specific services it offers.

(5) Agency's employee training shall include nonphysical, age-appropriate methods of controlling behavior.

(6) Facilities required to provide staff training shall record the delivery and the nature of the training either in each employee's file or in a separate training file.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-070, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-070, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-070, filed 9/8/78.]

**WAC 388-73-072 Education and vocational instruction.** (1) Each group care facility, other than a crisis residential center, facility for severely and multiply-handicapped children, or juvenile detention facility, and each maternity service, day treatment program, and child-placing agency shall:

(a) Provide or arrange for the provision of a suitable educational plan for each person in care not completing high school. Group care agencies shall provide suitable study areas. If instruction is given on the agency's premises, appropriate classrooms separate from the living area shall be provided.

(b) Provide the department with a written description of its educational program.

(c) Where an academic program is not appropriate for a particular person in care, the agency shall provide or arrange for a vocational training program either within or outside the agency. Such training shall be geared to helping the person to attain self-sufficiency. If a person has job skills, a training program may not be needed, but assistance

in obtaining suitable employment shall be provided when necessary.

(2) Each group care facility serving severely and multiply-handicapped children shall provide or arrange for the provision of an individualized education plan suited to the unique needs of each child in care.

[Statutory Authority: RCW 74.15.030. 84-06-030 (Order 2081), § 388-73-072, filed 2/29/84. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-072, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-072, filed 9/8/78.]

**WAC 388-73-074 Social service staff.** (1) Each child-placing agency, day treatment program, maternity service, and group care facility, except for juvenile detention facilities, shall provide or arrange for social services by persons at least one of whom has a master's degree in social work or closely allied field.

(2) Social service staff not having a master's degree in social work shall have a bachelor's degree in social work or closely allied field and shall receive face-to-face supervision by a person having a master's degree in social work or closely allied field for a minimum of one hour for each twenty hours of paid employment.

(3) When social services are provided by an agency other than the licensee, there shall be a written agreement detailing the scope of service to be provided. Any such agreement must meet the requirements of this section.

(4) The following minimum ratios of full-time social service staff providing direct services to persons under care shall be provided:

Day treatment program	1 to 15
Group care facilities	1 to 25
Child-placing agency	1 to 25
Maternity services	1 to 25
Regional and other group care crisis residential centers	1 to 5

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-074, filed 12/2/86. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-074, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-074, filed 9/8/78.]

**WAC 388-73-076 Social study—Treatment plans.** Except for juvenile detention facilities, the social service staff of each child-placing agency, day treatment program, maternity service, and group care facility shall:

(1) Develop or assemble from appropriate sources a written diagnostic social study on each child and expectant mother accepted for care. Except in the case of persons accepted for emergency care, the study shall serve as the basis of the person's admission to care. In such case, the study shall be completed within thirty days after admission if the person remains in care. The study shall contain in addition to the minimum information recorded as required by WAC 388-73-054 the following information:

(a) Child's school records, when possible. Where children attend school away from the facility, records mean grade placement, reports, and correspondence with schools. Where the facility has a school on the grounds, records shall mean transcripts and other records normally kept by a school.



(b) Copies of psychological or psychiatric evaluations, if any, of the child or expectant mother.

(c) A narrative description of the background of the child and his or her family, the child's interrelationships and the problems and behaviors necessitating care away from own home, previous placement history, if any, and an evaluation as to need for the particular services and type of care the licensee will provide. For American Indian children, see WAC 388-73-044.

(2) Develop and implement a written treatment plan for each person accepted for care. Such plan shall outline the agency's treatment goals and methods of work with the individual and his or her family. The plan shall be updated at least quarterly to show progress toward achievement of goals and shall identify impediments to the return of the child to his or her own home, the home of relatives, or placement for adoption and steps taken or to be taken to overcome those impediments. No person shall be admitted to nor retained in an agency's program where the person cannot be served effectively by the program or where the person can be served more appropriately by another available program.

(3) Whenever the treatment plan indicates the child may return to his or her own home, the agency shall provide or arrange for services to child's parents. Where geographical or other conditions prevent the licensee from working directly with child's parents or another agency is already providing appropriate services, the licensee shall enter into an agreement with the agency for joint planning and exchange of reports toward the end of reuniting the family, or shall make arrangements with another appropriate agency toward that end.

(4) Whenever the treatment plan indicates the child will not be able to return to his or her own home, the agency shall move expeditiously to develop a plan for permanence for the child. The permanent placement for the child shall be made in a family able to meet the child's physical, emotional, and cultural needs.

(5) Agency records shall include a running account of the treatment received by the child and others involved in the treatment plan including but not limited to group treatment, individual counseling, etc., whether delivered by the agency or a contracted source. The file shall be updated no less frequently than once per thirty days.

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-076, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-076, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-076, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-076, filed 9/8/78.]

**WAC 388-73-077 Multidisciplinary care plan for severely and multiply-handicapped children.** (1) An agency licensed for the care of severely and multiply-handicapped children shall maintain a multidisciplinary plan of care for each child in care:

(a) The agency's care plan shall address the social service, medical, nutritional, rehabilitative, and educational needs of each child;

(b) The agency's care plan shall indicate care to be given and goals to be accomplished and which professional service is responsible for each element of care;

(c) The agency's care plan shall be reviewed, evaluated, and updated as necessary by all professional personnel involved in the care of the child.

(2) Professional personnel shall meet at least annually to re-evaluate each child's current condition, progress, prognosis, and need for ongoing care and additional services.

(3) Agency staff shall record quarterly progress reports in the child's record.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-077, filed 3/26/92, effective 4/26/92; 84-06-030 (Order 2081), § 388-73-077, filed 2/29/84.]

**WAC 388-73-078 Clerical, accounting and administrative services.** Except for foster family homes for children or expectant mothers, each agency shall provide or arrange for sufficient clerical, accounting and administrative staff or services as are required to maintain proper records and carry out the agency's program.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-078, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-078, filed 9/8/78.]

**WAC 388-73-080 Support and maintenance staff.** Except for foster family homes for children or expectant mothers, each licensee shall provide or arrange for sufficient support and maintenance staff or services as are required for the maintenance and repair of the facility and preparation and serving of meals.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-080, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-080, filed 9/8/78.]

**WAC 388-73-100 Site and telephone.** A facility operated by licensed agencies shall be located on a well-drained site free from hazardous conditions and accessible to other facilities necessary to carry out its program. There shall be at least one telephone, functional for incoming and outgoing calls, on the premises which shall be accessible for emergency use at all times.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-100, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-100, filed 9/8/78.]

**WAC 388-73-102 Equipment, safety, and maintenance.** (1) In facilities operated by licensed agencies:

(a) The physical plant, premises, and equipment shall be maintained in a clean and sanitary condition, free of hazards, and in good repair;

(b) Steps shall be provided with handrails as determined necessary by the department. Emergency lighting devices, such as flashlights, in operational condition shall be available; and

(c) All flaking or deteriorating lead-based paint on exterior and interior surfaces and equipment and toys accessible to preschool-age children shall be refinished with lead-free paint or other nontoxic material.

(2) Except in foster family homes, the facility's toilet rooms, kitchens, and other rooms subject to moisture shall have washable, moisture impervious floors; except that in the facility's kitchens, washable short-pile carpeting that is kept clean and sanitary may be approved by the department.

(3) Except in foster family homes, facilities caring for preschool children shall equip child accessible outlets with nonremovable safety devices or covers preventing electrical injury.

(4) There shall be provision for staff members to gain rapid access to any bedroom, toilet room, shower room, bathroom, or other room occupied by children should an emergency need arise.

[Statutory Authority: RCW 74.15.030, 92-15-043 (Order 3418), § 388-73-102, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-102, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-102, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-102, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-102, filed 9/8/78.]

**WAC 388-73-103 Water safety.** (1) Except for foster family homes, when a child uses a swimming pool at a child care agency, the swimming pool shall meet the requirements of chapter 248-98 WAC as applicable to public and semi-public pools.

(2) The licensee shall place a fence having a locked gate around the pool and the pool shall be inaccessible to children when not in use.

(3) Except for foster family homes, a certified lifeguard shall be in attendance at all times when children are using a swimming pool or swimming area.

(4) The licensee shall permit a child's use of a portable wading pool if the portable wading pool is emptied and cleaned daily. Children shall be supervised at all times when wading.

(5) Licensees shall assure that hot tubs, spas, etc., shall be inaccessible to children when not in use and shall not be used by children without appropriate adult supervision.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-103, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-103, filed 1/5/83.]

**WAC 388-73-104 Firearms.** (1) Except for foster family homes, the licensee shall not permit firearms on the premises of child care agencies.

(2) In foster family homes, firearms shall be kept in locked storage when not in use, accessible only to authorized persons.

(3) The licensee shall only allow firearm use under competent adult supervision.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-104, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-104, filed 9/8/78.]

**WAC 388-73-106 Storage.** (1) The licensee shall provide and use suitable space for the storage of clothing and personal possessions of person in care, play and teaching equipment and supplies, records and files, cots, mats and bedding.

(2) The licensee shall store cleaning supplies, toxic substances, poisons, aerosols, and items bearing warning labels so as to be inaccessible to preschool children and other persons with limited mental capacity. All containers filled from a stock supply shall bear a label correctly identifying the contents.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-106, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-106, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-106, filed 9/8/78.]

**WAC 388-73-108 Bedrooms.** In full-time care facilities operated by licensed agencies:

(1)(a) Hallways, kitchens, living rooms, dining rooms, and unfinished basements shall not be used as bedrooms;

(b) Every bedroom shall be an outside room permitting entrance of natural light;

(c) Separate sleeping quarters shall be furnished for each sex for children over six years of age;

(d) Multiple occupancy bedrooms shall provide not less than fifty square feet per occupant of floor area exclusive of closets;

(e) There shall be not less than thirty inches laterally between beds;

(f) In group-care facilities and maternity homes, single occupancy bedrooms shall provide at least eighty square feet of floor space;

(g) Each person in care shall have a bed of his or her own;

(h) There shall be no more than four persons to a bedroom except in facilities licensed for more prior to the adoption of these rules;

(i) For facilities licensed after December 31, 1986, sleeping rooms shall have a minimum ceiling height of 7.5 feet and shall have a window area, permitting the direct entrance of natural light, of not less than one-tenth of the required floor space.

(2) For each person in care, there shall be a bed at least thirty inches wide with a clean, firm mattress, pillow, sheets, blankets, and pillowcases. Each person's pillow shall be covered with waterproof material or be of a washable type. The agency shall provide waterproof mattress covers for incontinent persons.

(3) The agency shall not permit the upper bunk of double-deck beds for use by persons who may be endangered by the use of an upper bunk. When mother and infant sleep in the same room, the room shall contain at least eighty square feet of usable floor space. The agency shall provide an infant a crib or bassinet with a clean, firm mattress covered with a waterproof material. The agency shall allow only one mother and her newborn infant or infants to occupy a bedroom.

(4) Bedding shall be clean; sheets and pillowcases shall be laundered weekly.

(5) The agency shall not allow a child over one year of age to share a bedroom with foster parents or agency staff. An adult shall be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping.

(6) See WAC 388-73-146(7) for requirements for cribs used by infants in care.

(7) The agency shall allow only rooms having unrestricted direct access to hallways, corridors, living rooms, day rooms, or such common use area for use as bedrooms for persons in care.

[Statutory Authority: RCW 74.15.030, 92-15-043 (Order 3418), § 388-73-108, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-108, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-108, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-108, filed 2/29/84; 83-02-060 (Order 1933),

§ 388-73-108, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-108, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-108, filed 9/8/78.]

**WAC 388-73-110 Special care room.** Except for child-placing agencies and foster family homes for children or expectant mothers, each agency shall provide a separate room or segregated area which is designated for the care of a person under care who needs to be separated from the group due to injury, illness or the need for additional rest.

(1) The agency shall locate this separate room or area so that the child can be supervised.

(2) The agency shall provide a person under care readily accessible toilet and lavatory facilities.

(3) If the person under care is suspected of having a communicable disease, the area and equipment used by the child shall be easily and adequately sanitized.

(4) The agency may use this special care room or area for other purposes when not needed for the separation and care of a person in care.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-110, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-110, filed 9/8/78.]

**WAC 388-73-112 Kitchen facilities.** (1) The licensee shall provide facilities for proper storage, preparation, and service of food to meet the needs of the program.

(2) All food service facilities and practices in mini-day care centers, day treatment programs, group care facilities, and maternity homes shall be in compliance with chapter 246-215 WAC, rules and regulations of the state board of health governing food service sanitation, except home canned high-acid foods with a pH of less than 4.6 (such as canned fruits, jams, jellies, and pickles) may be used. Kitchen equipment and food preparation procedures shall be approved by the department of health.

(3) Children may participate in food preparation provided it is part of an agency's supervised program. Preschool-age children shall be supervised when in the kitchen.

(4) In mini-day care centers, the kitchen shall be inaccessible to children except for planned and supervised activities.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-112, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-112, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-112, filed 9/8/78.]

**WAC 388-73-114 Housekeeping sink.** All facilities shall have and use a method of drawing clean mop water and have and use an appropriate method of waste water disposal.

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-114, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-114, filed 9/8/78.]

**WAC 388-73-116 Laundry.** (1) A licensee shall provide adequate facilities for separate storage of soiled linen and clean linen.

(2) A licensee shall provide adequate laundry and drying equipment unless other acceptable arrangements are made.

(3)(a) Except in foster homes, the licensee shall locate laundry equipment in an area separate from the kitchen and

child care areas;

(b) The licensee shall use an effective method through temperature or chemical measures for adequately sanitizing laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-116, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-116, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-116, filed 9/8/78.]

**WAC 388-73-118 Toilets, handwashing sinks, and bathing facilities.** Licensees shall provide sanitary facilities and equipment according to the following configuration:

(1) There shall be at least one indoor flush-type toilet and one nearby handwashing sink with hot and cold or tempered running water. The following ratios of persons normally on the premises to facilities shall apply:

	Toilets	Handwashing Sinks	Bathing Facilities
Day Treatment Programs	*2 minimum and 1:15 or major fraction	2 minimum and 1:15 or major fraction	None Required
Mini-Day Care Programs	1 minimum	1 minimum	None Required
Group Care Facilities Maternity Homes	2 minimum and 1:8 or major fraction	2 minimum and 1:8 or major fraction	1 minimum and 1:8 or major fraction
Foster Family Home	1 minimum	1 minimum	1 minimum

\* A minimum of one is acceptable provided no more than fifteen persons capable of using a flush-type toilet are on the premises.

(2) The licensee shall assure that toilet facilities comply with the following standards:

(a) Toilet and bathing facilities shall provide for privacy for persons of the opposite sex six years of age or older;

(b) Toilet, urinals, and handwashing sinks shall be of appropriate height for the children served or be provided with a safe and easily cleanable platform impervious to moisture;

(c) Except in foster family homes, handwashing and bathing facilities shall be provided with hot and cold or tempered running water not exceeding one hundred twenty degrees Fahrenheit or warm running water in the range of eighty-five to one hundred twenty degrees Fahrenheit maximum;

(d) All bathing facilities shall have a conveniently located grab bar unless other safety measures, such as nonskid pads, are approved by the department as described under subdivision (2)(g) of this subsection. Preschool children and severely and multiply-handicapped children shall not be left unattended in a bathtub or shower;

(e) Equipment for toileting and toilet training of toddlers shall be provided, maintained in a sanitary condition and located on a moisture impervious surface at all times. Children less than eighteen months of age and/or using toilet training equipment need not be included when determining the number of flush-type toilets required;

(f) Whenever urinals are provided, the number of urinals shall not replace more than one-third of the total required toilets;

(g) In maternity homes, bathing facilities shall have adequate grab bars in convenient places. All sleeping areas shall have at least one toilet and handwashing sink on the same floor;

(h) Soap and individual towels or disposable towels or other approved hand drying devices shall be provided.

[Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-118, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-118, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-118, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-118, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-118, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-118, filed 9/8/78.]

**WAC 388-73-120 Lighting.** The licensee shall locate light fixtures and provide lighting intensities promoting good visibility and comfort for the child in care. Except for foster family homes, light bulbs and tubes shall be adequately shielded from breakage in areas used by children.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-120, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-120, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-120, filed 9/8/78.]

**WAC 388-73-122 Pest control.** The premises shall be kept free from rodents, flies, cockroaches, and other insects.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-122, filed 9/8/78.]

**WAC 388-73-124 Sewage and liquid wastes.** Sewage and liquid wastes shall be discharged into a public sewer system or into an independent sewage system approved by the local health authority or department.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-124, filed 9/8/78.]

**WAC 388-73-126 Water supply.** Licensed facilities shall provide:

(1) A public water supply or a private water supply approved by the local health authority or department; and

(2) Disposable paper cups, individual drinking cups or glasses, or angled jet type drinking fountains shall be provided. Bubbler-type fountains and common drinking cups are prohibited.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-126, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-126, filed 9/8/78.]

**WAC 388-73-128 Temperature.** The licensee shall maintain the temperature within the facility at not less than 68°F during waking hours, and at not less than 60°F during sleeping hours.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-128, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-128, filed 9/8/78.]

**WAC 388-73-130 Ventilation.** The licensee shall assure that the physical facility shall be ventilated to assure health and comfort of the persons under care. Toilets, bathrooms and areas which contain housekeeping sinks which do not have windows opening to out of doors shall be vented by mechanical exhaust to the out of doors.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-130, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-130, filed 9/8/78.]

**WAC 388-73-132 Health care plan.** (1) All agencies providing direct care shall maintain current written medical policies and procedures including:

- (a) Handwashing (i.e., for staff and children);
- (b) Communicable disease reporting and management;
- (c) Medication management;
- (d) First aid;
- (e) Care of minor illnesses;
- (f) Action to be taken in event of medical emergencies;
- (g) Infant care procedures when infants are under care;

and

- (h) General health practices.

(2) The licensee shall write policies and procedures for staff orientation and shall make the policies and procedures readily available for implementation. For day care facilities, parents or guardians shall be informed of said policy.

(3) Agencies licensed for the care of thirteen or more persons and all group homes shall arrange for the services of an advisory physician, physician's assistant, or registered nurse to assist in the development and periodic review of the agency's health policies, procedures, and practices. The agency shall post emergency phone numbers next to the phone.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-132, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-132, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-132, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-132, filed 9/8/78.]

**WAC 388-73-134 First aid.** The licensee shall assure that:

(1) A person having completed a basic Red Cross first-aid course or a first-aid course approved by the department and training in age appropriate cardiopulmonary resuscitation (CPR) shall be present at all times persons are under care; except, for foster family homes, the "at all times" provision is not applicable. All said training shall be current. The requirement for CPR training may be waived for persons when such training is contraindicated for medical reasons. The CPR course shall include administration for the age group in care;

(2) For foster family care, the primary caregiver shall have current first aid and CPR training as noted under WAC 388-73-134(1);

(3) Documentation of persons having completed the training shall be maintained in the facility;

(4) First-aid supplies as needed to conform with first-aid policies and procedures shall be readily available. First-aid supplies shall include unexpired syrup of ipecac to be administered only on the advice of a physician or poison control center.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-134, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-134, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-134, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-134, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-134, filed 9/8/78.]

**WAC 388-73-136 Medications controlled by licensee.** The licensee or responsible designee:

(1) Shall give or have access to medications except for self-administered medications as provided under WAC 388-73-138;

(2) Shall give medications, prescription and nonprescription, only on the written approval of a parent, person, or agency having authority by court order to approve medical care;

(3) Shall give prescription medications:

(a) Only as specified on the prescription label; or

(b) As otherwise authorized by a physician or other person legally authorized to prescribe medication.

(4) May give the following classifications of nonprescription medications, with parent authorization, only at the dose, duration, and method of administration, specified on the manufacturer's label for the age and/or weight of the child needing the medication:

(a) Antihistamines;

(b) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;

(c) Nonnarcotic cough suppressants;

(d) Decongestants;

(e) Anti-itching ointments or lotions, intended specifically to relieve itching;

(f) Diaper ointments and powders, intended specifically for use in the diaper area of children; and

(g) Sun screen.

(5) Shall give other nonprescription medications not included in the categories listed in subsection (4) of this section or that are to be taken differently than indicated on the manufacturer's label or for which the label does not provide instruction, only as authorized in writing by a physician or as based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication. Such medication can be given per instruction and per a physician's standing order;

(6) Shall accept from the child's parent, guardian, or responsible relative only medicine in the original container, labeled with:

(a) The child's first and last names;

(b) The date the prescription was filled; or

(c) The medication's expiration date; and

(d) With legible instructions for administration, i.e., manufacturer's instructions or prescription label.

(7) Shall keep all medications, refrigerated or nonrefrigerated, in an orderly fashion, inaccessible to children;

(8) Shall store external medications separately, in separate compartments, from internal medications;

(9) Except for foster family homes, shall keep a record of all medications disbursed; and

(10) Shall return to the parent or other responsible party medications no longer being taken.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-136, filed 3/26/92, effective 4/26/92; 89-07-097 (Order 2778), § 388-73-136, filed 3/22/89; 86-24-059 (Order 2445), § 388-73-136, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-136, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-136, filed 9/8/78.]

**WAC 388-73-138 Self-administration of medications.** The licensee may permit self-administration of

medications by a person in care in accordance with the following:

(1) The person shall be physically and mentally capable of properly taking his or her own medication. The licensee shall make a written statement of the person's capacities and include such statement in the person's file;

(2) Medications and other medical supplies shall be kept so they are not available to unauthorized persons.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-138, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-138, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-138, filed 9/8/78.]

**WAC 388-73-140 Health history, physical examinations, immunizations.** This section is not applicable to crisis residential centers and juvenile detention facilities.

(1) The licensee shall obtain a health history for each person under care when the person is accepted for care, if possible. The health history shall include:

(a) The date of the person's last physical examination;

(b) Allergies;

(c) Any special health problems; and

(d) For children, an immunization history.

(2) If a child has not been under regular medical supervision or has not had a physical examination by a physician, physician's assistant, or certified registered nurse (nurse practitioner) within one year prior to admission, the agency shall arrange for an examination to be made within thirty days. Each severely and multiply-handicapped child shall be under regular medical supervision of a physician. Each child shall be seen by a physician regularly, according to the physician's plan of care as required in WAC 388-73-077.

(3) Yearly physical examinations are required for each child not under regular medical supervision.

(4) Except for foster family care, licensees shall require that before or on the child's first day of attendance or first day in residence, each child shall present proof of full immunization for diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles (rubeola), rubella (German measles), and mumps as set forth under WAC 248-100-166. For foster family care, a child shall have proof of full immunization no later than thirty days after placement in care. (Note: Appropriate forms and information may be obtained at the local health department. For the requirements applying to day care centers, see WAC 248-100-164.)

(5) A licensee may accept a child not having received all immunizations as set forth in WAC 248-100-166 on a conditional basis if immunizations are initiated before or on admission and are completed as rapidly as is medically indicated.

(6) Providers, whose minor children are present on the agency premises, shall present, for each child, proof of full immunization under WAC 248-100-166 for:

(a) Diphtheria;

(b) Tetanus;

(c) Pertussis, whooping cough;

(d) Poliomyelitis;

(e) Measles, Rubeola;

(f) Rubella, German measles;

(g) Mumps; and

(h) Haemophilus influenzae type b disease.

Parents and providers may obtain appropriate forms and information at the local health department. If a provider's child has not received all immunizations, the department may give conditional approval if immunizations have been initiated and are completed as rapidly as medically indicated.

(7) Exceptions to the immunization requirement shall be made in the case of a parent or guardian expressing religious, philosophical, or personal objections by signing a statement to this effect; or there is a physician's statement that a valid medical reason exists to contraindicate immunization.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-140, filed 3/26/92, effective 4/26/92; 85-18-063 (Order 2277), § 388-73-140, filed 9/4/85; 84-06-030 (Order 2081), § 388-73-140, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-140, filed 1/5/83; 80-13-019 (Order 1540), § 388-73-140, filed 9/9/80. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-140, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-140, filed 9/8/78.]

**WAC 388-73-142 Infection control, communicable disease.** (1) Each licensee, employee, adult volunteer, and other adult persons having regular contact with persons in care shall have a tuberculin skin test, by the Mantoux method, upon employment or licensing unless medically contraindicated:

(a) Persons whose TB skin test is positive (ten millimeters or more induration) shall have a chest x-ray within ninety days following the skin test;

(b) The department shall not require the person have routine periodic retesting or x-ray after the entry testing unless the person is identified as a contact to an infectious case or develops symptoms of tuberculosis;

(c) An entry test shall not be required of persons whose TB skin test has been documented as negative, or less than ten millimeters of induration, within the past six months.

(2) The licensee shall keep a record of skin test results, x-rays, or exemptions to this requirement in the facility.

(3) Persons with a communicable disease in an infectious stage shall not be on duty.

(4) Except for foster family homes, each facility caring for severely and multiply-handicapped children shall have an infection control program supervised by a registered nurse.

(5) Each facility shall have written policies and procedures regarding the control of infections in the facility. This shall include, but is not limited to, the following areas: Isolation, aseptic procedures, reporting of communicable diseases, handwashing and hygiene, toileting and diapering, and laundering.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-142, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-142, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-142, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-142, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-142, filed 1/5/83; 80-13-019 (Order 1540), § 388-73-142, filed 9/9/80; 78-10-006 (Order 1336), § 388-73-142, filed 9/8/78.]

**WAC 388-73-143 HIV/AIDS education and training.** Licensed child care agencies shall:

(1) Provide or arrange for appropriate education and training of employees on the prevention, transmission, and treatment of HIV and AIDS as prescribed by the department of social and health services. Such education and training shall consider infection control standards and materials available from appropriate professional associations and

professional prepared publications. For foster family homes and mini-day care centers, the primary caregiver shall complete this education and training; and

(2) Use infection control standards and educational material consistent with the approved curriculum manual KNOW - HIV/AIDS PREVENTION EDUCATION FOR HEALTH CARE FACILITY EMPLOYEES, May 31, 1989 and January, 1991, published by the department of health, office on HIV/AIDS.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-143, filed 3/26/92, effective 4/26/92; 89-22-134 (Order 2897), § 388-73-143, filed 11/1/89, effective 12/2/89.]

**WAC 388-73-144 Nutrition.** The licensee shall provide food, according to the following requirements, to children in care:

(1) Food served shall be planned to meet the needs of the persons under care, taking into consideration the persons' ages, developmental levels, individual metabolic differences, cultural backgrounds, any handicapping conditions, and hours of care in the facility. To promote an educational and socializing environment during mealtimes, staff shall sit with the persons and eat the same foods;

(2) The licensee shall not serve or provide raw milk to children in care. Skim milk and reconstituted nonfat dry milk and one and two percent butterfat milks shall not be used for drinking purposes by any child less than eighteen months of age, except with the written permission of a physician; except further, that for mini-day care centers, such reduced fat milk may be given to the child twenty-three months of age or younger with written permission of the child's parent. Dry milk and milk products may be reconstituted in the facility for drinking purposes for children over eighteen months of age, provided the preparation, service, and storage of said milk is in accordance with the requirements of chapter 246-215 WAC relating to potentially hazardous foods;

(3) Except for foster homes and child placing agencies, the licensee shall record all food served.

(a) The licensee shall prepare daily menus, including all snacks required to be served, at least one week in advance and dated. A schedule of mealtimes shall be established and posted.

(b) A menu shall specify a variety of foods to enable a person to consume adequate nutrients. Cycle menus, including snacks, shall provide at least two weeks of variety before repeating. Any substitutions shall be of comparable nutrient value and recorded.

(c) The licensee shall keep the menus on file for a minimum of six months for review by the department.

(d) For facilities caring for severely and multiply-handicapped children, the licensee shall post a general meal pattern including types of food and kinds of meal service. A system for recording food and fluid intake of each child shall be approved by a physician and a dietitian (see subsection (8) of this section). The licensee shall keep records of food and fluid intake of each child in the child's file for at least one month and in the facility for at least six months.

(4) The licensee shall not serve nutrient concentrates, supplements, and modified diets (therapeutic and allergy diets) except with the written instructions of a physician.

(a) The licensee shall obtain from the parent, responsible guardian, responsible relative, or physician a written diet listing foods the person cannot have. The licensee shall post dietary restrictions with persons' names for staff to follow.

(b) For facilities caring for severely and multiply-handicapped children, all modified diets shall be planned, reviewed, and approved by a dietitian (see subsection (8) of this section).

(5) Mini-day care and day treatment. The licensee shall serve food to children in care for five to ten hours providing at least one-third of the 1989 recommended dietary allowances set by the national research council. Children in care for more than ten hours, except children in evening care, shall be offered an additional snack. Children bringing sack meals from home shall be provided additional foods to meet the requirements. Licensees shall consult with parents as to what additional foods should be provided. Menus shall be posted where parents can view them.

(a) The licensee shall offer all children arriving before 7:00 a.m. not having received breakfast a breakfast providing at least one-fourth of the recommended dietary allowances.

(b) The licensee shall offer all children present mid-morning and midafternoon snacks. If breakfast was served to all children, then a midmorning snack is not required. Children arriving after school shall be offered a snack.

(c) The licensee shall provide all children between-meal snacks contributing toward the daily food needs. Snacks shall consist of two or more of the following items, served in age-appropriate serving sizes:

- (i) Milk or milk products;
- (ii) Fruit and/or vegetables;
- (iii) Fruit and/or vegetable juices that are at least fifty percent real juice;

(iv) Whole grain or enriched breads and/or cereal products;

(v) Protein foods (animal or vegetable).

(d) The department shall not prohibit the licensee from occasionally serving party foods not meeting the requirements.

(6) Full-time care providers. The agency shall serve all children food in accordance with the 1989 recommended dietary allowances of the food and nutrition board, national research council, adjusted for age, sex, physical abilities, and activity of each person.

The licensee shall provide all children a minimum of three meals in each twenty-four-hour period. Deviation may be made from this minimum when a written request has been made to and approved in writing by the department. The time interval between the evening meal and breakfast shall be not more than fourteen hours. For facilities caring for severely multiply-handicapped children, if a child is incapable of consuming foods in the amounts and variety required to meet the recommended dietary allowances, nutritional supplements ordered by a physician must be provided to meet the 1989 recommended dietary allowances adjusted for age, weight, and height unless medically contraindicated.

(7) The licensee shall provide all children a minimum of one serving of vitamin C fruit, vegetable, or juice daily, and servings of food high in vitamin A three or more times per week.

(8) In facilities caring for severely and multiply-handicapped children, each child shall be weighed at least monthly

and measured in length at least quarterly. Records of these measurements shall be maintained in the child's record.

(9) Facilities caring for severely and multiply-handicapped children shall use the services of a dietitian meeting the 1980 registration requirements of the American dietetic association to comply with WAC 388-73-077, 388-73-144 (3) and (4), and 388-73-146(6).

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-144, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-144, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-144, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-144, filed 1/5/83; 80-13-019 (Order 1540), § 388-73-144, filed 9/9/80; 78-10-006 (Order 1336), § 388-73-144, filed 9/8/78.]

**WAC 388-73-146 Care of younger or severely and multiply-handicapped children.** This section is applicable only to mini-day care programs, group care facilities, and facilities for severely and multiply-handicapped children.

(1) A licensee shall not accept a child under one month of age for day care.

(2) Facilities licensed to care for thirteen or more children shall provide separate, safe play areas for children under one year of age or children not walking. Children under one year of age shall be cared for in rooms or areas separate from older children, as approved by the department with not more than eight such children to a room or area and with handwashing facilities in each such room or area or convenient thereto.

(3) Diaper changing. The provider shall ensure:

(a) Diaper-changing areas shall be sanitized between use for different children or protected by a moisture impervious (or not absorbent) disposable covering discarded after each use;

(b) Disposable towels or clean reusable towels having been laundered between children shall be used for cleaning children;

(c) Personnel shall wash hands before and after diapering each child;

(d) Diaper-changing areas shall be separate from food preparation areas and shall be adjacent to a handwashing sink; and

(e) The designated changing area shall be impervious to moisture and washable.

(4) Except for foster family homes, the provider shall use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family. Soiled diapers shall be placed without rinsing into separate, cleanable, covered containers provided with waterproof liners prior to transport to laundry, parent, or acceptable disposal. Soiled diapers shall be removed from the facility at least daily. Diaper-changing procedures shall be posted at the changing areas.

(5) The agency shall initiate the child's toilet training when readiness is indicated by the child and in consultation with the child's parents or placement agency. Potty chairs, when in use, shall be located on washable, impervious surfaces.

(6) When the agency formula feeds infants under one year of age, the infants shall be on a formula feeding schedule agreed upon by the child's parent or parents, guardian, the placement agency, and the licensee. When the agency formula feeds severely and multiply-handicapped children, the children shall be on a schedule agreed upon by

the children's physician and the facility's dietitian (see WAC 388-73-144(8)).

(a) Feedings prepared on the premises of the facility.

(i) Any child's formula provided by the parent or parents, guardian, placement agency, or licensee shall be in a ready-to-feed strength or require no preparation other than dilution with water at the day care facility.

(ii) If the container in which the feeding was purchased does not include a sanitized bottle and nipple, the agency shall transfer ready-to-feed formula from the bulk container to the bottle and nipple feeding unit in a sanitary manner in an area separate from diapering areas.

(iii) The agency shall refrigerate filled bottles if bottles are not used immediately and the contents shall be discarded if bottles are not used within twelve hours.

(iv) If bottles and nipples are reused by the facility, the agency shall sanitize the bottles and nipples.

(v) When more than one bottle-fed child is in care, the agency shall label the bottles with the child's name and date prepared. The agency shall pour milk for children requiring bottles but no longer on formula from the original container into sanitized, labeled bottles. The agency shall use sanitized nipples only on the bottles.

(b) Feedings brought to the child care facility.

(i) When the parent brings bottles into the facility, the bottles shall have a label showing the child's name.

(ii) The agency shall refrigerate bottles immediately upon their arrival at the facility and the agency shall discard the bottle contents if not used within twelve hours.

(c) Bottles shall not be propped. The agency shall provide semisolid foods for infants at between four and five months of age, upon consultation with the parent or placement agency, and/or with a physician when indicated. Infants too young or unable to sit in high chairs shall be held by the care giver in a semisitting position for all feedings unless medically contraindicated. Infants six months of age or over showing a preference for holding their own bottles may do so provided an adult remains in the room and within observation range. The agency shall take bottles from the child when the child finishes feeding or when the bottle is empty. See also WAC 388-73-144.

(7) Cribs.

(a)(i) Providers shall furnish single level infant cribs made of wood, metal, or approved plastic with secure latching devices. Such infant cribs shall also have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age.

(ii) For infants, providers may use cribs not meeting the spacing requirement provided crib bumpers or other effective methods are used to prevent the infant's body from slipping between the slats.

(b) Infants' crib mattresses shall be:

(i) Snug fitting to prevent the infant or severely and multiply-handicapped child being caught between the mattress and crib side rails; and

(ii) Waterproof and easily sanitized.

(8) Children's activities.

(a) The facility shall provide infants and severely and multiply-handicapped children opportunities for:

(i) Exercise;

(ii) Large and small muscle development;

(iii) Crawling and exploring;

(iv) Sensory stimulation;

(v) Social interaction; and

(vi) Development of communication and self-help skills.

(b) The facility shall provide safe and suitable toys and equipment for the care of infants and severely and multiply-handicapped children.

(9) Nursing consultation.

(a) Except for facilities caring for severely and multiply-handicapped children requiring a registered nurse on staff or under contract, facilities licensed for the care of four or more infants shall arrange for regular consultation to include at least one monthly on-site visit by a registered nurse trained or experienced in the care of young children.

(b) In collaboration with the agency's administrative staff, the nurse shall advise the agency on the:

(i) Operation of the infant care program; and

(ii) Implementation of the child health program.

(c) The agency's written agreement with the registered nurse shall be available in the facility.

(d) The agency shall document the nurse's on-site visits.

(e) The nurse's name and telephone number shall be posted or otherwise available in the agency.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-146, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-146, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-146, filed 12/2/86; 84-06-030 (Order 2081), § 388-73-146, filed 2/29/84; 83-02-060 (Order 1933), § 388-73-146, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-146, filed 9/8/78.]

**WAC 388-73-200 Child-placing agency.** The rules in WAC 388-73-200 through 388-73-250 apply exclusively to licensing of a child-placing agency.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-200, filed 9/8/78.]

**WAC 388-73-202 Required personnel.** (1) A director shall be employed who is twenty-one years of age or older and who is a mature person especially equipped by training, experience, and personal qualities to ensure an effective program, staff development, and efficient administration. That person shall possess an understanding of the program administered and have demonstrated such leadership and supervisory ability as will ensure harmonious relationships and effective performance of agency personnel.

(2) Specialists used by the agency shall meet the full requirements of professional competence in their respective fields and shall be provided as needed to work with agency staff and children and their families.

(3) There shall be in-person case consultation and supervision by a person with a master's degree from a recognized school of social work or equivalent academic training. Such person shall have experience and demonstrated skills in each service area where supervision is provided and ability to teach and transmit knowledge which will ensure staff development and efficient administration of the casework program. See also WAC 388-73-074.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-202, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-202, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-202, filed 9/8/78.]

**WAC 388-73-204 Office space.** The agency shall be housed in offices adequately equipped to carry out its



program and which provide privacy for interviews with parents and children.

[Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-204, filed 9/8/78.]

**WAC 388-73-206 Out-of-country, out-of-state agencies.** Child-placing agencies whose principal offices are not located in the state of Washington and who do not maintain offices in the state of Washington licensed in accord with these rules may arrange for the placement of children in the state of Washington under the following conditions:

(1) Such agency must be licensed, certified or otherwise appropriately approved for child-placing functions in its home state or country;

(2) Such agency shall comply with the provisions of the interstate compact on the placement of children and shall enter into written agreements with licensed or otherwise legally operating child-placing agencies in the state of Washington which shall be responsible for conducting a study of the home in which the child is placed, related casework and for the proper supervision of the placement until the child is legally adopted or attains the age of majority; and

(3) Such agency shall furnish the department copies of its agreements with Washington state agencies, evidence that it is a duly authorized child-placing agency in its home state or country, evidence that it has legal authority to place the child, and certify that it will assume financial responsibility for any child placed in the state of Washington until the child is adopted or otherwise is financially independent.

[Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-206, filed 9/8/78.]

**WAC 388-73-208 Medical care.** It shall be the responsibility of the child-placing agency to provide:

(1) Adoptive parents with the birth parents' mental and physical health history, as complete as possible;

(2) To foster and adoptive parents a written health history as complete as possible for each child prior to placement. This history shall include an immunization history, allergies, previous illnesses, and conditions of the child which may adversely affect the child's health. For adoptive children, it shall also include a developmental and psychological history. The child-placing agency shall arrange for the child's medical examinations, immunizations, and health care as required by WAC 388-73-140.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-208, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-208, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-208, filed 9/8/78.]

**WAC 388-73-210 Foster care licensees.** (1) As a minimum, child-placing agencies shall utilize application and home study forms and procedures prescribed or approved by the department. See also WAC 388-73-024 and 388-73-302.

(2) A child-placing agency requesting licensure of a nontraditional home, which may be of community concern, shall first submit the application, home study, and other documents to the department for review.

[Statutory Authority: RCW 74.15.030, 92-15-043 (Order 3418), § 388-73-210, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-210, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-210, filed 9/8/78.]

**WAC 388-73-212 Foster care placements.** (1) The agency shall, in planning for children, give due consideration to:

(a) A child's basic right to his or her own home and family;

(b) The importance of skillful professional service to parents to help them meet the child's needs in his or her own home whenever possible;

(c) The child's individual needs, ethnic background, religious background, family situation, and the wishes and participation of the child's parent; and

(d) The selection of a foster home that will provide for maximum development of the child's capacities and meet the child's individual needs. See WAC 388-73-044 for recruitment involving placement of American Indian children. The agency shall notify the DCFS licensor before placement of a child into a nontraditional home which may be of community concern.

(2) The agency shall use a written intake study for each child and expectant mother as the basis for acceptance for foster care and related services.

(3) Every acceptance for care by an agency shall be based on well-planned, individual preparation of the child and the child's family and the expectant mother other than in emergent situations.

(4) Except in an emergency, a child shall be placed in foster care only with the written consent of the child's parents or under order of a court of competent jurisdiction. Such consent or order shall include authorization for medical care or emergency surgery.

(5) All foster homes and group care facilities used by child-placing agencies shall be licensed prior to placing any children therein.

(6) An agency will give sufficient information about the child (especially behavioral and emotional problems) and the child's family to foster parents to enable them to make an informed decision regarding whether or not to accept a child in their home. The agency shall inform the foster parents that this information is confidential and may not be shared. The agency shall document the provision of this information in the child's file at the time of placement.

(7) The frequency of the caseworker's contacts with a foster child, the foster child's foster family, or with an expectant mother shall be determined by a casework plan reflecting their needs, but shall not be less frequent than one in-home visit every ninety days. Each foster child and one or both foster parents shall be seen at each visit.

(8) The agency in preparing a child for discharge from placement shall follow the same basic steps as preparation for placement, but a child shall be released only to parents, adoptive parents, guardians or other persons or agencies holding legal custody, or to a court of competent jurisdiction.

[Statutory Authority: RCW 74.15.030, 92-15-043 (Order 3418), § 388-73-212, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-212, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-212, filed 12/2/86. Statutory Authority: RCW 74.08.090 and 1979 c 155, 79-10-026 (Order 1431), § 388-73-212, filed 9/10/79. Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-212, filed 9/8/78.]

**WAC 388-73-213 Certification to provide adoption services.** A child-placing agency providing adoption services shall meet additional requirements. Demonstrated ability to comply with WAC 388-73-214 and 388-73-216 are prerequisites for certification to provide adoption services.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-213, filed 3/26/92, effective 4/26/92.]

**WAC 388-73-214 Adoption procedures.** (1) An agency providing adoption services shall have supervisory staff having experience and demonstrated skills in adoption services and a written in-service training plan to train service staff in adoption services.

(2) An agency providing adoption services shall, as a minimum, provide to adoptive applicants the following services:

(a) Information about the adoption process, agency policy and practices, legal procedures, types of children available, implications for parenting different types of children, and the availability of subsidy;

(b) Accompanying the application and prior to signing a contract for services, the child-placing agency shall provide the applicants with a written statement explaining fixed fees, fixed charges, and an estimate of additional itemized expenses of any kind to be paid by the applicants. The statement shall set forth the specific services to be performed by the agency related to the child placement or adoption for which the fees are assessed;

(c) An adoptive home study in which agency staff and applicant or applicants collaboratively assess the applicant or applicants appropriateness to be an adoptive parent, and the type of child or children for which the applicant or applicants are best suited;

(d) Acceptance or denial of the application with an explanation, when the application is denied, of the reason for denial;

(e) Preparation for placement of a specific child, with preparation including review and interpretation of all available social, medical, and psychological records of the child and birth family, and a discussion of the likely implications of the child's background for the child's adjustment in the adoptive family; and

(f) Re-evaluation of the applicant or applicants appropriateness for adoption upon each request for an additional adoptive placement.

(g) The agency shall document the provision of these services in the adoptive home's file.

(3) An agency providing specialized adoption services, such as intercountry adoption, interstate adoption, and special needs adoptions, shall have supervisory staff having specialized training in the particular area and a written in-service training program to train service staff in these specialized adoption services.

(4) An agency accepting for adoptive placement children having a special need (racial minority, developmental disability, emotional disability, etc.) shall:

(a) Have a plan for active recruitment of families of the same race or ethnic category as the children; or

(b) Be able to meet the children's other special needs.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-214, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-214, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-214, filed 9/8/78.]

**WAC 388-73-216 Adoptive placements.** (1)(a) The agency shall protect the child from unnecessary separation from the child's birth parents when the birth parents are capable of and willing to successfully fulfill their parental role or can be helped to do so.

(b) The agency's adoptive placement of a child shall be made only when the child is freed for adoption by action of a court of competent jurisdiction giving the agency authority to place such child for adoption and to consent to the child's adoption as provided by chapter 26.33 RCW.

(2)(a) The agency shall evaluate potential adoptive parents for a child in relation to the adoptive parents':

(i) Capacity and readiness for parenthood;

(ii) Emotional and physical health; and

(iii) Ability to meet the physical, social, emotional, educational, and cultural needs of the child.

(b) An agency placing a child for whom it feels that continued contact with the child's birth family is in the child's best interest shall evaluate the adoptive family's willingness to have the child maintain contact with members of the child's birth family;

(c) The agency shall file preplacement reports with the court as required by RCW 26.33.180 through 26.33.230.

(3) Child-placing agencies shall consider the racial, ethnic, and cultural heritage needs of the child being placed. At the same time, the agency shall prevent discrimination on the basis of race, color, or national origin against any of its clients.

(4) Agencies shall ensure that the child's best interest are met by requiring that a number of factors are taken into consideration when making adoptive placement decisions:

(a) When making a child adoptive placement decision, the agency shall emphasize the best interests of the child, taking into account the particular child, parents and circumstances. The agency shall take into consideration the following factors:

(i) Relationship of family to child;

(ii) Sibling placement status;

(iii) Physical and emotional needs of child;

(iv) Age;

(v) Sex;

(vi) Racial;

(vii) Ethnic and cultural identity;

(viii) Placement background;

(ix) Availability of placement resources for timely placement; and

(x) Continuity and stability of the child's foster care placement and child's psychological attachment to foster family.

(b) The agency shall make all child adoptive placement decisions on a case-by-case basis to take into account the particular child, adoptive parents, and circumstances.

(c) Although a child's racial, ethnic, and cultural identity should be considered when making an adoptive placement decision, the agency may not make the decision based upon such factors unless it is in the best interest of the child to be placed, taking into account the particular child,

parents, and circumstances. See WAC 388-73-044 for placement involving an American Indian child.

(5) The agency shall transmit to the adoptive parent or parents at time of the child's placement a report containing all available medical, social, and psychological information about the child and the child's birth parents. The agency's report shall not contain information which might identify the birth parents. The adoptive parent or parents shall sign one copy of the report, signifying receipt of the information. The agency shall retain this signed copy in the child's permanent record.

(6) The agency shall visit the adoptive home of all adoptive placements at least once in the first thirty days and an additional face-to-face visit each sixty days thereafter until the adoption is finalized. Upon filing of the petition for adoption, the agency shall make recommendation to the court on the advisability of finalizing the adoption.

(7) The agency shall be available for consultation with the adoptive family after finalization of the adoption.

(8) The agency shall maintain a permanent sealed record of each person for whom it has accepted permanent custody. This record shall contain all available identifying legal, medical, and social information. Access to the identifying information shall not be given without a court order if the person has been adopted. In the event the agency closes, the agency shall make arrangements for the permanent retention of these records and will inform the division of children and family services adoption program manager.

[Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-216, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-216, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-216, filed 12/2/86. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-216, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-216, filed 9/8/78.]

**WAC 388-73-300 Foster family homes.** The rules in WAC 388-73-300 through 388-73-350 apply exclusively to licensing foster family homes for children, expectant mothers, and developmentally disabled persons.

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-300, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-300, filed 9/8/78.]

**WAC 388-73-302 Orientation and training.** Applicants for a foster family home license shall attend orientation and pre-service training programs as required by the department or licensed child-placing agency.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-302, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-302, filed 9/8/78.]

**WAC 388-73-304 Capacity.** (1) A family home for developmentally disabled persons shall not be licensed for more than four persons.

(2) A foster family home for children shall not be licensed for more than four foster children, nor more than a total of six children to include the foster parents' own or adopted minor children residing in the home; except that "a large foster home" where there are at least two adults providing care may be licensed for five or six foster children, such number to be reduced by the number of the foster parents' own or adopted children residing in the home:

(a) No home designated by the department as a "receiving home" shall be licensed for more than six foster children. Such number shall be reduced by the number of the foster parents' own or adopted minor children residing in the home;

(b) A home otherwise meeting the standards may be licensed for the care of at least one child or single family of children.

(3) A foster family home for expectant mothers shall not be licensed for more than three expectant mothers.

(4) A foster family home for children shall not be licensed for more than two children under two years of age, such number to be reduced by the number of licensee's own children of such age.

(5) A family home shall not be licensed for the care of more than three persons suffering mental or physical handicaps of such severity as to require nursing care, and then licensed only if the:

(a) Licensee is qualified by training and/or experience to provide proper care; and

(b) Person's treatment is under the supervision of a physician.

(6) A foster family shall not be licensed for the care of more than two nonambulatory persons whether that condition is due to age or physical or mental impairment.

(7) A foster family home functioning as a crisis residential center or specialized receiving home shall not be licensed for the care of more than four children in placement. There shall not be more than six children residing on the premises, including the foster parents' own minor children. There shall not be more than two children requiring crisis residential care in foster family care at the same time. All such homes shall be two-foster-parent homes and one of the foster parents shall not be employed outside the home.

(8) A foster family home may, for purposes of respite care, exceed the foster family home licensed capacity by receiving additional foster children.

(a) This section does not authorize care in excess of subsection (4) or (6) of this section relating to the care of infants or nonambulatory children.

(b) Exceeding capacity under authority of this section will only be possible so long as the requirements of WAC 388-73-310 (Fire safety), 388-73-108 (Bedrooms), and 388-73-054 (Client records and information—All agencies) are complied with for the larger number of children in care.

(c) Such an excess in child care shall be permitted not more than three times in any calendar year and for not more than two weeks at a time.

(d) A foster home providing such care pursuant to this subsection shall not exceed its licensing capacity by more than twice the number of persons for which the foster family has been licensed.

(e) Prior approval shall be obtained from the placing agency, if any, and if not, the person's or persons' parents or guardian or responsible relative.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-304, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-304, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-304, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-304, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-304, filed 9/8/78.]

**WAC 388-73-306 Foster parents—Employment.** If both foster parents in a two-parent home, or the single foster parent in a one-parent home, are or is employed outside the home, the parents must give the placing agency or department a written outline of the plan for supervision of the child or children in care when the foster parents or single foster parent are not in the home. Such agency approval shall be based on the needs of the persons under care. The foster family shall have sufficient regular income to maintain their own family without the board payments made for the persons in care.

This section is not applicable to foster family homes licensed as crisis residential centers.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-306, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-306, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-306, filed 9/8/78.]

**WAC 388-73-308 Absence from home.** (1) Foster parents shall not place a person in another home temporarily or otherwise without the consent of the:

- (a) Placing agency, if any; or
- (b) Person's parents or guardian or responsible relative.

(2) If it is necessary for the foster parents to be absent overnight, the placing agency, if any, if not, the person(s) parents or guardian or responsible relative shall be notified and suitable arrangements made for care. Permission for persons under care to travel on extended trips with foster parents shall be obtained from:

- (a) The placing agency, if any; or
- (b) Parents or guardians or responsible relative.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-308, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-308, filed 9/8/78.]

**WAC 388-73-310 Fire safety.** A licensed foster family home and a group home shall comply with the following fire safety requirements:

- (1) Every room used by persons under care shall have:
  - (a) Two separate doors; or
  - (b) One door leading directly to the outside; or
  - (c) A window of sufficient size and free of obstructions to be readily available for emergency escape or rescue.

(2) Every occupied area shall have access to at least one exit not passing through rooms or spaces subject to being locked or blocked from the opposite side;

(3) No space shall be used for residential purposes accessible only by ladder, folding stairs, or a trap door;

(4) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency;

(5) Every closet door latch shall be such that the door can be opened from the inside;

(6) No stove or heater shall be so located as to block escape in case of malfunctioning and ensuing fire;

(7) Flammable, combustible, or poisonous material shall be stored away from exits and in areas not accessible to persons under care;

(8) Open-flame devices, heating and cooking appliances, and other similar products capable of igniting clothing shall

not be left unattended or used in such a manner which could result in accidental ignition of clothing;

(9) Caregivers shall instruct all persons under care in emergency evacuation procedures and conduct drills at regular intervals to test and practice the procedure;

(10) There shall be readily available an approved 2A-rated fire extinguisher. Except for facilities licensed prior to June 3, 1983, an approved five pound or larger all purpose (A.B.C.) fire extinguisher will be acceptable. (Where local fire authorities require installation of a different type or size of fire extinguisher, the requirement of the local authority shall apply;)

(11) A smoke detector in working condition shall be located in proximity to the area or areas where persons under care sleep; and

(12) If question arises concerning fire danger, the local fire protection authority shall be consulted.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-310, filed 3/26/92, effective 4/26/92; 89-11-005 (Order 2796), § 388-73-310, filed 5/4/89; 86-24-059 (Order 2445), § 388-73-310, filed 12/2/86; 83-02-060 (Order 1933), § 388-73-310, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-310, filed 9/8/78.]

**WAC 388-73-312 Family foster homes—Services to person under care.** (1) Foster parents shall provide or arrange for such care and supervision as age and condition of the persons under care require.

(2) Foster parents shall provide opportunities for play and recreation within the family group. Foster parents shall encourage persons in care to participate in community and culturally relevant activities in accord with the person's capacity for such experience.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-312, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-312, filed 9/8/78.]

**WAC 388-73-400 Day care providers.** The rules in WAC 388-73-400 through 388-73-490 apply exclusively to licensing of mini-day care programs.

[Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-400, filed 7/9/92, effective 8/9/92; 78-10-006 (Order 1336), § 388-73-400, filed 9/8/78.]

**WAC 388-73-402 Maximum hours—Rest periods.**

(1) Children shall normally not remain in care in excess of ten hours per day except as is necessitated by the parent's working hours and travel time to and from the day care facility.

(2) Supervised rest periods shall be provided for all children under five years of age remaining in care in excess of six hours and for other children showing a need for rest. Children under two and one-half years of age shall be allowed to follow their own sleep schedules.

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-402, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-402, filed 9/8/78.]

**WAC 388-73-403 Operating hours—Staff on premises.** (1) Operating hours of the center shall be specified on the application for licensing and shall be posted in a prominent place at the facility.

(2) A listing of staff and volunteers on duty shall be posted at a prominent place within the facility. During the operating hours set forth in the application, no person who is not a director, employee, or volunteer, other than a parent or custodian of a child under care (who may have unmonitored access to his or her own child or children), an employee of the department, or a law enforcement person shall have unmonitored access to the children placed within the care of the agency.

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-403, filed 12/2/86.]

**WAC 388-73-404 Ill children.** Each child shall be observed for signs of illness each day. Children who are ill, tired or upset shall be given a chance to rest in a quiet area under frequent observation. Ill children need not be discharged home as a routine policy. They may be cared for during minor illness at the joint discretion of the parent and licensee. In the case of more severe illness, the child shall be separated from the other children and properly attended until arrangements are made for return to his home.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-404, filed 9/8/78.]

**WAC 388-73-406 Nap and sleep equipment.** (1) A separate firm, clean bed, crib, play pen, cot, mat or mattress of sufficient size separated by at least thirty inches laterally and clean bedding shall be provided for each child under five years of age remaining in care for more than six hours, and for any other child requiring a nap or rest period. Sleep equipment and bedding shall be cleaned as necessary and between uses by different children. Infants shall be provided with cribs until at the discretion of the licensee and parent they can safely use a cot or mat. Cribs (infant beds or bassinets) shall not be placed over one another when in use. See also WAC 388-73-146(7) (cribs).

(2) Mats should be at least six inches longer than the child's height, twice as wide as the child's width at the shoulders, and thick enough to provide adequate comfort for the child to nap. Mats or moisture impervious mat covers must be able to be adequately cleaned between use by different children. For children five years of age and older, a sleeping bag meeting the definition of a mat may be used.

(3) Cot surface may be of plastic or canvas or other material which can be cleaned with a detergent solution and allowed to air dry.

(4) Bedding shall consist of an easily laundered sheet or blanket to cover the sleeping surface and a suitable washable covering for the child. In lieu of bedding, for children five years of age and older, a clean, washable, sleeping bag may be used. Each child's bedding shall be stored separate from bedding used by other children.

(5) The upper bunk of double deck beds are prohibited for use by preschool-age children and handicapped persons.

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-406, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-406, filed 9/8/78.]

**WAC 388-73-408 Evening and nighttime care.** (1) A day care provider offering care during evening and nighttime hours shall adapt the program and equipment and

plan for staffing to meet the physical and emotional needs of children away from their families at night.

(2) The child care staff to child ratio shall remain the same as during daytime care. During sleeping hours, all children shall be within visual range or listening distance of a staff member.

(3) Grouping of children shall be arranged so the sleeping children are not disturbed by the arrival or pickup of other children.

(4) Children in evening care shall be served a dinner that meets one-third of the 1980 recommended dietary allowances as set by the National Research Council, if not fed the dinner meal at home prior to arrival. All children present shall be offered a bedtime snack that shall consist of two or more of the following items, allowed in age appropriate serving sizes: (refer to WAC 388-73-144 (5)(c)(i), (ii), (iii), (iv), and (v)). Children in nighttime care shall be served a breakfast that meets one-fourth of the recommended dietary allowances if they remain in care after the usual breakfast hour. See WAC 388-73-144 (nutrition).

[Statutory Authority: RCW 74.15.030. 80-13-019 (Order 1540), § 388-73-408, filed 9/9/80; 78-10-006 (Order 1336), § 388-73-408, filed 9/8/78.]

**WAC 388-73-409 Off-grounds trips.** Except in the event of a medical emergency, no child shall be removed from the premises of a mini-day care center by either the licensee or an employee or volunteer of the agency without the express written consent of the child's parent or custodian.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-409, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-409, filed 12/2/86.]

**WAC 388-73-410 Information to parents—Day care facilities.** The parent shall be supplied with the following information in written form: A typical daily schedule of activities; admission requirements and enrollment procedures; hours of operation; meals and snacks served; fees and payment plan; regulations concerning sick children; transportation arrangements and arrangements for trips, disciplinary policies, religious activities, (if any), action that will be taken in the event of a medical emergency; policies regarding the administration of medication; schools served and transportation available to the schools, nondiscrimination; and, if licensed for young children, policy on diapers and the labeling of foods. Parents shall have free access to all areas of day care facilities used by their children.

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-410, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-410, filed 9/8/78.]

**WAC 388-73-412 Toddlers and preschool children.** The program for children who are walking but not yet in the first grade shall be planned to promote large muscle development, intellectual and social-emotional development and good health habits.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-412, filed 9/8/78.]

**WAC 388-73-414 Attendance—Mini-day care centers.** The parent, or other person authorized by the parent to take the child to or from the facility, shall sign the

child in on arrival at the mini-center and out when leaving. When children leave the facility to attend school as authorized by the parents, a staff person shall sign the children out when they leave and in when they return.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-414, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-414, filed 12/2/86.]

**WAC 388-73-430 Capacity—Limitations on ages and numbers—Mini-day care centers.** No mini-day care program shall be licensed for more than twelve children.

(1) During evening and nighttime hours and during the summer months or other extended school vacation period, such number shall be reduced by the number of licensee's own children and foster children under twelve years of age regularly on the premises.

(2) During the school year, such number shall be reduced by the number of licensee's own children and foster children of preschool age regularly on the premises.

(3) No mini-day care program shall care for more than four children under two years of age, including the licensee's and staff's own and foster children under two years of age on the premises.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-430, filed 9/8/78.]

**WAC 388-73-432 Staffing—Mini-day care program.**

(1) At least two staff shall be present:

(a) Whenever more than two infants are under care; or

(b) Whenever more than six children, any of whom are under two years of age, are on the premises; or

(c) Whenever more than eight children, any of whom are under three years of age, are on the premises; or

(d) Whenever more than ten children are on the premises.

(2) Whenever there is only one staff member present, there shall be a second staff member readily available in case of an emergency.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-432, filed 9/8/78.]

**WAC 388-73-434 Qualifications of licensee—Mini-day care.** To obtain a license for a mini-day care program the applicant shall have completed at least two years of satisfactory service as a licensed family day care home, or have an equivalent amount of training in group care of preschool aged children, or have an equivalent combination of training and experience; and have completed or have a plan to complete within a reasonable time a course in early childhood development/education.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-434, filed 9/8/78.]

**WAC 388-73-436 Qualifications of child care staff—Mini-day care.** All child care staff shall be at least sixteen years of age, but in no case shall a person under eighteen be assigned sole responsibility for a group of children.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-436, filed 9/8/78.]

**WAC 388-73-438 Program and equipment—Mini-day care.** (1) Separate play areas shall be available for children who are under one year of age or not walking, and older children.

(2) A variety of suitable outdoor play equipment shall be available for such activities as climbing, pulling, pushing and riding. Equipment shall be constructed and maintained to minimize chances of accidents.

(3) There shall be a variety of suitable indoor play equipment including but not limited to art materials, musical materials and toys suitable for table-top play. Toys which might be ingested by infants or are otherwise hazardous to younger children shall be removed from areas in which they are playing.

(4) Children shall be under close supervision of an adult and within easy hearing distance at all times. If the absence of any staff member is necessary, the children must be left in the charge of a competent adult.

(5) With written parental permission, school-age children may visit neighborhood friends and participate in community activities.

(6) The applicant/licensee shall develop a planned program of both group and individualized activities with the providers of care playing an active role, as well as periods of free play, designed to promote the physical, mental and social skills of the children under care.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-438, filed 9/8/78.]

**WAC 388-73-440 Play areas—Mini-day care.** (1)

Except for facilities providing strictly drop-in care, the facility shall have an appropriately equipped, safe outdoor play area directly adjoining the indoor facilities or which can be reached by a safe route and method approved by the department. The playground shall contain a minimum of seventy-five square feet per child. If programming is such that only a portion of the group uses the playground at one time, the size may be reduced correspondingly. The outdoor play area shall be fenced. The fence shall be at least four feet in height.

(2) Adequate indoor play space shall be available. Play, dining, and napping may be carried on in the same room (exclusive of bathrooms, kitchens, hallways, and closets), provided the room is of sufficient size, and programming is such that usage of the room for one purpose does not interfere with the usage for the room's other purposes. If cots and mats are removed when not in use, a minimum of thirty-five square feet per child is required. For children requiring cribs, the area used for play and napping shall contain a minimum of fifty square feet per child.

[Statutory Authority: RCW 74.15.030. 86-24-059 (Order 2445), § 388-73-440, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-440, filed 9/8/78.]

**WAC 388-73-500 Day treatment center.** The rules in WAC 388-73-500 through 388-73-550 apply exclusively to licensing day treatment centers.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-500, filed 9/8/78.]

**WAC 388-73-502 Function of day treatment program.** A day treatment program is an integrated educational

and therapeutic group experience provided during part of the twenty-four hour day, usually throughout the five day week, for the emotionally disturbed child who does not require twenty-four hour residential care but who is unable to adjust to school programs because of disruptive behavior, family stress, learning disability or other serious emotional handicaps and/or who for similar reasons is unable to profit substantially from "outpatient" child guidance clinic services and related programs.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-502, filed 9/8/78.]

**WAC 388-73-504 Personnel.** A day treatment program shall have the following staff:

(1) A director responsible for the overall management of the agency's facilities and operation, and a program supervisor responsible for the implementation and supervision of the agency's child care and treatment program. The director and the program supervisor may be one and the same person if qualified for both positions. One or the other shall normally be on the premises while the children are in care and another competent person left in charge during the director's and/or program supervisor's temporary absence.

(a) The director shall:

(i) Be at least twenty-one years of age; and

(ii) Have the management and supervisory skills necessary for the proper administration of the agency, including the:

(A) Maintenance of necessary records;

(B) Management of the agency's finances; and

(C) Maintenance of positive relationship with staff, parents, and the community as evidenced by appropriate references and on-the-job performance.

(b) The program supervisor shall:

(i) Be at least twenty-one years of age;

(ii) Have a knowledge of child growth and development, the origin and treatment of deviant behavior, techniques of guiding children's behavior;

(iii) Have the ability, in conjunction with the director, board, and other staff, to implement programs to meet the needs of the children served; and

(iv) Have at least a masters degree in social work, clinical psychology or closely related field.

(2) Psychiatrist. The agency shall receive regular consultation from a child psychiatrist;

(3) Psychologist. The agency shall provide or arrange for the services of a psychologist for the administration of psychological testing and related services if these services are not provided by the accredited school where the child is regularly enrolled;

(4) Teaching staff. The agency shall provide or arrange for teaching by certified teachers qualified by training or experience in remedial education;

(5) Group counselors. Group counselors shall be persons qualified by training or by experience in the care of disturbed children.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-504, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-504, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-504, filed 9/8/78.]

**WAC 388-73-506 Ratio of counselor and teaching staff to children.** The agency shall employ sufficient group counselors and teachers that the children are normally in groups of no more than six under the supervision of one or the other of such staff.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-506, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-506, filed 9/8/78.]

**WAC 388-73-508 Program.** The agency shall submit a detailed written program description for departmental approval outlining the educational, recreational, and therapeutic services to be provided to the child and his family and a sample of the schedule of daily activities for persons in care.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-508, filed 9/8/78.]

**WAC 388-73-510 Ill children.** The requirements for care of ill children specified for day care providers in WAC 388-73-404 also apply to day treatment programs.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-510, filed 9/8/78.]

**WAC 388-73-512 Play areas.** The requirements for play areas specified for mini-day care programs under WAC 388-73-440 also apply to day treatment programs.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-512, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-512, filed 9/8/78.]

**WAC 388-73-600 Group care facilities.** The rules in WAC 388-73-600 through 388-73-650 apply exclusively to licensing of group care facilities.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-600, filed 9/8/78.]

**WAC 388-73-602 Function of group care facility.** A group care facility normally serves children six years of age and older who:

(1) Need foster care but cannot ordinarily adjust to the close, personal relationships normally required by a foster family home;

(2) Need emergency placement pending more permanent planning or during temporary disruption of a current placement; or

(3) Are emotionally disturbed or physically or mentally handicapped, or whose behavior is inappropriate for foster family care. The agency, through its own program or by the marshalling of appropriate community resources, must be able to provide the necessary specialized services required by the group which the facility serves.

(4) Children cared for in facilities for severely and multiply-handicapped children will most frequently be younger than six years of age.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-602, filed 3/26/92, effective 4/26/92; 84-06-030 (Order 2081), § 388-73-602, filed 2/29/84; 78-10-006 (Order 1336), § 388-73-602, filed 9/8/78.]

**WAC 388-73-604 Daily activity program.** Except for juvenile detention facilities, the agency shall submit a:

(1) Written program description for departmental approval outlining the recreational and other support services to be provided to the residents and their families; and

(2) Schedule of typical daily activities for persons in care.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-604, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-604, filed 1/5/83. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-604, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-604, filed 9/8/78.]

**WAC 388-73-606 Required positions.** An agency shall provide staff in accordance with the following requirements:

(1) A director responsible for the general management and administration of the agency's program. This person shall:

- (a) Be twenty-one years of age or older;
- (b) Possess ability to understand the role of the agency in meeting the needs of children;
- (c) Work with representatives of appropriate agencies;
- (d) Have a bachelor's degree in a social science or closely allied field; or
- (e) Have had a minimum of two years' experience:
  - (i) Working in a group care facility; or
  - (ii) As a foster parent with a letter of recommendation from the licensing agency and/or supervising agency.

(2) Child care staff whose primary duties are the care, supervision, and guidance of children. Such staff shall be at least eighteen years of age. Staff under twenty-one years of age shall be under the immediate supervision of staff at least twenty-one years of age.

In addition, in crisis residential centers, no less than fifty percent of the child care staff shall have completed at least two years of college and one year of working with children in a group setting. Experience may be substituted for education on a year-for-year basis. A bachelor of arts degree in behavioral or social science may be substituted for experience. The remaining child care staff shall have at least a high school diploma (or equivalent) and one year of successful experience as a foster family parent for three or more children or working with children in a group setting. Two years of college may be substituted for the required experience.

(a) Except for crisis residential centers, facilities for severely and multiply-handicapped children, and juvenile detention facilities, during the waking hours of the children there shall be at least one child care staff member on duty for every eight children or major fraction (five or more) of such number of children on the premises.

For juvenile detention facilities, there shall be a minimum of one child care staff on duty for every ten children in care during the waking hours of the children.

The director and support and maintenance staff may temporarily serve as child care staff when not involved in other duties if appropriately trained and involved in ongoing training, provided the required number of child care staff is maintained.

(b) Except for crisis residential centers, whenever more than eight children are on the premises at least two adults

(including at least one child care staff) shall be on duty. During nighttime hours, "on duty" staff may include staff sleeping in the group care facility and available to the children. During sleeping hours, there shall be at least one adult in proximity to the children.

(c) When only one child care staff is on duty, there shall be a second person on call.

(3) The agency shall have relief staff to enable all staff to have the equivalent of two days off a week.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-606, filed 3/26/92, effective 4/26/92; 84-06-030 (Order 2081), § 388-73-606, filed 2/29/84. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-606, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-606, filed 9/8/78.]

**WAC 388-73-610 Required rooms, areas, and equipment—Group care facilities.** The facility shall provide rooms and areas of sufficient size and properly equipped to accommodate the number of children served. The facility shall provide the following rooms or areas:

(1) Living room. There shall be at least one comfortably furnished living room; except, this subsection is not applicable to juvenile detention facilities;

(2) Dining area. A dining area shall be provided of sufficient capacity to accommodate the group comfortably. (This subsection is not applicable to juvenile detention facilities;)

(3) Staff quarters. Rooms for staff on night supervision shall be separate from but in proximity to the sleeping rooms of the children. (This subsection is not applicable to juvenile detention facilities;)

(4) Recreation area. When there are more than twelve occupants, the agency shall provide at least one separate indoor area, sufficient in size and location, for recreational and informal education activities;

(5) Offices. The agency shall provide a room or area that can be used as an administrative office. Suitable offices shall be provided for social service staff. In facilities caring for fewer than thirteen children, such offices may be combined with the administrative office;

(6) Visiting area. The agency shall provide space where privacy can be achieved for the use of visitors.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-610, filed 3/26/92, effective 4/26/92; 84-06-030 (Order 2081), § 388-73-610, filed 2/29/84. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-610, filed 9/10/79. Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-610, filed 9/8/78.]

**WAC 388-73-700 Maternity services.** The rules in WAC 388-73-700 through 388-73-750 apply exclusively to the licensing of an agency providing or arranging maternity service.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-700, filed 9/8/78.]

**WAC 388-73-702 Types of maternity services.** (1) Day programs for mothers. A day program provides pregnant or delivered young women training in child care, help with adjustment problems, counseling and social planning, infant care as needed, and academic or vocational training as appropriate during part of the twenty-four-hour day in a facility suitable for such purposes.



(2) Child-placing agencies. The placement of expectant mothers and mothers with infants in properly licensed foster family homes.

(3) Residential care for expectant mothers (maternity home). A maternity home serves as a group living facility to provide residential care and treatment on a twenty-four-hour basis to expectant unmarried mothers during the period of their pregnancy and the immediate postpartum period.

(4) Residential care for mothers and infants. Residential care for a group of mothers and their infants provides a group living facility on a twenty-four-hour basis, guidance, family life education, and child care for residents needing it, and academic and/or vocational training when appropriate. The care provided infants in the absence of their mother shall meet the applicable standards of chapter 388-73 WAC unless the care is exempt by virtue of RCW 74.15.020 (4)(a) through (k).

(5) Pregnancy counseling services. A nonresidential program which provides counseling, information, and referral is required to be licensed when that program also places or assists in the placement of mothers or children.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-702, filed 3/26/92, effective 4/26/92; 86-24-059 (Order 2445), § 388-73-702, filed 12/2/86; 78-10-006 (Order 1336), § 388-73-702, filed 9/8/78.]

**WAC 388-73-704 Daily activities program.** Except for foster family homes, agencies providing residential maternity care shall submit a detailed written program description for departmental approval outlining the educational, recreational, and therapeutic services to be provided to persons in care, a schedule of typical daily activities for persons in care, and a statement of religious practices, if any.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-704, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-704, filed 9/8/78.]

**WAC 388-73-706 Eligibility for service—Required services.** (1) Eligibility for service shall not be contingent upon a parent's decision to keep or relinquish her child, with the exception of medical payments.

(2) Services required herein need not necessarily be provided directly by the licensee in each instance. However, if not provided directly, it is the responsibility of the licensee to arrange for such services through formal agreements with other community resources or to otherwise assist clients in the program to obtain appropriate and needed services.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-706, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-706, filed 9/8/78.]

**WAC 388-73-708 Required personnel.** (1) An agency providing maternity services shall employ the following staff:

(a) A director who shall be:

(i) At least twenty-one years of age; and

(ii) A mature person especially equipped by training, experience, and personal qualities to ensure an effective program, staff development, and efficient administration. The director must possess an understanding of the program to be administered and have demonstrated such leadership

and supervisory ability as will ensure harmonious relationships and effective performance of agency personnel.

(b) Residential staff. Residential programs providing twenty-four-hour care to expectant mothers or to mothers and their infants shall employ residential staff in sufficient numbers to ensure the physical and emotional needs of the residents are met. Residential staff are staff in charge of supervision of the day-to-day living situation. Such staff may carry out maintenance tasks not detracting from the staff's primary function.

(i) Residential staff shall be on duty in a ratio of one such staff to every eight mothers or major fraction thereof.

(A) When more than eight mothers are on the premises, at least two adults, including at least one residential care staff, shall be on duty.

(B) Additional staff may be required under certain circumstances, as required by the department.

(ii) On-duty staff may include persons sleeping on the premises but are available to the residents as needed during the nighttime hours. In homes caring for fewer than ten persons, at least one staff shall be physically present with an additional person available "on call" at all times.

(iii) Relief staff. The agency shall make available sufficient relief staff to allow all staff the equivalent of two days off a week.

(2) Consultants. Consultants in mental health, education, religion, and law shall also be available as needed for work with agency staff, as well as with the parent. Consultants used by the agency staff, shall meet the full requirements of professional competence in the consultants' respective fields.

[Statutory Authority: RCW 74.15.030, 92-08-056, § 388-73-708, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-708, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-708, filed 9/8/78.]

**WAC 388-73-710 Services provided.** (1) A maternity service program shall provide information and, where necessary and appropriate, referral service to every person who applies for care.

(2) Licensed pregnancy counseling agencies providing services:

(a) Shall offer or provide, either directly or through referral, the following:

(i) Counseling for birth parents and if requested by birth parents, extended families which includes presentation of pregnancy-related options or alternatives;

(ii) After-care counseling, upon request;

(iii) Pregnancy-related medical services;

(iv) Adoption-related legal services; and

(v) Assistance planning the child's future.

(b) May provide financial and/or in-kind assistance, including assistance with:

(i) Living arrangement expenses. Payment for the expectant mother's necessary living arrangement expenses shall be permitted to the extent of food, lodging, and utility (including heat, hot water, gas and electricity) expenses as provided herein. The agency's payment of the expectant mother's monthly expenses shall not exceed the Washington state department of social and health services' need standards for households with an obligation to pay shelter costs for one person in the household, as may be amended from time to

time. See WAC 388-29-100 (1)(a). The agency shall not make payment for the expectant mother's living arrangement expenses for more than a total of three months.

(ii) Transportation. Payment for the expectant mother's necessary transportation to obtain medical, legal, counseling, and other adoption-related services shall be permitted.

(iii) Maternity clothing. The agency may make payment for the expectant mother's maternity clothing in an amount not to exceed two hundred fifty dollars.

(iv) Other basic needs. Other basic needs shall include only those services necessary to preserve, protect, or restore the physical health of the expectant mother or the unborn child.

The agency's payment for the foregoing services or goods shall be made directly to the provider of such services, except that any payment may be made to the expectant mother.

(3) Guidance and counseling provided by the agency to persons in residential care may take the form of individual or group counseling sessions. Areas to be included are:

- (a) Living arrangements;
- (b) Medical care planning;
- (c) Legal services;
- (d) Vocational or educational guidance;
- (e) Plans for the child;
- (f) Financial, emotional or psychological problems;
- (g) Relations with parents and birth father; and
- (h) Follow-up for those leaving the program.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-710, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-710, filed 9/8/78.]

**WAC 388-73-712 Health education.** All maternity service programs shall offer or arrange for the expectant mothers instruction in the nature and need for:

- (1) Hygiene of pregnancy;
- (2) Suitable preparation for childbirth;
- (3) The physiological changes which occur;
- (4) Events and procedures used in examination, and childbirth;
- (5) Postnatal and pediatrics care;
- (6) Contraception;
- (7) Nutritional requirements for mother and child; and
- (8) Child health and development.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-712, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-712, filed 9/8/78.]

**WAC 388-73-714 Family life education.** All maternity service programs shall offer or arrange for the expectant mother's classes in family life. Examples of such services are:

- (1) Home management and consumer education;
- (2) Child-rearing techniques; and
- (3) Family planning.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-714, filed 3/26/92, effective 4/26/92; 83-02-060 (Order 1933), § 388-73-714, filed 1/5/83; 78-10-006 (Order 1336), § 388-73-714, filed 9/8/78.]

**WAC 388-73-718 Child care.** Programs serving parents with children have the responsibility for providing or

assisting the parent in arranging for child care when parents are working or in school and at other appropriate times. Provisions shall be made for maximum interaction between mother and child in the child care arrangement. The child care facility, whether within the agency or without, shall meet the appropriate licensing requirements for day care facilities.

[Statutory Authority: RCW 74.15.030. 78-10-006 (Order 1336), § 388-73-718, filed 9/8/78.]

**WAC 388-73-720 Medical service.** (1) In residential programs, each expectant mother and mother and infant shall be under the medical supervision of a physician. In a nonresidential maternity program, each expectant mother shall be advised and assisted in obtaining medical supervision from a physician.

(2) Consultation by specialists shall be provided or arranged when requested by the physician.

(3) For expectant mothers:

(a) The agency shall arrange deliveries in a licensed hospital or licensed birthing facility; and

(b) The agency shall ensure that postpartum medical examinations are provided as offered or prescribed by a licensed physician.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-720, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-720, filed 9/8/78.]

**WAC 388-73-722 Required rooms, areas, equipment.** (1) Excluding foster family homes, in residential programs the required rooms, areas, and equipment specified for group care facilities in WAC 388-73-610 shall apply to maternity homes and also residential care for mothers and infants.

(2) The required rooms, areas, and equipment specified for group care facilities in WAC 388-73-610 shall apply to day programs for mothers, except for living rooms, dining areas, staff quarters, and recreational areas.

(3) Facilities for medical and nursing care. In agencies in which medical clinics are held, there shall be a separate, adequately equipped examination room. The agency shall provide adequate nursing equipment as necessary.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-722, filed 3/26/92, effective 4/26/92; 78-10-006 (Order 1336), § 388-73-722, filed 9/8/78.]

**WAC 388-73-800 Crisis residential centers.** The rules in WAC 388-73-800 through 388-73-820 apply exclusively to crisis residential centers. The crisis residential center may, in addition to being licensed as such, also be licensed as a family foster home or as a group care facility and may house juveniles assigned for regular foster family care or group care as well as juveniles receiving temporary protective care.

[Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-800, filed 9/10/79.]

**WAC 388-73-802 Limitations on number of facilities.** Crisis residential centers will be licensed as such at the discretion of the department as determined by the need for

such a facility in the area in which the facility will be located and moneys appropriated for such purposes.

[Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-802, filed 9/10/79.]

**WAC 388-73-804 Hours of operation.** In crisis residential centers, the agency shall have intake open twenty-four hours a day, seven days a week.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-804, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-804, filed 9/10/79.]

**WAC 388-73-810 Group crisis residential centers.** All requirements applicable to group care facilities unless otherwise indicated by the text, are also applicable to regional crisis residential centers and to crisis residential centers operated as part of a licensed group care facility.

[Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-810, filed 9/10/79.]

**WAC 388-73-815 Group crisis residential centers—Staffing.** (1) For regional crisis residential centers, the agency shall have a minimum of:

(a) One child care staff on duty for every two children in care during the waking hours of the children; and

(b) Three such staff for every eight children during the sleeping hours.

(2) For other group crisis residential centers:

(a) During the waking hours, the facility shall provide a minimum of one child care staff for every six children in temporary protective care without duties related to the children in full-time care;

(b) During the sleeping hours, the facility shall provide one such staff member for every eight such children;

(c) In group crisis residential centers caring for both children in long-term care and children in temporary care, if the two classes of children are combined into one group, the staff ratio applicable to the children in temporary care shall prevail.

(3) For both types of crisis residential centers, the facility shall provide at least one awake staff and a second available on the premises.

(4) For crisis residential centers, WAC 388-73-606 shall apply. In addition:

(a) No less than fifty percent of the facility's child care staff shall have completed at least two years of college and one year of working with children in a group setting. A child care staff person's child care experience may be substituted for education on a year-for-year basis. A bachelor of arts degree in behavioral or social science may be substituted for experience; and

(b) The remaining child care staff shall have at least a high school diploma or equivalent and one year of successful experience as a foster family parent for three or more children or when working with children in a group setting. Two years of college may be substituted for the required experience.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-815, filed 3/26/92, effective 4/26/92.]

**WAC 388-73-820 Family crisis residential centers.** All requirements applicable to foster family homes, unless otherwise indicated in the text, are also applicable to crisis residential centers operated in a foster family residence.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-820, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 74.08.090 and 1979 c 155. 79-10-026 (Order 1431), § 388-73-820, filed 9/10/79.]

**WAC 388-73-900 Facilities for severely and multiply-handicapped children.** The rules in WAC 388-73-900 through 388-73-904 apply exclusively to facilities for severely and multiply-handicapped children.

[Statutory Authority: RCW 74.15.030. 84-06-030 (Order 2081), § 388-73-900, filed 2/29/84.]

**WAC 388-73-901 Multidisciplinary care plan for severely and multiply-handicapped children.** (1) For each severely and multiply-handicapped child, the licensee shall have a multidisciplinary plan of care addressing the social service, medical, nutritional, rehabilitative, and educational needs of each child.

(2) The licensee's care plan shall indicate:

(a) Care to be given and goals to be accomplished; and

(b) Which professional service is responsible for each element of care.

(3) The licensee's care plan shall be reviewed, evaluated, and updated as necessary by all professional personnel involved in the care of the child.

(4) Professional personnel shall meet at least annually to re-evaluate each child's current condition, progress, prognosis, and need for ongoing care and additional services.

(5) The licensee or staff shall record quarterly progress reports in the child's record.

[Statutory Authority: RCW 74.15.030. 92-15-043 (Order 3418), § 388-73-901, filed 7/9/92, effective 8/9/92; 92-08-056, § 388-73-901, filed 3/26/92, effective 4/26/92.]

**WAC 388-73-902 Services provided.** (1) The services provided by facilities for severely and multiply handicapped children shall include:

(a) Each group care facility serving severely and multiply handicapped children shall provide or arrange for the provision of an individualized education plan suited to the unique needs of each child in care;

(b) Facilities other than foster family homes caring for severely and multiply handicapped children shall have a registered nurse in employment or under contract in charge of nursing care. The agency shall provide sufficient licensed nursing staff to meet the nursing care needs of the children;

(c) Group care facilities having as their major purpose the care of severely handicapped children shall make arrangements for regular nursing consultation, including at least one weekly on-site visit, by a registered nurse currently licensed by the state of Washington.

(i) The registered nurse's name, address, and telephone number shall be readily available.

(ii) The nurse shall assist the agency in implementing a program providing for periodic health supervision of all children and for follow-up care of special health needs as identified by the child's physician or noted by agency personnel.

(iii) The nurse shall advise and assist nonmedical personnel in maintaining medical records, meeting daily health needs, and caring for children with minor illnesses and injuries.

(2) In addition, as required by the individual needs of children in care, the facility shall provide or arrange for the availability of the following services:

(a) Physicians, including surgeons, general and family practitioners, and specialists in the child's particular diagnosis on either a referral, consultative, or ongoing treatment basis;

(b) Dental care of both routine and emergent nature;

(c) Communication disorder therapy;

(d) Physical and occupational habilitation and rehabilitation therapy and devices;

(e) Recreation therapy;

(f) Psychological testing; and

(g) Transportation.

[Statutory Authority: RCW 74.15.030. 92-08-056, § 388-73-902, filed 3/26/92, effective 4/26/92; 84-06-030 (Order 2081), § 388-73-902, filed 2/29/84.]

**WAC 388-73-904 Therapy room.** Each facility for severely and multiply-handicapped children shall have a room for the delivery of physical and occupational therapy and storage of necessary devices or provide for such care outside of the facility.

[Statutory Authority: RCW 74.15.030. 84-06-030 (Order 2081), § 388-73-904, filed 2/29/84.]

## Chapter 388-74 WAC

### CHILD WELFARE SERVICES—COMPLAINTS

#### WAC

388-74-010 Child welfare services complaint resolution definitions.  
388-74-030 Complaint procedure.

**WAC 388-74-010 Child welfare services complaint resolution definitions.** (1) "Complaints office" means the office within the department responsible for handling complaints regarding child welfare services.

(2) "Division of children and family services (DCFS)" means the division within the department responsible for administering child welfare services programs.

[Statutory Authority: RCW 74.13.045 and chapter 74.13 RCW. 93-12-053 (Order 3558), § 388-74-010, filed 5/26/93, effective 6/26/93.]

**WAC 388-74-030 Complaint procedure.** The complaints office shall be responsible for handling complaints and grievances from clients, foster parents, and other affected persons who do not have other remedies available through judicial review or adjudicative proceedings. The complaints office may inquire into, determine fact, and facilitate the resolution of disputes and complaints regarding a department policy or procedure or the application of such a policy or procedure as required under RCW 74.13.045.

(1) A client, foster parent, or other person shall have the right to question or aggrieve actions or decisions concerning the application of policies and procedures related to child welfare programs administered under chapter 74.13 RCW.

(a) A client, foster parent, or other person shall have the right to initiate the complaint process by requesting a review by the supervisor of the DCFS social worker, after the complainant has made a reasonable effort to resolve the matter with the social worker.

(b) When a complaint remains unresolved at the supervisory level, the complainant may request further review by the area manager.

(c) When a complaint remains unresolved at the area manager level, the complainant may request review by the regional administrator.

(d) At any time during the regional complaint resolution process, a client, foster parent, staff person, or other person may request the complaints office to facilitate resolution.

(2) The regional administrator or chief of complaints office may convene a panel review to review complaints which remain unresolved by the regional complaint resolution process.

(a) The person requesting a panel review shall have made a reasonable attempt and have failed to resolve the grievance before a panel review will be convened to attempt to resolve the issue.

(b) The office responsible for handling complaints and the DCFS regional administrator shall convene a regional panel comprised of at least the following members:

(i) The DCFS regional administrator's designee who shall be from an administrative unit other than where the complaint originated;

(ii) One person from the complaints office;

(iii) At least one person not employed by the division of children and family services; and

(iv) If the complainant is a foster parent, a foster parent not involved in the complaint and from an office other than where the complaint originated.

(c) The panel conducting the review may examine the complaint, the complainant's file, and any other relevant material. The complainant, division staff, and others may be asked to provide verbal or written information to the panel.

(d) The designated panel chairperson shall submit the written findings and recommendations from the panel to the DCFS director and to the assistant secretary responsible for child welfare programs who will issue a final written decision.

(e) The response of the assistant secretary is final and terminates the review process. If new information relevant to this decision emerges within thirty days of the final decision, the regional administrator and the chief of the complaints office shall consider the information and may reconvene the panel.

(3) The panel review shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

(4) The panel review process shall not apply to:

(a) Contract rate setting or contested standard rate payments, contested rate payments, or exceptional payments above standard rates; and

(b) Disputes or decisions regarding written personal service contracts or financial agreements.

(5) A person's participation in the complaint process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

(6) Nothing in this chapter shall be construed to create substantive or procedural rights for any person.

[Statutory Authority: RCW 74.13.045 and chapter 74.13 RCW, 93-12-053 (Order 3558), § 388-74-030, filed 5/26/93, effective 6/26/93.]

## Chapter 388-76 WAC

### ADULT FAMILY HOMES MINIMUM LICENSING REQUIREMENTS

#### WAC

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388-76-530 Food services.

**WAC 388-76-010 Authority.** The following rules are adopted under chapter 70.128 RCW.

[Statutory Authority: 1989 c 427, 90-03-051 (Order 2934), § 388-76-010, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044, 86-01-079 (Order 2319), § 388-76-010, filed 12/18/85.]

**WAC 388-76-020 Adult family homes.** The rules in this chapter apply entirely to licensing adult family homes and replace and supersede any rules on licensing adult family homes found in previous editions of chapter 388-76 WAC.

[Statutory Authority: 1989 c 427, 90-03-051 (Order 2934), § 388-76-020, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044, 86-01-079 (Order 2319), § 388-76-020, filed 12/18/85.]

**WAC 388-76-030 Definitions.** Those terms in chapter 70.128 RCW shall have the same meaning when used in this chapter except as otherwise provided herein.

(1) "Abuse" means an act of physical or mental mistreatment or injury, which harms or threatens a person through action or inaction by another individual.

(a) "Exploitation" means the illegal or improper use of a vulnerable adult or that adult's resources for another person's profit or advantage.

(b) "Neglect" means a pattern of conduct resulting in deprivation of care necessary to maintain minimum physical and mental health.

(2) "Adult dependent person" means a person eighteen years of age or older found legally incompetent and in need of protection under chapter 11.88 RCW.

(3) "Adult family home" means a regular family abode of a person providing personal care, room, and board to more than one, but not more than four adults, not related by blood or marriage to the person or persons providing the services. A maximum of six adults may be permitted if the department determines the home is of adequate size and the home and provider are capable of meeting standards and qualifications as provided for in chapters 70.128 RCW and 388-76 WAC.

(4) "Adult family home license" means the license issued to the provider as identified on the license. The license shall not be transferred or assigned to another person. The license is only valid for the operation of an adult family home at the location specified on the license.

(5) "Adult in need of personal care" means a person eighteen years of age or older who, because of developmental disability or physical or mental disability, requires supervision and assistance in personal care services.

(6) "Advance directive" means a living will or durable power of attorney for health care that indicates a resident's wishes regarding medical treatment to be provided or not provided should the resident become so seriously ill the resident is unable to make their own decisions.

(7) "Ambulatory resident" means a resident physically and mentally capable of walking unaided or capable of independent mobility or transfer with the use of a cane, crutches, walkerette, walker, wheelchair, artificial limb, or other assistive device. A resident is considered nonambulatory when bedridden, immobile, unable to walk or move

without assistance from another person, or unable to independently transfer.

(8) "Applicant" means a person who completes an adult family home license application.

(9) "Bedroom" means a living space set apart by floor-to-ceiling walls on all sides with all openings provided with doors or windows.

(10) "Board" means the availability of three or more daily meals.

(11) "Capacity" means the maximum number of persons permitted under adult family home care at a given time.

(12) "Complaint" means a verbal or written expression of concern filed with the licenser, other department staff, or the long-term care ombudsman. These concerns relate to licensed adult family home provider's particular issues or incidents of noncompliance with the minimum licensing requirements as specified under chapters 70.128 RCW and 388-76 WAC.

(13) Co-provider is synonymous with provider. "Co-provider" means a person licensed to operate an adult family home and does so in partnership with another licensed adult family home provider.

(14) "Department" means the department of social and health services.

(15) "Developmentally disabled adult" means a person eighteen years of age or older who the department determines is developmentally disabled as described under WAC 275-27-026.

(16) "Good cause" means conditions providing for the best interest of the resident and the community. Key elements to be considered when establishing good cause are:

(a) The needs of residents;

(b) The need for additional beds for vulnerable and developmentally disabled adults in this local community.

(17) "Imminent danger" means serious physical harm to or death of a resident occurred or a serious threat to resident life, health, or safety exists.

(18) "Literacy" means the ability to read and write.

(19) "Inspection" means an in-home visit conducted by an adult family home licenser for the purpose of evaluating compliance with the licensing requirements of chapter 70.128 RCW and chapter 388-76 WAC. The term "inspection," as used in this chapter, is distinguished from investigations conducted by adult protective service workers under chapter 388-15 WAC.

(20) "Nursing care" means the practice of nursing by a licensed practical nurse (LPN) or registered nurse (RN) as specified under chapters 18.78 or 18.88 RCW.

(21) "Other person on the premises" means resident manager, relief caregiver, supportive assistance staff person, family member thirteen years of age or older, other relative and friend of the provider or resident manager with unsupervised access to the residents in care.

(22) "Personal care" means assistance with the following tasks:

(a) Personal hygiene;

(b) Dressing;

(c) Bathing;

(d) Eating;

(e) Toileting;

(f) Ambulation;

(g) Transfer;

(h) Positioning;

(i) Self-medication;

(j) Body-care;

(k) Travel to medical services; and

(l) Essential shopping.

These tasks are provided to the resident as needed according to the resident's physical condition. The department may define and include additional tasks.

(23) "Premises" means the residence, other buildings, and adjoining grounds accessible to residents.

(24) "Private pay resident" means a resident whose cost of care is paid entirely without the assistance of state funds.

(25) "Provider" means a person licensed under chapter 388-76 WAC to operate an adult family home. The provider shall reside at the adult family home. Exceptions may be authorized by the department for good cause, as defined under WAC 388-76-030(16). A provider who owns more than one adult family home shall employ a resident manager for each additional home as required under WAC 388-76-080 (1)(e). In exceptional circumstances the licensed provider may be a corporation, board of directors, or other legal entity.

(26) "Publicly paid resident" means a resident receiving financial assistance from the state for paying adult family home cost of care through the state adult family home program, Title XIX personal care program, or C.O.P.E.S. (community options program entry system).

(27) "Relative" or "related" means a person related by birth, marriage, or adoption as follows:

(a) Parent;

(b) Grandparent;

(c) Brother;

(d) Sister;

(e) Son;

(f) Daughter;

(g) Stepparent;

(h) Stepbrother;

(i) Stepsister;

(j) Uncle;

(k) Aunt;

(l) First cousin;

(m) Grandchild;

(n) Stepchild;

(o) Niece; or

(p) Nephew.

(28) "Relief caregiver" means a person designated by the provider or resident manager and who meets the relief caregiver standards to care for residents in the provider's or resident manager's absence.

(29) "Resident" means any adult person unrelated to the provider living in an adult family home and receiving room, board, and personal or special care and supervision, as defined by the department.

(30) "Resident manager" means an employee of the provider who is directly responsible for the care of residents on a twenty-four-hour per day basis, and who meets the same standards as the provider.

(31) "Restraint" means any physical device or chemical substance which restricts movement or mental capacity of a resident. Seat belts mounted and used in an automobile, truck, recreational vehicle, airplane or boat are safety devices

not included in this definition of restraints when legally required or properly used.

(32) "Service plan" means a written description of a resident's needs and capabilities, including when, how often, and for whom personal care services are provided and the expected outcomes.

(33) "Special care" means care beyond personal care and other services authorized through an exception to policy process. Special care services are provided to persons with special needs. Persons with special needs may include, but are not limited to, persons with developmental disabilities, mental illness, traumatic brain injury, or dementia due to disease or the process of aging.

(34) "Supervision" means a provider or resident manager available to:

(a) Help the resident with personal care tasks that cannot be scheduled, for example, toileting, ambulation, transfer, positioning, some medication assistance;

(b) Provide protective supervision to a resident who cannot be left alone because of confusion, forgetfulness, or lack of judgment; or

(c) Intervene on a resident's behalf if a crisis arises.

(35) "Supportive assistance" means assistance with caregiving tasks provided to residents or home by co-provider or resident manager, employed staff, or appropriate others at the same time the provider, resident manager, or relief caregiver is present in the adult family home.

(36) "Vulnerable adult" means a person sixty years of age or older and unable to care for or protect self because of a functional, mental, or physical disability.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-030, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 70.128.040. 91-09-016 (Order 3131), § 388-76-030, filed 4/9/91, effective 5/10/91. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-030, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-030, filed 12/18/85.]

**WAC 388-76-040 Application or renewal for license.** (1) Persons making application or renewal for a license under this chapter shall do so upon department-provided application forms. The application forms shall contain and request information the department reasonably requires. The application shall be made by and in the name of the person who shall be the adult family home provider.

(2) The department shall send the provider a license application form and written notice no later than one hundred twenty days before the license expiration date. The provider shall apply for license renewal no later than ninety days before the license expiration date. Submittal of a renewal application and fee before the license expiration date shall keep the license in effect until the department takes action. If the renewal application and applicable fee are not submitted before the expiration date, the department shall treat the home as an unlicensed facility. The department shall have the authority to investigate the accuracy of any information included in the application for a license.

(3) The applicant shall submit additional information the department considers necessary for proper administration of chapter 388-76 WAC. The department shall make investigations of the applicant, resident manager, relief caregivers, supportive assistance staff persons, and members of the applicant's household. The department may require the

following additional information from the applicant, provider, resident manager, staff, and members of their household as the department deems necessary to protect the health and safety of residents:

- (a) Sexual deviancy evaluations;
- (b) Substance and alcohol abuse evaluations;
- (c) Psychiatric evaluations;
- (d) Psychological evaluations; and
- (e) Medical evaluations.

The department shall only require such an evaluation if it is deemed necessary to protect the health and safety of the residents.

(4) The department shall make a criminal history check of all applicants, resident managers, relief caregivers, supportive assistance staff persons, and adult members of the applicant's household before an initial license is issued or a license is renewed. The department shall furnish, upon request from the provider, a copy of the completed State Patrol criminal history check for any person involved in the provider's adult family home operation. This rule does not apply to release of the provider's criminal history check which the department shall keep confidential.

(5) The department shall issue licenses provided under this chapter for a period of one year.

(6) A provider or resident manager may accept a publicly-paid resident into the adult family home only if the provider is licensed and has a current adult family home contract.

(7) If the department finds the home is not in compliance with licensing standards as set forth in chapter 70.128 RCW and chapter 388-76 WAC, the department shall require the home to correct any violations of licensing standards in a time frame specified by the department. If corrections are not made within this time period, the department may take one or more of the following actions:

- (a) Refuse to issue or renew a license;
- (b) Suspend, revoke, or refuse to renew a license; or
- (c) Suspend admissions to the adult family home.

(8) The department shall issue or renew a license to an adult family home if:

(a) The department finds the applicant and the home are in compliance with chapter 70.128 RCW and the rules adopted under this chapter;

(b) The applicant does not have a prior violation of the rules pertaining to adult family home licensing in either the home the applicant is applying for or any other adult family home within the past five years resulting in revocation or nonrenewal of a license;

(c) The applicant does not have a prior violation of any other law regulating residential care facilities within the past five years resulting in revocation or nonrenewal of a license.

(9) The department shall serve upon the applicant a copy of the decision granting, denying, or not renewing an application for a license. An applicant shall have the right to contest denial of the applicant's application for a license by requesting a hearing, in writing, within ten days after receipt of the notice of denial. The proceedings shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-040, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW

70.128.040. 91-09-016 (Order 3131), § 388-76-040, filed 4/9/91, effective 5/10/91. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-040, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-040, filed 12/18/85.]

**WAC 388-76-045 Unlicensed facilities.** (1) A public agency contractor or employee shall not place, refer, or recommend placement of a person into an adult family home operating without a license.

(2) A public agency contractor or employee knowing or with reason to know an adult family home is operating without a license shall report the adult family home's name and address to the department. The department shall investigate any report filed under this section.

(3) A person operating or maintaining an adult family home without a license under this chapter is guilty of a misdemeanor. Each day of a continuing violation after conviction is considered a separate offense.

(4) Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law, upon the advice of the attorney general who shall represent the department in the proceedings, maintain an action in the name of the state. Such action may include an injunction or other process against a person to restrain or prevent the operation or maintenance of an adult family home without a license under this chapter.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-045, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-045, filed 1/16/90, effective 2/16/90.]

**WAC 388-76-050 Licensing of state employees.** Department staff or any member of the state employee's household shall be prohibited from obtaining an adult family home license when involved:

(1) Directly or in an administrative or supervisory capacity in the adult family home licensing process;

(2) In placement of persons in a licensed adult family home; or

(3) In authorizing payment for such persons.

[Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-050, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-050, filed 12/18/85.]

**WAC 388-76-060 Limitations on licenses.** The department shall not issue licenses to an applicant for both children and adults in the same family home. The department may make exceptions only if it is clearly evident the care of one category of clients does not interfere with the quality of care to be provided to the other category of clients. In such circumstances, the total number of persons in care in both categories shall not exceed the number permitted by the licensed capacity of the adult family home.

[Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-060, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-060, filed 12/18/85.]

**WAC 388-76-070 General qualifications of provider, staff persons, and other persons on the premises.** (1) The adult family home provider and resident manager shall meet the following minimum qualifications:

(a) Twenty-one years of age or older;

(b) Be of good moral and responsible character and reputation;

(c) Literate;

(d) Able to carry out the requirements of this chapter;

(e) Have an approved TB skin test or X-ray;

(f) Have an unexpired first aid/CPR card or have attended the department's approved training regarding emergency procedures and CPR within two years prior to the licensing date. The department may exempt currently licensed registered or practical nurses if the applicant shows that the training prepared them for emergency procedures;

(g) Have a satisfactory criminal history check indicating no conviction, finding, or proceeding that is of concern as specified under RCW 43.43.830 and 43.43.832;

(h) Have successfully completed appropriate training on infection control;

(i) Have successfully completed the required basic training as provided by the department or the department's approved, contracted training providers; and

(j) Be a resident of the state of Washington.

(2) The relief caregiver shall meet the following minimum qualifications:

(a) Eighteen years of age or older;

(b) Be of good moral and responsible character and reputation;

(c) Literate;

(d) Have an approved TB skin test or X-ray;

(e) Have an unexpired first aid/CPR card or have attended the department's approved training regarding emergency procedures and CPR within two years prior to the date of their employment;

(f) Have a satisfactory criminal history check indicating no conviction, finding, or proceeding that is of concern as specified under RCW 43.43.830 and 43.43.832; and

(g) Have successfully completed appropriate training on infection control.

(3) The supportive assistance staff person shall meet the following minimum qualifications:

(a) Eighteen years of age or older;

(b) Be of good moral and responsible character and reputation;

(c) Have an approved TB skin test or x-ray;

(d) Have a satisfactory criminal history check indicating no conviction, finding, or proceeding that is of concern as specified under RCW 43.43.830 and 43.43.832; and

(e) Have successfully completed appropriate training on infection control.

(4) The provider, resident manager, relief caregiver, and supportive assistance staff person shall have the understanding, language skills, physical health, emotional stability, personality, and skills to meet the physical, mental, emotional, and social needs of residents.

(5) The provider, resident manager, relief caregiver, supportive assistance staff person, and other persons on the premises shall not have been convicted of abuse or any crime involving physical harm to another person as specified under RCW 43.43.830 and 43.43.832.

(6) The provider, resident manager, relief caregiver, supportive assistance staff person, and other persons on the premises shall not have been found, by a court in a protection proceeding, to have abused or financially exploited a vulnerable adult as specified under chapter 74.34 RCW.



(7) The provider, resident manager, relief caregiver, and supportive assistance staff person shall report, in writing, to the department their conviction for crimes against persons and crimes relating to financial exploitation where the victim is a vulnerable adult as defined under RCW 43.43.830.

(8) The provider shall notify the department by submitting a completed criminal history check request form and a relief caregiver form before employing a relief caregiver or supportive assistance staff person on a conditional basis. The provider may employ a relief caregiver and supportive assistance staff person pending completion of the background investigation and infection control training. In an extraordinary situation requiring immediate employment action, the provider shall notify the department within seventy-two hours after employing a relief caregiver or supportive assistance staff person. The provider shall submit to the licensor the properly completed form requesting a criminal history check within seven days after the relief caregiver and supportive assistance staff person begin employment in the adult family home.

(9) A licensed adult family home provider, resident manager, relief caregiver, or supportive assistance staff person shall not provide skilled nursing care unless licensed and registered under chapters 18.78 or 18.88 RCW.

(10) The relief caregiver or supportive assistance staff person shall not be a resident requiring care.

(11) Providers shall assure that other persons on the premises who have unsupervised access to a resident shall be persons of good character.

(12) The department may, require the following additional information from the applicant, provider, resident manager, relief caregiver, staff and members of their household or other persons on the premises having unsupervised access to residents as the department deems necessary to protect the health and safety of residents:

- (a) Sexual deviancy evaluations;
- (b) Substance and alcohol abuse evaluations;
- (c) Psychiatric evaluations;
- (d) Psychological evaluations; and
- (e) Medical evaluations.

The department shall only require such an evaluation if it is deemed necessary to protect the health and safety of the residents.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-070, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-070, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-070, filed 12/18/85.]

**WAC 388-76-080 Multiple facility ownership.** (1)

A licensed provider shall not concurrently operate more than one adult family home.

(2) Exceptions may be authorized by the department for good cause when the provider:

(a) Assures that each home meets the minimum licensing requirements established under chapter 70.128 RCW and this chapter;

(b) Establishes to the department's satisfaction that the provider possesses the skills and abilities to successfully operate multiple facilities;

(c) Maintains an updated, written staffing plan that assures safety and adequate service administration on a twenty-four-hour basis in each facility, in all circumstances;

(d) Establishes and maintains a humane, safe, and home-like environment for each facility and promotes a high degree of independent living for residents;

(e) Is a resident of the state of Washington;

(f) Employs or otherwise engages by contract a qualified resident manager in those homes in which the provider does not reside; and

(g) Has a current history of operating a licensed adult family home in compliance with the minimum licensing regulations in the state of Washington for one year or more.

(3) A licensed provider shall not own, rent, lease, or have a financial interest in more than four adult family homes at one time.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-080, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 74.08.044. 89-05-033 (Order 2761), § 388-76-080, filed 2/13/89.]

**WAC 388-76-085 General standards.** A provider shall assure the following standards:

(1) The provider/resident manager shall maintain the adult family home internally and externally in good repair and condition. The home shall have safe and functioning systems for heating, cooling, hot and cold water, electricity, plumbing, garbage disposal, sewage, cooking, laundry, artificial and natural light, ventilation, and any other feature of the home. The provider shall provide steps with handrails as determined necessary by the department. The provider shall provide emergency lighting devices, such as flashlights, in working order, available and easily accessible to providers, relief caregivers, and residents.

(2) The adult family home shall be maintained in a clean and sanitary manner, including proper food handling and hygiene practices.

(3) The adult family home shall have clean, functioning, safe, adequate household items and furnishings to provide for the needs of residents.

(4) The provider shall assure an adult family is located on a well-drained site free from hazardous conditions.

(5) The provider or resident manager shall be able to gain rapid access to any bedroom, shower room, bathroom, or other room occupied by residents in case of emergency.

(6) The provider shall provide one or more operating, nonpay telephones on the premises accessible to residents and affording privacy. The provider shall provide residents reasonably available telephones for incoming or outgoing use at all times.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-085, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-085, filed 1/16/90, effective 2/16/90.]

**WAC 388-76-087 Inspections.** (1) The department shall inspect an adult family home regarding compliance with licensing standards set forth in chapter 70.128 RCW and this chapter at the time of initial licensure.

(2) The department shall inspect licensed homes regarding compliance with licensing standards set forth in chapter 70.128 RCW and this chapter at least once every eighteen months.

(3) When a licensing complaint is received regarding noncompliance with licensing standards set forth in chapter 70.128 RCW and this chapter, the department may inspect, without written notice, a licensed home. At the time of the licensing complaint inspection, the department shall furnish the provider or resident manager with a written copy of the complaint. The identity of the complainant shall remain confidential.

(4) During licensing and complaint inspections of an adult family home, the department shall have access and authority to examine areas and articles in the home used to provide resident care or support, including resident's records, accounts, equipment, and the physical premises. The department shall have the authority to interview the provider or resident manager, relief caregiver, supportive assistance staff person, residents, guardian, resident advocates of an adult family home, and other person on the premises.

(5) When conducting a licensing and complaint inspection, the department shall prepare a written report summarizing all information obtained during the inspection. If the home is in violation of chapter 388-76 WAC, the department shall provide the provider a copy of the licensing inspection report at the same time as a notice of violation is served. If the home is not in violation of chapter 388-76 WAC, the department shall mail the provider a copy of the inspection report within ten days of the home inspection. The department shall make available to the public, during business hours, all department licensing inspection reports that pertain to compliance with chapter 70.128 RCW and this chapter.

(6) The department shall, in the licensing inspection report, describe any of the provider's corrective measures which are to be completed in order to pass a reinspection. The department shall include in the inspection report a reasonable time frame dependent upon the seriousness of the violation(s) that shall specify when the provider or resident manager shall complete corrections. If the department finds, upon reinspection of the home, the corrective measures are satisfactorily implemented, the department shall cease any actions taken against the home. This section shall not require the department to license or renew the adult family home's license where serious physical harm or death occurred to a resident due to the action or inaction of the provider or resident manager or person(s) under their authority.

(7) An applicant, provider, and person(s) under their authority, reported to be a perpetrator of abuse, neglect, or exploitation shall be subject to chapters 26.44, 74.34 RCW, and the regulations contained in WAC 388-15-120. The department may immediately deny, revoke, or suspend the license of an applicant/provider found to be a perpetrator of abuse, neglect, or exploitation. The department may take this action without providing the applicant/provider an opportunity for corrective action as outlined in this chapter.

(8) An adult family home shall have readily available for the public's review:

(a) The adult family home's license to operate; and

(b) Copies of all licensing and complaint inspection reports the adult family home received from the department for the past three years.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-087, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 70.128.040. 91-09-016 (Order 3131), § 388-76-087, filed 4/9/91, effective

5/10/91. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-087, filed 1/16/90, effective 2/16/90.]

**WAC 388-76-090 Licensure—Denial, suspension, or revocation.** (1) Disqualified applicants. Before granting a license and as a condition for continuance of a license, the department shall consider separately and jointly the ability of each applicant to operate an adult family home in accordance with the law and this chapter. If the department disqualifies an applicant in accordance with this chapter, the department shall deny, suspend, revoke, or not renew the applicant's license.

(a) The department shall disqualify any applicant who has engaged in the past year or is engaging in illegal use of drugs or excessive use of alcohol.

(b) The department shall consider only convictions and pending charges reported during a criminal history check or other investigations. The department shall disregard arrests not resulting in charges and dismissed charges.

(c) The department shall disqualify any applicant who was convicted of any one or combination of the following offenses within the state of Washington or their equivalents in jurisdictions outside of the state of Washington:

(i) Aggravated murder;

(ii) Murder in the first degree;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Manslaughter in the second degree;

(vi) Simple assault, assault in the fourth degree, or the same offense as it may be renamed if the assault involves physical harm to another person and the most recent pending charges or conviction occurred five years or less from the date of application;

(vii) Assault in the first degree;

(viii) Assault in the second degree;

(ix) Assault in the third degree;

(x) Custodial assault;

(xi) Vehicular homicide;

(xii) Criminal mistreatment in the first degree;

(xiii) Criminal mistreatment in the second degree;

(xiv) Kidnapping in the first degree;

(xv) Kidnapping in the second degree;

(xvi) Unlawful imprisonment;

(xvii) Rape in the first degree;

(xviii) Rape in the second degree;

(xix) Rape in the third degree;

(xx) First degree rape of a child;

(xxi) Second degree rape of a child;

(xxii) Third degree rape of a child;

(xxiii) Child molestation in the first degree;

(xxiv) Child molestation in the second degree;

(xxv) Child molestation in the third degree;

(xxvi) Sexual misconduct with a minor in the first degree;

(xxvii) Sexual misconduct with a minor in the second degree;

(xxviii) Indecent liberties;

(xxix) Burglary in the first degree;

(xxx) Extortion in the first degree;

(xxxi) Extortion in the second degree;

(xxxii) Extortion in the third degree;

(xxxiii) Theft in the first degree;

(xxxiv) Theft in the second degree and the most recent pending charges or conviction occurred five years or less from the date of application;

(xxxv) Theft in the third degree and the most recent pending charges or conviction occurred three years or less from the date of application;

(xxxvi) Forgery and the most recent pending charges or conviction occurred five years or less from the date of application;

(xxxvii) Robbery in the first degree;

(xxxviii) Robbery in the second degree;

(xxxix) Incest;

(xl) Selling or distributing erotic material to a minor;

(xli) Promoting prostitution in the first degree;

(xlii) Promoting prostitution in the second degree;

(xliii) Sexual exploitation of a minor;

(xliv) Communication with a minor for immoral purposes;

(xlv) Child selling - child buying;

(xlvi) Arson - first degree;

(xlvii) Prostitution, and the most recent pending charges or conviction occurred three years or less from the date of application;

(xlviii) Patronizing a juvenile prostitute;

(i) Child abandonment;

(l) Malicious harassment;

(li) Promoting pornography;

(lii) Child abuse or neglect as defined under RCW 26.44.020;

(liii) Violation of child abuse restraining order;

(liv) First or second degree custodial interference;

(lv) Crimes against persons as defined under RCW 43.43.830;

(lvi) Conviction of a crime relating to financial exploitation of a vulnerable adult as defined under RCW 43.43.830 except as exempted in RCW 43.43.842;

(lvii) Having been found in any disciplinary board final decision to have neglected, abused, or exploited a vulnerable adult under RCW 43.43.830;

(lviii) Being the respondent in a protective proceeding under chapter 74.34 RCW.

(d) The department shall disqualify applicants who, in this state or elsewhere, have for cause been denied a license, had a license not renewed, or had a license revoked within the prior five years to operate a nursing home, boarding home, adult family home, or a facility for the care of:

(i) Children; or

(ii) Disabled or elderly adults.

(e) When a criminal history inquiry reveals a prospective care provider has been charged with or convicted of an offense, or has been listed in the Washington State Patrol (WSP) criminal history file as a person found to be a perpetrator of substantiated child abuse or neglect or a child abuser in a civil adjudication or disciplinary board final decision, the department shall take action as follows:

(i) When the department confirms the subject's name appears on the aforementioned WSP file of child abusers, that person shall not be licensed, employed by providers or contractors, serve in a volunteer capacity for providers or contractors, or otherwise be authorized by the department to provide care;

(ii) When the inquiry reveals charges are pending against the subject for any of the offenses listed in subsection (1) of this section or their equivalents in other jurisdictions, the department shall withhold licensure or authorization to provide care until dismissal or acquittal occurs. Pending charges for other offenses may be grounds for withholding a pending license authorization to provide care. When the inquiry reveals pending charges are more than one year old, the department shall contact the charging law enforcement agency to determine the disposition or status of the charge;

(iii) When the inquiry reveals the subject has been convicted of any of the offenses listed in subsection (1) of this section or their equivalents in other jurisdictions, the department shall deny a provider's licensure or authorization to provide care;

(iv) When the inquiry reveals the subject has been convicted of an offense not listed, or has a conviction outside of the time limitations specified by statute or rule, the department shall consider such information in determining the character, suitability, and competence of the prospective care provider as required by chapter 70.128 RCW. However, the department shall not use the subject's conviction as the sole basis for denial of licensure or authorization to provide care unless the conviction is directly related to the employment, licensure, or authorization being sought. The department shall consider the recency, seriousness, kind, and number of prospective care provider's previous offenses as well as the vulnerability of the clients.

(f) The offenses of simple assault, assault in the fourth degree, prostitution, theft in the second, and theft in the third degree, and forgery, or the same offenses as they may be renamed, do not automatically disqualify an applicant from a license or an employee from employment in an adult family home.

(2) The department may deny, suspend, or revoke a care provider's license for failure to comply with the provisions of chapter 70.128 RCW and rules contained in this chapter or for any of the following reasons:

(a) Knowingly or with reason to know made a false statement of material fact:

(i) On the license application or any data attached thereto; or

(ii) In any matter under investigation by the department.

(b) Operates an adult family home without a license or under a revoked license;

(c) Willfully prevents or interferes with any inspection or investigation by the department, local fire protection authority, or state fire marshal to inspect the premises;

(d) Commits, permits, aids, or abets the commission of any illegal act on the premises;

(e) Commits, permits, aids, or abets assault, abuse, neglect, exploitation, or cruelty;

(f) Fails to provide adequate resident supervision;

(g) Allows unqualified persons to care for residents;

(h) Displays an inability to care for residents consistent with WAC 388-76-465, Resident Rights;

(i) Misappropriates resident property;

(j) Refuses to permit authorized department representatives to:

(i) Have access to the adult family home resident records; or

(ii) Interview residents.

(k) Exceeds the licensed adult family home capacity;

and

(1) Refuses access by the state, regional or volunteer long-term care ombudsman to the adult family home, residents or, upon consent of the resident or resident's legal representative, resident records. Such access is required by the Older Americans Act, 42. USC 3027 and chapter 43.190 RCW et seq. and chapter 388-18 WAC et seq.

(3) The department has the authority to immediately suspend a license if the department finds conditions at the adult family home constitute an imminent danger to residents. The department may commence an action in superior court to enjoin the operation of an adult family home if it finds that conditions there constitute an imminent danger to residents. The department shall issue a stop placement order and assist with relocation of residents when the department finds adult family home conditions constitute an imminent danger to residents.

(4) If the department denies or fails to issue or renew a license, the department decision becomes final ten days after the notice is served upon the applicant or provider unless a hearing is requested in writing. The proceedings shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC.

(5) If the department suspends or revokes a license or issues a stop placement order, the department decision becomes final twenty-eight days after the notice is served upon the provider unless a hearing is requested in writing. The proceedings shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-090, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-090, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-090, filed 12/18/85.]

**WAC 388-76-095 License action notice—Adjudicative proceeding.** (1) The department's notice of a denial, suspension, modification, or revocation of a license is governed by RCW 43.20A.205. The applicant's and license holder's right to an adjudicative proceeding is in the same law.

(2) A license applicant or holder contesting a department license decision shall, within ten days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the office of appeals; and

(b) Include in or with the application:

(i) A specific statement of the issues and law involved;

(ii) The grounds for contesting the department decision;

and

(iii) A copy of the department decision being contested.

(3) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20A.205, this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

[Statutory Authority: RCW 74.08.044. 90-24-029 (Order 3107), § 388-76-095, filed 11/30/90, effective 1/1/91. Statutory Authority: RCW 34.05.220

(1)(a) and 74.08.044. 90-04-071 (Order 3003), § 388-76-095, filed 2/5/90, effective 3/1/90.]

**WAC 388-76-100 License fees.** (1) The department shall charge each adult family home a fifty dollar processing fee when the home is initially licensed.

(2) The applicant/provider shall submit the license fee with the completed application.

(3) The department shall charge the applicant/provider a fifty dollar license fee per year for each home licensed.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-100, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-100, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-100, filed 12/18/85.]

**WAC 388-76-110 Discrimination prohibited.** (1) The provider, resident manager, relief caregiver, and staff shall comply with federal and state statutory and regulatory requirements regarding nondiscrimination.

(2) A person residing in an adult family home shall not be subjected to discrimination because of race, color, national origin, sex, age, religion, creed, marital status, disabled or Vietnam Era Veteran status, or the presence of any physical, mental, or sensory handicap.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-110, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-110, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-110, filed 12/18/85.]

**WAC 388-76-130 Persons subject to licensing.** A person providing full-time care in the person's own home or in a home in which the person does not live but owns, leases, or has financial interest and operates as an adult family home for an unrelated adult in need of room, board, supervision, personal, or special care shall be subject to licensing requirements of this chapter when the total resident census includes:

(1) One or more residents whose care is purchased with publicly-paid funds; or

(2) Two or more private pay residents.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-130, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-130, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-130, filed 12/18/85.]

**WAC 388-76-140 Persons not subject to licensing.** The department shall exempt the following person from licensing requirements according to this chapter:

(1) A person caring for an adult in need of personal care in that adult's own home whether related or not; and

(2) A person providing care in the person's own home for one unrelated adult and for whom the department has not authorized care (chapter 74.15 RCW; RCW 18.20.020; RCW 74.08.044).

[Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-140, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-140, filed 12/18/85.]

**WAC 388-76-155 Exceptions.** (1) An applicant or provider may request and the department may grant an exception from any of the regulations in chapter 388-76 WAC; except, the department shall not grant an exception from requirements relating to:

- (a) Inspections;
- (b) Resident rights;
- (c) Access to the adult family home or resident records;
- (d) Resident's file and records;
- (e) License fees;
- (f) Criminal history check requirements as stated in RCW 43.43.830 and 43.43.832; or
- (g) Any section required by statute.

(2) The department shall not grant an exception related to fire safety requirements without approval of the appropriate local fire inspector.

(3) The department may grant an exception only upon justification given to ensure an exception does not jeopardize resident health and safety.

(4) The department shall consider each exception to policy request as separate and independent from previously granted or denied exception requests.

(5) The department shall grant or deny exceptions, in writing, and review the exceptions at the time of license renewal, if not earlier.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-155, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-155, filed 1/16/90, effective 2/16/90.]

**WAC 388-76-160 Capacity.** (1) The department shall license an adult family home for no more than four adults. A maximum of six adults may be permitted when the department determines the home is of adequate size and the home and provider are capable of meeting standards and qualifications as provided for under chapter 70.128 RCW and this chapter. There shall not be more than the home's maximum licensed capacity of adults unrelated to the provider requiring full-time care living on the premises at one time.

(2) Providers approved to care for five or six residents shall assure they or their resident managers have supportive assistance from a co-provider, employed staff, or appropriate other persons. A provider shall provide supportive assistance in the following ratios:

(a) When caring for five residents, supportive assistance staff shall be present and working at least twenty hours per week during the normal hours residents are awake and present in the home;

(b) When caring for six residents, supportive assistance staff shall be present and working at least forty hours or more per week during the hours the residents are normally awake and present in the home.

(3) A provider or resident manager may provide care for a maximum of two persons with mental or physical handicaps of such severity as to require nursing care if the provider or resident manager is qualified, by training or experience, to provide proper care and the person's treatment is under a physician's supervision.

(4) A provider or resident manager shall not provide care for more than one nonambulatory resident unless there is, in addition, a regular twenty-four-hour per day assistant.

No provider or resident manager shall provide care for more than two nonambulatory residents at one time.

(5) The total number of persons in the home shall not exceed five for each toilet. A portable toilet or commode may be counted in the number of toilets available.

(6) When a provider or resident manager provides respite or day care, in addition to adult family home care, the total number of persons in care shall not exceed the licensed capacity for that home.

(7) A provider shall accept only residents for whom the provider or resident manager is qualified to meet the resident needs and assure resident safety in the provider's care. A provider or resident manager shall not knowingly admit for care a person who is a danger to self or to others.

(8) The provider shall provide relief care for the resident manager on a weekly basis.

(9) The department shall determine the licensed capacity of a home by evaluating the ability of the provider to meet the care needs of residents, the fire safety standards for evacuation, and compliance with the physical structure requirements of those rules. Determination of a home's maximum licensed capacity shall include consideration of the total household composition, including children and relatives requiring twenty-four-hour per day care and supervision.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-160, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-160, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-160, filed 12/18/85.]

**WAC 388-76-170 Providers' or resident managers' outside employment.** When all providers or the single provider in an adult family home are employed outside the home, the department shall give written approval or disapproval for licensure and placement in that adult family home. The department shall base approval upon justification that the provider is able to provide adequate full-time care to the residents. In multiple facilities, the provider shall assure a resident manager lives in the licensed adult family home and is available twenty-four hours a day for the care of the residents.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-170, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-170, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 89-05-033 (Order 2761), § 388-76-170, filed 2/13/89; 86-01-079 (Order 2319), § 388-76-170, filed 12/18/85.]

**WAC 388-76-180 Provider or resident manager absence from home.** The provider shall have a written plan, approved by the department, for providing resident care during any absence of the provider or resident manager from the home. This rule does not apply to the provider's or resident manager's short absences for shopping, errands, or other appointments unless the resident's condition requires full-time supervision.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-180, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-180, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-180, filed 12/18/85.]

**WAC 388-76-185 Placement of residents outside home.** (1) The provider or resident manager shall not place publicly-paid residents in another home without the approval of the:

- (a) Department and resident; or
- (b) Department and resident's guardian or responsible relative.

(2) When an emergency such as fire or flood necessitates a temporary move, the provider shall notify the department no later than the first working day following the move.

(3) A provider, resident manager, or other staff may not transfer residents of multiple facilities from one home to another home owned by the same provider without a thirty-day written notice to the resident and to the department for a publicly-paid resident. The resident, resident's family, the resident's guardian or other legal representative shall approve or not approve the transfer.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-185, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-185, filed 1/16/90, effective 2/16/90.]

**WAC 388-76-190 Effect of local ordinances.** (1) Each adult family home shall meet applicable local licensing, building, and housing codes and state and local fire safety regulations. The applicant shall be responsible for checking with local authorities to ensure all local codes are met.

(2) An adult family home shall be considered a residential use of property for zoning purposes. Adult family homes shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single family dwellings (RCW 70.128.175).

[Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-190, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-190, filed 12/18/85.]

**WAC 388-76-200 Fire safety.** (1) Every room used by persons under care shall have a fully opening window of sufficient size and free of obstructions for emergency escape or rescue unless the room has:

- (a) Two separate doors; or
- (b) One door leading directly to the outside.

(2) When resident bedroom windows are fitted with storm windows, the provider shall equip the storm windows with approved release mechanisms which are easily opened from the inside without the use of a key or special knowledge or effort;

(3) The provider shall assure that every occupied area used by persons under care shall have access to one exit or more and shall not pass through a room or space subject to being locked or blocked from the opposite side;

(4) The provider shall prohibit use as living space any area accessible only by ladder, folding stairs, or a trap door;

(5) The provider shall assure every bathroom door lock opens from the outside in an emergency;

(6) The provider shall assure every closet door opens from the inside;

(7) The provider shall not locate a stove or heater where the stove or heater blocks a resident's escape.

(8) The provider shall store flammable or combustible material away from exits and in areas not accessible to persons under care;

(9) A provider whose licensed home is equipped with open flame devices, cooking appliances, and other similar products shall use them in a safe manner;

(10) The department shall prohibit portable oil, gas, kerosene, and electric space heaters, except in case of a power outage when the portable space heater is the home's only available heat;

(11) An adult family home shall have a posted, written plan for evacuation to safe areas in the event of fire. All residents, resident managers, and relief caregivers shall be instructed in emergency evacuation procedures. The provider shall conduct fire drills at least every two months. The provider or resident manager shall maintain a log of dates and times of fire drills. At the time of fire evacuation drills, the provider shall verify:

- (a) Fire extinguishers are fully charged; and
- (b) Smoke detectors are in proper working order.

(12) The provider shall provide and have readily available an approved 2-A:10-B:C rated, fire extinguisher in proper operating condition on each floor of living space of the adult family home. Where local fire authorities require installation of a different type or size of fire extinguisher, the requirement of the local authority shall prevail. The provider shall maintain each required fire extinguisher in proper operating condition and shall have each required fire extinguisher inspected, and serviced annually, by a department-approved certifying agency;

(13) The provider shall locate an approved automatic smoke detector, in working order, in proximity to the area where residents sleep. In addition, the provider shall provide a smoke detector in each resident's bedroom and one smoke detector in working order on each floor of a multi-level home. For violations in maintaining battery-operated smoke detectors, the department may require the provider hard wire the smoke detector into the home electrical system;

(14) If the provider's or resident manager's bedroom is not within hearing distance of resident bedrooms, the department may require the provider provide a call bell or intercom system;

(15) An adult family home located in a rural area where there is not a public fire district shall ensure fire protection is available to the adult family home;

(16) The provider shall assure outside exit doors shall open from the inside, without the use of a key or any special knowledge or effort;

(17) Providers or resident managers shall not house nonambulatory residents above or below the ground level of the home; and

(18) The provider shall notify the department of any fire on the premises by the first working day following the fire.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-200, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-200, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-200, filed 12/18/85.]

**WAC 388-76-220 Corporal punishment and physical and chemical restraints.** (1) The department and adult

family home provider shall prohibit corporal punishment and physical and chemical restraints.

(2) The department and adult family home provider shall prohibit restraints or physical contact in order to punish or discipline a resident. Prohibited conduct includes, but is not limited to:

- (a) Striking with the hand;
- (b) Striking with an object;
- (c) Biting;
- (d) Kicking;
- (e) Shoving;
- (f) Choking;
- (g) Pulling of hair;
- (h) Tripping; and
- (i) Seclusion.

(2) Physical restraint of a resident is prohibited.

(a) Prohibited physical restraints shall include, but are not limited to:

- (i) Sleeper holds;
  - (ii) Arm twisting;
  - (iii) Hair holds;
  - (iv) Using chemicals not included in the plan of care.
- (b) Prohibited mechanical restraints shall include, but

are not limited to:

- (i) Hand coverings used to restrict motion;
- (ii) Belt restraints;
- (iii) Chest restraints;
- (iv) Gerichair.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-220, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-220, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-220, filed 12/18/85.]

**WAC 388-76-240 Resident's records and information.** (1) The provider or resident manager shall maintain records and information concerning each resident in a manner preserving the resident's confidentiality. The provider shall assure resident records accessibility to the department long-term care ombudsman, upon written consent by the resident or the resident's legal representative, and other authorized persons. If resident records are computerized, there shall be complete directions for access and use available to relief caregivers. The provider or resident manager shall retain a resident's record for three years following the resident's discharge or death. The provider or resident manager shall maintain records documenting the following information for residents:

(a) Upon admission, a current written medical history;

(b) Upon admission, an inventory of personal belongings recorded, dated, and signed by the resident or the resident's guardian and the provider or resident manager;

(c) Identifying information for:

(i) Private-pay residents including name, birthdate, dates of admission, and discharge;

(ii) Publicly-paid residents including name, birthdate, Social Security Number, dates of admission, absences, and discharge.

(d) Names, addresses, and telephone numbers of next-of-kin or other persons to be contacted in case of emergency.

(2) The provider or resident manager shall provide a space accessible to all residents and visitors and shall post the following telephone numbers:

- (a) Long-term care ombudsman;
- (b) Local adult protective services office; and
- (c) Adult family home licensor.

(3) The provider or resident manager who cares for private pay residents shall provide a service plan describing care and services for the resident based on resident needs assessment.

(4) The provider or resident manager shall, with the consent of the resident or the resident's legal representative, request and attempt to obtain and maintain, in the resident's records, copies of pertinent legal documents regarding the resident. These documents may include, but not be limited to, guardianship orders, powers of attorney, physician directives or living wills, advance directives and C.P.R. directives, or code/no code instructions.

(5) In the event of the resident's death, while in the care of the adult family home, the provider or resident manager shall record appropriate information including:

- (a) Time and date of death;
- (b) Circumstances of death;
- (c) Time of appropriate notification of the physician and relevant others, as required by law; and
- (d) Disposition of the body and personal effects.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-240, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-240, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-240, filed 12/18/85.]

**WAC 388-76-250 Reporting of illness, death, injury, epidemic, or adult abuse.** (1) The provider or resident manager shall report to the indicated person the following events:

(a) For private-pay residents, notify next-of-kin, resident's legal representative, if any, interested friend, or relative identified in the service plan of any serious injury, trauma, or death of a person under care by the next working day, if not earlier;

(b) For publicly-paid residents, notify the department, next-of-kin, resident's legal representative, if any, interested friend, or relative identified in the service plan of any serious injury, trauma, or death of a person under care by the next working day, if not earlier;

(c) Notify the local public health officer of any occurrence of food poisoning or communicable disease as required by the state board of health; and

(d) Notify the department of any evidence of abuse or neglect immediately by phone or in person, with a written follow-up report within five days.

(2) The provider shall maintain a log of injuries and accidents involving residents.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-250, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-250, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-250, filed 12/18/85.]

**WAC 388-76-260 Reporting change in circumstances.** Adult family home providers shall report to the depart-

ment changes in circumstances including, but not limited to, the following:

- (1) The provider's address, location, or telephone number;
- (2) The maximum number or level of care of persons the provider wishes to serve;
- (3) The illness or incapacity of the provider or resident manager which interferes with the provider's or resident manager's ability to provide care;
- (4) The marriage or divorce of a provider or resident manager or other change in household composition;
- (5) Employment of new relief caregiver or supportive assistance staff person; and
- (6) Structural changes or significant damage to premises from any cause.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-260, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-260, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-260, filed 12/18/85.]

**WAC 388-76-280 Provider or resident manager-provided transportation for residents.** (1) The provider or resident manager shall assure the vehicle, used in transporting residents, is in a safe operating condition. The driver shall have a current driver's license.

(2) The provider, resident manager, or other driver shall carry auto insurance including adequate liability and medical coverage.

(3) The provider or resident manager shall provide seat belts or other appropriate safety devices for and used by all passengers. The number of passengers shall not exceed the vehicle's seating capacity. Buses approved by the state patrol shall not require seat belt equipment.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-280, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-280, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-280, filed 12/18/85.]

**WAC 388-76-290 Clothing.** Providers or resident managers shall provide or arrange for the care, washing, and repair of resident's clothing. Providers may assist residents in purchasing clothing. The resident or the resident's designated agent shall be responsible for the cost of clothing purchased. Clothing shall be clean, neat, seasonable, and of a quality and design fostering self-respect.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-290, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 74.08.044. 90-24-028 (Order 3106), § 388-76-290, filed 11/30/90, effective 1/1/91. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-290, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-290, filed 12/18/85.]

**WAC 388-76-300 Personal hygiene.** Providers or resident managers shall provide or assure each resident has individual items needed for good grooming and personal hygiene.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-300, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-300, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-300, filed 12/18/85.]

**WAC 388-76-310 Training.** Providers or resident managers shall keep informed of policies and rules contained in chapter 70.128 RCW and this chapter. Before licensure, the provider or resident manager shall complete the required approved training as provided by the department or the department's contracted training provider or equivalent training as approved by the department.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-310, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-310, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-310, filed 12/18/85.]

**WAC 388-76-320 Site.** An adult family home shall be located on a well-drained site free from hazardous conditions, excessive noise, dust, smoke or odors, and be accessible to other facilities necessary to carry out the program.

[Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-320, filed 12/18/85.]

**WAC 388-76-325 Telephone.** There shall be at least one operating nonpay telephone on the premises accessible to residents for emergency incoming or outgoing use at all times.

[Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-325, filed 12/18/85.]

**WAC 388-76-330 Safety and maintenance.** (1) The premises and equipment shall be maintained in a clean and sanitary condition, free of hazards, and in good repair. Steps shall be provided with handrails as determined necessary by the department. Emergency lighting devices, such as flashlights, in working order shall be available and easily accessible to caretakers and residents.

(2) Sponsors shall be able to gain rapid access to any bedroom, toilet room, shower room, bathroom, or other room occupied by residents should emergency need arise.

[Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-330, filed 12/18/85.]

**WAC 388-76-340 Water safety.** (1) Providers or resident managers shall not permit residents to use swimming or other pools, hot tubs, saunas, spas, or any outdoor body of water on the premises without supervision.

(2) Providers or resident managers shall not provide swimming pools, hot tubs, spas, saunas, or any outdoor body of water to residents in care without supervision.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-340, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-340, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-340, filed 12/18/85.]

**WAC 388-76-350 Firearms.** Providers or resident managers shall keep any firearms in locked storage accessible only to authorized persons.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-350, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-350, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-350, filed 12/18/85.]



**WAC 388-76-360 Storage.** (1) Providers or resident managers shall provide adequate space for resident's storage of clothing and a reasonable amount of personal possessions.

(2) Providers or resident managers shall store cleaning supplies, toxic substances, poisons, aerosols, and items bearing warning labels in a place not accessible to residents except under supervision.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-360, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-360, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-360, filed 12/18/85.]

**WAC 388-76-370 Bedrooms.** (1) Providers or resident managers shall not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as resident bedrooms. Every resident bedroom shall be an outside room permitting entrance of natural light.

(2) Window screens shall be:

- (a) Of such design that escape is not hindered; and
- (b) Adequate to prevent entrance of flies and other insects.

(3) Providers or resident managers shall make available for each sex separate sleeping quarters.

(4) Providers or resident managers shall provide resident's single occupancy bedrooms with eighty square feet or more of floor space.

(5) The provider shall provide multiple occupancy bedrooms with sixty square feet or more of floor space per occupant exclusive of closets. There shall be thirty-six inches or more laterally between beds. There shall not be more than two residents to a bedroom.

(6) Providers shall provide each resident a bed thirty-six inches or more wide with:

(a) A clean, firm mattress with waterproof cover for use when needed or requested by the resident;

- (b) Clean sheets;
- (c) Adequate blankets;
- (d) Clean pillow cases; and
- (e) Clean pillows:

- (i) Covered with waterproof material; or
- (ii) Of a washable type.

(7) The department shall prohibit the resident's use of the upper bunk of double-deck beds.

(8) The provider or resident manager shall launder sheets and pillowcases weekly or more frequently as needed.

(9) Residents may not share a bedroom with persons under eighteen years of age unless approved by the department.

(10) Residents shall not share a bedroom with the provider, resident manager, or any member of the provider's family.

(11) The provider shall only provide resident's bedrooms having unrestricted, direct access to hallways, corridors, living rooms, day rooms, or common use areas.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-370, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-370, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-370, filed 12/18/85.]

**WAC 388-76-380 Kitchen facilities.** Adult family homes shall have kitchen facilities providing proper storage, preparation, and food service.

[Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-380, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-380, filed 12/18/85.]

**WAC 388-76-390 Laundry.** For each licensed home, the provider shall have operational laundry and drying equipment unless other suitable arrangements are made.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-390, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-390, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-390, filed 12/18/85.]

**WAC 388-76-400 Toilets, lavatories, and bathing facilities.** (1) An adult family home shall provide each toilet and bathing facility with one or more:

- (a) Indoor flush toilet;
- (b) Bathing facility; and
- (c) Lavatory with hot and cold running water.

(2) An adult family home shall provide a hot water temperature not to exceed one hundred twenty degrees Fahrenheit for all residents under care utilizing hot water at tub, shower, and lavatory facilities.

(3) An adult family home shall provide toilet and bathing facilities with privacy.

(4) An adult family home bathroom shall contain a lavatory in:

- (a) The same room; or
- (b) An adjacent common-use area.

(5) A department-approved resident bathing facility shall have securely fastened, conveniently located grab bars or other safety measures.

[Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-400, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-400, filed 12/18/85.]

**WAC 388-76-405 Common use areas.** (1) The provider or resident manager shall provide, within the licensed home, sufficient common use space, such as a living room, recreation area, or entertainment area to create a home-like environment.

(2) The provider or resident manager shall promote socialization among residents, family members, guests, and the provider or resident manager.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-405, filed 10/1/92, effective 11/1/92.]

**WAC 388-76-410 Lighting.** (1) The provider or resident manager shall assure all areas in use are appropriately lighted by natural or artificial means.

(2) The provider or resident manager shall locate light fixtures to provide for the comfort and safety of the persons under care.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-410, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-410, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-410, filed 12/18/85.]

**WAC 388-76-420 Pest control.** The provider/resident manager shall assure the adult family home premises are kept free from rodents, flies, cockroaches, and other vermin.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-420, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-420, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-420, filed 12/18/85.]

**WAC 388-76-430 Sewage and liquid wastes.** (1) The provider or resident manager shall assure sewage and liquid wastes are discharged into a public sewer system or into an independent sewage system approved by the local health authority or department.

(2) The department shall prohibit discharge of sewage or liquid wastes directly on the ground, into bodies of water, or directly into ground water.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-430, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-430, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-430, filed 12/18/85.]

**WAC 388-76-435 Pets.** (1) The provider or resident manager shall assure that sanitation for household pets and other domestic animals is adequate to prevent health hazards.

(2) The provider or resident manager shall assure pets residing on the premises have up-to-date rabies vaccinations.

(3) The provider or resident manager shall assure pets, not confined in enclosures, are under control and shall not present a danger to residents or guests.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-435, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-435, filed 1/16/90, effective 2/16/90.]

**WAC 388-76-440 Water supply.** (1) The applicant/provider shall have a private water supply approved by the local health authority.

(2) The provider or resident manager shall label nonpotable water on the premises to avoid use.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-440, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-440, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-440, filed 12/18/85.]

**WAC 388-76-450 Temperature.** Temperature within the adult family home shall be maintained at:

(1) Sixty-eight degrees Fahrenheit or more during waking hours; and

(2) Sixty degrees Fahrenheit or more during sleeping hours.

[Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-450, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-450, filed 12/18/85.]

**WAC 388-76-460 Ventilation.** The adult family home shall be ventilated to adequately assure health and comfort of the residents.

[Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-460, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-460, filed 12/18/85.]

**WAC 388-76-465 Resident rights.** All written resident rights, house policies, and admission agreements are subject to department review and approval. Each resident shall have the following rights to:

(1) Be provided safe, adequate care and appropriate quality of life;

(2) Be provided a clean, comfortable environment;

(3) Be free from physical, mental, verbal and sexual abuse;

(4) Receive a written copy of resident's rights or to have a copy of such rights provided to the guardian or agent designated by the resident. Providers shall retain in the resident's record a copy for each resident signed by the resident or the resident's legal representative or designated agent indicating that it has been read and understood;

(5) Be treated in a manner respecting the resident's individual identity, dignity, and self-esteem;

(6) Be moved or transferred only for the resident's welfare or the welfare of other resident(s). A written notice will be provided to the resident or the resident's legal representative thirty days prior to such a move or transfer unless an emergency condition requires immediate transfer;

(7) Open communications including the right to:

(a) Associate and communicate privately with persons of the resident's choice;

(b) Send and receive uncensored correspondence;

(c) Have reasonable access to a telephone to make and to receive personal calls, in privacy; and

(d) Receive visitors in the adult family home and be assured privacy for visits with relatives and guests, provided the visits do not infringe upon other resident or provider rights.

(8) Manage personal financial affairs unless the resident is declared incompetent in a court proceeding. The provider or resident manager shall:

(a) Only maintain resident funds upon the written request of the resident or the resident's legal representative;

(b) Provide the resident or legal representative with a complete accounting of funds;

(c) Maintain appropriate records for auditing purposes; and

(d) Not commingle resident funds with provider or resident manager funds.

(9) Retain and use personal possessions unless doing so infringes upon the rights of other residents;

(10) Refuse to perform services for the provider or resident manager;

(11) Complain about or recommend changes in policies and services of the home to the provider, resident manager, or to outside representatives free from reprisal;

(12) Participate in social, religious, and community activities of the resident's choice;

(13) Have information contained in resident health records kept confidential;

(14) Be given thirty days written notice of changes in policies, procedures, and fees, including changes in level of care costs;

(15) Receive the services outlined in the service plan;

(16) Be free from financial exploitation. The provider, resident manager, or relief caregiver shall not solicit, accept, or receive money or property from a resident other than the amount agreed to for services; and

(17) Be free from physical and chemical restraints.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-465, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-465, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-465, filed 12/18/85.]

**WAC 388-76-467 Advance directives.** (1) A provider or resident manager shall maintain written policies and procedures concerning advance directives as specified under WAC 388-81-017.

(2) A provider or resident manager shall provide the department's current booklet on health care rights to a resident at the time of admission. The written information shall explain the resident's right to make their own decision concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives.

(3) A provider or resident manager shall document, in the resident's record, whether or not the resident has executed an advance directive.

(4) If a resident comes into care with a previously completed advance directive or completes one while in the care of the provider or resident manager, the provider or resident manager shall file a copy of the resident's advance directive in the resident's record.

(5) A provider or resident manager shall assure that all staff:

(a) Are informed of each advance directive completed by their residents; and

(b) Understand how to proceed in accordance with each resident's directive.

(6) A provider or resident manager shall inform, in writing, the resident or designated agent of the home's policy on following advance directives.

(7) The provider or resident manager shall contact their local emergency services in the event of a resident emergency. This contact shall be made whether the resident's advance directive specifies code or no code or, the resident's physician orders a do not respond order. The provider or resident manager shall include the requirement to contact emergency services in their home policies.

(8) The provider, resident manager or other staff person shall provide emergency services personnel, when they arrive, with a copy of the resident's advance directives, if an advance directive has been completed by the resident.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-467, filed 10/1/92, effective 11/1/92.]

**WAC 388-76-470 Health care plan.** All adult family homes providing direct care shall maintain current written medical policies and procedures including first aid, care of minor illnesses, action to be taken in event of medical emergencies, and general health practices.

[Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-470, filed 12/18/85.]

**WAC 388-76-475 Service plan.** (1) The department, in consultation with the resident and the resident's legal representative, if any, shall develop the service plan for residents who have been placed by the department. The provider or resident manager shall follow the service plan in providing services to the publicly-paid resident.

(2) The provider or resident manager shall develop the service plan in consultation with the resident, resident's family, and resident's legal representative if appropriate, for private pay residents. The service plan shall include, but is not limited to:

(a) Identification of resident's needs related to personal and special care and supervision;

(b) Description of how the service plan needs shall be met;

(c) Identification of the person providing the services and when the services are provided;

(d) Expected outcome description; and

(e) Updates entered when the resident's condition changes.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-475, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-475, filed 1/16/90, effective 2/16/90.]

**WAC 388-76-480 First aid.** Each adult family home shall have current, readily available first-aid supplies and a first-aid manual.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-480, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-480, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-480, filed 12/18/85.]

**WAC 388-76-490 Medication services.** (1) A provider or resident manager shall keep all medications in locked storage or otherwise shall make medications inaccessible to residents and unauthorized persons.

(2) A provider or resident manager shall store all medication in the medication's original containers with the legible, original label. Medication organizers may be used when they are filled by the resident, pharmacist, nurse, a resident's family member, or legal guardian. Medication organizers shall carry a label which clearly identifies the name of the resident, medications included, and frequency of dosage.

(3) A provider or resident manager shall assist the resident to self medicate only on the written consent of the resident or other person having authority to approve medical care.

(4) Unless they are a licensed health professional, the provider, resident manager, or relief caregiver shall only assist the resident to self medicate by:

(a) Reminding the resident when it is time to take a medication;

(b) Handing the resident the medication container; and

(c) Opening the resident's medication container.

(5) A provider or resident manager shall keep a record of all physician-prescribed medications the resident takes.

(6) A provider or resident manager shall properly dispose of unused or expired medications.

(7) A resident may self-administer medications, including injections. Medications, including injections, shall be given only by:

- (a) The resident's relative;
- (b) A licensed practical nurse (LPN) or registered nurse (RN); or
- (c) A physician.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-490, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-490, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-490, filed 12/18/85.]

**WAC 388-76-500 Self-administration of medications.** Self-administration of medications by a resident shall be in accordance with the following:

(1) The resident shall be capable of administering their own medications properly with minimal guidance and assistance. If a resident requires minimal guidance or assistance, it shall be provided as outlined under WAC 388-76-490 (3), (4), and (5).

(2) A resident able to self medicate may keep medications in such resident's own room if the medications are kept in locked storage, inaccessible to other residents.

(3) The provider shall develop written policies and procedures when giving minimal guidance and assistance to residents with medications. The provider, resident manager, and staff shall follow these policies and procedures when a resident requires such guidance and assistance.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-500, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-500, filed 12/18/85.]

**WAC 388-76-520 Infection control, communicable disease.** (1) Persons with a communicable disease in an infectious stage shall not provide care or supervision in an adult family home.

(2) The provider or resident manager shall institute appropriate infection control measures when the resident or any household member has, or is suspected of having, a communicable disease.

(3) Each provider, resident manager, relief caregiver, supportive assistance staff, and other adult person residing in the adult family home having regular contact with residents shall have a tuberculin skin test or chest x-ray.

(a) Persons whose TB skin test is positive (ten millimeters or more induration) shall have a chest x-ray within ninety days following the skin test. A person who has tested positive shall provide proof of follow-up treatment when there is a positive chest x-ray.

(b) Routine periodic retesting or x-ray after the entry testing is not required.

(c) An entry test shall not be required of persons whose TB skin test has been documented as negative (less than ten millimeters) nor shall routine periodic retesting or x-ray be required.

(4) A record of skin test, x-ray results, or exemptions to such shall be kept in the adult family home.

(5) A provider or resident manager shall use infection control standards and educational material consistent with the current curriculum for infection control as presented in the

department's adult family home provider's basic training and the adult family home provider's handbook.

(6) A provider or resident manager shall dispose of used syringes, razor blades, and other sharp items in a manner that will not jeopardize the health and safety of residents, staff, and the public.

(a) A provider or resident manager shall ensure disposals are placed in rigid containers, impervious to liquids and penetration by puncture. These containers shall be such that they cannot be opened either intentionally or accidentally;

(b) A provider or resident manager shall use all disposable and single-service supplies and equipment as specified by the manufacturer.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-520, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-520, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-520, filed 12/18/85.]

**WAC 388-76-530 Food services.** (1) Providers shall assure that food served to the residents meets the nutritional needs of residents, taking into consideration the resident's:

- (a) Age;
- (b) Developmental and physical capabilities;
- (c) Caloric need;
- (d) Cultural and ethnic background; and
- (e) Any physical condition making food intake difficult.

To promote a social environment, residents and providers or resident managers shall be encouraged to sit together at meal times. The same quality of foods shall be made available to the residents, providers, and resident manager taking into account the considerations listed above unless a special diet is prescribed.

(2) The department shall prohibit the use of raw milk.

(3) Providers shall serve nutrient concentrates, supplements, and modified diets only on the written approval of the resident's physician.

(4) Providers shall provide a minimum of three nutritious meals in each twenty-four-hour period. The time interval between the evening meal and breakfast shall be fourteen hours or less. Providers shall make nutritious snacks reasonably available to residents between residents' meals.

(5) The provider or resident manager shall serve meals in the home where the residents live. When meals are prepared at a separate kitchen facility, the provider or resident manager shall assure that the food is transported in airtight containers to prevent contamination. The provider or resident manager shall assure that the food is transported and served at the appropriate and safe temperature.

(6) The provider shall process home-canned foods according to the latest guidelines of the county cooperative extension service.

[Statutory Authority: Chapter 70.128 RCW. 92-20-050 (Order 3466), § 388-76-530, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. 90-03-051 (Order 2934), § 388-76-530, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. 86-01-079 (Order 2319), § 388-76-530, filed 12/18/85.]

**Chapter 388-77 WAC**  
**FAMILY INDEPENDENCE PROGRAM**

**WAC**

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**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

388-77-230	Family independence program—Incapacity criteria. [Statutory Authority: RCW 74.50.010. 89-12-036 (Order 2805), § 388-77-230, filed 6/1/89. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-230, filed 6/1/88.] Repealed by 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: RCW 74.21.070.
388-77-256	Employability reassessment. [Statutory Authority: 1990 1st ex.s. c 6. 90-12-059 (Order 3017), § 388-77-256, filed 5/31/90, effective 7/1/90.] Repealed by 92-04-003 (Order 3326), filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 74.21.190.
388-77-530	Income—Nonrecurring lump sum payments. [Statutory Authority: Chapter 74.21 RCW. 88-18-024 (Order 2683), § 388-77-530, filed 8/30/88.] Repealed by 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: RCW 74.21.070.

**WAC 388-77-005 General provisions.** (1) The department of social and health services adopts the following rules under authority of chapter 74.21 RCW.

(2) In those areas not expressly covered by chapter 388-77 WAC, it is the intent of the department that applicants/enrollees of the family independence program (FIP) be subject to and covered by the Washington Administrative Code applicable to:

(a) The aid to families with dependent children program (AFDC) for the Title IV-A portion of FIP; and

(b) The food stamp program for the food assistance portion of FIP.

(3) The department shall apply fair hearing rules in chapter 388-08 WAC to all decisions related to eligibility, participation, and work and training activities for the Title IV-A portion of FIP. The department shall follow the food stamp program for hearings related to the food assistance portion of FIP.

(4) The department shall designate those geographic areas where FIP is to be implemented.

(5) The department shall enroll eligible households residing in a designated FIP geographic area at application, at the annual grant face-to-face eligibility review, and at such other times as designated by the department, except:

(a) An applicant who received AFDC within thirty days before application shall not be converted to FIP. If eligible, the household shall be authorized AFDC;

(b) AFDC recipients who lose their exemption from participation in the Washington employment opportunities program (OPPORTUNITIES) may convert to FIP as an alternative to being referred to OPPORTUNITIES;

(c) AFDC recipients shall, at the annual face-to-face review, have the option to enroll in FIP or remain on AFDC.

(6) FIP enrollees transferring, or who transferred, from a FIP to a non-FIP geographic area shall have the option to retain their FIP status when the following conditions exist:

(a) There is a FIP community services office (CSO) in the county to which they transfer; and

(b) The enrollee moved to a non-FIP geographic area before May 1, 1990, and the enrollee is participating in approved training or is employed; or

(c) The enrollee moves to a non-FIP geographic area after May 1, 1990, and the move is to maintain employment or to accept offered employment and the enrollee is participating in such employment; and

(d) Such enrollees remaining in FIP shall report to, have their eligibility maintained by, and services provided by the FIP CSO in the county to which they transfer.

(7) Before transferring existing cases from FIP for failing to meet the conditions of subsection (6) of this section, the department shall provide ten days advance notice of the transfer.

(8) Before denial or termination of FIP benefits, the department shall determine eligibility for other financial assistance, medical assistance, and food stamps.

[Statutory Authority: 1990 1st ex.s. c 6. 90-12-059 (Order 3017), § 388-77-005, filed 5/31/90, effective 7/1/90. Statutory Authority: Chapter 74.21 RCW. 89-03-053 (Order 2757), § 388-77-005, filed 1/13/89; 88-18-024 (Order 2683), § 388-77-005, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-005, filed 6/1/88.]

**WAC 388-77-006 Freezing enrollments.** (1) Notwithstanding WAC 388-77-005(5), effective May 1, 1990, the department shall temporarily stop FIP enrollments in all FIP community services offices (CSO) except the treatment sites for:

(a) Applications filed on or after the date enrollments stop. For the purposes of this subsection, a re-application for assistance made following a break in assistance of one calendar month or more shall be considered an application;

(b) Conversions, if the review month for the annual grant face-to-face review is during or after the month in which enrollments stop;

(c) Conversions for households that lose exemption from participation in OPPORTUNITIES and the exemption is lost during or after the month in which enrollments stop;

(d) Voluntary conversions, if the request was filed on or after the date enrollments stop;

(e) Transfers, where the household made the transfer request on or after the date enrollments stop. FIP enrollees transferring to FIP nontreatment sites shall not be subject to the enrollment freeze.

(2) The department shall treat FIP applications, made in a nontreatment site after enrollments stop, as a request for AFDC.

(3) The department shall exempt the treatment sites from the enrollment freeze. For the purposes of this section, treatment site shall mean those sites chosen in accordance with federal standards for data collection by the independent evaluator contracted for under RCW 74.21.140(3). The treatment sites include the following CSOs:

- (a) Moses Lake; Othello; Ephrata;
- (b) Spokane North;
- (c) Everett; Skykomish Valley;
- (d) Burien; West Seattle;
- (e) White Salmon; Stevenson; and Goldendale.

(4) The department shall stop enrollments in the nontreatment sites including the following CSOs:

- (a) Spokane East;
- (b) Spokane Southwest;
- (c) Sunnyside;
- (d) Toppenish;
- (e) Smokey Point;
- (f) Capitol Hill;
- (g) King Eastside;
- (h) Pierce North;
- (i) Puyallup; and
- (j) Port Angeles.

[Statutory Authority: 1990 1st ex.s. c 6. 90-12-059 (Order 3017), § 388-77-006, filed 5/31/90, effective 7/1/90.]

**WAC 388-77-010 Definition.** Unless the context clearly requires otherwise, the definitions in WAC 388-77-010 apply throughout chapter 388-77 WAC. When using the definition for child, parent, stepparent, etc., this can stand for either singular or plural. Other definitions applicable to FIP are contained in chapters 388-22 and 388-49 WAC.

(1) "Assessment" means both a FIP orientation and an evaluation of the enrollee's readiness to pursue employment, education, or training and other services available to help the enrollee to achieve self-sufficiency. Normally, the orientation and the evaluation will each take one appointment.

(2) "Benchmark standard" means the basic monthly level of cash benefits, established according to family size, which equals the state's payment standard under the aid to families with dependent children program, plus food cash assistance as determined in WAC 388-77-820.

(3) "Dependent" means spouse, minor children or stepchildren, full-time students eighteen years of age and under nineteen years of age who are reasonably expected to complete a program of secondary school, or the equivalent

level of vocational or technical training, before the end of the month in which nineteen years of age is reached.

(4) "Enrollee" means the head of household and/or family member of a family eligible to receive FIP cash assistance or other services under the family independence program.

(5) "Transitional benefits" means noncash benefits the enrollee is eligible to receive after eligibility for cash assistance no longer exists because of increased earnings.

(6) "Family independence program" means a demonstration project which remains within the AFDC system under Title IV of the federal Social Security Act and the Food Stamp Act.

(7) "Family independence program services" includes job readiness programs, job development, employment, work programs, training, education, family planning services, development of mentor programs, income and medical support, parenting education, child care, and training in family responsibility and family management skills, including appropriate financial counseling and training on management of finances and use of credit.

(8) "FIP cash assistance" means the IV-A payment for the grant, additional requirements, and incentive and/or the cash equivalent for food stamps.

(9) "FIP noncash benefits" means benefits, such as medical or child care.

(10) "Full-time employment" means working one hundred fifty or more hours per month.

(11) "Good cause for late reporting" means any circumstance beyond the control of the enrollee. Good cause shall be determined by the department.

(12) "Half-time employment" means working seventy-five or more hours, but less than one hundred fifty hours, per month.

(13) "Incentive benefit payments" means those additional benefits payable to enrollees due to their participation in education, training, work programs, or employment.

(14) "Job" means a regularly performed lawful activity which generates a cash benefit for the enrollee.

(15) "Overpayment" means FIP cash assistance including food assistance, and/or medical benefits, received by the FIP assistance unit in excess of the amount for which the unit was eligible. An overpayment includes:

(a) "Intentional overpayment" means an overpayment resulting from a willful or knowing intent of the enrollee to receive or retain benefits to which the enrollee is not entitled;

(b) "Unintentional overpayment" means an overpayment that is not attributed to the applicant's/enrollee's willful intent to defraud the department.

(16) "Qualifying parent" means the parent in a two-parent household who earned the greater amount of income in the twenty-four-month period immediately preceding the month in which the application for FIP assistance is filed.

(17) "Self-sufficiency plan" means a written agreement between the employment security department or the department and the enrollee that may include activities specifically undertaken for self-support, and other items outlined in the employability plan or social services plan.

(18) "Subsidized employment" means employment for which FIP has provided the employer the financial resources,

in whole or in part, to compensate an enrollee for the performance of work.

[Statutory Authority: RCW 74.21.070, 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-010, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-010, filed 6/1/88.]

**WAC 388-77-015 Applications and assessment.** Application requirements for the Title IV-A portion of FIP shall be the same as for AFDC in WAC 388-38-030 through 388-38-200 and the same as the food stamp program for FIP food assistance except:

(1) FIP enrollees shall be asked to voluntarily cooperate in the FIP assessment at application or at conversion to FIP;

(2) FIP applicants shall submit a written request for benefits; and

(3) FIP enrollees may receive services at a local office outside the geographic area in which he or she lives as provided in WAC 388-77-005(6).

[Statutory Authority: Chapter 74.21 RCW. 88-18-024 (Order 2683), § 388-77-015, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-015, filed 6/1/88.]

**WAC 388-77-045 Verification.** (1) The department shall limit verification to:

- (a) Name,
- (b) Social Security number,
- (c) Alien status,
- (d) Income.

(2) Notwithstanding subsection (1) of this section, the department shall verify all other factors of basic eligibility when:

(a) Information contradicts or conflicts with other statements made by the applicant/enrollee; or

(b) The department receives information from a third-party source that contradicts or conflicts with other statements made by the applicant/enrollee; or

(c) Professional judgment would cause the worker to question the accuracy of the information.

(3) The department shall not require the applicant/enrollee to provide a specific type of verification if the information available is sufficient;

(4) The department shall request verification documents which are the most readily available if such documents would be sufficient to determine eligibility.

(5) Costs of necessary verification shall be paid by the department.

[Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-045, filed 6/1/88.]

**WAC 388-77-200 Family independence program (FIP)—Summary of Title IV-A eligibility conditions.** The department shall grant FIP benefits on behalf of a needy child:

(1) Who is seventeen years of age or younger:

(a) FIP benefits may be granted to a pregnant woman in any trimester with no other children;

(b) FIP benefits shall continue through the month the eligible child reaches the maximum age.

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington;

(3) Who is living in the home of a relative of specified degree, except for a temporary period, or who, as a result of judicial action, was removed from the home and placed in foster care, and who meets the conditions specified under WAC 388-24-207;

(4) Who, if living with a nonparent caretaker relative, the nonparent caretaker relative is included in the Title IV-A benefit unit with the child. Households where the nonparent caretaker relative is not included in the Title IV-A benefit unit shall be ineligible for FIP except when the caretaker relative is excluded from the Title IV-A benefits unit because of sanction for noncooperation with program requirements. Before terminating benefits for existing FIP households failing to meet the conditions of this subsection, the department shall provide ten days advance notice.

(5) Who, if living with both parents when neither is incapacitated, meets the conditions in WAC 388-77-240;

(6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States;

(7) Whose parent or stepparent has not transferred property contrary to law or WAC 388-24-457 through 388-24-465;

(8) Who is in financial need according to WAC 388-77-500;

(9) Who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month when the child becomes nineteen years of age. The school or training requirement shall not apply to a parent eighteen years of age and under nineteen years of age.

(10) For persons to be included in the FIP assistance unit, see WAC 388-77-210.

[Statutory Authority: 1990 1st ex.s. c 6. 90-12-059 (Order 3017), § 388-77-200, filed 5/31/90, effective 7/1/90. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-200, filed 6/1/88.]

**WAC 388-77-210 Assistance unit.** Assistance units for the Title IV-A portion of FIP shall be the same as for the AFDC program in WAC 388-24-050 except to include a pregnant woman with no other dependent children in the first or second trimester.

[Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-210, filed 6/1/88.]

**WAC 388-77-240 FIP—Eligibility for qualifying a parent.** (1) A child residing with two parents, when neither is incapacitated, shall be categorically eligible for FIP when the qualifying parent:

(a) Is not employed more than one hundred hours a month except for intermittent temporary jobs; and

(b) Has been unemployed as defined by subsection (1)(a) of this section for thirty days or more prior to the date FIP is authorized; and

(c) Meets the work quarter or unemployment compensation requirement in subsection (3) of this section. The work quarter and unemployment requirements shall only apply to:

(i) Initial applications filed on or after July 1, 1989; or  
 (ii) Reapplications following a one-month break or more in assistance, filed on or after July 1, 1989; and

(d) Has not refused a bona fide offer of employment or employment training; or

(e) Has not voluntarily left a job without good cause during the thirty days prior to the date FIP is authorized; or

(f) Has not refused to apply for or accept unemployment compensation, if eligible.

(2) The qualifying parent is that parent earning the greater amount of income in the twenty-four-month period immediately preceding the month in which the application for FIP assistance is filed.

(a) The household shall designate the qualifying parent if both parents earned an identical amount of income, or had no earnings.

(b) The designated qualifying parent remains the qualifying parent for each consecutive month the family remains on assistance.

(3) The qualifying parent shall meet the work quarter or unemployment compensation requirement if:

(a) Within one year prior to application, the qualifying parent:

(i) Received, or was eligible to receive, unemployment compensation had the parent applied; or

(ii) For noncovered employment, had a work history such that had the employment been covered the parent would have been eligible for unemployment compensation; or

(b) The qualifying parent had six or more quarters of work within any thirteen calendar quarter period ending within one year prior to the request for benefits:

(i) A quarter of work means a calendar quarter in which the qualifying parent received earned income of not less than fifty dollars, or participated in Opportunities; education, training, or employment related FIP services; or JOBS; and

(ii) A calendar quarter means a period of three consecutive calendar months ending March 31st, June 30th, September 30th, or December 31st.

(4) The department shall consider the following conditions good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental, or emotional inability of the qualifying parent to satisfactorily perform the work required;

(b) Inability of the qualifying parent to get to and from the job without undue cost or hardships;

(c) The nature of the work would be hazardous to the qualifying parent;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of a labor dispute; or

(f) Adequate child care is not available.

(5) The child shall be residing with both parents except that one parent may be temporarily absent for up to ninety days to search for employment with the expectation of continuing to reside with the family.

(6) FIP shall not be denied or terminated solely because the qualifying parent works over one hundred hours while participating in:

(a) Institutional work experience training; or

(b) A public service employment and training program.

[Statutory Authority: RCW 74.21.070. 91-19-024 (Order 3244), § 388-77-240, filed 9/10/91, effective 10/11/91. Statutory Authority: RCW 74.50.010. 89-12-036 (Order 2805), § 388-77-240, filed 6/1/89. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-240, filed 6/1/88.]

**WAC 388-77-255 FIP—Employment and training requirements.** (1) Unless a FIP enrollee is exempted in subsection (2) of this section, the department shall:

(a) Require the qualifying parent in a two-parent household, where neither is incapacitated, to participate in the employment and training portion of the FIP assessment. The department shall not consider failure of a nonexempt qualifying parent to participate in the assessment as a basis for reduction, denial, or termination of benefits; and

(b) Ask all other FIP enrollees to voluntarily participate in the assessment.

(2) The department shall exempt from the assessment an enrollee who is:

(a) On assistance for the first time and until the enrollee is on assistance for six months;

(b) Fifteen years of age or under or sixty-five years of age or older;

(c) Sixteen years of age or older and attending high school;

(d) Incapacitated, temporarily ill, or needed at home to care for an impaired person; or

(e) In the third trimester of pregnancy.

[Statutory Authority: Chapter 74.21 RCW. 89-23-084 (Order 2902), § 388-77-255, filed 11/17/89, effective 12/18/89; 88-12-093 (Order 2630), § 388-77-255, filed 6/1/88.]

**WAC 388-77-270 Support.** (1) FIP applicants/enrollees shall be subject to the provisions of chapters 388-11, 388-13, and 388-14 WAC to the same extent as applicants/recipients of AFDC except as provided in subsection (2) of this section.

(2) All FIP grant and child care expenditures paid to or on behalf of a FIP enrollee, except medical, the cash value of food stamps, and child care expenditures provided under WAC 388-77-737 are covered by the assignment of support under WAC 388-14-200.

(3) An enrollee who fails to cooperate with the office of support enforcement without good cause, as provided for the AFDC program, shall be removed from the Title IV-A portion of the grant and a protective payee shall be established.

(a) An enrollee or enrollees not in the assistance unit, but in the household who has failed to cooperate shall have his or her gross income allocated to the assistance unit.

(b) Applicable incentives, even if attributable to the person who failed to cooperate, shall be provided to the household based on the number of persons remaining in the household.

[Statutory Authority: Chapter 74.21 RCW. 88-18-024 (Order 2683), § 388-77-270, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-270, filed 6/1/88.]

**WAC 388-77-285 Assistance to minors.** (1) The department shall determine eligibility according to WAC



388-77-200 through 388-77-280 if a minor applies for assistance for himself or herself.

(2) Parental consent is not required if an unmarried pregnant minor is requesting medical care. The following applies:

(a) The decision to proceed with medical care rests solely with the minor; and

(b) Involvement and/or consultation with the parent in reaching this decision shall be a matter of individual case judgment.

(3) The department shall not establish the financial eligibility of a minor without determining the parent's ability and willingness to give financial support. See WAC 388-83-130 for responsibility for medical care.

(4) Parental contact is not required when the minor applicant:

(a) Is married; or

(b) Is in the military service; or

(c) Has been declared emancipated by the court of competent jurisdiction prior to applying for assistance; and

(d) Is applying for medical assistance related to pregnancy.

(5) The department shall inform the minor applicant there will be communication with the parent or parents during the period of eligibility determination.

(6) The department shall establish the assistance unit of the minor parent according to WAC 388-77-210 if a minor parent and the minor parent's child reside with the minor's parent.

(7) The department shall consider the income of such parent available to meet the needs of the minor parent as specified in WAC 388-77-210 if the minor parent's parent is not included in the assistance unit of the minor parent.

(8) The department shall treat the legal guardian's income as available to meet the needs of the minor parent if a minor parent's legal guardian has a court-ordered responsibility for the support of such minor parent.

[Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-285, filed 6/1/88.]

**WAC 388-77-320 Resources—Exempt.** In addition to those exempted under aid to families with dependent children in WAC 388-28-005 through 388-28-474 and 388-28-575, the department shall exempt nonexempt real property as long as the enrollee is making a good faith effort to sell the property.

[Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-320, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-320, filed 6/1/88.]

**WAC 388-77-500 Income—Determination of need.**

(1) An applicant is not eligible for FIP cash assistance if nonexempt gross monthly income less disregards, as specified in AFDC, exceeds the payment standard and authorized additional requirements for AFDC in effect at the time of application:

(a) The department shall apply the one hundred eighty-five percent gross income test in WAC 388-28-484(7) to the income of FIP applicants; and

(b) For the purpose of subsection (1) of this section, an applicant shall not have been a recipient of AFDC or an enrollee of FIP for ninety days prior to application.

(2) For FIP enrollees, the AFDC one hundred eighty-five percent gross income test and the AFDC payment standard test shall not apply.

(3) Unless the household qualifies for a hold-harmless payment, an enrollee shall not be eligible for IV-A FIP cash assistance if nonexempt monthly income less disregards exceeds the totals of:

(a) The payment standard for AFDC for the appropriate household size;

(b) Applicable incentives; and

(c) Authorized additional requirements.

(4) An enrollee shall not be eligible for FIP cash assistance when nonexempt income less deductions exceeds the benchmark plus applicable incentives and authorized additional requirements unless the household qualifies for a hold-harmless payment. For the purpose of subsection (4) of this section, the food assistance amount used in the benchmark shall be calculated at eighty percent of the thrifty food plan.

(5) The department shall determine the exempt or nonexempt status of all income.

[Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-500, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-18-024 (Order 2683), § 388-77-500, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-500, filed 6/1/88.]

**WAC 388-77-515 Income—Exempt.** In addition to income exempted under the AFDC program in chapter 388-28 WAC, the department shall exempt the following income from FIP:

(1) Higher education benefits;

(2) The earnings of a child under eighteen years of age;

(3) Retroactive FIP benefits;

(4) Income tax refunds; and

(5) Gifts as follows:

(a) Small nonrecurring gifts, not to exceed thirty dollars per recipient in any quarter;

(b) Gifts to cover the costs of tuition, books, or fees; or

(c) Gifts to cover medical expenses for procedures used to eliminate barriers to employment.

[Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-515, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 90-12-042 (Order 2984), § 388-77-515, filed 5/31/90, effective 7/1/90; 88-12-093 (Order 2630), § 388-77-515, filed 6/1/88.]

**WAC 388-77-520 Income—Deductions.** (1) In computing income for FIP Title IV-A assistance, the only deduction the department shall allow is ten percent from gross earned income.

(2) The department shall not allow the ten percent earned income deduction if earnings are reported after the eighteenth of the process month without good cause.

[Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-520, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and

4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-520, filed 6/1/88.]

**WAC 388-77-525 Income—Self-employment.** Notwithstanding WAC 388-77-520, in addition to those self-employment expenses deducted for AFDC, the department shall deduct income used for capital expenditures which are included as part of a self-sufficiency plan.

[Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-525, filed 6/1/88.]

**WAC 388-77-531 Non recurring lump-sum income.** (1) For the Title IV-A portion of FIP, when a household ceases to be eligible for FIP because of the receipt of non recurring lump-sum income, the department shall follow WAC 388-28-484 (2)(b); except in determining the period of ineligibility.

(2) The period of ineligibility shall be established by following (2)(a) or (2)(b) below, whichever results in the shorter period of ineligibility. The department shall:

(a) Divide the unit's non recurrent lump-sum income, plus other income after applicable disregards following AFDC income rules by the AFDC need standard plus authorized additional requirements; or

(b) Divide the unit's not recurrent lump-sum income, plus other income after applicable deductions following FIP income rules by the benchmark standard plus applicable incentives and authorized additional requirements.

(3) The minimum period of ineligibility shall be one month.

(4) For the purposes of FIP food assistance, the department shall treat non recurring lump sums according to the food stamp program.

[Statutory Authority: RCW 74.21.070. 91-15-086 (Order 3207), § 388-77-531, filed 7/23/91, effective 8/23/91.]

**WAC 388-77-555 Earned income reporting.** (1) The department shall send employed enrollees a form to report their gross earnings and hours worked. This section shall not apply to an employed child.

(2) Approved applicants who are employed shall begin to report their earnings and hours worked the month following the month of opening.

(3) Newly employed enrollees shall report earnings and hours worked in writing beginning the month following the month the department becomes aware of the earnings.

(4) The department shall:

(a) Issue advance and adequate notice of termination to an enrollee who fails to submit a written report and verify earned income and hours worked by the tenth of the process month;

(b) Terminate FIP cash assistance if an enrollee fails to submit a written report and verify earned income and hours worked by the end of the process month;

(c) Disallow AFDC income disregards in the hold-harmless calculation if income is reported after the eighteenth of the process month without good cause.

(5) Earned income reporting shall apply to both the Title IV-A and food assistance portions of FIP in place of mandatory monthly reporting.

[Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-555, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-555, filed 6/1/88.]

**WAC 388-77-600 Standards of assistance—Hold harmless.** (1) The department shall ensure no applicant or enrollee of FIP receives less financial assistance than he or she would otherwise have been entitled to receive as a sum of the AFDC and food stamp programs under the rules in effect January 1, 1988, and as adjusted to reflect all increases in:

(a) The federal food stamp allotment and deductions; and

(b) The Washington state payment standard for AFDC.

(2) The department shall compare the amount the household would have received under the AFDC program (excluding the allowance for the child care) with the FIP IV-A payment. If the AFDC payment amount is greater, the department shall issue a supplement to bring the FIP IV-A payment up to the amount the household would have received on AFDC.

(3) Notwithstanding subsection (2) of this section, the department shall allow the AFDC child care deduction in the hold-harmless computation for the month of conversion to FIP and the month following if such deduction may be allowed for AFDC.

[Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-600, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-18-024 (Order 2683), § 388-77-600, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-600, filed 6/1/88.]

**WAC 388-77-605 Standards of assistance—Benchmark standard.** The benchmark standard for FIP assistance units shall be equal to the sum of the applicable AFDC payment standard for households with shelter costs plus food cash assistance as determined in WAC 388-77-820.

[Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-605, filed 6/1/88.]

**WAC 388-77-610 Standards of assistance—Incentive standards.** (1) The department shall provide enrollees who are teen parents in high school or enrollees who are employed with incentive benefits as follows:

(a) Five percent of the benchmark standard for pregnant or parenting teenage parents under twenty-two years of age who stay in:

(i) High school and progress toward graduation; and

(ii) Participate, when available, in parenting education approved by the office of the superintendent of public instruction or the department.

(b) Fifteen percent of the benchmark standard for enrollees working half time;

(c) Thirty-five percent of the benchmark standard for enrollees working full time.

(2) As described under subsection (1) of this section, the department shall not provide employment incentives for:

(a) Earnings reported after the eighteenth day of the process month unless good cause exists for late reporting; or

(b) Earnings that are exempt or disregarded, except when the earnings are produced by the adult member(s) in the FIP assistance unit.

(3) The department shall provide other FIP enrollees participating in education or training programs approved by ESD or the department with incentive benefits equaling five percent of the benchmark standard.

(4) The department shall allow self-employed enrollees with an approved self-employment plan fifteen percent or thirty-five percent of the benchmark standard based on:

(a) The enrollee's declaration of hours worked for six consecutive months starting with the first month the enrollee is entitled to an incentive for self-employment; and

(b) Thereafter, the hours worked as computed by dividing the enrollee's gross income by the federal minimum wage.

(5) An enrollee's participation in job search skills development or job search activities shall not qualify the enrollee for an incentive under WAC 388-77-610.

(6) The department shall not allow more than one incentive per assistance unit. The department shall allow the incentive at the highest level for which the assistance unit qualifies.

(7) The department shall round incentive payments down to the nearest dollar.

(8) The department shall provide incentives for employment to correspond with the budgeting of income. Incentives for training shall be provided using prospective budgeting.

(9) For the purposes of the incentive computation, the department shall calculate the food assistance amount used in the benchmark at eighty percent of the thrifty food plan. The department shall round the product of the calculation of the eighty percent of the thrifty food plan down to the nearest dollar.

[Statutory Authority: RCW 74.21.070. 91-13-081 (Order 3192), § 388-77-610, filed 6/18/91, effective 7/19/91; 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-610, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 89-03-053 (Order 2757), § 388-77-610, filed 1/13/89; 88-18-024 (Order 2683), § 388-77-610, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-610, filed 6/1/88.]

**WAC 388-77-615 Standards of assistance—Payment amounts.** (1) To determine FIP Title IV-A cash assistance, the department shall deduct nonexempt income, less disregards, from the sum of the applicable AFDC payment standard, the incentive, and authorized additional requirements. The department shall round the amount to be issued down to the nearest dollar.

(2) Payment amounts for enrollees, not in their own home, shall be as in WAC 388-29-125 through 388-29-280.

[Statutory Authority: RCW 74.21.070. 91-01-062, 91-04-041, 91-05-010, 91-05-058 and 91-08-050 (Orders 3113, 3113A, 3113AA, 3113AAA and 3113AAAA), § 388-77-615, filed 12/14/90, 1/31/91, 2/7/91, 2/15/91 and 4/1/91, effective 2/1/91, 2/7/91, 2/15/91, 4/1/91 and 5/1/91. Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-615, filed 6/1/88.]

**WAC 388-77-735 Suspension of FIP cash assistance.**

(1) The department shall suspend FIP cash assistance:

(a) When the enrollee does not submit a written report of earned income; or

(b) For one month when the enrollee's income exceeds one month's payment standard, but is less than the payment standard for two months.

(2) The department shall reinstate a suspended FIP cash assistance grant when the conditions that caused the enrollee to be suspended cease to exist.

[Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-735, filed 6/1/88.]

**WAC 388-77-737 FIP transitional benefits.** The department shall extend FIP noncash benefits for a period of up to twelve months when an enrollee ceases to be income eligible for FIP cash assistance as a result of increased earnings.

[Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-737, filed 6/1/88.]

**WAC 388-77-810 Periodic review and redetermination of eligibility.** The department shall:

(1) Conduct an annual face-to-face interview to redetermine FIP continued eligibility for the Title IV-A and food stamp assistance portions of FIP;

(2) Designate the forms to use during the periodic eligibility review;

(3) Require one set of completed forms from each assistance unit;

(4) Review each eligibility factor that is subject to change; and

(5) Assure the enrollee meets all the eligibility requirements of the program.

[Statutory Authority: Chapter 74.21 RCW. 88-12-093 (Order 2630), § 388-77-810, filed 6/1/88.]

**WAC 388-77-820 Food assistance.** (1) The department shall:

(a) Determine eligibility and benefit amounts for food cash assistance according to the food stamp program in chapter 388-49 WAC; except:

(b) For enrollees, disregard the following additional types of income in determining the food stamp benefit amount:

(i) The FIP incentive and the value of child care provided under FIP;

(ii) Higher education benefits;

(iii) Earned income tax credit;

(iv) Retroactive FIP benefits;

(v) Any fifty dollar child support pass-through payment received in the month;

(vi) Earnings of a child seventeen years of age and under; and

(vii) Self-employment income used for capital expenditures included as part of a self-sufficiency plan.

(2) For enrollees, the department shall pay the food stamp cash equivalent as a grant;

(3) For enrollees, the department shall verify eligibility factors as in WAC 388-77-045;

(4) The department shall consider households with all FIP members as categorically eligible for food stamp cash assistance;

(5) The department shall follow earned income reporting rules in WAC 388-77-555 instead of mandatory monthly reporting;

(6) The department shall determine eligibility and benefit amount for nonassistance households with a FIP member or members according to chapter 388-49 WAC, except:

(a) FIP members shall receive a prorated amount of benefits as food cash assistance; and

(b) Non-FIP members shall receive a prorated amount of benefits in food stamps; and

(c) The provisions of WAC 388-77-820 (1), (2), and (3) shall apply to the FIP members of the mixed household.

[Statutory Authority: Chapter 74.21 RCW. 89-21-048 (Order 2879), § 388-77-820, filed 10/13/89, effective 11/13/89; 89-03-053 (Order 2757), § 388-77-820, filed 1/13/89; 88-18-025 (Order 2684), § 388-77-820, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-820, filed 6/1/88.]

**WAC 388-77-900 Overpayments.** The department shall assess and recover overpayments of FIP benefits in the same manner and under the same authority as overpayments in prior programs. All grant, incentive, child care, food assistance, and medical overpayments provided under FIP shall be subject to recovery.

(1) FIP overpayments may be recovered from non-FIP grants.

(2) Non-FIP overpayments may be recovered from FIP grants.

(3) FIP food assistance overpayments may be recovered from only food stamps or FIP food assistance. For FIP food assistance, the department shall follow procedures for a:

(i) Food stamp overpayment; and

(ii) Fraud hearing.

(4) For ineligibility resulting from increased earned income, the department shall not establish an overpayment for the month in which the increase occurred if the increase was timely reported.

[Statutory Authority: Chapter 74.21 RCW. 88-18-024 (Order 2683), § 388-77-900, filed 8/30/88; 88-12-093 (Order 2630), § 388-77-900, filed 6/1/88.]

**Chapter 388-77A WAC  
FAMILY INDEPENDENCE PROGRAM  
EXPIRATION**

**WAC**

388-77A-010	Purpose.
388-77A-020	Benefit change limitations.
388-77A-030	Standards of assistance—Family independence program (FIP) households entitled to employment incentive payments earned in May and June 1993.
388-77A-040	Transitional child care.
388-77A-041	Medical benefits.
388-77A-050	Fair hearing—Continuation of benefits.
388-77A-055	Pretermination redetermination.

**WAC 388-77A-010 Purpose.** Chapter 74.21 RCW authorizing the family independence program (FIP) expires on June 30, 1993. The department shall convert FIP enrollees to regular AFDC, food assistance, medical assis-

tance and the job opportunities basic skills and training program (JOBS) in the five FIP demonstration sites and the ten remaining FIP and AFDC combined sites on July 1, 1993.

[Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-010, filed 5/27/93, effective 7/1/93.]

**WAC 388-77A-020 Benefit change limitations.** (1) The department shall not change an enrollee's benefits and/or services as a result of this program change prior to July 1, 1993.

(2) The department shall not change an enrollee's benefits before the enrollee receives written notice of the proposed action.

[Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-020, filed 5/27/93, effective 7/1/93.]

**WAC 388-77A-030 Standards of assistance—Family independence program (FIP) households entitled to employment incentive payments earned in May and June 1993.** (1) The department shall pay to households who are eligible for AFDC at the end of the FIP demonstration project on June 30, 1993, an incentive payment when all of the following conditions apply:

(a) The household is eligible to receive a July 1993 AFDC IV-A grant payment;

(b) The household received a FIP-IV-A grant payment in June of 1993;

(c) An eligible member of the household earned a FIP employment incentive in May of 1993;

(d) The household was in a retrospective budgeting cycle for the report month of May; and

(e) The income earned and the hours worked are reported by the eighteenth of the process month, unless there is good cause for late reporting.

(2) The department shall pay to households who are eligible for AFDC at the end of the FIP demonstration project on June 30, 1993, an incentive payment when all of the following conditions apply:

(a) The household is eligible to receive an August 1993 AFDC IV-A grant payment;

(b) The household received a FIP-IV-A grant payment in June of 1993;

(c) An eligible member of the household earned a FIP employment incentive in June of 1993;

(d) The household was in a retrospective budgeting cycle for the report month of June; and

(e) The income earned and the hours worked are reported by the eighteenth of the process month, unless there is good cause for late reporting.

(3) For the purpose of this rule, the incentive payment shall be calculated in the following manner:

(a) The department shall determine what the FIP-IV-A cash assistance would have been using under WAC 388-77A-030(4);

(b) The department shall determine what IV-A cash benefits the household is eligible to receive under the AFDC chapter 388-28 WAC;

(c) The department shall compare the amounts in subsection (4) of this section and chapter 388-28 WAC. If the amount determined under subsection (4) is greater, the

department shall issue a supplement to bring the AFDC IV-A payment up to the amount the household would have received on FIP.

(4) For the purpose of this rule FIP-IV-A cash assistance benefits shall be calculated as follows:

(a) The department shall deduct nonexempt income, less disregards, from the sum of the applicable AFDC payment standard, the incentive, and authorized additional requirements. The department shall round the amount to be issued down to the nearest dollar;

(b) The department's benchmark standard for FIP assistance units shall be equal to the sum of the applicable AFDC payment standard for households with shelter costs plus eighty percent of the thrifty food plan;

(c) The department shall treat earned income as follows:

(i) In computing income for FIP Title IV-A assistance, the only deduction the department shall allow is ten percent from gross earned income. The department shall disallow this deduction when earnings are reported after the eighteenth of the process month without good cause for late reporting;

(ii) In addition to income exempted under the AFDC program in chapter 388-28 WAC, the department shall exempt from the FIP calculation the earnings of a child seventeen years of age or younger.

(d) The department shall treat unearned income the same as AFDC as described under chapter 388-28 WAC;

(e) The department shall provide enrollees who are employed with incentive benefits as follows:

(i) Fifteen percent of the benchmark standard for enrollees working half-time (seventy-five to one hundred forty-nine hours per month);

(ii) Thirty-five percent of the benchmark standard for enrollees working full-time (one hundred fifty or more hours per month).

(f) Incentives shall not be provided for earnings:

(i) Reported after the eighteenth day of the process month unless good cause exists for late reporting; or

(ii) That are exempt or disregarded, except when the earnings are produced by an adult member in the assistance unit.

(g) Incentives for self-employed enrollees with an approved self-employment plan will be based on:

(i) The enrollee's declaration of the hours worked for six consecutive months starting with the first month the enrollee is entitled to an incentive for self-employment; and

(ii) Thereafter, the hours worked as computed by dividing the enrollee's gross income by the federal minimum wage.

(h) The incentive paid shall be the highest for which the assistance unit qualifies. The department shall not allow more than one incentive per assistance unit;

(i) Incentives shall be rounded down to the nearest dollar;

(j) Incentive payment shall be disregarded in the food stamp calculations.

[Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-030, filed 5/27/93, effective 7/1/93.]

**WAC 388-77A-040 Transitional child care.** (1) The department shall find a person receiving family independence

program (FIP) noncash child care on June 30, 1993, eligible for family support act (FSA) child care based on FSA requirements as of July 1, 1993.

(2) The following households shall be eligible for FSA transitional child care for up to twelve months effective July 1, 1993:

(a) Those with earnings less than one hundred thirty-five percent of the benchmark plus incentives but over the payment standard on June 30, 1993; and

(b) Those who are not eligible for a IV-A cash payment on July 1, 1993, due to the termination of FIP employment incentives on June 30, 1993.

(3) A person the department determines eligible for FSA child care under subsections (1) and (2) shall continue to receive FSA child care for the remainder of the time authorized under FIP.

[Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-040, filed 5/27/93, effective 7/1/93.]

**WAC 388-77A-041 Medical benefits.** (1) The department shall find a person receiving medical benefits under WAC 388-83-029(4) on June 30, 1993:

(a) Eligible for extended medical benefits under WAC 388-83-029 as of July 1, 1993; and

(b) Subject to reporting requirements as of July 1, 1993.

(2) The department shall find:

(a) A person receiving FIP transitional medical benefits under WAC 388-77-037 and 388-83-029(6) on June 30, 1993; and

(b) Households not eligible for a IV-A cash payment on July 1, 1993, due to the termination of FIP employment incentives on June 30, 1993:

(i) Eligible for extended medical assistance benefits under WAC 388-83-029 (3) and (5) as of July 1, 1993; and

(ii) Not subject to reporting requirements under WAC 388-83-029 as of July 1, 1993.

(3) The department shall determine a person eligible for extended medical assistance benefits to be eligible for these benefits for the remainder of the certification period as authorized under FIP.

[Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-041, filed 5/27/93, effective 7/1/93.]

**WAC 388-77A-050 Fair hearing—Continuation of benefits.** (1) When a FIP enrollee files a request for fair hearing according to chapter 388-08 WAC within the advance notice period, assistance shall not be continued when the sole issue is one of state or federal law requiring automatic grant adjustment for classes of recipients unless the reason for an individual appeal is an incorrect grant, benefit, or service computation.

(2) The following specific FIP program components require automatic grant adjustments for FIP enrollees as a result of the expiration of the FIP law:

(a) Discontinuance of the FIP program effective June 30, 1993;

(b) Discontinuance of qualifying for FIP five percent, fifteen percent and thirty-five percent incentive payments effective June 30, 1993; HOWEVER, any factual issue concerning budgeting of earnings or the availability of incentive payments for earnings received in May and June of

1993 is one of individual benefit computation for which continued Title IV-A benefits shall be provided;

(c) Discontinuance of FIP food cash assistance rather than food stamp benefits effective June 30, 1993;

(d) Discontinuance of payment of a full grant for persons living in supplied shelter; HOWEVER, any factual issue on whether shelter is supplied is one of individual benefit computation for which continued Title IV-A benefits shall be provided.

(3) When benefits are continued pending a fair hearing the continued payment shall not exceed the maximum payment standard in effect for the AFDC program on July 1, 1993.

[Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-050, filed 5/27/93, effective 7/1/93.]

**WAC 388-77A-055 Pretermination redetermination.**

(1) Prior to termination of benefits received by an enrollee under FIP, the department shall determine whether, effective July 1, 1993, the enrollee is eligible for assistance under ongoing non-FIP programs. Enrollees shall have their eligibility and benefits determined according to the rules for these programs. AFDC eligibility rules regarding income, work quarters, and excess real property are contained in WAC 388-24-074, 388-28-425, and 388-28-570.

(2) Advance and adequate notice of termination of FIP benefits shall also include notice of approval or denial of eligibility for assistance under the program specified in subsection (1) of this section.

(3) Any notice of denial, or of continued services with reduced benefits, shall include the reason(s) for such eligibility determination.

[Statutory Authority: RCW 74.04.057. 93-12-058 (Order 3561), § 388-77A-055, filed 5/27/93, effective 7/1/93.]

**Chapter 388-78 WAC**

**SUPPORT SERVICES FOR ASSESSMENT AND EMPLOYMENT AND TRAINING PROGRAMS IN THE FAMILY INDEPENDENCE PROGRAM**

**WAC**

388-78-005	General provisions.
388-78-010	Definitions.
388-78-015	Supportive social services.
388-78-020	Self-sufficiency plan.
388-78-100	FIP employment and training requirements.
388-78-120	Grievance procedure and administrative reviews and appeals.
388-78-205	FIP child care.
388-78-210	Standards for child care providers.
388-78-215	Payment standards for child care services.
388-78-220	Child day care co-payments.

**WAC 388-78-005 General provisions.** (1) The following rules are adopted under authority of chapter 74.21 RCW.

(2) All decisions related to eligibility, participation, and work and training activities are subject to fair hearing rules according to chapter 388-08 WAC.

[Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-005, filed 6/1/88.]

**WAC 388-78-010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Assessment" means both a FIP orientation and an evaluation of the enrollee's readiness to pursue employment, education, or training and other services available to help the enrollee to achieve self-sufficiency. Normally, the orientation and the evaluation will each take one appointment.

(2) "Child care" means the selection and payment of appropriate day care resources to enable assessment and participation in the FIP self-sufficiency plan.

(3) "Department" means the department of social and health services.

(4) "Enrollee" means the head of household and/or family member of a family eligible to receive financial assistance or other services under the family independence program.

(5) "Fair hearing" means an administrative proceeding under chapter 34.04 RCW by which the office of administrative hearings hears and decides the appeal of an enrollee from an action or decision of the department.

(6) "FIP" means the family independence program pursuant to chapter 74.21 RCW.

(7) "Incapacity" for FIP means the existence of a physiological, emotional, and/or mental impairment, defect, illness, or loss which is supported by competent medical testimony and is of such a debilitating nature as to reduce substantially or eliminate the person's ability to support or care for his or her child or children. Criteria for determining incapacity are listed in WAC 388-77-230.

(8) "Participation" means the active pursuit by a FIP enrollee of employment and training plans agreed to in the self-sufficiency plan.

(9) "Self-sufficiency plan" means a written plan agreed to and signed by a FIP enrollee and the department that is intended to prepare the enrollee for long-term unsubsidized employment and economic independence.

[Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-010, filed 6/1/88.]

**WAC 388-78-015 Supportive social services.** (1)

The department shall provide supportive social services, within available funding, to an enrollee in the family independence program to enable his or her accomplishment of the self-sufficiency plan. These services may include, but are not limited to:

- (a) Child care;
- (b) Medical and dental assistance not otherwise available to a participant;
- (c) Parenting education;
- (d) Training in family responsibility and management skills;
- (e) Financial management counseling;
- (f) Family planning information and referral;
- (g) Mentor services; and
- (h) Personal counseling.

(2) The department shall refer enrollees to other departmental services and services of other agencies as judged necessary. These may include, but are not limited to:

- (a) Mental health services;
- (b) Vocational rehabilitation services;

- (c) Legal assistance;
- (d) Alcohol and substance abuse treatment resources;
- (e) Developmental disabilities services;
- (f) Displaced homemaker program services;
- (g) Child and adult protective services; and
- (h) Other community-based organization services.

(3) When the department of social and health services has approved funding to support an approved self-sufficiency plan, such funding shall continue, subject to annual review and available funding, for the duration of the enrollee's approved self-sufficiency plan.

[Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-015, filed 6/1/88.]

**WAC 388-78-020 Self-sufficiency plan.** (1) The department shall consult with employment security FIP staff, when requested, in the development of the self-sufficiency plan.

(2) The department shall provide social casework and referral services, when requested, to enable the enrollees to accomplish the self-sufficiency plan.

(3) The self-sufficiency plan is subject to the approval of the department of social and health services.

[Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-020, filed 6/1/88.]

**WAC 388-78-100 FIP employment and training requirements.** (1) The department shall require all FIP enrollees to participate in assessment activities with the following exceptions:

- (a) An enrollee who is on FIP assistance for the first time until the enrollee has been on FIP assistance for six months;
- (b) A person under 16 years of age or over 64 years of age;
- (c) A person over 16 years of age who is in high school;
- (d) A person who is incapacitated, temporarily ill, or is needed at home to care for an impaired person; and
- (e) A person who is in the third trimester of pregnancy.

(2) An enrollee exempt from mandatory assessment may volunteer for assessment.

(3) Enrollee participation beyond assessment in FIP employment and training programs is voluntary.

[Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-100, filed 6/1/88.]

**WAC 388-78-120 Grievance procedure and administrative reviews and appeals.** (1) An enrollee aggrieved by a decision of the department shall have the right to present a written grievance to the supervisor of the line worker.

(2) The supervisor shall make a decision on a grievance and notify the recipient in writing within 10 days of receipt of the grievance.

(3) The enrollee shall have the right to present the grievance in writing to the local office administrator if the enrollee is not satisfied with the decision of the supervisor.

(4) The local office administrator shall make a decision on a grievance and send the enrollee a written notice of the

decision within 10 days of receipt of the grievance. This notice terminates the grievance procedure.

(5) The exercise of the right or the failure to exercise the right to pursue a grievance shall not in any way preclude or prejudice the exercise of any rights the enrollee may have under fair hearing, chapter 388-08 WAC.

(6) The department may choose to respond to the grievance by informing the enrollee that the department prefers to resolve the matter through the administrative or judicial review process if administrative or judicial review is pending on the same issue.

(7) An enrollee aggrieved by an action or decision of the department, including requiring or denying participation in a work, training, or education activity, has the right to request a fair hearing to be conducted by the office of administrative hearings in accordance with chapters 34.04 and 34.12 RCW. The aggrieved person is entitled to all fair hearing rights provided under RCW 74.08.070 and to rights of judicial review therefrom as provided in RCW 74.08.080.

[Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-120, filed 6/1/88.]

**WAC 388-78-205 FIP child care.** The department shall:

(1) Authorize and make child care payments necessary to enable an enrollee to work and to allow teenage parents to remain in school.

(2) Provide information to an enrollee about:

- (a) Selection of child care providers;
- (b) Community child care resources; and
- (c) Child care subsidies available through the department.

(3) Subject to annual review, and within available funds, make child care payments as a part of an approved self-sufficiency plan for job search, training, and education until the enrollee is no longer eligible for FIP benefits.

[Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-205, filed 6/1/88.]

**WAC 388-78-210 Standards for child care providers.** (1) The department shall pay only child care providers who are in compliance with statutory licensing requirements.

(2) The department shall pay a school-operated child care program that demonstrates compliance with state child day care minimum licensing standards.

(3) The department shall pay an in-home child care provider only after the department has provided the enrollee with information about the criteria for selecting an in-home child care provider. The criteria are that the provider be:

- (a) Eighteen years of age or older;
- (b) Free of communicable disease;
- (c) Of sufficient physical, emotional, and mental health to meet the needs of the children in care;
- (d) Able to work with children without using physical punishment or psychological abuse; and
- (e) Prompt and regular in job attendance.

[Statutory Authority: Chapter 74.21 RCW. 89-08-050 (Order 2781), § 388-78-210, filed 3/31/89; 88-12-088 (Order 2628), § 388-78-210, filed 6/1/88.]

**WAC 388-78-215 Payment standards for child care services.** (1) The department shall develop a payment system which includes:

(a) A rate that reflects the higher costs associated with providing care for infants, toddlers, and children with special needs;

(b) A rate that reflects geographic variations in the cost of care; and

(c) A process for periodic review of a rate. The process shall include:

(i) A survey of a prevailing child care rate; and

(ii) Creation of a rate advisory committee which shall make recommendations to the FIP executive committee.

(2) Payment for child care shall not exceed the maximum rate adopted by the FIP executive committee.

(3) The department shall not pay the father, mother, brother, sister, stepfather, stepmother, stepbrother, or stepsister of the child for child care. Care by other relatives is considered in-home care whether provided in the relative's home or in the child's home.

(4) When a relative provides child care services as a licensed child care provider, the department shall pay the applicable out-of-home rate for the type of care.

(5) The department shall pay the enrollee when the enrollee selects in-home care. The enrollee shall pay the in-home caregiver the amounts authorized in the approved child care plan.

(6) When the anticipated payments to an in-home caregiver are fifty dollars or more in a calendar quarter, the department shall add the employer's share of the FICA tax to the amount authorized.

(7) The department shall issue an authorizing voucher to the parent and pay the provider, based on the terms of the voucher, when the enrollee selects out-of-home care.

[Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-215, filed 6/1/88.]

**WAC 388-78-220 Child day care co-payments.** The department shall provide child care subsidies to an enrollee who has terminated from FIP cash assistance due to increased earnings, subject to the following limitations:

(1) The department shall provide services on a co-payment basis;

(2) Subsidization of child care services shall not extend more than 12 months following termination of cash assistance;

(3) An enrollee shall participate in the cost of care not to exceed 25 percent of the cost of care or 25 percent of the amount by which the family's income exceeds 135 percent of the benchmark, whichever is the lesser amount; and

(4) An enrollee shall pay the co-payment share of the child care costs directly to the child care provider.

[Statutory Authority: Chapter 74.21 RCW. 88-12-088 (Order 2628), § 388-78-220, filed 6/1/88.]

## Chapter 388-81 WAC

### MEDICAL CARE—ADMINISTRATION—GENERAL

#### WAC

388-81-175

Audit dispute resolution.

388-81-200

Appeal of adverse department action—  
Contractor/provider.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-81-005	Medical care program. [Statutory Authority: RCW 74.08.090. 81-16-033 (Order 1685), § 388-81-005, filed 7/29/81; 81-10-014 (Order 1646), § 388-81-005, filed 4/27/81; 80-13-020 (Order 1542), § 388-81-005, filed 9/9/80; Order 1233, § 388-81-005, filed 8/31/77; Order 833, § 388-81-005, filed 7/26/73; Order 264 (part), § 388-81-005, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-81-010	Civil rights. [Statutory Authority: RCW 74.08.090. 79-01-002 (Order 1359), § 388-81-010, filed 12/8/78; Order 1233, § 388-81-010, filed 8/31/77; Order 264 (part), § 388-81-010, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-81-015	Institution of control. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-81-015, filed 9/9/80; Order 264 (part), § 388-81-015, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-81-017	Requirements for advance directives. [Statutory Authority: RCW 74.08.090 and the Omnibus Reconciliation Act of 1990. 92-05-050 (Order 3318), § 388-81-017, filed 2/13/92, effective 3/15/92.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-81-020	Vendor reports—Collection and analysis of statistical data. [Order 264 (part), § 388-81-020, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-81-025	Eligibility—General. [Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-81-025, filed 12/3/81; 81-16-033 (Order 1685), § 388-81-025, filed 7/29/81; 81-10-014 (Order 1646), § 388-81-025, filed 4/27/81; 80-13-020 (Order 1542), § 388-81-025, filed 9/9/80; Order 1112, § 388-81-025, filed 4/15/76; Order 472, § 388-81-025, filed 8/19/70; Order 299, § 388-81-025, filed 9/6/68; Order 264 (part), § 388-81-025, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-81-030	Case exception. [Statutory Authority: RCW 74.08.090. 91-07-011 (Order 3150), § 388-81-030, filed 3/11/91, effective 4/11/91; 82-17-072 (Order 1868), § 388-81-030, filed 8/18/82; 80-13-020 (Order 1542), § 388-81-030, filed 9/9/80; Order 1112, § 388-81-030, filed 4/15/76; Order 299, § 388-81-030, filed 9/6/68; Order 264 (part), § 388-81-030, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-81-035	Confidential records. [Order 264 (part), § 388-81-035, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-81-038	Medical services request. [Statutory Authority: RCW 74.08.090. 92-20-014 (Order 3461), § 388-81-038, filed 9/24/92, effective 10/25/92; 92-03-084 (Order 3309), § 388-81-038, filed 1/15/92, effective 2/15/92.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
388-81-040	Fair hearing. [Statutory Authority: RCW 74.08.090. 81-10-014 (Order 1646), § 388-81-040, filed 4/27/81; 80-13-020 (Order 1542), § 388-81-040, filed 9/9/80; 78-10-077



- (Order 1346), § 388-81-040, filed 9/27/78; Order 1112, § 388-81-040, filed 4/15/76; Order 952, § 388-81-040, filed 7/16/74; Order 578, § 388-81-040, filed 7/20/71; Order 299, § 388-81-040, filed 9/6/68; Order 264 (part), § 388-81-040, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-81-042 Fair hearing—Provider. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-81-042, filed 9/9/80.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-81-043 Administrative appeal—Rate—Contractor/provider. [Statutory Authority: RCW 74.08.090. 93-24-059 (Order 3675), § 388-81-043, filed 11/24/93, effective 12/25/93; 90-12-063 (Order 3021), § 388-81-043, filed 5/31/90, effective 7/1/90; 89-05-029 (Order 2758), § 388-81-043, filed 2/13/89; 84-02-053 (Order 2061), § 388-81-043, filed 1/4/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-81-044 Interest penalties—Providers. [Statutory Authority: RCW 74.08.090. 84-02-053 (Order 2061), § 388-81-044, filed 1/4/84.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-81-045 Procedure prior to fair hearing. [Order 264 (part), § 388-81-045, filed 11/24/67.] Repealed by Order 299, filed 9/6/68.
- 388-81-047 Recovery from estates. [Statutory Authority: RCW 74.08.090 and 1993 c 272. 93-16-045 (Order 3606), § 388-81-047, filed 7/28/93, effective 8/28/93. Statutory Authority: RCW 74.08.090 and 43.20B.140. 92-07-029 (Order 3338), § 388-81-047, filed 3/10/92, effective 4/10/92. Statutory Authority: RCW 74.08.090. 88-03-050 (Order 2585), § 388-81-047, filed 1/19/88.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-81-050 Restitution. [Statutory Authority: RCW 74.08.090. 92-07-028 (Order 3337), § 388-81-050, filed 3/10/92, effective 4/10/92; 81-10-014 (Order 1646), § 388-81-050, filed 4/27/81; 78-02-024 (Order 1265), § 388-81-050, filed 1/13/78; Order 299, § 388-81-050, filed 9/6/68; Order 264 (part), § 388-81-050, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-81-052 Receipt of resources without giving adequate consideration. [Statutory Authority: 1989 c 87. 89-18-032 (Order 2859), § 388-81-052, filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090. 84-04-068 (Order 2073), § 388-81-052, filed 2/1/84; 82-23-002 (Order 1897), § 388-81-052, filed 11/4/82; 82-10-017 (Order 1776), § 388-81-052, filed 4/28/82.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-81-055 Fraud. [Statutory Authority: RCW 74.08.090. 81-10-014 (Order 1646), § 388-81-055, filed 4/27/81; Order 299, § 388-81-055, filed 9/6/68; Order 264 (part), § 388-81-055, filed 11/24/67.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-81-060 Medicare cost sharing. [Statutory Authority: RCW 74.08.090 and House—Congressional Record Section 4501(b) of OBRA. 93-04-024 (Order 3502), § 388-81-060, filed 1/27/93, effective 2/27/93. Statutory Authority: RCW 74.08.090. 90-18-006 (Order 3060), § 388-81-060, filed 8/23/90, effective 9/23/90; 89-05-029 (Order 2758), § 388-81-060, filed 2/13/89; 81-10-014 (Order 1646), § 388-81-060, filed 4/27/81; Order 911, § 388-81-060, filed 3/1/74; Order 833, § 388-81-060, filed 7/26/73; Order 299, § 388-81-060, filed 9/6/68.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-81-065 Medical care client co-payment. [Statutory Authority: RCW 74.08.090 and SB 5304, § 231. 93-16-036 (Order 3596), § 388-81-065, filed 7/28/93, effective 9/1/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-81-070 Determination of maternity care distressed areas. [Statutory Authority: RCW 74.08.090. 91-23-080 (Order 3282), § 388-81-070, filed 11/19/91, effective 12/20/91; 89-22-033 (Order 2883), § 388-81-070, filed 10/27/89, effective 11/27/89.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.
- 388-81-100 Patient requiring regulation (PRR). [Statutory Authority: RCW 74.08.090. 93-11-047 (Order 3544), § 388-81-100, filed 5/12/93 effective 6/12/93.] Repealed by 94-10-065 (Order 3732), filed 5/3/94, effective 6/3/94. Statutory Authority: RCW 74.08.090.

**WAC 388-81-175 Audit dispute resolution.** Medical care providers may appeal audit findings as described under chapter 388-41 WAC.

[Statutory Authority: RCW 74.08.090. 93-24-059 (Order 3675), § 388-81-175, filed 11/24/93, effective 12/25/93.]

**WAC 388-81-200 Appeal of adverse department action—Contractor/provider.** (1) A medical care contractor/provider may appeal medical assistance administration (MAA) contract action involving termination, nonrenewal, or other adverse MAA action concerning the contract by filing a request for a dispute conference with the MAA. Adverse action involving medical audit disputes shall be covered under chapter 388-41 WAC and rates under WAC 388-81-043.

(2) "Dispute conference," for this section, means an informal administrative procedure, not governed by the Administrative Procedure Act, chapter 34.05 RCW. A dispute conference shall be the only and final administrative appeal level within the department and shall precede judicial action.

(3) Unless otherwise specified, the contractor/provider shall provide a written request for a dispute conference within thirty calendar days of the receipt of the department's notice.

(4) Contractor/provider request for a dispute conference shall include a statement of the actions appealed and supporting justification.

(5) The department shall not consider a contractor/provider request for a dispute conference filed after thirty calendar days of the receipt of adverse action notice. The contractor/provider shall forfeit the right to a dispute conference.

(6) MAA shall conduct the dispute conference within ninety calendar days of the receipt of dispute request.

(7) MAA may request additional information within thirty calendar days of receipt of the request for a dispute conference. When additional information is requested, the contractor/provider shall have thirty calendar days to submit the information. MAA shall schedule the conference within thirty calendar days of the receipt of the complete information.

(8) The dispute conference chairperson shall issue the final decision within thirty calendar days of the hearing.

(9) MAA may grant extensions of time for extenuating circumstances.

[Statutory Authority: RCW 74.08.090. 93-24-059 (Order 3675), § 388-81-200, filed 11/24/93, effective 12/25/93.]

Chapter 388-86 WAC

MEDICAL CARE—SERVICES PROVIDED

WAC

- 388-86-005 Services available to recipients of categorical needy medical assistance.
- 388-86-009 Voluntary prepaid health plans.
- 388-86-00902 Mandatory prepaid health care plans.
- 388-86-011 Advanced registered nurse practitioners (ARNP) services.
- 388-86-012 Audiometric services.
- 388-86-015 Blood.
- 388-86-017 Case management services.
- 388-86-018 Coordinated community aids service alternatives (CCASA) program services.
- 388-86-019 Chiropractic services.
- 388-86-020 Dental services.
- 388-86-021 Dentures.
- 388-86-022 School medical services for special education students.
- 388-86-024 Enhanced benefits for pregnant women.
- 388-86-027 Early and periodic screening, diagnosis and treatment of eligible individuals twenty years of age and younger.
- 388-86-030 Eyeglasses and examinations.
- 388-86-035 Family planning.
- 388-86-04001 Hearing aids.
- 388-86-045 Home health services.
- 388-86-047 Hospice services.
- 388-86-050 Inpatient hospital care.
- 388-86-051 Selective contracting program.
- 388-86-055 Laboratory services.
- 388-86-059 Licensed midwife services.
- 388-86-067 Mental health center services.
- 388-86-071 Private duty nursing services.
- 388-86-073 Occupational therapy.
- 388-86-075 Outpatient and emergency care.
- 388-86-080 Oxygen service.
- 388-86-085 Transportation (other than ambulance).
- 388-86-086 Ambulance services.
- 388-86-087 Personal care services.
- 388-86-090 Physical therapy.
- 388-86-095 Physicians' services.
- 388-86-09601 Podiatric services.
- 388-86-097 Respiratory therapy services.
- 388-86-098 Speech therapy services.
- 388-86-100 Durable medical equipment, prosthetic devices, and disposable/nonreusable medical supplies.
- 388-86-105 Voluntary agency.
- 388-86-110 X-ray services.
- 388-86-112 Physical medicine and rehabilitation evaluation and treatment.
- 388-86-115 Medical care provided out-of-state.
- 388-86-120 Medical care services.
- 388-86-200 Limits on scope of medical program services.
- 388-86-300 Chemical dependency outpatient services.

- 11/4/87; 87-06-004 (Order 2471), § 388-86-00901, filed 2/19/87; 86-21-120 (Order 2437), § 388-86-00901, filed 10/21/86.] Repealed by 92-13-029 (Order 3401), filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 74.08.090.
- 388-86-010 Anesthetization services. [Order 264 (part), § 388-86-010, filed 11/24/67.] Repealed by 80-13-020 and 80-15-034 (Order 1542 and 1554), filed 9/9/80 and 10/9/80. Statutory Authority: RCW 74.08.090.
- 388-86-023 Chiropractic services. [Statutory Authority: RCW 74.08.090. 80-15-034 (Order 1554), § 388-86-023, filed 10/9/80; 78-02-024 (Order 1265), § 388-86-023, filed 1/13/78; Order 1166, § 388-86-023, filed 10/27/76; Order 1112, § 388-86-023, filed 4/15/76; Order 891, § 388-86-023, filed 12/27/73; Order 696, § 388-86-023, filed 6/29/72; Order 581, § 388-86-023, filed 7/20/71; Order 453, § 388-86-023, filed 5/20/70, effective 6/20/70; Order 385, § 388-86-023, filed 8/27/69.] Repealed by 81-10-015 (Order 1647), filed 4/27/81. Statutory Authority: RCW 74.08.090.
- 388-86-02301 Chiropractic services. [Statutory Authority: RCW 74.08.090. 83-17-073 (Order 2011), § 388-86-02301, filed 8/19/83.] Repealed by 89-18-033 (Order 2860), filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090.
- 388-86-025 Drugs and pharmaceutical supplies. [Order 264 (part), § 388-86-025, filed 11/24/67.] Repealed by Order 316, filed 10/31/68.
- 388-86-032 Exceptions—Treatment for acute and emergent conditions. [Statutory Authority: RCW 74.08.090. 79-06-034 (Order 1402), § 388-86-032, filed 5/16/79; Order 1203, § 388-86-032, filed 4/1/77; Order 680, § 388-86-032, filed 5/10/72; Order 581, § 388-86-032, filed 7/20/71.] Repealed by 80-15-034 (Order 1554), filed 10/9/80. Statutory Authority: RCW 74.08.090.
- 388-86-040 Hearing aids. [Statutory Authority: RCW 74.08.090. 88-19-030 (Order 2692), § 388-86-040, filed 9/12/88; 86-10-022 (Order 2368), § 388-86-040, filed 5/1/86; 85-18-064 (Order 2278), § 388-86-040, filed 9/4/85; 84-02-055 (Order 2063), § 388-86-040, filed 1/4/84; 83-10-077 (Order 1958), § 388-86-040, filed 5/4/83; 82-01-001 (Order 1725), § 388-86-040, filed 12/3/81; 81-16-033 (Order 1685), § 388-86-040, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-040, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-040, filed 10/9/80; 78-02-024 (Order 1265), § 388-86-040, filed 1/13/78; Order 1202, § 388-86-040, filed 4/1/77; Order 1151, § 388-86-040, filed 9/8/76; Order 738, § 388-86-040, filed 11/22/72; Order 607, § 388-86-040, filed 9/22/71; Order 335, § 388-86-040, filed 2/3/69; Order 264 (part), § 388-86-040, filed 11/24/67.] Repealed by 94-07-022 (Order 3712), filed 3/8/94, effective 4/8/94. Statutory Authority: RCW 74.08.090.
- 388-86-060 Medical care for prisoners. [Order 444, § 388-86-060, filed 4/15/70; Order 412, § 388-86-060, filed 12/23/69; Order 264 (part), § 388-86-060, filed 11/24/67.] Repealed by 86-09-007 (Order 2364), filed 4/4/86. Statutory Authority: RCW 74.08.090.
- 388-86-065 Medical-social services. [Order 264 (part), § 388-86-065, filed 11/24/67.] Repealed by 80-15-034 (Order 1554), filed 10/9/80. Statutory Authority: RCW 74.08.090.
- 388-86-070 Nursing services. [Order 1112, § 388-86-070, filed 4/15/76; Order 938, § 388-86-070, filed 5/23/74; Order 264 (part), § 388-86-070, filed 11/24/67.] Repealed by 78-02-024 (Order 1265), filed 1/13/78. Statutory Authority: RCW 74.08.090.
- 388-86-083 Patient care supplies. [Order 499, § 388-86-083, filed 12/2/70.] Repealed by Order 1112, filed 4/15/76.
- 388-86-096 Podiatry. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-86-096, filed 9/9/80.] Repealed by 81-10-016 (Order 1648), filed 4/27/81. Statutory Authority: RCW 74.08.090.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 388-86-008 Recipient overutilization. [Statutory Authority: RCW 74.08.090. 89-24-038 (Order 2909), § 388-86-008, filed 12/1/89, effective 1/1/90; 85-09-002 (Order 2220), § 388-86-008, filed 4/4/85; 82-17-069 (Order 1865), § 388-86-008, filed 8/18/82; 82-01-001 (Order 1725), § 388-86-008, filed 12/3/81; 80-13-020 (Order 1542), § 388-86-008, filed 9/9/80; 78-02-024 (Order 1265), § 388-86-008, filed 1/13/78.] Repealed by 93-11-047 (Order 3544), filed 5/12/93, effective 6/12/93. Statutory Authority: RCW 74.08.090.
- 388-86-00901 Kitsap Physicians Service—Sound Care Plan. [Statutory Authority: RCW 74.08.090. 91-08-012 (Order 3153), § 388-86-00901, filed 3/26/91, effective 4/26/91; 90-04-014 (Order 2936), § 388-86-00901, filed 1/29/90, effective 3/1/90; 87-22-093 (Order 2554), § 388-86-00901, filed

**WAC 388-86-005 Services available to recipients of categorical needy medical assistance.** (1) The department shall provide the following Title XIX mandatory services:

- (a) Early and periodic screening diagnosis and treatment services to an eligible person twenty years of age or under;
- (b) Family planning services;
- (c) Federally qualified health center services;
- (d) Home health agency services;
- (e) Inpatient and outpatient hospital care;
- (f) Medicare certified rural health clinic services;
- (g) Other laboratory and x-ray services;
- (h) Skilled nursing home care;
- (i) Certified registered nurse practitioner services; and
- (j) Physicians' services in the office or away from the office as needed for necessary and essential medical care.

(2) The department shall provide the following Title XIX optional services:

- (a) Anesthesia services;
  - (b) Blood;
  - (c) Chiropractic services;
  - (d) Drugs and pharmaceutical supplies;
  - (e) Eyeglasses and examination;
  - (f) Hearing aids and examinations;
  - (g) Hospice services;
  - (h) Licensed midwife services;
  - (i) Maternity support services;
  - (j) Oxygen;
  - (k) Personal care services;
  - (l) Physical therapy services;
  - (m) Private duty nursing services;
  - (n) Surgical appliances;
  - (o) Prosthetic devices and certain other aids to mobility;
- and
- (p) Dental services.

(3) The department shall limit organ transplants to the cornea, heart, heart-lung, kidney, kidney-pancreas, liver, pancreas, single lung, and bone marrow.

(4) The department shall provide treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys when the client is in the home, hospital, or kidney center as described under WAC 388-86-050(12).

(5) The department shall provide detoxification and medical stabilization to chemically using pregnant women in a hospital.

(6) The department shall provide detoxification of acute alcohol or other drug intoxication only in a certified detoxification center or in a general hospital having a detoxification provider agreement with the department.

(7) The department shall provide outpatient chemical dependency treatment in programs qualified under chapter 275-25 WAC and certified under chapter 275-19 WAC or its successor.

(8) For services available under the:

- (a) Limited casualty program-medically needy, see chapter 388-99 WAC; and
- (b) Limited casualty program-medically indigent, see chapter 388-100 WAC.

(9) The department may require a second opinion and/or consultation before the approval of any elective surgical procedure.

(10) The department shall designate diagnoses that may require surgical intervention:

(a) Performed in other than a hospital in-patient setting; and

(b) Requiring prior approval by the department for a hospital admission.

(11) The department shall assure the availability of necessary transportation to and from medical services covered under a client's medical program.

[Statutory Authority: RCW 74.08.090. 93-17-038 (Order 3620), § 388-86-005, filed 8/11/93, effective 9/11/93; 92-03-084 (Order 3309), § 388-86-005, filed 1/15/92, effective 2/15/92; 90-17-122 (Order 3056), § 388-86-005, filed 8/21/90, effective 9/21/90; 90-12-051 (Order 3009), § 388-86-005, filed 5/31/90, effective 7/1/90; 89-18-033 (Order 2860), § 388-86-005, filed 8/29/89, effective 9/29/89; 89-13-005 (Order 2811), § 388-86-005, filed 6/8/89; 88-06-083 (Order 2600), § 388-86-005, filed 3/2/88. Statutory Authority: 1987 1st ex.s. c 7. 88-02-034 (Order 2580), § 388-86-005, filed 12/31/87. Statutory Authority: RCW 74.08.090. 87-12-050 (Order 2495), § 388-86-005, filed 6/1/87; 84-02-052 (Order 2060), § 388-86-005, filed 1/4/84; 83-17-073 (Order 2011), § 388-86-005, filed 8/19/83; 83-01-056 (Order 1923), § 388-86-005, filed 12/15/82; 82-10-062 (Order 1801), § 388-86-005, filed 5/5/82; 82-01-001 (Order 1725), § 388-86-005, filed 12/3/81; 81-16-033 (Order 1685), § 388-86-005, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-005, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-005, filed 10/9/80; 78-06-081 (Order 1299), § 388-86-005, filed 6/1/78; 78-02-024 (Order 1265), § 388-86-005, filed 1/13/78; Order 994, § 388-86-005, filed 12/31/74; Order 970, § 388-86-005, filed 9/13/74; Order 911, § 388-86-005, filed 3/1/74; Order 858, § 388-86-005, filed 9/27/73; Order 781, § 388-86-005, filed 3/16/73; Order 738, § 388-86-005, filed 11/22/72; Order 680, § 388-86-005, filed 5/10/72; Order 630, § 388-86-005, filed 11/24/71; Order 581, § 388-86-005, filed 7/20/71; Order 549, § 388-86-005, filed 3/31/71, effective 5/1/71; Order 453, § 388-86-005, filed 5/20/70, effective 6/20/70; Order 419, § 388-86-005, filed 12/31/69; Order 264 (part); § 388-86-005, filed 11/24/67.]

**WAC 388-86-009 Voluntary prepaid health plans.**

(1) The department shall enter into agreements with prepaid health plans.

(2) Enrollment in such plans is voluntary and shall limit enrollees to the providers and services covered under these plans, except for:

(a) Services not included in the agreement; or

(b) Service delivery arrangements otherwise approved by the department.

(3) Primary care physician (PCP):

(a) Enrollees shall have a choice among the plan's PCPs when enrolling in the plan;

(b) Enrollees shall have the right to change their PCP:

(i) One time during a twelve-month period for any reason; and

(ii) For any subsequent change during the twelve-month period, the enrollee's rights shall be the same as the rights of all non-DSHS enrollees.

(4) Timely provision of services. Enrollees shall have the right to receive medically necessary care without unreasonable delay.

(5) Emergencies:

(a) For purposes of this section, the term emergency medical condition means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

(i) Placing the enrollee's health in serious jeopardy;

(ii) Serious impairment to bodily functions; or

(iii) Serious dysfunction of any bodily organ or part.

(b) The plan shall determine if an emergency exists and be financially responsible for the cost of that determination;

(c) When an emergency exists, an enrollee shall not be financially responsible for any services rendered;

(d) When an emergency does not exist, and the plan does not authorize further services, an enrollee shall be financially responsible for any further services received only if the enrollee's signed consent is obtained prior to the receipt of the services.

(6) Physician referral. When medically necessary, the PCP shall make a prompt referral to another plan physician or specialist.

(7) Second opinions. An enrollee shall have the right to a second opinion by another PCP or specialist within the plan:

(a) When an enrollee wants more information as to the medical necessity of medical treatment recommended by the PCP; or

(b) If an enrollee believes the plan is not authorizing medically necessary care.

(8) Quality assurance:

(a) Each plan shall have a quality assurance program;

(b) A medical director appointed by the plan shall be responsible for the plan's quality assurance program;

(c) The plan shall furnish the division of medical assistance with a copy of and the plan's response to all written grievances; and

(d) The department shall arrange on an annual basis for an independent external review of the quality of services provided or arranged by the plan.

(9) Termination:

(a) The department shall terminate enrollment of an enrollee in the prepaid health plan if an enrollee becomes ineligible for enrollment due to a change in circumstances;

(b) An enrollee shall have the right to request termination of enrollment in the plan without cause during any month of enrollment; and

(c) An enrollee shall receive covered services from the plan through the end of the month in which the termination is effective.

(10) Involuntary termination:

(a) The department shall terminate enrollment of an enrollee in the prepaid health plan if the plan establishes the enrollee's behavior:

(i) Is inconsistent with the plan's rules and regulations, such as intentional misconduct; or

(ii) Is such that it becomes medically nonfeasible to safely or prudently provide medical services.

(b) The plan shall not request involuntary termination of an enrollee solely due to an adverse change in the enrollee's health;

(c) The termination in subdivision (a) of this subsection shall not be effective unless:

(i) The plan sends a written request for an involuntary termination to the department; and

(ii) The department approves the termination.

(d) The department shall approve or disapprove the request for termination within thirty days of receipt of such request for termination;

(e) The department shall notify the enrollee ten days in advance of the effective date of disenrollment for any approved termination.

(11) Fair hearings. An enrollee aggrieved by a decision of the plan or the department has the right to a fair hearing as provided in chapter 388-08 WAC:

(a) Except as provided in subsection (b) of this section, an enrollee shall exhaust the plan's grievance procedure prior to requesting a fair hearing. The plan's grievance procedure shall provide for an expeditious resolution by plan personnel with authority to require corrective action. There shall be a written decision stating the basis for the decision within thirty days of receipt of the written grievance. An enrollee has the right to request a fair hearing if the decision is adverse or the written decision is not received within thirty days from the date the plan received the written grievance.

(b) In cases where the plan denies medical services an enrollee believes are urgently needed, an enrollee shall only be required to provide a written grievance to the plan prior to or at the time of requesting a fair hearing.

[Statutory Authority: RCW 74.08.090, 88-12-089 (Order 2627), § 388-86-009, filed 6/1/88; 87-06-001 (Order 2468), § 388-86-009, filed 2/19/87; 86-17-021 (Order 2401A), § 388-86-009, filed 8/12/86; 86-16-045 (Order 2401), § 388-86-009, filed 8/1/86; 86-03-046 (Order 2327), § 388-86-009, filed 1/15/86.]

**WAC 388-86-00902 Mandatory prepaid health care plans.** (1) The department shall enroll designated program category clients residing in the service area of a mandatory enrollment prepaid health care plan, except as provided in subsections (5) and (6) of this section.

(2) For the purposes of this section, "mandatory prepaid health care plan" shall be referred to as "a plan." A plan means the department shall:

(a) Require a client in a specified service area who is eligible for a designated program category to join a health care plan; and

(b) Pay a premium to a health care plan for contracted health care provided to the client.

(3) The department may offer optional enrollment to additional program category eligible groups with the agreement of a plan.

(4) Timely provision of services means a client shall have the right to receive medically necessary health care without unreasonable delay.

(5) Before enrolling in a plan, a client may request an exemption from enrolling. The department may exempt the client, for whom medically necessary care is required, and a contracted plan is unable to provide the medically necessary care. In making the exemption determination, the department's consideration shall include, but not be limited to whether:

(a) Distance makes it unreasonably difficult for the client to obtain medical care; or

(b) The absence of services accessible to disabled persons makes it unreasonably difficult for the client to obtain medical care.

(6) Tribal Indians eligible under subsection (1) of this section may choose to enroll in a plan. Once enrolled in a plan, the Tribal Indian can only be disenrolled according to subsection (12) of this section.

(7) Emergencies and emergency transportation services are exempt from a plan's routine medical care authorization procedures. Emergency service means a situation in which a person requires immediate medical services to avoid

placing a person's health in serious jeopardy or alleviate a condition manifesting itself by acute symptoms, including severe pain, discomfort, or emergency active labor and delivery.

(a) The client shall not be responsible for determining, or for the cost of determining, if an emergency exists.

(b) If an emergency exists, the client shall not be financially responsible for any services rendered.

(c) If an emergency does not exist, and a plan will not authorize further services, the client shall be financially responsible for further services received only if the client is informed and agrees, in writing, to the responsibility before receiving the services as described under WAC 388-87-010(7).

(8) A client aggrieved by a decision of a plan or the department has the right to a fair hearing as required under chapter 388-08 WAC:

(a) Except as provided in subdivision (b) and (c) of this subsection, a client shall exhaust a plan's grievance procedure before requesting a fair hearing. A plan's grievance procedure shall result in a written decision stating the basis for the decision. The client has the right to request a fair hearing if the decision is adverse or the written decision is not received within thirty days from the date a plan received the grievance. A plan may be a party to the fair hearing.

(b) In any case where a plan denies a client urgently needed medical care, a client need only provide a written grievance to a plan before or when requesting a fair hearing.

(c) A client requesting exemption from enrolling in a plan shall file a written request with the department. If not satisfied with the department's decision, the client may request a fair hearing. A plan may be a party to the fair hearing.

(9) Each client enrolled in a plan shall have a primary care provider (PCP):

(a) Clients shall have an opportunity to choose a PCP from current plan providers;

(b) A plan shall assign a client not choosing a participating provider to a PCP;

(c) Clients shall have the right to change their PCP:

(i) One time during a twelve-month period for any reason; and

(ii) For subsequent changes during the twelve-month period the client shall first show good cause.

(d) When requesting a change of PCP the client shall notify a plan of the:

(i) Desired change including the name of the new PCP; and

(ii) Reason for the desired change.

(10) The client shall have the right to a second opinion by another participating physician or specialist of a plan:

(a) When the client needs more information as to the medical necessity of medical treatment recommended by the PCP; or

(b) If the client believes the PCP is not authorizing medically necessary care.

(11) When medically necessary, the PCP shall make a prompt referral to another participating physician or specialist of a plan.

(12) The department may terminate enrollment of a client in a plan when a:

(a) Client loses eligibility for a plan; or

(b) Client requests disenrollment under the same considerations as subsection (5) of this section; or

(c) Plan requests disenrollment of the client, in writing, and a:

(i) Plan establishes the client's behavior is:

(A) Inconsistent with a plan's rules and regulations, such as intentional misconduct; or

(B) Such that it becomes medically nonfeasible to safely or prudently provide medical care; and

(ii) Plan's requested disenrollment is approved by the medical assistance administration. The medical assistance administration shall:

(A) Make a decision on the requested disenrollment within fifteen days of the receipt of the request; and

(B) Notify the client ten days in advance of the effective date of disenrollment for any approved disenrollment.

(13) A plan shall not request disenrollment of a client solely due to an adverse change in the client's health.

(14) The department shall require a plan to appoint a medical director or designee who:

(a) Shall be responsible for the plan's quality assurance program and shall review all plan grievances; and

(b) Furnishes the medical assistance administration with a copy of all written grievances and a plan's response to such grievances.

(15) On at least an annual basis, the department shall arrange for and a plan shall permit an independent, external review of the quality of client services provided or arranged by a plan.

(16) This section shall apply to contracts in effect before July 1, 1993. See chapter 388-538 WAC for contracts effective July 1, 1993.

[Statutory Authority: RCW 74.08.090, 93-17-039 (Order 3621), § 388-86-00902, filed 8/11/93, effective 9/11/93; 92-13-029 (Order 3401), § 388-86-00902, filed 6/9/92, effective 7/10/92.]

**WAC 388-86-011 Advanced registered nurse practitioners (ARNP) services.** (1) The department shall pay for ARNP services within the ARNP's scope of practice for medical care clients.

(2) The department shall limit ARNP's reimbursed services to:

(a) One call per day for either a hospital, emergency room or an office call; and

(b) Two calls per month for nonemergent conditions in a nursing facility.

(3) The department shall reimburse for additional calls under subsection (2)(a) or (b) of this section when:

(a) Medically necessary; and

(b) Justified at the time of billing.

(4) The ARNP may give assessments for healthy kids program, also known as EPSDT, described under WAC 388-86-027.

(5) ARNP's services for care of clients who are out of state shall be covered as described under WAC 388-86-115.

(6) The department shall not require prior approval of medically necessary surgical procedures within the ARNP's scope of practice.

[Statutory Authority: RCW 74.08.090, 92-11-003 (Order 3384), § 388-86-011, filed 5/8/92, effective 6/8/92.]

**WAC 388-86-012 Audiometric services.** The department shall pay for hearing evaluations involving audiometric equipment when:

(1) An approved audiologist, physician, or an advanced registered nurse practitioner provides the service to:

- (a) Categorically needy clients of Medicaid;
- (b) Medically needy children under twenty-one years of age; or
- (c) State-funded children's health program clients.

(2) The audiometric services shall relate to the provision of a hearing aid, a healthy kids/EPSTD screening service, or to a medical condition; and

(3) The audiometric services shall not be available for routine or group screenings, except under healthy kids/EPSTD services as specified under WAC 388-86-027.

[Statutory Authority: RCW 74.08.090. 93-06-039 (Order 3515), § 388-86-012, filed 2/24/93, effective 3/27/93; 82-01-001 (Order 1725), § 388-86-012, filed 12/3/81; 81-06-003 (Order 1610), § 388-86-012, filed 2/19/81; 80-13-020 (Order 1542), § 388-86-012, filed 9/9/80; 78-02-024 (Order 1265), § 388-86-012, filed 1/13/78; Order 1202, § 388-86-012, filed 4/1/77.]

**WAC 388-86-015 Blood.** The department shall provide for purchase of needed whole blood or blood derivatives, subject to limitations as set forth in WAC 388-87-045.

[Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-86-015, filed 12/3/81; Order 335, § 388-86-015, filed 2/3/69; Order 264 (part), § 388-86-015, filed 11/24/67.]

**WAC 388-86-017 Case management services.** (1) The department shall provide case management services to medical assistance recipients:

(a) By contract with providers of case management services.

(b) Limited to target groups of clients as determined by the contract.

(c) Limited to services as determined by the contract.

(2) Case management services are services which will assist clients in gaining access to needed medical, social, educational, and other services.

[Statutory Authority: RCW 74.08.090. 87-22-094 (Order 2555), § 388-86-017, filed 11/4/87.]

**WAC 388-86-018 Coordinated community aids service alternatives (CCASA) program services.** (1) For the purpose of this section, "CCASA program services" means a medically directed interdisciplinary program of therapeutic services for a terminally ill patient diagnosed with Acquired Immune Deficiency Syndrome or Disabling Class IV Human Immunodeficiency Virus disease.

(2) Home health, home care or hospice agencies or other agencies meeting applicable state and federal licensure/certification requirements shall furnish CCASA services. Individual contractors meeting the applicable standards and state and federal licensure/certification requirements may provide some CCASA services.

(3) The department may pay for the following Title XIX services to a CCASA client:

- (a) Hourly skilled nursing services;
- (b) Attendant care;
- (c) Respite care;

- (d) Nutritional consultation;
- (e) Therapeutic home delivered meals;
- (f) Transportation; and
- (g) Psychosocial services.

(4) For the purpose of this waiver program:

(a) Hourly skilled nursing services means teaching, counseling, supervision, execution, and evaluation of the practice and execution of the medical regimes the physician or case manager prescribes, in consultation with a registered nurse, as outlined in the client's plan of care.

(b) Attendant care services means assisting with medically-oriented tasks necessitated by the medical or mental condition of the client and directly related to the client's medical or mental condition. Attendant care services are limited to assistance with the following: personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, self-medication, body care, travel to medical services and essential shopping.

(c) Respite care services means the provision of community or home-based services allowing members or designated significant others who ordinarily care for the client relief from those duties. CCASA shall provide respite care in the home, not in an institution.

(d) Therapeutic home-delivered meals services means nutritionally sound meals delivered to the home when included in a plan of care. These meals shall not replace, nor be a substitute for, a full day's nutritional regimen, but nutritionally supplement the normal three meals a day.

(e) Nutritional consultation services means a nutrition assessment of nutritional care and intervention for a CCASA client. The certified dietitian/nutritionist shall determine the appropriate means of nutrition intervention including the nutrients required, the feeding modality, and the method of nutrition education, counseling and referral in consultation with the client, the client's physician and case manager.

(f) Transportation services means the provision of authorized necessary transportation in order for the client to receive services as included in the client's plan of care.

(g) Psychosocial services means the use of counseling techniques, appraisal skills, including mental status assessment or medication evaluation, consulting abilities and variety of treatment modalities and interventions to help the client and their primary care giver through the multiple stages of this terminal illness.

(5) The department shall provide CCASA services to recipients as described under WAC 388-83-220.

[Statutory Authority: RCW 74.08.090. 90-21-124 (Order 3088), § 388-86-018, filed 10/23/90, effective 11/23/90.]

**WAC 388-86-019 Chiropractic services.** (1) The department shall pay for chiropractic services for a recipient when the recipient is:

- (a) Twenty years of age and under; and
- (b) Referred by a screening provider under the early and periodic screening, diagnosis, and treatment program.

(2) The department shall authorize payment for services of a chiropractor:

- (a) When the chiropractor is licensed by the state of Washington to perform services within the scope of the chiropractor's license; and
- (b) The services are medically necessary.

(3) Chiropractic services shall be subject to the following limitations:

(a) Treatment shall be restricted to adjustment by hand of subluxation of the spine;

(b) X-rays shall be:

(i) A single area film when the treatment area can be isolated;

(ii) A maximum of one x-ray per area, per calendar year; and

(iii) Limited to an anterior-posterior, and lateral view of the following spinal areas:

(A) Cervical;

(B) Thoracic (dorsal); and

(C) Lumbar or lumbo-sacral.

(c) The department shall pay for a maximum of twelve chiropractic visits within a calendar year;

(d) The maximum number of visits include the initial new patient visit; and

(e) Additional visits require approval before the service is received.

[Statutory Authority: RCW 74.08.090. 92-03-120 (Order 3320), § 388-86-019, filed 1/21/92, effective 2/21/92; 90-17-122 (Order 3056), § 388-86-019, filed 8/21/90, effective 9/21/90.]

**WAC 388-86-020 Dental services.** (1) The department shall provide the following dental services to recipients of medical assistance:

(a) Initial and periodic oral examinations.

(b) Treatment necessary for the relief of pain and infection, restoration of teeth, and maintenance of dental health.

(c) Orthodontic treatment which is defined as the use of any appliance, intra oral or extra oral, removable or fixed, or any surgical procedure designed to move teeth. The following limitations apply:

(i) Limited to recipients of EPSDT,

(ii) Prior approval is required,

(iii) Treatment is limited to medically necessary services as defined in chapter 388-80 WAC.

(2) The following additional requirements shall apply to recipients residing in a nursing home, congregate care facility or group home:

(i) Referral by the attending physician,

(ii) Bedside dental care shall be approved only when sufficient justification exists to show transporting the patient is inappropriate, and

(iii) Treatment of a nonemergent condition in the facility requires prior approval.

(3) Except for services as defined in WAC 388-86-027 group screening for dental services is not permitted under the program.

[Statutory Authority: 1987 1st ex.s. c 7. 88-02-034 (Order 2580), § 388-86-020, filed 12/31/87. Statutory Authority: RCW 74.08.090. 86-02-031 (Order 2321), § 388-86-020, filed 12/27/85; 82-23-005 (Order 1900), § 388-86-020, filed 11/4/82; 81-10-015 (Order 1647), § 388-86-020, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-020, filed 10/9/80; 79-06-034 (Order 1402), § 388-86-020, filed 5/16/79; 78-02-024 (Order 1265), § 388-86-020, filed 1/13/78; Order 1162, § 388-86-020, filed 10/13/76; Order 1112, § 388-86-020, filed 4/15/76; Order 938, § 388-86-020, filed 5/23/74; Order 738, § 388-86-020, filed 11/22/72; Order 696, § 388-86-020, filed 6/29/72; Order 581, § 388-86-020, filed 7/20/71; Order 453, § 388-86-020, filed 5/20/70, effective 6/20/70; Order 385, § 388-86-020, filed 8/27/69; Order 264 (part), § 388-86-020, filed 11/27/67.]

**WAC 388-86-021 Dentures.** (1) The department shall provide complete and all-acrylic partial dentures and modification, repair, and adjustment of dentures to clients of medical care programs with the following limitations:

(a) Prior approval is needed for:

(i) Replacement dentures or partial dentures less than ten years old; and

(ii) Rebases on dentures and partial dentures.

(b) The department shall approve only one:

(i) Rebasing of dentures or partial dentures:

(A) In a five-year period; and

(B) The rebased dentures or partial dentures must be at least three years of age or older.

(ii) Relining of dentures or partial dentures:

(A) In a five-year period; and

(B) The relined dentures or partial dentures must be six months of age or older.

(2) Exceptions to the limitations under subsection (1)(b) of this section shall be granted when medical necessity is documented.

[Statutory Authority: RCW 74.08.090. 93-11-048 (Order 3543), § 388-86-021, filed 5/12/93, effective 6/1/93; 90-12-046 (Order 2988), § 388-86-021, filed 5/31/90, effective 7/1/90; 88-15-010 (Order 2649), § 388-86-021, filed 7/8/88; 81-16-033 (Order 1685), § 388-86-021, filed 7/29/81.]

**WAC 388-86-022 School medical services for special education students.** (1) The department shall pay school districts or educational service districts (ESD) for medical services to an eligible categorically needy or medically needy child when a school district or ESD furnishes the medical services to a special education student as part of the child's individualized education program (IEP) or individualized family service plan (IFSP).

(2) Such medical services shall be provided by:

(a) Qualified Medicaid providers as described under WAC 388-87-005;

(b) Psychologists, licensed by the state of Washington or granted an educational staff associate certificate (ESA) by the state board of education; or

(c) A person trained and supervised by a:

(i) Licensed registered nurse;

(ii) Licensed physical therapist or physiatrist;

(iii) Licensed occupational therapist; or

(iv) Speech pathologist or audiologist, who has been granted a certificate of clinical competence by the American speech, hearing, and language association or a person who completed the equivalent educational and work experience necessary for such a certificate.

(3) The department shall require recommendations and referrals to be updated at least annually.

(4) The department shall pay for school-based medical services according to the department-established rate or the billed amount, whichever is lower.

(5) The department shall not pay individual school practitioners who provide school-based medical services.

(6) The department shall require school districts or ESD to pursue third-party resources for medical services billed to Medicaid.

[Statutory Authority: RCW 74.08.090. 93-21-002 (Order 3650), § 388-86-022, filed 10/6/93, effective 11/6/93; 92-22-052 (Order 3474), § 388-86-022, filed 10/28/92, effective 11/28/92; 90-17-119 and 90-18-033 (Orders 3053

and 3053A), § 388-86-022, filed 8/21/90 and 8/27/90, effective 9/21/90 and 9/1/90.]

**WAC 388-86-024 Enhanced benefits for pregnant women.** (1) The department shall provide enhanced benefits to a Medicaid client during each pregnancy and through the end of the month containing the sixtieth day after the pregnancy ends.

(2) The enhanced benefits include:

(a) Maternity support services, by a provider approved by the division of parent-child health services, consisting of:

- (i) Nursing assessment and/or counseling visit;
- (ii) Psychosocial assessment and/or counseling visit;
- (iii) Nutrition assessment and/or counseling visit;
- (iv) Community health worker visit; and
- (v) Child birth/parenting education.

(b) Outpatient alcohol and drug treatment consisting of:

(i) A chemical dependency assessment by an Alcohol and Drug Abuse Treatment and Service Act assessment center or the outpatient treatment provider as defined under chapter 275-19 WAC or its successor; and

(ii) Chemical dependency treatment.

(c) Vitamins and nonprescription drugs as listed in the department's formulary; and

(d) Transportation as provided under WAC 388-86-085.

(3) The client shall have the freedom of choice:

(a) To receive maternity support services;

(b) Of qualified maternity support services providers; and

(c) To be referred for outpatient alcohol and drug treatment, unless ordered by the court.

(4) The department shall pay per client a maximum of:

(a) Ten contacts for assessment/counseling and community health worker visits under subsection (2)(a) of this section. The department shall pay for additional contacts when the maternity support services provider documents the need for additional contacts;

(b) One contact for child birth/parenting education; and

(c) One contact for an alcohol and drug treatment assessment under subsection (2)(b) of this section.

[Statutory Authority: RCW 74.08.090. 93-17-038 (Order 3620), § 388-86-024, filed 8/11/93, effective 9/11/93; 90-23-069 (Order 3094), § 388-86-024, filed 11/20/90, effective 12/21/90; 89-22-035 (Order 2885), § 388-86-024, filed 10/27/89, effective 11/27/89.]

**WAC 388-86-027 Early and periodic screening, diagnosis and treatment of eligible individuals twenty years of age and younger.** (1) To the extent provided under these rules, the department shall make available to Medicaid recipients twenty years of age and younger, early and periodic screening and diagnosis and treatment (EPSDT).

(2) Early and periodic screening and diagnosis shall be provided at intervals:

(a) Meeting reasonable standards of dental and medical practice as determined by the division of medical assistance; and

(b) When indicated as medically necessary to determine the existence of a suspected physical or mental illness or condition.

(3) In obtaining EPSDT services, the recipient shall be free to choose from participating providers.

(4) The following services are included in the program:

(a) Screening by providers of screening services authorized by the division of medical assistance to provide screening. The screening services shall, at a minimum, include:

(i) A comprehensive health and developmental history;

(ii) An assessment of physical and mental health development and nutritional status;

(iii) A comprehensive unclothed physical exam;

(iv) Appropriate immunizations according to age and health history;

(v) Laboratory tests, including lead blood level assessment appropriate for age and risk factors; and

(vi) Health education, including anticipatory guidance.

(b) Vision services which shall, at a minimum, include diagnosis and treatment for defects in vision, including eyeglasses;

(c) Dental services which shall, at a minimum, include relief of pain and infections, restoration of teeth, and dental health maintenance;

(d) Hearing services which shall, at a minimum, include diagnosis and treatment for defects in hearing, including hearing aids; and

(e) Other medically necessary health care, diagnostic services, treatment, and other measures provided under Medicaid program, to correct or ameliorate defects and physical and mental illnesses and conditions the screening services discover. In addition, the department shall provide any of the following services, provided the screening services provider determines the necessity for such services during an EPSDT screening process:

(i) Occupational therapy;

(ii) Nutritional counseling; and

(iii) Chiropractic services.

(5) EPSDT services are subject to utilization controls as the department may impose.

(6) See WAC 388-86-005 and 388-86-020 for limitations of the dental program, WAC 388-86-030 for eyeglasses and examinations, and WAC 388-86-040 for management of hearing defects.

[Statutory Authority: RCW 74.08.090. 90-12-061 (Order 3019), § 388-86-027, filed 5/31/90, effective 7/1/90; 82-01-001 (Order 1725), § 388-86-027, filed 12/3/81; 81-10-015 (Order 1647), § 388-86-027, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-027, filed 10/9/80; 79-12-047 (Order 1457), § 388-86-027, filed 11/26/79; Order 1112, § 388-86-027, filed 4/15/76; Order 738, § 388-86-027, filed 11/22/72.]

**WAC 388-86-030 Eyeglasses and examinations.** (1) The medical assistance administration (MAA) shall reimburse a provider for medically necessary eye care services for a client:

(a) Twenty-one years of age or over, one each of the services listed under subsection (2) of this section, in a twenty-four-month period; or

(b) Twenty years of age or under, one each of the services listed under subsection (2) of this section, in a twelve-month period.

(2) The MAA's eye care services shall include:

(a) Eye examinations;

(b) Refractions;

(c) Fitting fees; and

(d) Eyeglass lenses and/or frames.



(3) The time period limitation does not apply when the:

(a) Eye examination is medically necessary for diagnosing and/or treating a medical condition; or

(b) Client described under subsection (5) of this section requires replacement glasses due to loss or breakage.

(4) MAA shall limit the choice of frames and lenses to frames and lenses listed under contract in the current MAA numbered memoranda and/or MAA provider's billing instructions on that subject.

(5) MAA shall only reimburse for replacement of broken or lost eyeglasses for a:

(a) Client of the division of developmental disabilities;

(b) Child twenty years of age or under; or

(c) Client residing in an institution.

(6) MAA shall reimburse for replacement of lenses for a change in refractive error in sphere, cylinder, or spherical equivalent of a plus or minus of one diopter and which result in an improvement of visual acuity. The change in prescription shall not apply to providing separate pairs of eyeglasses for distance and reading or for two pairs of eyeglasses in place of multifocals.

(7) MAA shall not reimburse a provider for eyeglasses when the client's prescription is over two years old.

(8) MAA shall reimburse for:

(a) Specialized lenses only for conditions as listed in MAA provider's billing instructions; and

(b) Contact lenses:

(i) Only when medically justified; and

(ii) As allowed in a twelve-month period with the conditions specified in MAA provider's billing instructions.

(9) The provider shall document and maintain in the client's record medical justification of the eye care services.

(10) Except for services as defined in WAC 388-86-027, the department shall not permit group screening for eyeglasses.

(11) The department shall reimburse for eye care services provided to clients eligible under the:

(a) Categorically needy, children's health, general assistance unemployable and ADATSA programs; or

(b) Medically needy program; or

(c) Medically indigent program only as treatment for emergent services as specified in MAA provider's billing instructions.

(12) Orthoptics and visual training therapy are not covered. See WAC 388-86-200.

[Statutory Authority: RCW 74.08.090. 94-07-122 (Order 3711), § 388-86-030, filed 3/22/94, effective 4/22/94; 87-23-055 (Order 2559), § 388-86-030, filed 11/18/87; 86-02-031 (Order 2321), § 388-86-030, filed 12/27/85; 85-18-065 (Order 2279), § 388-86-030, filed 9/4/85; 82-23-005 (Order 1900), § 388-86-030, filed 11/4/82; 81-16-033 (Order 1685), § 388-86-030, filed 7/29/81; 80-13-020 (Order 1542), § 388-86-030, filed 9/9/80; 79-01-002 (Order 1359), § 388-86-030, filed 12/8/78; 78-06-087 (Order 1301), § 388-86-030, filed 6/2/78; Order 1233, § 388-86-030, filed 8/31/77; Order 1203, § 388-86-030, filed 4/1/77; Order 1112, § 388-86-030, filed 4/15/76; Order 994, § 388-86-030, filed 12/31/74; Order 738, § 388-86-030, filed 11/22/72; Order 385, § 388-86-030, filed 8/27/69; Order 264 (part), § 388-86-030, filed 11/24/67.]

**WAC 388-86-035 Family planning.** (1) The department shall inform clients of the availability of family planning services including information about the synthetic progestin capsule implant form of contraception.

(2) For the purpose of this section, "family planning services" mean services to plan the number of one's children by use of contraceptive techniques.

(3) For eligible clients, the department shall provide physicians' services, advanced registered nurse practitioners' services, clinic or hospital services, laboratory services, supplies and drugs needed in conjunction with family planning.

[Statutory Authority: RCW 74.08.090. 93-16-035 (Order 3595), § 388-86-035, filed 7/28/93, effective 9/1/93; 81-16-033 (Order 1685), § 388-86-035, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-035, filed 4/27/81; Order 1203, § 388-86-035, filed 4/1/77; Order 781, § 388-86-035, filed 3/16/73; Order 264 (part), § 388-86-035, filed 11/24/67.]

**WAC 388-86-04001 Hearing aids.** (1) The department shall pay for the purchase of one hearing aid for a client when the:

(a) Client is eighteen years of age and older;

(b) Client is eligible under the categorically needy or the medical care services programs;

(c) Client's attending physician prescribes the hearing aid;

(d) Purchased hearing aid is covered by a one-year warranty;

(e) Client has a fifty decibel minimum hearing loss in the better ear based on auditory screening at five hundred, one thousand, two thousand, and three thousand Hertz (Hz) with effective masking as indicated; and

(f) Hearing aid is medically necessary.

(2) The department shall pay for hearing aids for a child under eighteen years of age when the child:

(a) Is referred to the local children with special health care needs (Title V) program administered by the local health districts; and

(b) Meets the eligibility requirements of the categorically needy, medically needy or children's health program.

(3) The department shall provide an adult client with a one-time replacement hearing aid in a five-year period when the:

(a) Hearing aid:

(i) Is lost; or

(ii) Broken beyond repair.

(b) Client continues to meet the same criteria in subsection (1) of this section; and

(c) Provider's records document the replacement necessity.

(4) The department shall not be responsible for purchase of batteries, ear trumpets, and tinnitus markers.

(5) The department shall pay for repair of a hearing aid when the:

(a) Repair has a ninety-day warranty;

(b) Cost of repair is less than fifty percent of the cost of a new hearing aid; and

(b) Provider's records document the repair and replacement cost requirement.

(6) The department shall not permit group screening for hearing aids under the program, except as provided under the early and periodic screening, diagnosis and treatment program/healthy kids under WAC 388-86-027.

(7) Clients eighteen years of age and over may sign a waiver statement declining a medical evaluation as allowed under RCW 18.35.110.

[Statutory Authority: RCW 74.08.090. 94-07-022 (Order 3712), § 388-86-04001, filed 3/8/94, effective 4/8/94.]

**WAC 388-86-045 Home health services.** The department's home health services include:

- (a) Nursing services;
- (b) Home health aide services;
- (c) Medical supplies, equipment, and appliances suitable for use in the home; and
- (d) Occupational therapy, physical therapy, speech therapy, and audiology services.

(2) A Title XVIII certified home health agency shall furnish medically necessary home health services to an eligible client.

(3) A client may qualify for home health services when an otherwise eligible client meets the following criteria:

(a) The client shall be in the care of an attending physician who has authorized the plan of treatment, which was developed for the individual client for services at the client's residence; and

(b) The client shall receive occupational therapy, physical therapy and speech pathology and audiology services, only when the client is homebound.

(c) The medical assistance administration shall require prior authorization for any care for the following services:

- (i) For a child six years of age and under;
- (ii) Twice-a-day skilled nursing intervention;
- (iii) Infant phototherapy services;
- (iv) Therapy only services;

(v) Daily nursing visits exceeding ten consecutive days; and

(vi) For a client whose program eligibility is for emergency medical care only.

(4) For the purpose of this section, the following definitions apply:

(a) "Homebound" means that the status of the client's condition is such that normal ability to leave home does not exist, and leaving home would require a considerable and taxing effort.

(b) "High risk medical obstetrical client" means a pregnant client who has a medical condition that complicates pregnancy and may result in a poor outcome for the mother, unborn, or newborn.

(c) "Home health services" means comprehensive health care services provided in the client's residence on a part-time or intermittent basis by a Title XVIII home health provider.

(d) "Residence" means a client's home or place of living not including the hospital, skilled nursing facility, or intermediate care facility.

(e) "Skilled nursing intervention" means a service provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse.

(f) "Therapy-only services" means homebound physical, occupational, speech, and audiology services.

(5) The client shall receive medical supplies, equipment, and appliances as described under WAC 388-86-100.

(6) A client who receives emergency only services, as defined under WAC 388-80-005, shall be limited to two skilled nursing

intervention visits within the eligibility coverage period.

(7) A high risk medical obstetrical client:

(a) May receive a maximum of three home health visits per pregnancy; and

(b) Shall receive home health visits by a registered nurse who has national perinatal certification or a minimum of one year of labor, delivery, and post-partum experience at a hospital in the last five years.

(8) The department shall consider additional skilled nursing intervention visits only on a case-by-case basis as an exception to policy.

[Statutory Authority: RCW 74.08.090. 94-03-052 (Order 3686), § 388-86-045, filed 1/12/94, effective 2/12/94; 82-21-024 (Order 1891), § 388-86-045, filed 10/13/82; 80-13-020 (Order 1542), § 388-86-045, filed 9/9/80; 78-02-024 (Order 1265), § 388-86-045, filed 1/13/78; Order 1112, § 388-86-045, filed 4/15/76; Order 592, § 388-86-045, filed 8/25/71; Order 435, § 388-86-045, filed 3/31/70; Order 264 (part), § 388-86-045, filed 11/24/67.]

**WAC 388-86-047 Hospice services.** (1) For the purposes of this section, hospice services means a medically-directed, interdisciplinary program of palliative services for a terminally ill client and the client's family.

(2) A Medicare Title XVIII certified hospice agency shall furnish hospice services.

(3) To be eligible for hospice services, a client shall:

(a) Be eligible under the Medicaid program;

(b) Be terminally ill, with a life expectancy of six months or less;

(c) Voluntarily request, in writing, to receive hospice services in place of other medical services for the terminal condition; and

(d) Be accepted by the designated hospice agency.

(4) While receiving hospice care, a client shall designate a hospice agency, and waive all rights to Medicaid payments for:

(a) Hospice care provided by a hospice other than the hospice designated or arranged by the designated hospice; and

(b) Medicaid services for treatment of the terminal or related condition for:

(i) Which hospice care is received; or

(ii) Services equivalent to the hospice care received; or

(iii) Services equivalent to the hospice care, except services of or arranged by the designated hospice.

(5) The client's hospice services shall include:

(a) Nursing care by or under the supervision of a registered nurse;

(b) Medical social services under the direction of a physician;

(c) Physician services provided by a doctor of medicine or osteopathy;

(d) Counseling services;

(e) Short-term inpatient care:

(i) Provided in a participating hospice inpatient unit, participating hospital, nursing facility or hospice care center, licensed under chapter 246-321 WAC; or

(ii) Provided in a nursing facility limited to respite care;

(iii) When the services conform to a written plan of care; and

(iv) When the unit, hospital, nursing facility or hospice care center meets the hospice staff and patient area standards.

(f) Medical appliances and supplies, including drugs and biologicals;

(g) Home health aide services, under the direction of a registered nurse; and

(h) Physical therapy, occupational therapy, and speech-language pathology services.

(6) Hospice coverage shall be available to a person for at least two hundred ten days. The department may subdivide the person's hospice coverage time into two or more periods.

(7) The department shall pay the Medicaid hospice rate for daily care as:

- (a) Routine home;
- (b) Continuous home;
- (c) Inpatient respite; or
- (d) General inpatient.

(8) A client may request voluntarily, in writing, to cancel hospice services.

[Statutory Authority: RCW 74.08.090, 93-16-040 (Order 3601), § 388-86-047, filed 7/28/93, effective 8/28/93; 92-13-030 (Order 3402), § 388-86-047, filed 6/9/92, effective 8/1/92. Statutory Authority: 1989 c 427, 89-18-034 (Order 2853), § 388-86-047, filed 8/29/89, effective 9/29/89.]

**WAC 388-86-050 Inpatient hospital care.** (1) The division of medical assistance shall provide hospitalization for recipients, with the exceptions and limitations in this section.

(2) The recipient shall have free choice of hospitalization with exceptions and limitations in WAC 388-86-051.

(3) The division of medical assistance shall require prior approval for nonemergent hospital admissions.

(4) The division of medical assistance shall approve for recipients:

- (a) Hospital admission;
- (b) Length of stay;
- (c) Services; or
- (d) Both length of stay and services.

(5) The division of medical assistance shall limit approval for inpatient hospital care in hospitals exempted from the diagnosis-related group (DRG) based payment system to the number of days established at the seventy-fifth percentile in the 1983 edition of the publication *Length of Stay in PAS Hospitals, by Diagnosis United States Western Region* unless the department has a:

(a) Prior contract arrangement for a specified length of stay; or

(b) The length of stay is specified under subsection (7) of this section.

(6) When a recipient's hospitalization exceeds the number of days allowed by subsection (5)(a) and (b) of this section, the hospital shall, within sixty days after discharge, submit to the central authorization unit (CAU) a request for approval of extra days:

- (a) With adequate justification; and
- (b) Signed by the attending physician.

(7) The department shall provide:

(a) For the chemical-using pregnant Medicaid recipient, up to twenty-six days of inpatient hospital care;

- (i) Hospital-based detoxification;
- (ii) Medical stabilization; and
- (iii) Drug treatment.

(b) Care when:

(i) Need for the inpatient care is verified through an Alcohol, Drug Addiction and Treatment Support Act (ADATSA) assessment center;

(ii) The hospital chemical dependency treatment unit is certified by the division of alcohol and substance abuse; and

(iii) The division of medical assistance gives prior authorization.

(8) The division shall cover eligible recipients for involuntary admissions for acute psychiatric conditions and reimburse using the DRG payment methodology as described under WAC 388-87-070.

(9) The department shall:

(a) Pay for care in a private psychiatric hospital only if the hospital is certified under Title XVIII; and

(b) Authorize the admission of an eligible individual to a private psychiatric hospital under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(10) For categorically needy and medically needy recipients under twenty-one years of age and sixty-five years of age and older, the department shall make Medicaid payments for care in:

- (a) A state mental institution; or
- (b) An approved psychiatric facility.

(11) The department shall pay hospitalization for Medicare recipients only when the medical recipients exhaust Medicare benefits.

(12) The department shall:

(a) Provide for hospitalization for the treatment of acute and chronic renal failure; and

(b) Pay only deductibles and coinsurance for a recipient who is:

- (i) A Medicare beneficiary; and
- (ii) Hospitalized for such treatment or for kidney transplant.

(13) The department shall not pay for hospital days prior to one day before scheduled surgery.

(14) The department shall:

(a) Approve hospitalization of a recipient based on semi-private room rates; and

(b) Reimburse at the multiple occupancy rate, regardless of the room provided by the hospital; and

(c) Define a semi-private room as not less than a two-bed nor more than a four-bed room.

(15) The department shall cover medically necessary services provided in a hospital for the care or treatment of teeth, jaws, or structures directly supporting the teeth if the procedure requires hospitalization. Services covered under this subsection shall be furnished under the direction of a physician or dentist.

[Statutory Authority: RCW 74.08.090, 90-01-053 (Order 2916), § 388-86-050, filed 12/15/89, effective 1/15/90; 88-15-010 (Order 2649), § 388-86-050, filed 7/8/88; 88-04-048 (Order 2594), § 388-86-050, filed 1/29/88; 86-14-099 (Order 2397), § 388-86-050, filed 7/2/86; 86-02-031 (Order 2321), § 388-86-050, filed 12/27/85; 85-13-061 (Order 2241), § 388-86-050, filed 6/18/85; 84-20-100 (Order 2157), § 388-86-050, filed 10/3/84; 83-17-073 (Order 2011), § 388-86-050, filed 8/19/83; 83-05-050 (Order 1949), § 388-86-050, filed 2/16/83; 81-16-033 (Order 1685), § 388-86-050, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-050, filed 4/27/81; 80-13-020 (Order 1542), § 388-86-050, filed 9/9/80; 79-10-095 (Order 1439), § 388-86-050, filed 9/25/79; 79-06-030 (Order 1395), § 388-86-050, filed 5/16/79; 79-01-002 (Order 1359), § 388-86-050, filed 12/8/78; 78-06-087 (Order 1301), § 388-86-050, filed 6/2/78; 78-02-024 (Order 1265), § 388-86-050, filed 1/13/78; Order 1233, § 388-86-050, filed 8/31/77; Order 1172, § 388-86-

050, filed 11/24/76; Order 1061, § 388-86-050, filed 10/8/75; Order 952, § 388-86-050, filed 7/16/74; Order 911, § 388-86-050, filed 3/1/74; Order 858, § 388-86-050, filed 9/27/73; Order 844, § 388-86-050, filed 8/9/73; Order 836, § 388-86-050, filed 7/26/73; Order 762, § 388-86-050, filed 1/2/73; Order 713, § 388-86-050, filed 9/14/72; Order 680, § 388-86-050, filed 5/10/72; Order 615, § 388-86-050, filed 10/7/71; Order 566, § 388-86-050, filed 5/19/71; Order 549, § 388-86-050, filed 3/31/71, effective 5/1/71; Order 519, § 388-86-050, filed 2/24/71; Order 501, § 388-86-050, filed 12/9/70; Order 484, § 388-86-050, filed 10/13/70; Order 474, § 388-86-050, filed 8/19/70; Order 435, § 388-86-050, filed 3/31/70; Order 419, § 388-86-050, filed 12/31/69; Order 385, § 388-86-050, filed 8/27/69; Order 335, § 388-86-050, filed 2/3/69; Order 264 (part), § 388-86-050, filed 11/24/67.]

#### **WAC 388-86-051 Selective contracting program.**

The department shall provide nonemergency inpatient hospital services to Medicaid recipients in selective contracting areas through the award of selective hospital contracts.

(1) Selective contracting areas (SCA) are those areas in which hospitals participate in competitive bidding for hospital contracts. The department shall base SCAs on a historical patterns of hospital use by Medicaid patients.

(2) A contracting hospital is a hospital located in a SCA that is awarded a selective hospital contract with the department to provide inpatient hospital services for Medicaid recipients.

(3) A noncontracting hospital is a hospital that is located in a SCA, is not designated as exempt, and does not have a selective contract with the department.

(4) An exempt hospital is a hospital that is either not located in a SCA or is exempted by the department. The department shall classify the following as exempt hospitals:

(a) Hospitals in a SCA that are designated by the department as "remote" hospitals. Hospitals designated as remote shall meet the following criteria:

(i) Be a hospital located more than ten miles from the nearest hospital in the SCA; and

(ii) Have fewer than seventy-five beds; and

(iii) Have had fewer than five hundred Medicaid inpatient admissions during the study sample period.

(b) HMO hospitals providing inpatient services to HMO enrollees only,

(c) Children's hospitals,

(d) State psychiatric hospitals,

(e) Out-of-state hospitals in nonborder areas, and out-of-state hospitals in border areas not designated as SCAs,

(f) The Fred Hutchinson Cancer Research Center (bone marrow transplant beds), and

(g) Separate (freestanding) psychiatric facilities including Fairfax Hospital in Kirkland, Washington; Mid-Columbia Hospital in Richland, Washington; and Pine Crest Hospital in Couer d'Alene, Idaho.

(5) Medicaid recipients receiving inpatient services in a SCA shall be limited to the contracting or exempt hospital(s) in the SCA for elective (nonemergent) inpatient hospital services. The following exclusions shall apply:

(a) The department shall pay for inpatient hospital services, provided by any hospital, for treatment of emergency medical conditions. An emergency medical condition is a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

(i) Placing the patient's health in serious jeopardy;

(ii) Serious impairment to bodily functions; or

(iii) Serious dysfunction of any bodily organ or part.

(b) The department shall pay for inpatient services provided by any hospital to Medicaid recipients determined to reside an excessive travel distance from a contracting hospital.

(i) The recipient is deemed to have an excessive travel burden if the travel distance from a recipient's residence to the nearest contracting hospital exceeds the recipient's county travel distance standard as defined by the department.

(ii) If a recipient must travel outside his/her SCA to obtain inpatient services not available within the community (such as treatment from a tertiary hospital), the recipient shall obtain such services from a contracting hospital, unless the services can be obtained from a noncontracting hospital that is located a closer distance to the recipient's residence than a contracting hospital.

(c) The department shall reimburse all applicable Medicare deductible and coinsurance amounts for inpatient services at any hospital for Medicaid recipients who are also beneficiaries of Medicare Part A.

[Statutory Authority: RCW 74.08.090. 88-04-048 (Order 2594), § 388-86-051, filed 1/29/88.]

**WAC 388-86-055 Laboratory services.** The medical consultant's approval is not required for general laboratory procedures.

(1) Laboratory services provided to an inpatient in a hospital will be paid as a part of the total charges submitted for inpatient care in the hospital.

(2) Laboratory services provided on an outpatient basis by physicians in their offices, independent laboratories, or by exclusive service contract with the department will be provided to recipients and paid as specified in WAC 388-87-075.

[Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-86-055, filed 12/3/81; Order 264 (part), § 388-86-055, filed 11/24/67.]

**WAC 388-86-059 Licensed midwife services.** (1) The medical assistance administration (MAA) shall provide to eligible clients, obstetrical services through a Washington state licensed midwife.

(2) Such obstetrical services include:

(a) Routine antepartum care;

(b) Routine postpartum care;

(c) Normal labor and vaginal delivery, with or without episiotomy;

(d) Fetal nonstress test and non-Oxytocin stress test; and

(e) Administration of Rho (D) Immune Globulin (human) injection.

(3) The MAA shall cover deliveries only when the delivery occurs in a licensed birthing facility or hospital setting.

[Statutory Authority: RCW 74.08.090. 93-02-001 (Order 3490), § 388-86-059, filed 12/23/92, effective 1/23/93.]

**WAC 388-86-067 Mental health center services.** (1) The department shall provide mental health or day health care services to a cash assistance recipient under SSI, state supplement or AFDC and to an eligible recipient of a state funded continuing general assistance grant. A recipient of the limited casualty program may be provided mental health

center services. The services provided through these agencies are not subject to the limitation on the number of visits under the provisions of WAC 388-86-095.

(2) Community mental health services provided shall be as specified in a contract between the department and the participating center.

(3) For the purposes of this section, community mental health center shall mean an agency or program which meets the following criteria:

(a) Is included as a part of the approved county mental health plan, or is approved by the department to hold a subcontract from the area agency on aging to provide day health care.

(b) Receives state grant-in-aid funds as authorized by the Community Mental Health Services Act, chapter 71.24 RCW, and as described in WAC 275-25-030, or receives money through a contractual agreement with the area agency on aging for the provision of day health care.

(c) Provides treatment by, or under the direction of, a licensed doctor of medicine who has sufficient knowledge of the caseload and clinical program to be assured that the quality of the service is satisfactory.

(4) An agency or program must be either:

(a) An outpatient clinic, with its own governing body, administration and staff, or

(b) A county-administered outpatient clinic, or

(c) A separate identifiable outpatient clinic of a general hospital or psychiatric inpatient facility, or

(d) An outpatient clinic with a residential component within its administrative structure, or

(e) A separate identifiable outpatient clinical program of an agency which has other service functions.

(5) Agencies which have functions in addition to outpatient care (see subsection (4)(c), (d), and (e) of this section) shall adhere to the following criteria:

(a) Specific staff are delineated to provide outpatient clinical services exclusively,

(b) Outpatient clinical records are separated from other service records of the agency,

(c) The center's accounting and bookkeeping procedures are such that:

(i) If the center has an existing contract, a review or audit finds that these procedures assure adequate fiscal accountability. Audits will be conducted by either the department or the office of the state auditor.

(ii) If an agency is applying for a contract, the application will be accompanied by a statement from a licensed or certified public accountant reflecting the accountant's unqualified opinion of the adequacy, accuracy and accountability of the agency's records.

(6) The final decision regarding a mental health center's participation in this program shall be made by the department.

(7) Mental health service records-content:

An adequate clinical record shall be maintained for each eligible client receiving outpatient mental health services in a mental health center. The clinical records at a minimum shall contain the following:

(a) History,

(b) Diagnostic/evaluative statements,

(c) Treatment plan,

(d) Treatment notes,

(e) Periodic treatment review,

(f) Documentation of case conferences,

(g) Clinical summaries on termination of service.

(8) Subcontracts:

An agency which has a contract under this section shall not enter into subcontracts for any work agreed upon under the contract without obtaining prior written approval of the department from the office of medical assistance.

[Statutory Authority: RCW 74.08.090, 81-16-033 (Order 1685), § 388-86-067, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-067, filed 4/27/81; 79-06-034 (Order 1402), § 388-86-067, filed 5/16/79; 78-10-077 (Order 1346), § 388-86-067, filed 9/27/78; Order 1196, § 388-86-067, filed 3/3/77; Order 1067, § 388-86-067, filed 11/17/75; Order 924, § 388-86-067, filed 4/15/74; Order 777, § 388-86-067, filed 3/1/73; Order 696, § 388-86-067, filed 6/29/72; Order 549, § 388-86-067, filed 3/31/71, effective 5/1/71; Order 501, § 388-86-067, filed 12/9/70.]

**WAC 388-86-071 Private duty nursing services. (1)**

The department shall provide private duty nursing services when:

(a) The client would otherwise be institutionalized;

(b) The care is provided in a noninstitutional setting;

(c) The services are medically necessary;

(d) The client requires more nursing care than is available through home health nursing services;

(e) A registered or licensed practical nurse provides the care under the direction of a physician; and

(f) The client meets the requirement of the:

(i) Medically intensive home care program;

(ii) Exceptional care program; or

(iii) End-stage HIV/AIDS program.

(2) For the purpose of this section:

(a) "Medically eligible" means a client having a complex medical need that requires continuous skilled nursing care which can be provided safely outside an institution; and

(b) "Private duty nursing" means four hours or more of continuous skilled nursing services in the home to eligible clients with complex medical needs which cannot be managed within the scope of intermittent home health services.

(3) The division of development disabilities' medically intensive home care program (MIHCP) may authorize private duty nursing services to medically eligible children seventeen years of age and under when:

(a) Services meet the criteria for private duty nursing in subsection (1) of this section;

(b) The cost of private duty nursing does not exceed the cost of institutional care;

(c) Division of development disabilities gives prior approval to the overall plan of care; and

(d) Division of development disabilities may require a family member or other caregiver to participate in the nursing care for at least eight or more hours to supplement the overall plan of care.

(4) Aging and adult services administration may authorize up to sixteen hours per day of private duty nursing services under the exceptional care program (ECP) to a client eighteen years of age and over under criteria established by aging and adult services administration.

(5) The department may authorize private duty nursing services to medically eligible end-stage HIV/AIDS clients when:

(a) The private duty nursing services meet the criteria under subsection (1) of this section;

(b) The cost of private duty nursing does not exceed the cost of institutional care;

(c) Infusion therapy lasting for a continuous four hours requires continuous monitoring by a licensed nurse and the:

(i) Caregiver is unable to assume the care of the client or the client is unable to do self care; and

(ii) Client is homebound.

(d) Medical assistance administration gives prior approval to the overall plan of care.

(e) There is coordination with other agencies providing care to end-stage HIV/AIDS clients. The clients requiring over four hours of private duty nursing shall be referred to the appropriate agency.

(6) The client and/or family may pay for supplemental services, not covered in the approved plan of care, as provided in WAC 388-83-010(3).

(7) The department shall contract only with Washington state licensed home health agencies as providers for private duty nursing services.

[Statutory Authority: RCW 74.08.090. 93-18-002 (Order 3612), § 388-86-071, filed 8/18/93, effective 9/18/93; 91-23-079 (Order 3281), § 388-86-071, filed 11/19/91, effective 12/20/91; 87-06-002 (Order 2469), § 388-86-071, filed 2/19/87; 83-01-056 (Order 1923), § 388-86-071, filed 12/15/82.]

**WAC 388-86-073 Occupational therapy.** (1) The department shall pay for occupational therapy when the occupational therapy is provided:

(a) By a licensed occupational therapist;

(b) By a licensed occupational therapy assistant supervised by a licensed occupational therapist; or

(c) In schools, by an occupational therapy aide trained and supervised by a licensed occupational therapist.

(2) The department shall pay for occupational therapy:

(a) Effective September 1, 1993, as part of an outpatient treatment program for adults and children;

(b) By a home health agency as described under WAC 388-86-045;

(c) As part of the physical medicine and rehabilitation program as described under WAC 388-86-112;

(d) In a neuromuscular center; or

(e) By a school district or educational service district as part of an individual education program or individualized family service plan as described under WAC 388-86-022.

(3) The department shall not pay for occupational therapy when payment for occupational therapy is included as part of the reimbursement for other treatment programs including, but not limited to, hospital inpatient diagnosis related group services or nursing facility services.

(4) The department shall pay for the following occupational therapy services in a calendar year when the attending health professional determines the services are medically appropriate:

(a) One occupational therapy assessment;

(b) Two durable medical equipment needs assessments;

(c) Twelve occupational therapy sessions;

(d) Twenty-four additional outpatient occupational therapy sessions if the diagnosis is associated with:

(i) A medically necessary condition for developmentally delayed clients;

(ii) Surgeries involving extremities:

(A) Fractures; or

(B) Open wounds with tendon involvement.

(iii) Intracranial injuries;

(iv) Burns;

(v) Traumatic injuries;

(vi) Cerebral palsy;

(vii) Downs Syndrome;

(viii) Meningocele;

(ix) Severe oral/motor problems:

(A) Dyspraxia;

(B) Cleft palate and/or cleft lip; or

(C) That interfere with adequate nutrition.

(x) Symptoms involving nervous and musculoskeletal systems:

(A) Abnormality of gait; or

(B) Lack of coordination; or

(xi) Post-completed/approved inpatient physical medicine and rehabilitation program when the client no longer needs nursing services, but continues to require specialized outpatient therapy.

(e) Additional one hundred twenty-four outpatient occupational therapy sessions if the condition is post-surgery diplegic/congenital diplegia; and

(f) Additional sessions when requested and approved through department of health's children with special health care needs program;

(g) Subject to department approval, additional occupational therapy services regardless of diagnosis when such services are medically necessary.

(5) For the purposes of this section, a "session" means not less than fifteen minutes and up to one hour of therapy in one day.

(6) The department shall pay for occupational therapy provided to a client eligible under the:

(a) Categorically needy, children's health, general assistance unemployable and ADATSA programs;

(b) Medically needy program only when the client is:

(i) Twenty years of age or younger and referred by a screening provider under the early and periodic screening, diagnosis and treatment program/healthy kids program as described under WAC 388-86-027; or

(ii) Receiving home health care services as described under WAC 388-86-045.

(c) Medically indigent program as part of the treatment program under home health care services as described under WAC 388-86-045

(7) The department shall pay for occupational therapy provided to a client receiving services from a school district or educational service district as part of an individual education program or individualized family service plan as described under WAC 388-86-022.

[Statutory Authority: RCW 74.08.090. 94-07-030 (Order 3714), § 388-86-073, filed 3/9/94, effective 4/9/94; 94-01-065 (Order 3679), § 388-86-073, filed 12/8/93, effective 1/8/94; 90-17-119 and 90-18-033 (Orders 3053 and 3053A), § 388-86-073, filed 8/21/90 and 8/27/90, effective 9/21/90 and 9/1/90.]

**WAC 388-86-075 Outpatient and emergency care.**

(1) The department shall require no authorization for categorically needy or limited casualty program-medically needy recipients to receive outpatient service, emergent outpatient surgical care, and other emergency care performed

on an outpatient basis in a hospital. The provider shall present justification for the service with the request for payment.

(2) A recipient of the limited casualty program-medically indigent shall have medical consultant approval for emergency room services.

[Statutory Authority: RCW 74.08.090, 88-15-010 (Order 2649), § 388-86-075, filed 7/8/88; 83-03-016 (Order 1937), § 388-86-075, filed 1/12/83; 81-16-033 (Order 1685), § 388-86-075, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-075, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-075, filed 10/9/80; 79-06-034 (Order 1402), § 388-86-075, filed 5/16/79; Order 1196, § 388-86-075, filed 3/3/77; Order 1112, § 388-86-075, filed 4/15/76; Order 696, § 388-86-075, filed 6/29/72; Order 566, § 388-86-075, filed 5/19/71; Order 264 (part), § 388-86-075, filed 11/24/67.]

**WAC 388-86-080 Oxygen service.** (1) The department may make oxygen and related equipment and supplies available through contract to recipients when the attending physician requests the service.

[Statutory Authority: RCW 74.08.090, 92-07-026 (Order 3334), § 388-86-080, filed 3/10/92, effective 4/10/92; 86-02-031 (Order 2321), § 388-86-080, filed 12/27/85; 82-01-001 (Order 1725), § 388-86-080, filed 12/3/81; 81-06-003 (Order 1610), § 388-86-080, filed 2/19/81; Order 1196, § 388-86-080, filed 3/3/77; Order 1077, § 388-86-080, filed 12/24/75; Order 335, § 388-86-080, filed 2/3/69; Order 303, § 388-86-080, filed 9/6/68; Order 264 (part), § 388-86-080, filed 11/24/67.]

**WAC 388-86-085 Transportation (other than ambulance).** (1) The department shall assure the availability of necessary transportation for a recipient:

- (a) To and from medical services;
- (b) Covered under the recipient's medical program; and
- (c) Suitable to the recipient's medical need.

(2) For the purposes of this section and WAC 388-87-035, the department defines transportation as a service when a recipient enters a vehicle and is transported to medical services which are at least one-quarter mile away.

(3) The department shall authorize payment for such transportation:

- (a) When other means of transportation are not available or appropriate to the recipient's need;
- (b) At the least costly alternative mode of transportation suitable to the recipient's medical condition;
- (c) When the department, broker, or contractor gives prior authorization for the transportation or gives retro-authorization within seventy-two hours for transportation during hours when the department, broker, or contractor is not available; and
- (d) When transportation is given to and from covered services:

- (i) Within the local medical community unless necessary medical services are not available locally; or
- (ii) Outside of the local medical community to the closest provider able and willing to provide the necessary and covered medical services.

(4) The department shall:

(a) Contract to provide such transportation as an administrative service in counties under broker or contractor agreements.

(i) Brokers or contractors shall certify transportation providers for medical services in accordance with rules established by the department; and

(ii) The department shall require the brokers and contractors to operate the services in accordance with all federal, state, and local ordinances, statutes, and regulations.

(b) Provide transportation as a medical service in unbrokered or noncontracted counties.

(5) The department, broker, or contractor shall pay for transportation only for the recipient unless the broker determines that the recipient needs an attendant or escort to ensure personal or public safety.

(6) When the department determines no other appropriate transportation resource is available to the recipient, the department may:

(a) Authorize public transit when a transit authority is present in the community and when the recipient is capable of using this level of service;

(b) Reimburse the recipient for mileage in a private vehicle or issue a gas voucher, in areas with gas voucher systems:

- (i) When prior authorized;
- (ii) If the distance traveled is more than forty miles to and from covered medical services in a given week; and
- (iii) When the driver and vehicle meet the state insurance and licensure requirements.

(c) Reimburse volunteers providing recipient transportation:

- (i) When prior authorized;
- (ii) From volunteer's point of origin, and back to volunteer's point of origin; and
- (iii) When the driver and vehicle meet the state insurance and licensure requirements.

(7) When transportation in subsection 6 of this section is either not available or not accessible by the recipient, and the transportation is medically necessary, the department shall authorize transportation by:

(a) A nonprofit organization using specialized equipment, such as wheelchair lifts when the medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable;

(b) Cabulance vehicle when medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable;

(c) Taxi transportation when medically necessary and other less expensive modes of transportation are not available or not appropriate to meet the recipient's needs.

(8) The department shall authorize interstate and intrastate transportation, e.g., bus, train, air, when:

- (a) Transportation is medically necessary;
- (b) Necessary medical treatment is not available locally; and

(c) The physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(9) The department, broker, or contractor shall not authorize transportation for a nursing facility recipient to or from medical services which are expected to be provided by the facility:

- (a) Securing prescriptions;
- (b) Nursing care and supervision;
- (c) Personal hygiene including baths, shampoos, routine nail care for feet or hands, shaves, routine daily oral care, and skin care;

(d) Services relating to meeting medically-related psychosocial needs ordered by the physician when appropriate;

(e) Ancillary care services including services provided by activities specialists, audiologists, social workers, speech pathologists, physical therapists, and/or occupational therapists; or

(f) A nutritionally adequate and varied diet including supplementary nourishments and vitamins.

[Statutory Authority: RCW 74.08.090. 91-23-082 (Order 3284), § 388-86-085, filed 11/19/91, effective 12/20/91; 90-16-053 (Order 3044), § 388-86-085, filed 7/27/90, effective 8/27/90; 89-23-081 (Order 2899), § 388-86-085, filed 11/17/89, effective 12/18/89; 88-20-042 (Order 2702), § 388-86-085, filed 9/30/88; 88-06-083 (Order 2600), § 388-86-085, filed 3/2/88; 86-02-031 (Order 2321), § 388-86-085, filed 12/27/85; 85-05-024 (Order 2207), § 388-86-085, filed 2/14/85; 84-20-098 (Order 2155), § 388-86-085, filed 10/3/84; 82-02-022 (Order 1743), § 388-86-085, filed 12/30/81; 81-16-033 (Order 1685), § 388-86-085, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-085, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-085, filed 10/9/80; 79-06-034 (Order 1402), § 388-86-085, filed 5/16/79; 79-01-002 (Order 1359), § 388-86-085, filed 12/8/78; Order 1230, § 388-86-085, filed 8/23/77; Order 1203, § 388-86-085, filed 4/1/77; Order 1154, § 388-86-085, filed 9/22/76; Order 1112, § 388-86-085, filed 4/15/76; Order 995, § 388-86-085, filed 12/31/74; Order 938, § 388-86-085, filed 5/23/74; Order 754, § 388-86-085, filed 12/14/72; Order 738, § 388-86-085, filed 11/22/72; Order 705, § 388-86-085, filed 8/11/72; Order 696, § 388-86-085, filed 6/29/72; Order 666, § 388-86-085, filed 3/23/72; Order 566, § 388-86-085, filed 5/19/71; Order 484, § 388-86-085, filed 10/13/70; Order 335, § 388-86-085, filed 2/3/69; Order 303, § 388-86-085, filed 9/6/68; Order 264 (part), § 388-86-085, filed 11/24/67.]

**WAC 388-86-086 Ambulance services.** (1) Ambulance services shall be provided to transport recipients to and from medical care services covered under the medical assistance program in accordance with the following guidelines:

(a) Transport by ambulance shall be provided when medical necessity is clearly demonstrated and the physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(b) Transport shall only be made to and from medical services within the local community unless necessary medical care is not available locally.

(2) Air ambulance services shall be provided when:

(a) Necessary medical treatment is not available locally; and

(b) The emergent need for medical treatment and the physical condition of the recipient is such that the use of any other mode of transportation is inadvisable.

[Statutory Authority: RCW 74.08.090. 88-06-083 (Order 2600), § 388-86-086, filed 3/2/88.]

**WAC 388-86-087 Personal care services.** The department shall authorize personal care services to eligible categorically needy persons under Title XIX as provided under WAC 388-15-810, 388-15-820, 388-15-830, 388-15-840, 388-15-850, 388-15-860, and 388-15-870.

[Statutory Authority: 1989 1st ex.s. c 19. 89-18-031 (Order 2858), § 388-86-087, filed 8/29/89, effective 9/29/89.]

**WAC 388-86-090 Physical therapy.** (1) The department shall pay for physical therapy as an outpatient service when:

(a) The attending physician prescribes physical therapy;

(b) A licensed physical therapist or physiatrist, a physical therapist assistant supervised by a licensed physical therapist, or, in schools, a physical therapy aide trained and supervised by a licensed physical therapist provides the treatment; and

(c) The therapy assists the client:

(i) In avoiding hospitalization or nursing facility care; or

(ii) In becoming employable; or

(iii) Who suffers from severe motor disabilities to obtain a greater degree of self-care or independence; or

(iv) As part of a treatment program intended to restore normal function of a body part following injury, surgery, or prolonged immobilization.

(2) The department shall pay for the following physical therapy services in a calendar year when the attending health professional determines the services are medically appropriate:

(a) One medical diagnostic evaluation;

(b) Twelve physical therapy sessions; and

(c) Twenty-four additional outpatient sessions, when the services are for:

(i) Post-completed/approved inpatient physical medicine and rehabilitation program when the client no longer needs nursing services but continues to require specialized outpatient therapy; or

(ii) Medically necessary conditions for developmentally delayed clients;

(iii) Surgeries involving extremities:

(A) Fractures;

(B) Open wounds with tendon involvement.

(iv) Intracranial injuries;

(v) Burns;

(vi) Cerebral palsy;

(vii) Downs Syndrome;

(viii) Meningomyelocele;

(ix) Traumatic injuries; or

(x) Symptoms involving nervous and musculoskeletal systems with abnormality of gait and lack of coordination.

(d) Additional sessions when requested and approved through department of health's children with special health care needs program;

(e) Additional one hundred twenty-four outpatient physical therapy sessions if the condition is post-surgery diplegic/congenital diplegia; and

(f) Subject to department approval, additional physical therapy services regardless of diagnosis when such services are medically necessary.

(3) For the purposes of this section, "session" means not less than fifteen minutes and up to one hour of therapy in one day.

(4) The department shall not pay for physical therapy when payment for physical therapy is included as part of the reimbursement for other treatment programs including, but not limited to, hospital inpatient diagnosis related group services and nursing facility services.

(5) The department shall pay for outpatient physical therapy for a client eligible under the:

(a) Categorically needy, children's health, general assistance unemployable and ADATSA programs;

(b) Medically needy program only when the client is:

(i) Twenty years of age or under and referred by a screening provider under the early and periodic screening,



diagnosis, and treatment program/healthy kids program as described under WAC 388-86-027; or

(ii) Receiving home health care services as described under WAC 388-86-045.

(c) Medically indigent program when receiving home health care services as described under WAC 388-86-045.

(6) The department shall pay for outpatient physical therapy for a client receiving services provided by a school district or educational service district as part of an individual education program or individualized family service plan as described under WAC 388-86-022.

[Statutory Authority: RCW 74.08.090, 94-07-030 (Order 3714), § 388-86-090, filed 3/9/94, effective 4/9/94; 94-01-065 (Order 3679), § 388-86-090, filed 12/8/93, effective 1/8/94; 90-17-119 and 90-18-033 (Orders 3053 and 3053A), § 388-86-090, filed 8/21/90 and 8/27/90, effective 9/21/90 and 9/1/90; 89-05-029 (Order 2758), § 388-86-090, filed 2/13/89; 88-01-043 (Order 2568), § 388-86-090, filed 12/11/87; 86-02-031 (Order 2321), § 388-86-090, filed 12/27/85; 84-20-102 (Order 2159), § 388-86-090, filed 10/3/84; 81-16-033 (Order 1685), § 388-86-090, filed 7/29/81; 80-13-020 (Order 1542), § 388-86-090, filed 9/9/80; 78-02-024 (Order 1265), § 388-86-090, filed 1/13/78; Order 1202, § 388-86-090, filed 4/1/77; Order 1151, § 388-86-090, filed 9/8/76; Order 911, § 388-86-090, filed 3/1/74; Order 781, § 388-86-090, filed 3/16/73; Order 474, § 388-86-090, filed 8/19/70; Order 385, § 388-86-090, filed 8/27/69; Order 303, § 388-86-090, filed 9/6/68; Order 264 (part), § 388-86-090, filed 11/24/67.]

**WAC 388-86-095 Physicians' services.** The department shall reimburse a physician for covered services provided in the medical care program on a fee-for-service or contract basis subject to the exceptions and restrictions listed below.

(1) The department shall provide physical examinations for clients related to federal or state programs under the following circumstances:

(a) For admission to a nursing facility or change of status from a private-pay to a Medicaid-eligible patient; or

(b) Given as a screening under the EPSDT program; see WAC 388-86-027.

(2) The department shall pay consultant or specialist fees for covered services with the following limitations:

(a) No consultation fee shall be paid when the specialist subsequently performs surgery or renders treatment for which maximum allowable fees accrue; and

(b) The department shall not pay for physical examinations under the medical care programs for:

(i) AFDC incapacity, see chapter 388-24 WAC;

(ii) Determination of whether a person's health will or will not permit the person to return home, see chapter 388-28 WAC;

(iii) Request by the claimant or examiner in a fair hearing procedure, see chapter 388-08 WAC;

(iv) Foster home placement, see chapter 388-70 WAC;

(v) Adoptive home placement, see chapter 388-70 WAC;

(vi) Employability for JOBS program, see chapter 388-24 WAC;

(vii) Incapacity for GA-U program, see chapter 388-37 WAC.

(3) The department shall limit the number of physicians' reimbursed services to the following:

(a) Two calls per month for nonemergent conditions in a nursing facility;

(b) One call per day for either a hospital, hospital emergency room, or physician office call. This is applicable to other than flat fee care;

(c) A psychiatrist shall provide individual outpatient psychotherapy and such psychotherapy shall be limited to one hour per month or equivalent combinations.

(d) Except as described in WAC 388-86-067(1), the limits on physician calls set by subsection (3)(a) and (b) of this section apply to outpatient psychotherapy;

(e) For out-of-state physicians' services see WAC 388-86-115; and

(f) The physician shall justify requests for payment for visits in addition to subsections (3)(a), (b), and (c) of this section, at the time the physician bills the department.

(4) The department shall require prior approval for nonemergent surgery requiring hospitalization.

(5) The department shall not require prior approval for medically necessary surgical procedures not requiring hospitalization and performed in an outpatient setting

(6) The department shall consider cataract surgery medically necessary when the following conditions exist:

(a) Vision is 20/200 in the worse eye;

(b) Vision is equal to or worse than 20/70, distant vision, and J-5 with +3.50, near vision, in better eye; or

(c) When extenuating circumstances are present, such as employment requirements, need to drive, and the vision is worse than 20/40, distant vision, in the better eye.

(7) Cataract surgery shall require prior departmental approval except when the client's conditions meet the requirements in subsection(6)(a) or (b) of this section.

(8) The department shall require prior authorization when contact lenses are prescribed to:

(a) Correct visual acuity that cannot be corrected with spectacles;

(b) Correct refractive errors, over +6 or over -6 diopters (Sphere and/or cylinder);

(c) Act as a transparent bandage to protect a diseased or traumatized cornea; or

(d) To balance high anisometropia (less than + or -3 diopters).

[Statutory Authority: RCW 74.08.090, 92-20-008 (Order 3459), § 388-86-095, filed 9/23/92, effective 10/24/92; 88-15-010 (Order 2649), § 388-86-095, filed 7/8/88; 86-18-003 (Order 2413), § 388-86-095, filed 8/21/86; 86-02-031 (Order 2321), § 388-86-095, filed 12/27/85; 85-04-021 (Order 2197), § 388-86-095, filed 1/30/85; 84-02-052 (Order 2060), § 388-86-095, filed 1/4/84; 82-24-072 (Order 1920), § 388-86-095, filed 12/1/82; 81-16-033 (Order 1685), § 388-86-095, filed 7/29/81; 81-06-003 (Order 1610), § 388-86-095, filed 2/19/81; 80-15-034 (Order 1554), § 388-86-095, filed 10/9/80; 78-10-077 (Order 1346), § 388-86-095, filed 9/27/78; 78-02-024 (Order 1265), § 388-86-095, filed 1/13/78; Order 1230, § 388-86-095, filed 8/23/77; Order 1196, § 388-86-095, filed 3/3/77; Order 1061, § 388-86-095, filed 10/8/75; Order 1019, § 388-86-095, filed 4/30/75; Order 1014, § 388-86-095, filed 3/14/75; Order 938, § 388-86-095, filed 5/23/74; Order 879, § 388-86-095, filed 11/29/73; Order 680, § 388-86-095, filed 5/10/72; Order 501, § 388-86-095, filed 12/9/70; Order 484, § 388-86-095, filed 10/13/70; Order 474, § 388-86-095, filed 8/19/70; Order 419, § 388-86-095, filed 12/31/69; Order 385, § 388-86-095, filed 8/27/69; Order 335, § 388-86-095, filed 2/3/69; Order 303, § 388-86-095, filed 9/6/68; Order 264 (part), § 388-86-095, filed 11/24/67.]

**WAC 388-86-09601 Podiatric services.** (1) The department shall provide medically necessary podiatric services provided by a podiatrist, when the services are:

(a) Within the scope of the podiatrist's practice;

(b) Included in the department's scope of covered podiatric services; and

(c) Not excluded under subsection (3) of this section.

(2) For the purposes of this section:

(a) A podiatric service means the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot; and

(b) A podiatrist is a podiatric physician and surgeon of the foot licensed as required under chapter 18.22 RCW.

(3) The department shall exclude from the scope of covered services treatment of:

(a) Routine foot care that includes, but not limited to, medically unnecessary mycotic disease removal of corns, warts, or calluses, trimming of nails and other hygienic and preventive care; and

(b) Asymptomatic flat feet.

[Statutory Authority: RCW 74.08.090. 92-17-005 (Order 3435), § 388-86-09601, filed 8/6/92, effective 9/6/92; 92-03-120 (Order 3320), § 388-86-09601, filed 1/21/92, effective 2/21/92; 88-15-010 (Order 2649), § 388-86-09601, filed 7/8/88; 82-01-001 (Order 1725), § 388-86-09601, filed 12/3/81; 81-16-033 (Order 1685), § 388-86-09601, filed 7/29/81.]

**WAC 388-86-097 Respiratory therapy services.**

(1) Respiratory therapy services including nebulizers or other similar equipment shall be available when prescribed by a physician as necessary to permit the recipient to remain in his own home or in a skilled nursing home.

(2) Respiratory therapy services may be provided through contract to include necessary equipment and routine visits by a respiratory therapist, by loan of state owned respiratory therapy equipment or by visit of an independent respiratory therapist.

(3) For recipients eligible for part B Medicare benefits, necessary equipment for respiratory therapy shall be purchased and made available on a loan basis.

(4) Recipients living in areas covered by contract shall have approved respiratory therapy services available only through the contract source.

[Statutory Authority: RCW 74.08.090. 86-02-031 (Order 2321), § 388-86-097, filed 12/27/85; Order 1077, § 388-86-097, filed 12/24/75.]

**WAC 388-86-098 Speech therapy services.**

(1) The department shall pay for speech therapy for conditions which are the result of medically recognized diseases and defects.

(2) The department shall pay for speech therapy when the services are provided:

(a) By a speech pathologist or audiologist who has been granted a certificate of clinical competence by the American Speech, Hearing and Language Association;

(b) By a person who completed the equivalent educational and work experience necessary for such a certificate; or

(c) In schools as described under WAC 388-86-022, by a person:

(i) Who has completed the academic program and is acquiring supervised work experience to qualify for a certificate of clinical competence from the American speech, hearing and language association; or

(ii) Trained and supervised by a speech pathologist or audiologist who has been granted a certificate of clinical competence by the American speech, hearing and language association or a person who has completed the equivalent

educational and work experience necessary for such a certificate.

(3) The department shall pay for the following speech therapy services in a calendar year when the health professional determines the services are medically appropriate:

(a) One medical diagnostic evaluation;

(b) Twelve speech therapy sessions;

(c) Twenty-four additional speech therapy sessions if the speech therapy service is for:

(i) Medically necessary conditions for developmentally delayed clients;

(ii) Cerebral Palsy;

(iii) Severe oral/motor problems:

(A) Dyspraxia;

(B) Cleft palate and/or cleft lip; or

(C) That interfere with adequate nutrition.

(iv) Meningomyelocele;

(v) Neurofibromatosis;

(vi) Downs Syndrome;

(vii) Traumatic head/brain injury (TBI);

(viii) Cerebral vascular accident (recent only) of dominant hemisphere; or

(ix) Post-completed/approved inpatient physical medicine and rehabilitation program when the client no longer needs nursing, but continues to require specialized outpatient therapy.

(d) Subject to department approval, additional speech therapy services regardless of diagnosis when such services are medically necessary.

(4) The department shall not pay for speech therapy when the speech therapy payment is part of the reimbursement for another treatment program including, but not limited to:

(a) Hospital inpatient diagnosis related group services; and

(b) Nursing facility services.

(5) The department shall pay for speech therapy provided to a client eligible under the:

(a) Categorically needy, children's health, general assistance unemployable and ADATSA programs;

(b) Medically needy program only when the client is:

(i) Twenty years of age and under and referred by a screening provider under the early and periodic screening, diagnosis and treatment program/healthy kids program; or

(ii) Receiving home health care services as described under WAC 388-86-045.

(c) Medically indigent program when receiving home health care services as described under WAC 388-86-045.

(6) The department shall pay for speech therapy provided to a client receiving medical services from a school district or educational service district as part of an individual education program or individualized family service plan as described under WAC 388-86-022.

[Statutory Authority: RCW 74.08.090. 94-07-030 (Order 3714), § 388-86-098, filed 3/9/94, effective 4/9/94; 94-01-065 (Order 3679), § 388-86-098, filed 12/8/93, effective 1/8/94; 90-17-119 and 90-18-033 (Orders 3053 and 3053A), § 388-86-098, filed 8/21/90 and 8/27/90, effective 9/21/90 and 9/1/90; 88-15-010 (Order 2649), § 388-86-098, filed 7/8/88; 86-02-031 (Order 2321), § 388-86-098, filed 12/27/85; 82-10-062 (Order 1801), § 388-86-098, filed 5/5/82; 82-01-001 (Order 1725), § 388-86-098, filed 12/3/81; 81-16-033 (Order 1685), § 388-86-098, filed 7/29/81; 78-02-024 (Order 1265), § 388-86-098, filed 1/13/78; Order 1202, § 388-86-098, filed 4/1/77.]

**WAC 388-86-100 Durable medical equipment, prosthetic devices, and disposable/nonreusable medical supplies.** (1) The division of medical assistance shall purchase and/or rent medically necessary medical equipment, prosthetic devices, and other disposable/nonreusable medical supplies when:

(a) The division is the payor of last resort; and

(b) The item requested is not included with other reimbursement methodologies, such as, but not limited to, diagnosis related group (DRG) for hospital inpatients, or a nursing home's per diem reimbursement.

(2) The division of medical assistance shall authorize payment for a requested item only when the item is medically necessary as defined under WAC 388-80-005(45) and is covered by the medical assistance program.

(3) The division of medical assistance shall purchase and/or rent a wheelchair for a permanently disabled nursing home recipient when the chair is for the exclusive full-time use of the recipient and is not included in the nursing home's per diem reimbursement.

(4) Medical equipment and supplies purchased or reissued by the division of medical assistance become the property of the recipient for whom they are purchased/reissued.

(5) The division of medical assistance shall normally authorize the purchase and/or repair of only one wheelchair, manual or power-drive, per recipient. However, another wheelchair shall be provided and/or repaired when medically necessary.

(6) Durable medical equipment, prosthetic devices, and disposable/nonreusable supplies that require approval by the division of medical assistance prior to delivery of service include:

- (a) Prosthetic limbs;
- (b) Orthopedic shoes;
- (c) Osteogenic stimulator, noninvasive;
- (d) Communication devices;
- (e) Transcutaneous nerve stimulators;
- (f) Wheeled shower chairs;
- (g) Blood pressure kits;
- (h) Blood glucose monitors;
- (i) Air and gel cushions;
- (j) Fluidized air flotation system;
- (k) Decubitus care mattress, including flotation or gel

mattress;

(l) Complete patient lift, except for sling or wall mount;

(m) Wheelchairs:

- (i) Accessories;
- (ii) Fitting fees; and
- (iii) Freight charges.

(n) Hospital bed and replacement mattress;

(o) Replacement parts, repairs, and labor charges;

(p) Bath accessories, decubitus care products (nonformulary), and patient equipment not listed in the division of medical assistance "durable medical equipment and supplies" billing instructions; and

(q) All rentals.

(7) The division of medical assistance shall not authorize the purchase of vehicle driving controls, a vehicle wheelchair lift conversion, or purchase or repair of a vehicle wheelchair lift, unless:

(a) Medical transportation provided under WAC 388-86-085 cannot meet the recipient's need for transportation to and from medically necessary covered services at a lower cost to the department; and

(b) Prior approval is obtained.

[Statutory Authority: RCW 74.08.090. 89-08-052 (Order 2783), § 388-86-100, filed 3/31/89; 86-03-047 (Order 2329), § 388-86-100, filed 1/15/86; 82-17-072 (Order 1868), § 388-86-100, filed 8/18/82; 81-16-033 (Order 1685), § 388-86-100, filed 7/29/81; 81-06-003 (Order 1610), § 388-86-100, filed 2/19/81; 78-10-077 (Order 1346), § 388-86-100, filed 9/27/78; 78-02-024 (Order 1265), § 388-86-100, filed 1/13/78; Order 1233, § 388-86-100, filed 8/31/77; Order 1019, § 388-86-100, filed 4/30/75; Order 938, § 388-86-100, filed 5/23/74; Order 499, § 388-86-100, filed 12/2/70; Order 480, § 388-86-100, filed 9/22/70; Order 463, § 388-86-100, filed 6/23/70; Order 419, § 388-86-100, filed 12/31/69; Order 385, § 388-86-100, filed 8/27/69; Order 264 (part), § 388-86-100, filed 11/24/67.]

**WAC 388-86-105 Voluntary agency.** Medical care shall be provided for a child or unmarried mother certified by the department as eligible and receiving the services of a voluntary agency or maternity home.

[Statutory Authority: RCW 74.08.090. 81-06-003 (Order 1610), § 388-86-105, filed 2/19/81; Order 1151, § 388-86-105, filed 9/8/76; Order 482, § 388-86-105, filed 9/29/70, effective 11/1/70; Order 463, § 388-86-105, filed 6/23/70; Order 264 (part), § 388-86-105, filed 11/24/67.]

**WAC 388-86-110 X-ray services.** (1) The Medical Assistance Administration (MAA) shall cover medically necessary therapeutic x-rays (deep x-ray and related radiation treatment) when a practitioner practicing within the scope of their licensure orders the service.

(2) Magnetic Resonance Imaging (MRI) requires prior approval and the MAA shall consider the request when the physician or dental provider requesting the MRI:

(a) Is at the most definitive specialty level that treats the condition for which imaging is requested; or

(b) Consults with a physician or dentist as designated under subsection (2)(a) of this section; or

(c) Orders the MRI as part of a follow-up plan for monitoring a condition as prescribed by a physician or dentist as designated under subsection (2)(a) of this section.

(3) The MAA shall not require prior approval for diagnostic and follow-up x-rays, except MRI, but MAA shall require films be available to the MAA medical consultant or other authorized staff on request.

[Statutory Authority: RCW 74.08.090. 92-16-104 (Order 3432), § 388-86-110, filed 8/5/92, effective 9/5/92; 78-10-077 (Order 1346), § 388-86-110, filed 9/27/78; Order 264 (part), § 388-86-110, filed 11/24/67.]

**WAC 388-86-112 Physical medicine and rehabilitation evaluation and treatment.** (1) Physical medicine and rehabilitation inpatient evaluation and individualized treatment may be authorized for a period not exceeding four weeks at a time when the following conditions are met:

(a) The person suffers from severe disabilities including but not limited to motor and/or cognitive deficits.

(b) Physical medicine and rehabilitation treatment would potentially enable the person to obtain a greater degree of self-care and/or independence.

(c) Prior approval of the office of the medical director is obtained.

(2) Extensions of the treatment intervals may be authorized by the office of the medical director if adequate

justification is received from the physical medicine and rehabilitation facility.

[Statutory Authority: RCW 74.08.090. 85-17-037 (Order 2272), § 388-86-112, filed 8/15/85; 81-16-033 (Order 1685), § 388-86-112, filed 7/29/81; 78-02-024 (Order 1265), § 388-86-112, filed 1/13/78; Order 964, § 388-86-112, filed 8/19/74.]

**WAC 388-86-115 Medical care provided out-of-state.** (1) The department shall authorize and provide comparable medical care services to a recipient of medical assistance (MA) or limited casualty program-medically needy who is temporarily outside the state to the same extent that such medical care services are furnished to an eligible recipient in the state, subject to the exceptions and limitations in this section.

(2) Bordering cities listed in chapter 388-82 WAC are not considered "out-of-state" and are excluded from these provisions. When a recipient goes to another state, other than the specified bordering cities, specifically for the purpose of obtaining medical care that is available in the state of Washington, only emergency care will be provided by the state of Washington.

(3) State funded medical care is not provided out-of-state. Medical services in designated bordering cities may be authorized.

(4) The medical consultant shall review all cases involving out-of-state medical care to determine whether the services are within the scope of the medical assistance program.

(5) Medical assistance may be provided only in areas of Canada that border on the United States when no other resources are available.

[Statutory Authority: RCW 74.08.090. 81-16-033 (Order 1685), § 388-86-115, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-115, filed 4/27/81; 79-06-034 (Order 1402), § 388-86-115, filed 5/16/79; 79-01-002 (Order 1359), § 388-86-115, filed 12/8/78; Order 799, § 388-86-115, filed 5/25/73; Order 781, § 388-86-115, filed 3/16/73; Order 303, § 388-86-115, filed 9/6/68; Order 264 (part), § 388-86-115, filed 11/24/67.]

**WAC 388-86-120 Medical care services.** (1) A medical care services client shall be eligible to receive the same scope of care (WAC 388-86-005) as a Medicaid client, except that the department shall not pay for the following services:

(a) Medical care outside the state of Washington other than in designated bordering cities as specified in chapter 388-82 WAC;

(b) Case management services;

(c) Dental services;

(d) Hospice services;

(e) Hospital inpatient and hospital outpatient services;

(f) Indian health center services;

(g) Personal care services;

(h) Outpatient chemical dependency treatment; and

(i) Chemical dependency Methadone services.

(2) The department shall only provide mental health services in community mental health centers and to the extent that the client meets the client definitions and priorities in the Community Mental Health Act.

(3) Eligibility for medical care services shall begin with the certification date under WAC 388-84-120. The department shall not retroactively certify for medical care services.

[Statutory Authority: RCW 74.08.090 and 74.09.035. 93-16-038 (Order 3598), § 388-86-120, filed 7/28/93, effective 8/28/93. Statutory Authority: RCW 74.08.090. 92-22-054 (Order 3477), § 388-86-120, filed 10/28/92, effective 11/28/92. Statutory Authority: 1987 1st ex.s. c 7. 88-02-034 (Order 2580), § 388-86-120, filed 12/31/87. Statutory Authority: 1987 c 406. 87-19-091 (Order 2539), § 388-86-120, filed 9/17/87. Statutory Authority: RCW 74.08.090. 85-21-062 (Order 2295), § 388-86-120, filed 10/16/85; 84-07-015 (Order 2084), § 388-86-120, filed 3/14/84; 83-17-006 (Order 1996), § 388-86-120, filed 8/5/83; 82-18-062 (Order 1869), § 388-86-120, filed 9/1/82; 81-16-033 (Order 1685), § 388-86-120, filed 7/29/81; 81-10-015 (Order 1647), § 388-86-120, filed 4/27/81; 80-15-034 (Order 1554), § 388-86-120, filed 10/9/80; 79-06-034 (Order 1402), § 388-86-120, filed 5/16/79; 79-01-002 (Order 1359), § 388-86-120, filed 12/8/78; 78-02-024 (Order 1265), § 388-86-120, filed 1/13/78; Order 1233, § 388-86-120, filed 8/31/77; Order 1172, § 388-86-120, filed 11/24/76; Order 1014, § 388-86-120, filed 3/14/75; Order 994, § 388-86-120, filed 12/31/74; Order 967, § 388-86-120, filed 8/29/74; Order 938, § 388-86-120, filed 5/23/74; Order 924, § 388-86-120, filed 4/15/74; Order 911, § 388-86-120, filed 3/1/74; Order 879, § 388-86-120, filed 11/29/73; Order 680, § 388-86-120, filed 5/10/72; Order 581, § 388-86-120, filed 7/20/71; Order 549, § 388-86-120, filed 3/31/71, effective 5/1/71; Order 501, § 388-86-120, filed 12/9/70; Order 453, § 388-86-120, filed 5/20/70, effective 6/20/70; Order 335, § 388-86-120, filed 2/3/69; Order 303, § 388-86-120, filed 9/6/68; Order 264 (part), § 388-86-120, filed 11/24/67.]

**WAC 388-86-200 Limits on scope of medical program services.** (1) The medical assistance administration (MAA) shall pay only for equipment, supplies, and services that are listed as covered in MAA published issuances, including Washington Administrative Code (WAC), billing instructions, numbered memoranda, and bulletins, and when the items or services are:

(a) Within the scope of an eligible client's medical care program;

(b) Medically necessary;

(c) Within accepted medical, dental, or psychiatric practice standards and are:

(i) Consistent with a diagnosis; and

(ii) Reasonable in amount and duration of care, treatment, or service.

(d) Not listed under subsection (2) of this section; and

(e) Billed according to the conditions of payment under WAC 388-87-010.

(2) Unless required under EPSDT/healthy kids program; included as part of a managed care plan service package; included in a waived program; or part of one of the Medicare programs for the qualified Medicare beneficiaries, the MAA shall specifically exclude from the scope of covered services:

(a) Nonmedical equipment, supplies, personal or comfort items and/or services, including, but not limited to:

(i) Air conditioners or air cleaner devices, dehumidifiers, other environmental control devices, heating pads;

(ii) Enuresis (bed wetting) training equipment;

(iii) Recliner and/or geri-chairs;

(iv) Exercise equipment;

(v) Whirlpool baths;

(vi) Telephones, radio, television;

(vii) Any services connected to the telephone, television, or radio;

(viii) Homemaker services;

(ix) Utility bills; or

(x) Meals delivered to the home.

(b) Services, procedures, treatment, devices, drugs, or application of associated services which the department or

HCFA consider investigative or experimental on the date the services are provided;

- (c) Physical examinations or routine checkups;
  - (d) Cosmetic treatment or surgery, except for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness;
  - (e) Routine foot care that includes, but not limited to:
    - (i) Medically unnecessary treatment of mycotic disease;
    - (ii) Removal of warts, corns, or calluses;
    - (iii) Trimming of nails and other hygiene care; or
    - (iv) Treatment of asymptomatic flat feet.
  - (f) More costly services when less costly equally effective services as determined by the department are available;
  - (g) Procedures, treatment, prosthetics, or supplies related to gender dysphoria surgery except when recommended after a multidisciplinary evaluation including but not limited to urology, endocrinology, and psychiatry;
  - (h) Care, testing, or treatment of infertility, frigidity, or impotency. This includes procedures for sterilization reversals and donor ovum, sperm, or womb;
  - (i) Acupuncture, massage, or massage therapy;
  - (j) Orthoptic eye training therapy;
  - (k) Weight reduction and control services not provided in conjunction with a MAA medically approved program. This includes food supplements and educational products;
  - (l) Parts of the body, including organs tissues, bones, and blood;
  - (m) Blood and eye bank charges;
  - (n) Domiciliary or custodial care, excluding nursing facility care;
  - (o) Hair pieces, wigs, or hair transplantation;
  - (p) Biofeedback or other self-help care;
  - (q) Home births;
  - (r) Marital counseling or sex therapy; and
  - (s) Any service specifically excluded by statute.
- (3) Clients shall be responsible for payment as described under WAC 388-87-010 for services not covered under the client's medical care program.

[Statutory Authority: RCW 74.08.090. 93-16-037 (Order 3599), § 388-86-200, filed 7/28/93, effective 8/28/93; 93-11-086 (Order 3536), § 388-86-200, filed 5/19/93, effective 6/19/93.]

**WAC 388-86-300 Chemical dependency outpatient services.** (1) The department shall provide chemical dependency outpatient treatment services to a Medicaid client.

(2) The department shall provide a maximum of one hundred and fifteen hours of outpatient chemical dependency services per client in a twenty-four-month period. The department shall exclude from this limitation a client who is:

- (a) Participating in a youth chemical dependency treatment program;
- (b) Participating in a methadone chemical dependency treatment program; or
- (c) Pregnant or up to twelve months post pregnancy.

(3) The department shall provide exceptions to the service limitations under subsection (2) of this section for chemical dependency outpatient treatment services to a Medicaid client based on medical and clinical necessity.

[Statutory Authority: RCW 74.08.090. 93-17-038 (Order 3620), § 388-86-300, filed 8/11/93, effective 9/11/93.]

## Chapter 388-87 WAC MEDICAL CARE—PAYMENT

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-87-040	Payment—Anesthetization services. [Order 12093, § 388-87-040, filed 4/1/77; Order 264 (part), § 388-87-040, filed 11/24/87.] Repealed by 80-13-020 (Order 1542), filed 9/9/80. Statutory Authority: RCW 74.08.090.
388-87-047	Payment—Chiropractic services. [Statutory Authority: RCW 74.08.090. 80-13-020 (Order 1542), § 388-87-047, filed 9/9/80; Order 1203, § 388-87-047, filed 4/1/77; Order 1166, § 388-87-047, filed 10/27/76; Order 1112, § 388-87-047, filed 4/15/76; Order 386, § 388-87-047, filed 8/27/69.] Repealed by 81-10-016 (Order 1648), filed 4/27/81. Statutory Authority: RCW 74.08.090.
388-87-04701	Payment—Chiropractic services. [Statutory Authority: RCW 74.08.090. 83-17-073 (Order 2011), § 388-87-04701, filed 8/19/83.] Repealed by 89-18-033 (Order 2860), filed 8/29/89, effective 9/29/89. Statutory Authority: RCW 74.08.090.
388-87-055	Payment—Eyeglasses and examinations. [Order 386, § 388-87-055, filed 8/27/69; Order 264 (part), § 388-87-055, filed 11/24/67.] Repealed by Order 994, filed 12/31/74.

- 388-87-085 Payment—Pharmacy services. [Order 264 (part), § 388-87-085, filed 11/24/67.] Repealed by Order 316, filed 10/31/68.
- 388-87-100 Payment—Special duty nursing. [Order 1112, § 388-87-100, filed 4/15/76; Order 794, § 388-87-100, filed 4/26/73; Order 264 (part), § 388-87-100, filed 11/24/67.] Repealed by 78-10-077 (Order 1346), filed 9/27/78. Statutory Authority: RCW 74.08.090.
- 388-87-300 Payment—Co-payment. [Statutory Authority: RCW 74.08.090. 93-24-060 (Order 3676), § 388-87-300, filed 11/24/93, effective 12/25/93.] Repealed by 94-11-057 (Order 3734), filed 5/11/94, effective 6/11/94. Statutory Authority: RCW 74.08.090.

**WAC 388-87-005 Payment—Eligible providers defined.** (1) The following providers shall be eligible for enrollment to provide medical care to eligible clients:

- (a) Persons currently licensed by the state of Washington to practice medicine, osteopathy, dentistry, optometry, podiatry, midwifery, nursing, dental hygiene, chiropractic, or physical, occupational, speech, or respiratory therapy;
- (b) A hospital currently licensed by the department of health;
- (c) A facility currently licensed and classified by the department as a nursing facility or an intermediate care facility for the mentally retarded (ICF-MR);
- (d) A licensed pharmacy;
- (e) A home health services agency licensed under chapter 70.127 RCW;
- (f) A hospice care agency licensed under chapter 70.127 RCW;
- (g) An independent (outside) laboratory certified to participate under Title XVIII or determined currently to meet the Medicare requirements for such participation;
- (h) A company or person, not excluded in subsection (3) of this section, supplying items vital to the provision of medical services such as ambulance service, oxygen, eyeglasses, other appliances, or approved services not otherwise covered under this section;
- (i) A provider of screening services having a signed agreement with the department to provide such services to eligible persons in the early and periodic screening and diagnosis and treatment (EPSDT) program;
- (j) A qualified and approved center for the detoxification of acute alcohol or other drug intoxication conditions;
- (k) A qualified and approved outpatient clinical community mental health center, an approved inpatient psychiatric facility, or Indian health service clinic;
- (l) A chemical dependency facility;
- (i) Certified by the division of alcohol and substance abuse under chapter 275-19 WAC, or its successor; and
- (ii) Included in a coordinated continuum of chemical dependency services per a county plan under chapter 275-25 WAC or its successor.
- (m) A Medicare-certified rural health clinic;
- (n) A federally qualified health care center;
- (o) Licensed or certified agencies or persons having a signed agreement with the department to provide coordinated community AIDS service alternatives program services;
- (i) Home care agency personal care providers or self-employed independent contractors providing hourly attendant or respite care;
- (ii) Facilities or agencies providing therapeutic-home-delivered meals;

- (iii) Dietitians or nutritionists; and
- (iv) Social workers, mental health counselors, or psychologists who are self-employed independent contractors or employed by various licensed or certified agencies.
- (p) Approved prepaid health maintenance, prepaid health plans, or health insuring organizations;
- (q) An out-of-state provider of services listed under subsection (1)(a) through (l) of this section subject to conditions specified under WAC 388-87-105;
- (r) A Washington state school district or educational service district;
- (s) A licensed birthing center; and
- (t) A Medicare-certified ambulatory surgical center.
- (2) The department shall not pay for services performed by the following practitioners:
  - (a) Acupuncturists;
  - (b) Sanipractors;
  - (c) Naturopaths;
  - (d) Homeopathists;
  - (e) Herbalists;
  - (f) Masseurs or manipulators;
  - (g) Christian Science practitioners or theological healers; and
  - (h) Any other licensed or unlicensed practitioners not otherwise specifically provided for under the rules of this chapter.
- (3) Conditions of provider enrollment.
  - (a) Nothing in this section shall bind the department to enroll all eligible providers capable of delivering covered services. The department shall demonstrate the department's plan for service delivery creates adequate access to covered services.
  - (b) When a provider has a restricted professional license or has been terminated, excluded, or suspended from the Medicare/Medicaid programs, the department shall not enroll the provider unless the department determines the violations leading to the sanction or license restriction are not likely to be repeated. In the department's determination, the department shall consider whether the provider has been convicted of offenses related to the delivery of professional or other medical services not considered during the development of the previous sanction.
  - (c) The department shall not reinstate in the medical assistance program, a provider suspended from Medicare or suspended by the United States Department of Health and Human Services (DHHS) until DHHS notifies the department that the provider may be reinstated.
  - (d) Nothing in this subsection shall preclude the department from denying provider enrollment if, in the opinion of the medical director, medical assistance administration, the provider constitutes a danger to the health and safety of clients.

[Statutory Authority: RCW 74.08.090. 93-17-038 (Order 3620), § 388-87-005, filed 8/11/93, effective 9/11/93; 93-11-046 (Order 3545), § 388-87-005, filed 5/12/93, effective 6/12/93; 90-18-092 (Order 3064), § 388-87-005, filed 9/5/90, effective 10/6/90; 89-18-033 (Order 2860), § 388-87-005, filed 8/29/89, effective 9/29/89; 88-16-084 (Order 2665), § 388-87-005, filed 8/2/88; 87-12-056 (Order 2501), § 388-87-005, filed 6/1/87; 85-04-022 (Order 2198), § 388-87-005, filed 1/30/85; 83-17-073 (Order 2011), § 388-87-005, filed 8/19/83; 82-10-062 (Order 1801), § 388-87-005, filed 5/5/82; 82-01-001 (Order 1725), § 388-87-005, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-005, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-005, filed 4/27/81; 80-13-020 (Order 1542), § 388-87-005, filed 9/9/80; 78-10-

077 (Order 1346), § 388-87-005, filed 9/27/78; Order 1233, § 388-87-005, filed 8/31/77; Order 1112, § 388-87-005, filed 4/15/76; Order 994, § 388-87-005, filed 12/31/74; Order 930, § 388-87-005, filed 4/25/74; Order 739, § 388-87-005, filed 11/22/72; Order 386, § 388-87-005, filed 8/27/69; Order 264 (part), § 388-87-005, filed 11/27/67.]

**WAC 388-87-007 Medical provider agreement.** The department shall offer the medical care program through the use of enrolled providers of medical and other covered services. To be enrolled, a provider shall be licensed, if required, to provide said services, shall meet the conditions of eligibility defined in WAC 388-87-005, and shall sign and submit a standard contract form to the department agreeing to participate in the program according to the terms of this section. This contract form and participation by the provider according to the terms of this section shall constitute the agreement between the department and the provider. The department shall issue a contract provider number to an enrolled provider which is authorization to participate in the medical care program. Providers who participate in the medical care program are bound by the rules and standards set forth in this section and as issued by the department.

(1) Providers shall keep all records necessary to disclose the extent of services the provider furnishes to recipients of medical assistance.

(2) Providers shall furnish the department with any information it may request regarding payments claimed by the provider for furnishing services to recipients of medical assistance.

(3) The provider shall bill according to instructions issued by the department and accept payment for services according to the schedule of maximum allowances, the current medical assistance drug listings and other applicable maximum payment levels or schedules. Such payment shall constitute complete remuneration for such services.

(4) The provider shall refund to the recipient any payment received directly from the recipient for services for which the department is responsible for payment. The department shall limit its responsibility for payment of services provided in a retroactive period, as defined in WAC 388-80-005, to cases in which the cost of the services has not been otherwise paid. A provider may refund to a recipient a payment received in a retroactive period of eligibility for Medicaid. Such refund would be for services for which the department would otherwise be responsible for payment. After refunding the recipient's payment, [recipient,] the provider may bill the department. Upon receipt of a medical coupon that identifies the patient as eligible retroactively, the provider shall not bill the recipient for any unpaid charges for covered services remaining from the retroactive period.

(5) Provider billing invoices submitted to the department shall contain the following language and verification: "I hereby certify under penalty of perjury, that the material furnished and service rendered is a correct charge against the state of Washington; the claim is just and due; that no part of the same has been paid and I am authorized to sign for the payee; and that all goods furnished and/or services rendered have been provided without discrimination on the grounds of race, creed, color, sex, religion, national origin, marital status, or the presence of any sensory, mental or physical handicap."

(6) Providers shall render all services without discrimination on the grounds of race, creed, color, sex, religion, national origin, marital status, or the presence of any sensory, mental or physical handicap.

(7) The department shall give a thirty-day written notice of action to suspend or withdraw the provider's number and contract authorization to participate in the medical care program. The thirty-day notice shall not be required if:

(a) A provider is convicted of a criminal offense related to participation in the Medicare/Medicaid program; or

(b) The provider's license is suspended or revoked; or

(c) Federal funding is revoked; or

(d) By investigation, the department can document a violation of law or contract; or

(e) In the opinion of the medical director, division of medical assistance, the quality of care provided is such that the health and safety of recipients is endangered.

(8) Providers shall render all services according to the applicable sections of the Revised Code of Washington, the Washington Administrative Code, federal regulations and program instructions issued by the department.

(9) Nothing in this section shall preclude the department and any provider or provider group or association from jointly negotiating or entering into another form of written agreement for provision of medical care services to eligible recipients. If such a contract involves the payment of Title XIX funds, the contract shall satisfy all requirements of the standard form contract as modified by any applicable federal waivers.

(10) The provider must meet the disclosure of ownership requirements of WAC 388-87-008.

[Statutory Authority: RCW 74.08.090, 91-20-053 (Order 3251), § 388-87-007, filed 9/24/91, effective 10/25/91; 88-16-084 (Order 2665), § 388-87-007, filed 8/2/88; 85-04-022 (Order 2198), § 388-87-007, filed 1/30/85; 83-17-095 (Order 2007), § 388-87-007, filed 8/23/83; 83-10-077 (Order 1958), § 388-87-007, filed 5/4/83; 80-13-020 (Order 1542), § 388-87-007, filed 9/9/80.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 388-87-008 Disclosure by providers—Information on ownership and control.** (1) The department shall not approve a provider agreement or a contract and shall terminate an existing agreement or contract, if the provider fails to disclose ownership or control information as required by this section.

(2) A disclosing entity shall disclose the following information:

(a) The name and address of each person with an ownership or control interest in the disclosing entity or any subcontractor in which the disclosing entity has a direct or indirect ownership of five percent or more;

(b) Whether any of the persons named, in compliance with this subsection, is related to another as spouse, parent, child, or sibling; and

(c) The name of any other disclosing entity in which a person with an ownership or control interest in the disclosing entity also has an ownership or control interest.

(3) On request by the department the disclosing entity shall within thirty-five days submit full and complete information about:

(a) The ownership of any subcontractor with whom the provider has had business transactions totaling more than twenty-five thousand dollars during a twelve-month period ending on the date of request; and

(b) Any significant business transactions between the provider and any wholly owned supplier, or between the provider and any subcontractors, during the five-year period ending on the date of the request.

(4) The disclosing entity shall disclose the following information on persons convicted of crimes who:

(a) Has ownership or control interest in the provider, or is an agent or managing employee of the provider; and

(b) Has been convicted of a criminal offense related to that person's involvement in any program under Medicare, Medicaid, or the Title XX services program since the inception of those programs.

(5) "Disclosing entity" means a Medicaid provider (other than an individual practitioner or group of practitioners) that furnishes, or arranges for the furnishing of, health-related services for which it claims payment under any plan or program administered by the department.

(6) "Group of practitioners" means two or more health care practitioners who practice their profession at a common location (whether or not they share common facilities, common supporting staff, or common equipment).

(7) "Person with an ownership or control interest" means a person or corporation that:

(a) Has an ownership interest totalling five percent or more in a disclosing entity;

(b) Has an indirect ownership interest equal to five percent or more in a disclosing entity;

(c) Has a combination of direct and indirect ownership interests equal to five percent or more in a disclosing entity;

(d) Owns an interest of five percent or more in any mortgage, deed of trust, note, or other obligation secured by the disclosing entity if that interest equals at least five percent of the value of the property or assets of the disclosing entity;

(e) Is an officer or director of a disclosing entity that is organized as a corporation; or

(f) Is a partner in a disclosing entity that is organized as a partnership.

[Statutory Authority: RCW 74.08.090. 83-10-077 (Order 1958), § 388-87-008, filed 5/4/83.]

**WAC 388-87-010 Conditions of payment—General.**

(1) The department shall be responsible for payment of a medical service rendered to a client only when the:

(a) Service is within the scope of care of the medical assistance program under chapter 388-86 WAC;

(b) Service is properly authorized;

(c) Service is properly billed;

(d) Service is billed timely as described under WAC 388-87-015;

(e) Client is certified as eligible; and

(f) Third-party payment procedures are followed.

(2) The department shall be the payer of last resort.

(3) The department shall require a provider to accept Medicare assignment for claims involving clients eligible for both Medicare and Medicaid before any Medicaid reimbursement.

(4) The fees and rates the department establishes shall be the maximum allowable payment to providers for covered medical care and services to eligible clients.

(5) The provider shall be responsible for verifying whether a client has medical coverage for the dates of service.

(6) A provider shall not bill, demand, or otherwise collect reimbursement from a client, or from other persons on behalf of the client, for a service included in the client's medical program's scope of benefits. The client shall not be liable for payment for such services if the provider:

(a) Does not properly bill the department for services the department is responsible to pay; or

(b) Fails to satisfy the department's conditions for payment, including but not limited to:

(i) Obtaining prior approval when required;

(ii) Billing timely and according to department instructions;

(iii) Timely pursuing third-party liability and/or Medicare;

(iv) Providing nonemergent services to a client enrolled in a managed care plan without a managed care provider referral;

(v) Adequately documenting medical necessity;

(vi) Obtaining a nursing facility functional assessment of the client as required under WAC 388-88-095; or

(vii) Having the registration, certification, or license appropriate for the service provided.

(7) A hospital shall not bill, demand, or otherwise collect reimbursement from a medically indigent, general assistance-unemployable, or ADATSA client, or from other persons on behalf of such client, for inpatient or outpatient hospital services received during a period of eligibility.

(8) The department shall only pay for services included in the client's medical program's scope of benefits.

(9) A provider may bill a client for noncovered services only when the:

(a) Client signs a specific written agreement with the provider before receiving the services and the agreement states the:

(i) Specific service provided;

(ii) Service is neither covered by the medical assistance program nor reimbursed as part of another service;

(iii) Client chooses to receive the specific service;

(iv) Client agrees to pay for the service; and

(v) Agreement is void and unenforceable and the client is under no obligation to pay the provider if the:

(A) Client's medical program covers the service; or

(B) Provider fails to satisfy department conditions of payment as described under WAC 388-87-010(6).

(b) Client received reimbursement directly from a third party for services the department has no payment responsibility for;

(c) Client refuses to execute legal signatures on insurance forms, billing documents, or other forms necessary to receive insurance payments for services rendered during a period of eligibility. The client shall be liable for charges that would have been covered by the insurance payment; or



(d) Bill counts toward a spenddown liability, emergency medical expense requirement, or copayment as described under WAC 388-99-030, chapter 388-100 WAC, and WAC 388-87-200.

(10) Payment for any service a provider furnishes to a client may not be made to or through a factor who advances money to that provider for accounts receivable.

(11) The department shall not be responsible for payment for medical care and goods or/and services provided to a client:

(a) Enrolled in a department-contracted, prepaid medical plan when the plan covers the services; and

(b) Who fails to use the provider under contract unless the service is not covered by the prepaid plan.

(12) Payment for care under the medical assistance programs is retroactive for three months before the month of application provided the client was eligible when the care was received. The client need not be eligible at the time of actual application. The medical assistance administration (MAA) shall approve medical services that require approval for the retroactive period.

(13) Payment for care under the limited casualty program-medically indigent may be retroactive for seven days before the date of application if the client is otherwise eligible. Medical services that require approval shall be approved by the MAA for the retroactive period.

(14) The department may reimburse a provider for services rendered to a person subsequently determined ineligible at the time of service under the following conditions:

(a) The ineligible person was certified at the time of service as financially and medically eligible;

(b) Payment was not made from sources outside the department; and

(c) A request for such payment is submitted to and approved by the medical assistance administration.

(15) The department shall pay for billed medically necessary services on the basis of usual and customary charges or the rates the department establishes, whichever is lower.

(16) The department shall not authorize payment for well-child care except as provided under the EPSDT/healthy kids program. See WAC 388-86-027.

(17) In counties/areas where nonambulance transportation is provided as a medical service, the department shall base payment for medically necessary transportation services, provided by nonprofit organizations, on the operating costs incurred in providing the service but shall not exceed the rates established by the department. See WAC 388-87-035 for nonambulance transportation payment other than provided by a nonprofit organization.

[Statutory Authority: RCW 74.08.090. 93-22-030 (Order 3658), § 388-87-010, filed 10/27/93, effective 11/27/93; 93-01-036 (Order 3486), § 388-87-010, filed 12/9/92, effective 1/9/93; 91-17-062 (Order 3233), § 388-87-010, filed 8/20/91, effective 9/20/91; 91-07-011 (Order 3150), § 388-87-010, filed 3/11/91, effective 4/11/91; 89-22-036 (Order 2886), § 388-87-010, filed 10/27/89, effective 11/27/89; 88-06-083 (Order 2600), § 388-87-010, filed 3/2/88; 85-05-024 (Order 2207) § 388-87-010, filed 2/14/85; 83-17-006 (Order 1996), § 388-87-010, filed 8/5/83; 82-01-001 (Order 1725), § 388-87-010, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-010, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-010, filed 4/27/81; 80-13-020 (Order 1542), § 388-87-010, filed 9/9/80; 79-06-034 (Order 1402), § 388-87-010, filed 5/16/79; Order 1158, § 388-87-010, filed 10/6/76; Order 1015, § 388-87-010, filed 3/27/75; Order 938, § 388-87-010, filed 5/23/74; Order 911,

§ 388-87-010, filed 3/1/74; Order 879, § 388-87-010, filed 11/29/73; Order 844, § 388-87-010, filed 8/9/73; Order 794, § 388-87-010, filed 4/26/73; Order 782, § 388-87-010, filed 3/16/73; Order 778, § 388-87-010, filed 3/1/73; Order 766, § 388-87-010, filed 1/10/73; Order 739, § 388-87-010, filed 11/22/72; Order 697, § 388-87-010, filed 6/29/72; Order 636, § 388-87-010, filed 1/13/72; Order 582, § 388-87-010, filed 7/20/71; Order 485, § 388-87-010, filed 10/13/70; Order 406, § 388-87-010, filed 11/24/69; Order 336, § 388-87-010, filed 2/3/69; Order 304, § 388-87-010, filed 9/6/68; Order 264 (part), § 388-87-010, filed 11/24/67.]

#### **WAC 388-87-011 Conditions of payment—Medicare deductible and coinsurance—When paid by department.**

(1) The department shall pay the deductible and coinsurance amounts for recipients participating in the benefits of Parts A and B of Medicare (Title XVIII of the Social Security Act) when the:

(a) Total combined reimbursement to the provider from Medicare and the department does not exceed the department's fee schedule as described under WAC 388-87-010; and

(b) Provider accepts assignment for Medicare payment.

(2) When the recipient has Part A of Medicare and has:

(a) Not exhausted lifetime reserve days, the department recognizes the Medicare diagnostic related group (DRG) as payment in full, except for deductible and coinsurance amounts; or

(b) Exhausted lifetime reserve days during an inpatient hospital stay, the department recognizes the Medicare DRG as payment in full, except coinsurance and deductible amounts until the Medicaid outlier threshold is reached. After the Medicaid outlier threshold is reached, the department pays an amount based on the policy described in Title XIX state plan.

(3) The department shall base its outlier policy on the methodology prescribed in the department's Title XIX state plan, methods, and standards used for establishing payment rates for hospital inpatient services.

(4) The department shall pay for Medicaid covered services when the recipient exhausts Medicare benefits.

[Statutory Authority: RCW 74.08.090. 90-12-047 (Order 2989), § 388-87-011, filed 5/31/90, effective 7/1/90; 89-11-004 (Order 2793), § 388-87-011, filed 5/4/89; 88-11-061 (Order 2624), § 388-87-011, filed 5/17/88; 83-13-071 (Order 1972), § 388-87-011, filed 6/16/83; 81-10-016 (Order 1648), § 388-87-011, filed 4/27/81; Order 1112, § 388-87-011, filed 4/15/76; Order 1015, § 388-87-011, filed 3/27/75.]

#### **WAC 388-87-012 Conditions of payment—Consultant's and specialist's services and fees.**

(1) When services of a consultant or specialist are required, whether the patient has been referred by a physician or is being treated by the specialist as the attending physician, the prior approval is not necessary. This rule applies to consultation or treatment in the home, office, or medical institution.

(2) A copy of the consultation report may be requested.

(3) When a specialist treats a patient for minor conditions or for chronic conditions of long duration, the fee for initial and subsequent office calls is reimbursed at the department rate.

(4) Consultant's fees shall not be paid when the consulting physician specialist or other provider subsequently performs surgery or renders treatment for which flat fees are applicable, see WAC 388-86-095.

(5) If more than one specialist is called in to examine a patient during a spell of illness, billings are subject to review.

(6) Psychological evaluation is provided in connection with medical diagnosis and treatment. Treatment by a psychologist is not provided.

[Statutory Authority: RCW 74.08.090, 86-02-031 (Order 2321), § 388-87-012, filed 12/27/85; 85-13-061 (Order 2241), § 388-87-012, filed 6/18/85; 81-16-032 (Order 1684), § 388-87-012, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-012, filed 4/27/81; 79-01-002 (Order 1359), § 388-87-012, filed 12/8/78; 81-10-016 (Order 1648), § 388-87-012, filed 4/27/81; 78-06-087 (Order 1301), § 388-87-012, filed 6/2/78; Order 1244, § 388-87-012, filed 10/10/77; Order 1098, § 388-87-012, filed 2/13/76; Order 1061, § 388-87-012, filed 10/8/75; Order 1015, § 388-87-012, filed 3/27/75.]

**WAC 388-87-013 Conditions of payment—Hospital care.** (1) All hospital admissions shall be subject to department review and approval. Prior department approval is required for all nonemergent hospital admissions.

(2) Neither the department nor the recipient shall be responsible for payment for:

(a) Additional days of hospitalization in the case of a hospitalized recipient when:

(i) The PAS limitations have been exceeded, and

(ii) The provider has not obtained department approval unless prior contractual arrangements are made by the department for a specified length of stay, or

(b) Elective (nonemergent) inpatient [inpatient] services received by a Medicaid recipient from a noncontracting hospital in a SCA unless:

(i) Exclusions in WAC 388-86-051 apply, or

(ii) The recipient makes contractual arrangements with the hospital at least seventy-two hours in advance of the hospital admission making the recipient responsible for payment.

(3) A beneficiary of Title XVIII Medicare who is not in a state institution shall use his nonrenewable lifetime hospitalization reserve of sixty days before the department will make payment for hospitalization from Title XIX funds.

[Statutory Authority: RCW 74.08.090, 88-04-048 (Order 2594), § 388-87-013, filed 1/29/88; 83-03-016 (Order 1937), § 388-87-013, filed 1/12/83; 81-16-032 (Order 1684), § 388-87-013, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-013, filed 4/27/81; 80-13-020 (Order 1542), § 388-87-013, filed 9/9/80; 78-02-024 (Order 1265), § 388-87-013, filed 1/13/78; Order 1015, § 388-87-013, filed 3/27/75.]

**WAC 388-87-015 Billing limitations.** (1) Providers shall submit their final charges no later than twelve months from the date of service.

(2) An exception to subsection (1) of this section shall be made as a result of a:

(a) Fair hearing decision or court order favorable to the recipient;

(b) Retroactive or delayed certification for a medical program (see chapter 388-80 WAC for definition of retroactive); or

(c) Timely filed Medicare claim for which Medicaid may pay relating to the same Medicare/Medicaid services. A provider shall submit the billing within six months of the Medicare claim disposition.

(3) For exceptions found under subsection (2) of this section, providers shall present final charges to the department no later than twelve months from the date:

(a) Of the fair hearing decision;

(b) The court order was entered; or

(c) Of the retroactive or delayed certification for medical coverage.

(4) For services rendered before July 28, 1991, final charges shall not be a charge against the state unless the final charges are presented within one hundred twenty days from the date of service.

(5) Within the twelve-month billing period, a provider shall bill known liable third parties before consideration of payment from the department.

[Statutory Authority: 1991 c 103, 91-20-054 (Order 3252), § 388-87-015, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 74.08.090, 88-01-041 (Order 2566), § 388-87-015, filed 12/11/87; 81-16-032 (Order 1684), § 388-87-015, filed 7/29/81; 79-12-048 (Order 1458), § 388-87-015, filed 11/26/79; 78-02-024 (Order 1265), § 388-87-015, filed 1/13/78; Order 1151, § 388-87-015, filed 9/8/76; Order 1061, § 388-87-015, filed 10/8/75; Order 970, § 388-87-015, filed 9/13/74; Order 879, § 388-87-015, filed 11/29/73; Order 739, § 388-87-015, filed 11/22/72; Order 264 (part), § 388-87-015, filed 11/24/67.]

**WAC 388-87-019 Payment—Chiropractic services.**

(1) The department shall pay for medically necessary services a licensed chiropractor provides as limited in chapter 388-86 WAC.

(2) The department shall not pay for:

(a) Modalities such as light, heat, hydrotherapy, and physiotherapy; or

(b) Any food supplement, medication, or drug.

[Statutory Authority: RCW 74.08.090, 90-17-122 (Order 3056), § 388-87-019, filed 8/21/90, effective 9/21/90.]

**WAC 388-87-020 Subrogation.** The department shall not be responsible to pay for medical care for an applicant or recipient whose personal injuries are occasioned by the negligence or wrongdoing of another: *Provided, however,* That the director of the department may in his discretion furnish the medical care required as a result of such injury(ies) and the department shall thereby be subrogated to the applicant's or recipient's right of recovery therefore to the extent of the cost of medical care paid for by the department.

[Order 264 (part), § 388-87-020, filed 11/24/67.]

**WAC 388-87-025 Services requiring approval.** All services to recipients on medical programs are subject to department review and approval.

[Statutory Authority: RCW 74.08.090, 91-23-081 (Order 3283), § 388-87-025, filed 11/19/91, effective 12/20/91; 86-02-031 (Order 2321), § 388-87-025, filed 12/27/85; 82-01-001 (Order 1725), § 388-87-025, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-025, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-025, filed 4/27/81; 80-15-034 (Order 1554), § 388-87-025, filed 10/9/80; 79-06-034 (Order 1402), § 388-87-025, filed 5/16/79; 79-01-002 (Order 1359), § 388-87-025, filed 12/8/78; 78-06-087 (Order 1301), § 388-87-025, filed 6/2/78; 78-02-024 (Order 1265), § 388-87-025, filed 1/13/78; Order 1244, § 388-87-025, filed 10/10/77; Order 1202, § 388-87-025, filed 4/1/77; Order 1196, § 388-87-025, filed 3/3/77; Order 1151, § 388-87-025, filed 9/8/76; Order 1098, § 388-87-025, filed 2/13/76; Order 1077, § 388-87-025, filed 12/24/75; Order 1019, § 388-87-025, filed 4/30/75; Order 1015, § 388-87-025, filed 3/27/75; Order 964, § 388-87-025, filed 8/19/74; Order 938, § 388-87-025, filed 5/23/74; Order 911, § 388-87-025, filed 3/1/74; Order 837, § 388-87-025, filed 7/26/73; Order 714, § 388-87-025, filed 9/14/72; Order 681, § 388-87-025, filed 5/10/72; Order 582, § 388-87-025, filed 7/20/71; Order 500, § 388-87-025, filed 12/2/70; Order 485, § 388-87-025, filed 10/13/70; Order 435, § 388-87-025, filed 3/31/70;]

Order 419, § 388-87-025, filed 12/31/69; Order 386, filed 8/27/69; Order 336, § 388-87-025, filed 2/3/69; Order 304, § 388-87-025, filed 9/6/68; Order 264 (part), § 388-87-025, filed 11/24/67.]

**WAC 388-87-027 Services requiring prior approval.**

The following services require Medical Assistance Administration's (MAA) prior approval:

- (1) Prosthetic devices, durable medical equipment, and nonreusable medical equipment as described under WAC 388-86-100;
- (2) Nonemergent surgical procedures as described under WAC 388-86-095;
- (3) Nonemergent hospital admissions as described under WAC 388-86-050 and 388-87-070;
- (4) All organ transplants;
- (5) All out-of-state air transportation;
- (6) Allergy testing;
- (7) Apnea monitoring equipment;
- (8) Drugs not published in the department's list of drugs or a single prescription exceeding the maximum limits established as described under WAC 388-91-010 and 388-91-020;
- (9) Eye care services as described under WAC 388-86-030 and 388-86-095;
- (10) Transportation (other than ambulance) as described under WAC 388-86-085;
- (11) Orthodontic treatment as described under WAC 388-86-020;
- (12) Out-of-state medical care not available within Washington state as described under WAC 388-86-115;
- (13) Physical medicine, rehabilitation and treatment (PM&R) as described under WAC 388-86-112;
- (14) Physical therapy services as described under WAC 388-86-090;
- (15) Private duty nursing services as described under WAC 388-86-071;
- (16) Speech therapy, both the initial evaluation and subsequent therapy as described under WAC 388-86-098;
- (17) Total enteral nutritional therapy for clients one year of age and under and supplemental enteral nutritional therapy for clients two years of age and older;
- (18) Magnetic resonance image (MRI) as described under WAC 388-86-110;
- (19) Pain clinic inpatient evaluation;
- (20) Oxygen and respiratory equipment and respiratory therapy;
- (21) Sleep studies for clients one year of age and over;
- (22) Only the antibiotic, pain, and hydration therapy part of infusion therapy;
- (23) Home health services as described under WAC 388-86-045;
- (24) Occupational therapy as described under WAC 388-86-073;
- (25) Dentures as described under WAC 388-86-021; and
- (26) Hearing aid services when significant handicapping factors exist as described under WAC 388-86-040(1).

[Statutory Authority: RCW 74.08.090. 92-16-104 (Order 3432), § 388-87-027, filed 8/5/92, effective 9/5/92; 90-01-053 (Order 2916), § 388-87-027, filed 12/15/89, effective 1/15/90; 88-06-083 (Order 2600), § 388-87-027, filed 3/2/88; 86-02-031 (Order 2321), § 388-87-027, filed 12/27/85; 83-01-056 (Order 1923), § 388-87-027, filed 12/15/82; 82-01-001 (Order 1725), § 388-87-027, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-027, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-027, filed 4/27/81; 80-13-020

(Order 1542), § 388-87-027, filed 9/9/80; 79-09-053 (Order 1427), § 388-87-027, filed 8/24/79; 78-06-087 (Order 1301), § 388-87-027, filed 6/2/78; 78-02-024 (Order 1265), § 388-87-027, filed 1/13/78; Order 1233, § 388-87-027, filed 8/31/77; Order 1158, § 388-87-027, filed 10/6/76; Order 1098, § 388-87-027, filed 2/13/76; Order 1019, § 388-87-027, filed 4/30/75; Order 930, § 388-87-027, filed 4/25/74; Order 714, § 388-87-027, filed 9/14/72; Order 681, § 388-87-027, filed 5/10/72; Order 500, § 388-87-027, filed 12/2/70; Order 485, § 388-87-027, filed 10/13/70; Order 419, § 388-87-027, filed 12/31/69.]

**WAC 388-87-030 Responsibility of physician—Patient admitted to hospital.** Admission to a hospital shall be requested by the attending physician. The signature of the attending physician on the department's hospital invoice is not required; however, the hospital must enter the diagnosis, justification for admission, and the physician's name.

[Statutory Authority: RCW 74.08.090. 81-16-032 (Order 1684), § 388-87-030, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-030, filed 4/27/81; 80-13-020 (Order 1542), § 388-87-030, filed 9/9/80; Order 1233, § 388-87-030, filed 8/31/77; Order 911, § 388-87-030, filed 3/1/74; Order 879, § 388-87-030, filed 11/29/73; Order 837, § 388-87-030, filed 7/26/73; Order 386, § 388-87-030, filed 8/27/69; Order 336, § 388-87-030, filed 2/3/69; Order 304, § 388-87-030, filed 9/6/68; Order 264 (part), § 388-87-030, filed 11/24/67.]

**WAC 388-87-032 Advanced registered nurse practitioners services (ARNP)—Payment.** The department shall purchase ARNP services as described under WAC 388-86-011 on a fee-for-service or encounter rate.

[Statutory Authority: RCW 74.08.090. 92-11-003 (Order 3384), § 388-87-032, filed 5/8/92, effective 6/8/92.]

**WAC 388-87-035 Payment—Transportation (other than ambulance).** (1) The department shall pay for transportation services under WAC 388-86-085 for eligible recipients.

(2) The department shall reimburse for recipient transportation when provided as an administrative service according to the contracts between the department and the contractors/brokers.

(3) The department shall pay for transportation as a medical service when:

- (a) Provided in a nonbrokered designated area;
- (b) Payment is made on the basis of usual and customary charges or the rates established by the department, whichever is lower. Except that, payment for recipient transportation provided by nonprofit organizations shall be made on the basis of the operating costs incurred in providing that transportation but shall not exceed the rates established by the department;

(c) Billing is submitted under the methods of reimbursement and required billing procedures for recipient transportation services published by the division of medical assistance;

(d) Providers of recipient transportation services shall show medical justification on the billing document for the type of transportation utilized as well as the need for medical care.

(4) Cabulances, taxi, public transportation, nonprofit vehicles, and commercial transportation shall be operated and equipped in accordance with applicable federal, state, and local statutes, ordinances, regulations, and rules established by the division of medical assistance.

[Statutory Authority: RCW 74.08.090. 89-23-081 (Order 2899), § 388-87-035, filed 11/17/89, effective 12/18/89; 88-06-083 (Order 2600), § 388-87-035, filed 3/2/88; 85-05-024 (Order 2207) § 388-87-035, filed 2/14/85; 82-01-001 (Order 1725), § 388-87-035, filed 12/3/81; 80-13-020 (Order 1542), § 388-87-035, filed 9/9/80; Order 1244, § 388-87-035, filed 10/10/77; Order 755, § 388-87-035, filed 12/14/72; Order 706, § 388-87-035, filed 8/11/72; Order 336, § 388-87-035, filed 2/3/69; Order 304, § 388-87-035, filed 9/6/68; Order 264 (part), § 388-87-035, filed 11/24/67.]

**WAC 388-87-036 Payment—Ambulance services.**

(1) Payment for ambulance services provided eligible recipients shall be made according to WAC 388-86-086.

(2) Payment for ambulance services provided eligible recipients shall be made on the basis of usual and customary charges or the rates established by the department, whichever is lower.

(3) Methods of reimbursement and required billings procedures for ambulance services provided eligible recipients shall be published as necessary by the division of medical assistance.

(4) Providers of ambulance services must show medical justification on billing document for transport and other services/supplies as well as the need for medical care.

(5) Ground and air ambulance shall be licensed, operated, and equipped in accordance with applicable federal, state, and local statutes, ordinances, and regulations.

[Statutory Authority: RCW 74.08.090. 88-06-083 (Order 2600), § 388-87-036, filed 3/2/88.]

**WAC 388-87-045 Payment—Blood.** (1) Payment shall be made for whole blood or blood derivatives only when it is not available to the patient from other sources.

(a) For persons eligible for Medicare benefits, the above applies only to the first three pints of blood or plasma in any spell of illness.

(b) Payment will not be made for blood or blood derivatives when the source is by donation.

(2) Payment will be made for the service charges necessary for handling and processing the blood or blood derivatives unless provided to an individual who is hospitalized. In the latter case, payment will be included in the total payment to the hospital.

(3) Administration of blood or blood derivatives on an outpatient basis in a hospital may be added to the total payment for outpatient service. Additional payments for blood bank service charges will be made when applicable.

[Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-87-045, filed 12/3/81; Order 406, § 388-87-045, filed 11/24/69; Order 304, § 388-87-045, filed 9/6/68; Order 264 (part), § 388-87-045, filed 11/24/67.]

**WAC 388-87-048 Payment-coordinated community aids service alternatives (CCSA) program.** (1) The department shall establish payment rates for CCASA program services as defined under WAC 388-86-018.

(2) The department shall pay for services after the central authorization unit evaluates the recipient's application for medical appropriateness and the department of health has approved a plan of care.

[Statutory Authority: RCW 74.08.090. 90-21-124 (Order 3088), § 388-87-048, filed 10/23/90, effective 11/23/90.]

**WAC 388-87-050 Payment—Dental services.** (1) The participating dentist shall bill the department his usual and customary fee using the department approved examination and treatment form.

(2) Payment for dental services is based on the department schedule of maximum allowances.

(3) Fees listed are the maximum permitted. If the dentist's fee is less than the maximum fee, the program will pay the customary fee of the participating dentist.

(4) If a service is performed for which no fee is listed, the dental consultant of the department may fix the fee in accordance with recommendations of the dental advisory committee.

(5) Necessary x-rays for diagnostic purposes may be paid for as a part of basic dental services.

[Statutory Authority: RCW 74.08.090. 79-06-034 (Order 1402), § 388-87-050, filed 5/16/79; Order 1203, § 388-87-050, filed 4/1/77; Order 454, § 388-87-050, filed 5/20/70; Order 419, § 388-87-050, filed 12/31/69; Order 386, § 388-87-050, filed 8/27/69; Order 264 (part), § 388-87-050, filed 11/24/67.]

**WAC 388-87-060 Payment—Extended care patient—Coinsurance.** Effective January 1, 1990, a recipient, entitled to Medicare benefits may be eligible for a maximum of one hundred days of Medicare benefits for the same period of illness in a participating Medicare skilled nursing facility. The recipient shall pay the coinsurance from available resources and income, beginning the twenty-first day of the extended care. If the recipient has insufficient resources and income, according to department standards, the department shall pay the coinsurance for the remainder of the one hundred day period or until the recipient is no longer eligible for Medicare skilled nursing home benefits, whichever comes first.

[Statutory Authority: RCW 74.08.090. 90-12-047 (Order 2989), § 388-87-060, filed 5/31/90, effective 7/1/90; 89-11-003 (Order 2792), § 388-87-060, filed 5/4/89; Order 1112, § 388-87-060, filed 4/15/76; Order 336, § 388-87-060, filed 2/3/69; Order 264 (part), § 388-87-060, filed 11/24/67.]

**WAC 388-87-062 Payment—Eyeglasses and examinations.** Payments for vision services and eyeglass materials shall be on the basis of rates established by the department through HMO or optical supplier contracts.

[Statutory Authority: RCW 74.08.090. 87-23-055 (Order 2559), § 388-87-062, filed 11/18/87.]

**WAC 388-87-065 Payment—Home health agency.** Fees for home health services shall be paid within rates established by the division of medical assistance. The department will pay for the services of a home health agency certified under Title XVIII for an eligible recipient under age sixty-five and for those recipients sixty-five years of age and over who are in need of services of a type or degree for which Medicare does not pay. Approval by the office of the medical director is required for care which extends beyond the limits established by the division of medical assistance.

[Statutory Authority: RCW 74.08.090. 82-21-024 (Order 1891), § 388-87-065, filed 10/13/82; 80-13-020 (Order 1542), § 388-87-065, filed 9/9/80; Order 1112, § 388-87-065, filed 4/15/76; Order 593, § 388-87-065, filed 8/25/71; Order 264 (part), § 388-87-065, filed 11/24/67.]

**WAC 388-87-067 Payment—Hospice services.** (1)

The department shall establish and pay the Medicaid reimbursement rate based on the methodology used in setting Medicare rates for daily care as:

- (a) Routine home;
- (b) Continuous home;
- (c) Inpatient respite; or
- (d) General inpatient.

(2) The department shall pay prospective rates that vary according to the level of care the individual is furnished.

(3) Payments to a hospice for inpatient care shall be limited, annually, according to the number of days of inpatient care the Medicaid patients are furnished.

(4) The department shall include in the reimbursement rates, to a hospice:

(a) Cost of administrative or supervising physician services;

(b) An additional usual Medicaid reimbursement amount for direct physician care to a hospice patient by an attending physician employed by hospice; and

(c) Nondirect patient care services.

(5) The department shall pay an attending physician not employed by the hospice the usual Medicaid reimbursement amount for direct physician care to a hospice patient.

(6) The department shall establish and pay to the hospice a room and board amount for SNF and ICF residents receiving hospice services within the SNF or ICF. The department shall discontinue Medicaid payments to the SNF or ICF for the hospice patient.

[Statutory Authority: 1989 c 427. 89-18-034 (Order 2853), § 388-87-067, filed 8/29/89, effective 9/29/89.]

**WAC 388-87-070 Payment—Hospital inpatient services.** (1) For eligible clients, the department shall pay for inpatient hospital services when:

(a) The eligible client is a patient in a general hospital when the hospital meets the current criteria defined in RCW 70.41.020, or as amended in the future;

(b) The services are medically necessary as defined under WAC 388-80-005;

(c) Effective with the 1990 annual cost reporting period, in-state and border hospital providers annually shall:

(i) Submit a copy of their annual Medicare HCFA 2552 cost report, except as described under item (1)(c)(ii) of this section:

(A) According to the applicable Medicare statutes, regulation, and instructions;

(B) Within one-hundred twenty days from the end of the hospital's fiscal year; or

(C) If the hospital provider's contract is terminated, within one-hundred twenty days of the effective termination date.

(ii) Request up to a thirty-day extension of the time for submitting the cost report in writing at least ten days before the report due date. The extension request shall contain:

(A) The report's completion date; and

(B) The circumstances prohibiting compliance with the report due date.

(iii) Maintain adequate records for:

(A) Audit and review purposes; and

(B) Assurance of cost report accuracy.

(2) If the hospital provider improperly completes a cost report or the cost report is received after the due date or approved extension dates, the department may hold all or part of the payment due until the department receives the properly completed or late report.

(3) The department shall determine payment for hospital inpatient services according to a diagnosis-related group (DRG) based formula payment system established by the department, except for:

(a) Hospitals participating in the selective contracting program as described under WAC 388-86-051; and

(b) Services excluded from DRG-based reimbursement as prescribed in subsection (6) of this section.

(4) The department shall base formula price payments on the methodology prescribed in the department's state plan under Title XIX of the Social Security Act, Methods and Standards Used for Establishing Payment Rates for Hospital Inpatient Services (hereafter referred to as the Title XIX state plan).

(5) The all inclusive-conversion factor of selective contracting hospitals for inpatient hospital services is identified in Appendix B of such selective contracts. The rate shall be inclusive of all inpatient services the contractor provides directly or indirectly and constitutes the department's maximum financial obligation under the contract.

(6) The department shall exclude the following services from the DRG-based payment system:

(a) Rehabilitation services provided in department-approved rehabilitation hospitals and general hospital distinct units, and services for physical medicine and rehabilitation (PM&R) patient;

(b) Pain treatment provided in department-approved pain treatment facilities;

(c) Free standing psychiatric hospitals;

(d) Medicare certified distinct-part psychiatric units within a hospital. For the purpose of this section, "Medicare certified distinct-part psychiatric units" mean certain hospital psychiatric sections that have received an exclusion from the Medicare Prospective Payment System (PPS) by the Federal Department of Health and Human Services;

(e) Alcoholism treatment and detoxification provided in a department-approved alcohol treatment center (ATC);

(f) Detoxification, medical stabilization, and drug treatment for the pregnant Medicaid client at the division of alcoholism and substance abuse certified hospitals;

(g) Neonates, DRGs 385-389;

(h) Long-term hospital level care services;

(i) Services provided to patients occupying beds utilized by the Fred Hutchinson Cancer Research Center bone marrow transplant program;

(j) Health maintenance organization (HMO) hospitals providing inpatient services to HMO enrollees;

(k) Department-approved services to AIDS patients; and

(l) Peer Group A hospitals, as defined in Title XIX state plan.

(7) The department shall pay:

(a) For non-DRG-based services based on the payment methodology as prescribed in the department's Title XIX state plan;

(b) Out-of-state hospitals, applying the Washington state-wide weighted average method to allowable charges;

(c) Border area hospitals in the same manner as in-state hospitals.

(8) Disproportionate share payment may contain one or more of the following components:

(a) Low-income component based on a hospital's Medicaid utilization rate, its low-income utilization rate, and its provision of obstetric services;

(b) Medicaid utilization component based on a hospital's inpatient and outpatient services to patients eligible for Medicaid;

(c) Medically indigent component based on a hospital's services to patients eligible for the Medically indigent program;

(d) State-funds component to hospitals not qualifying for federal Medicaid utilization component payments;

(e) State-funds component to hospitals not qualifying for federal medically indigent component payments; and

(f) Intergovernmental fund transfer component.

(9) For the purposes of this section and WAC 388-87-072, the department shall calculate the hospital-specific ratio as described in the Title XIX state plan.

(10) For dates of admission beginning July 1, 1992, the department shall reduce the payment rates established in accordance with subsection (3) of this section for services provided to persons eligible for the medically indigent component of the limited casualty program and clients of medical care services. The department shall compute the reduced payment ratable factor as follows:

(a) Hospital specific, fixed compensation care ratios are calculated;

(b) These ratios determine what portion of each hospital revenues are associated with Medicare, Medicaid, bad debt, and charity; and

(c) The formula for computing the ratable factor is:

Ratable equals 1.000 minus [(Medicare revenue plus Medicaid revenue plus bad debt plus charity minus disproportionate share revenue) divided by (hospital revenue minus hospital based physician revenue)].

[Statutory Authority: RCW 74.08.090. 93-01-035 (Order 3487), § 388-87-070, filed 12/9/92, effective 1/9/93; 91-21-123 (Order 3268), § 388-87-070, filed 10/23/91, effective 11/23/91; 91-10-025 (Order 3161), § 388-87-070, filed 4/23/91, effective 5/24/91; 90-01-053 (Order 2916), § 388-87-070, filed 12/15/89, effective 1/15/90; 88-04-048 (Order 2594), § 388-87-070, filed 1/29/88. Statutory Authority: 1987 c 406. 87-19-091 (Order 2539), § 388-87-070, filed 9/17/87. Statutory Authority: RCW 74.08.090. 85-23-034 (Order 2307), § 388-87-070, filed 11/15/85; 85-17-033 (Order 2266), § 388-87-070, filed 8/15/85; 85-03-073 (Order 2195), § 388-87-070, filed 1/17/85; 84-21-078 (Order 2162), § 388-87-070, filed 10/18/84; 84-11-070 (Order 2099), § 388-87-070, filed 5/22/84; 83-17-096 (Order 2015), § 388-87-070, filed 8/23/83; 83-08-022 (Order 1951), § 388-87-070, filed 3/30/83; 83-03-016 (Order 1937), § 388-87-070, filed 1/12/83; 82-18-066 (Order 1873), § 388-87-070, filed 9/1/82; 82-01-001 (Order 1725), § 388-87-070, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-070, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-070, filed 4/27/81; 80-15-034 (Order 1554), § 388-87-070, filed 10/9/80; 79-01-002 (Order 1359), § 388-87-070, filed 12/8/78; 78-02-024 (Order 1265), § 388-87-070, filed 1/13/78; Order 1112, § 388-87-070, filed 4/15/76; Order 681, § 388-87-070, filed 5/10/72; Order 615, § 388-87-070, filed 10/7/71; Order 582, § 388-87-070, filed 7/20/71; Order 550, § 388-87-070, filed 3/31/71, effective 5/1/71; Order 386, § 388-87-070, filed 8/27/69; Order 336, § 388-87-070, filed 2/3/69; Order 304, § 388-87-070, filed 9/6/68; Order 264 (part), § 388-87-070, filed 11/24/67.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

**WAC 388-87-072 Payment—Hospital outpatient services.** (1) For eligible recipients, the department shall reimburse for medically necessary hospital outpatient services when the services are medically necessary as defined under WAC 388-80-005, and the hospital provider meets the requirements under WAC 388-87-070(1).

(2) For hospital outpatient services provided prior to July 1, 1985, except for nonallowable revenue codes, reimbursement shall be determined by applying the hospital commission approved operating expenses ratio and total rate setting revenue.

(3) For hospital outpatient services, except for services in subsection (4) of this section and nonallowable revenue codes, provided from July 1, 1985, to June 30, 1991, reimbursement payment shall be determined by applying the hospital commission operating expenses ratio and total rate setting revenue.

(4) For hospital outpatient services provided on or after July 1, 1991, reimbursement shall be the hospital ratio of cost to charge (RCC), determined from the hospital specific HCFA 2552 Medicare Cost Report, then reduced for the average charge level inflation over the Data Research Incorporated HCFA Market Basket inflation index.

(5) For hospital outpatient laboratory, x-ray, and allowable therapy (physical, speech, and hearing) services, payment shall be the lesser of billed charges or the fee listed in the Medical Assistance Administration Schedule of Maximum Allowances.

[Statutory Authority: RCW 74.08.090. 91-21-123 (Order 3268), § 388-87-072, filed 10/23/91, effective 11/23/91; 91-10-025 (Order 3161), § 388-87-072, filed 4/23/91, effective 5/24/91; 85-17-033 (Order 2266), § 388-87-072, filed 8/15/85.]

**WAC 388-87-075 Payment—Laboratory services.**

(1) Effective August 1, 1993, the department shall only reimburse independent clinical laboratories which are registered under the Clinical Laboratory Improvement Amendments (CLIA) of 1988.

(2) Laboratories shall bill the department according to rates the department establishes.

(3) A medical practitioner using the services of an independent laboratory shall make request for services for a client in the same manner as a request for services for a private patient.

(4) An independent laboratory shall bill the department directly. The department shall not reimburse a medical practitioner for services referred to or performed by an independent laboratory.

(5) An independent laboratory shall not bill clients as described under WAC 388-87-010.

[Statutory Authority: RCW 74.08.090 and 42 CFR 493.1809 - Final Rules. 93-22-029 (Order 3657), § 388-87-075, filed 10/27/93, effective 11/27/93. Statutory Authority: RCW 74.08.090. 82-01-001 (Order 1725), § 388-87-075, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-075, filed 7/29/81; 80-13-020 (Order 1542), § 388-87-075, filed 9/9/80; Order 995, § 388-87-075, filed 12/31/74; Order 485, § 388-87-075, filed 10/13/70; Order 406, § 388-87-075, filed 11/24/69; Order 264 (part), § 388-87-075, filed 11/24/67.]

**WAC 388-87-077 Payment—Mental health center services.** Payment for approved mental health center services to eligible recipients as defined in WAC 388-86-067 shall be on the basis of a contract between the department

and participating mental health center. Medical consultant approval for these services is not required.

[Statutory Authority: RCW 74.08.090. 81-10-016 (Order 1648), § 388-87-077, filed 4/27/81; 79-06-034 (Order 1402), § 388-87-077, filed 5/16/79; Order 1067, § 388-87-077, filed 11/17/75; Order 924, § 388-87-077, filed 4/15/74; Order 778, § 388-87-077, filed 3/1/73; Order 582, § 388-87-077, filed 7/20/71; Order 502, § 388-87-077, filed 12/9/70.]

**WAC 388-87-079 Payment—Licensed midwives.**

(1) The medical assistance administration (MAA) shall reimburse a Washington state licensed midwife at the billed rate or the maximum allowable physician rate.

(2) The MAA shall pay for licensed midwife services:

(a) When the services are performed in a licensed birthing facility or a hospital setting;

(b) Independently from the birthing facilities or hospital charges; and

(c) According to MAA billing instructions.

[Statutory Authority: RCW 74.08.090. 93-02-001 (Order 3490), § 388-87-079, filed 12/23/92, effective 1/23/93.]

**WAC 388-87-080 Payment—Oxygen.** Payment shall be made by the department for medically necessary oxygen and related supplies according to WAC 388-86-080.

[Statutory Authority: RCW 74.08.090. 86-02-031 (Order 2321), § 388-87-080, filed 12/27/85; 82-01-001 (Order 1725), § 388-87-080, filed 12/3/81; 81-06-003 (Order 1610), § 388-87-080, filed 2/19/81; 78-02-024 (Order 1265), § 388-87-080, filed 1/13/78; Order 995, § 388-87-080, filed 12/31/74; Order 386, § 388-87-080, filed 8/27/69; Order 264 (part), § 388-87-080, filed 11/24/67.]

**WAC 388-87-090 Payment—Physical therapy and related services.** (1) The department will pay for the services of a registered physical therapist or a qualified speech pathologist or audiologist when all conditions outlined in WAC 388-86-012, 388-86-090 and 388-86-098 have been met.

(2) The department will not pay for physical therapy or speech therapy as a separate billing when provided as part of inpatient hospital services.

(3) The department will not pay for physical therapy or speech therapy as a separate billing when provided as part of the nursing home treatment program.

[Statutory Authority: RCW 74.08.090. 84-20-102 (Order 2159), § 388-87-090, filed 10/3/84; 78-02-024 (Order 1265), § 388-87-090, filed 1/13/78; Order 782, § 388-87-090, filed 3/16/73; Order 264 (part), § 388-87-090, filed 11/24/67.]

**WAC 388-87-095 Payment—Physician service.** (1) General provisions.

(a) Physicians shall bill and receive reimbursement for covered services in accordance with the medical assistance administration's billing instructions and schedule of maximum allowances.

(b) The community services office (CSO) may request a physician to complete a physical examination as described in WAC 388-86-095(2). In such cases, the CSO shall request the physician to arrange an appointment for the person and provide the physician with a preapproved billing form. The department shall establish a predetermined fee for the cost of such examination, plus necessary laboratory and x-ray procedures. If the physician completes a medical

report, from available medical records without conducting an examination, the department may pay an adjusted fee.

(2) Exclusions and limitations.

(a) The department shall not pay the physician for mileage.

(b) The department shall not pay the physician for prescription refills.

(c) The department shall not pay for medical supplies used in conjunction with an office visit; however, the physician may be reimbursed for appliances, supplies, and minor equipment items given to a client for continuing therapy.

(d) When it comes to the attention of the medical assistance administration that a physician bills the department for inpatient hospitalization visits and the period of hospitalization has been denied, the department shall not pay the physician.

(e) The department shall limit EPSDT/Healthy Kids screenings, as described under WAC 388-86-027, to:

(i) A maximum of five screenings for a child under one year of age;

(ii) A maximum of three screenings for children one year of age;

(iii) An average of one screening annually by a provider for a child between two and twenty-one years of age; and

(iv) The provider may bill for an office visit for "interperiodic" screens, when there is a new health problem or suspicion of a health problem.

[Statutory Authority: RCW 74.08.090. 92-20-008 (Order 3459), § 388-87-095, filed 9/23/92, effective 10/24/92; 84-07-017 (Order 2083), § 388-87-095, filed 3/14/84; 81-16-032 (Order 1684), § 388-87-095, filed 7/29/81; 80-13-020 (Order 1542), § 388-87-095, filed 9/9/80; 78-02-024 (Order 1265), § 388-87-095, filed 1/13/78; Order 1019, § 388-87-095, filed 4/30/75; Order 778, § 388-87-095, filed 3/1/73; Order 485, § 388-87-095, filed 10/13/70; Order 464, § 388-87-095, filed 6/23/70; Order 454, § 388-87-095, filed 5/20/70; Order 406, § 388-87-095, filed 11/24/69; Order 386, § 388-87-095, filed 8/27/69; Order 304, § 388-87-095, filed 9/6/68; Order 264 (part), § 388-87-095, filed 11/24/67.]

**WAC 388-87-105 Payment—Medical care outside state of Washington.** (1) The department shall consider medical care furnished in designated bordering cities to be care within Washington state. The department shall pay the provider of service as if the care were provided within the state of Washington. Provider licensure requirements are those of the state in which care is rendered.

(2) The department shall not authorize payment for out-of-state medical care furnished to state-funded clients.

(3) The three-month retroactive coverage as defined under WAC 388-80-005 shall apply to out-of-state care given for covered medical care to eligible clients.

(4) The department shall furnish out-of-state providers, who do not have a current provider number (agreement), with necessary billing forms, instructions, and a core provider agreement.

(5) Upon receipt of the signed core provider agreement from the out-of-state provider, the department shall issue a provider number.

(6) Out-of-state providers are subject to the billing requirements of WAC 388-87-010 and 388-87-015.

(7) Providers shall submit Medicare claims, on the appropriate Medicare billing form, to the intermediary or carrier in the provider's state. If the provider checks the

Medicare billing form to show state of Washington as being responsible for medical billing the intermediary or carrier may bill on behalf of the provider or may return the billing to the provider for submission to Washington state.

(8) Approved out-of-state nursing facility reimbursement rate is the lower of:

- (a) The billed amount; or
- (b) The adjusted state-wide average reimbursement rate for in-state nursing facility care.

(9) The reimbursement rate for out-of-state hospitals is the lower of:

- (a) The billed amount; or
- (b) The adjusted state-wide average reimbursement rate for in-state hospitals.

(10) The reimbursement for other out-of-state services is the lower of:

- (a) The billed amount; or
- (b) The rate paid by the Washington state Title XIX Medicaid program.

[Statutory Authority: RCW 74.08.090, 92-22-059 (Order 3479), § 388-87-105, filed 10/29/92, effective 12/1/92. Statutory Authority: 1991 c 103, 91-20-050 (Order 3248), § 388-87-105, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 74.08.090, 87-12-056 (Order 2501), § 388-87-105, filed 6/1/87; 82-01-001 (Order 1725), § 388-87-105, filed 12/3/81; 81-16-032 (Order 1684), § 388-87-105, filed 7/29/81; 81-10-016 (Order 1648), § 388-87-105, filed 4/27/81; 80-13-020 (Order 1542), § 388-87-105, filed 9/9/80; Order 1203, § 388-87-105, filed 4/1/77; Order 1112, § 388-87-105, filed 4/15/76; Order 1061, § 388-87-105, filed 10/8/75; Order 879, § 388-87-105, filed 11/29/73; Order 667, § 388-87-105, filed 3/23/72; Order 567, § 388-87-105, filed 5/19/71; Order 336, § 388-87-105, filed 2/3/69; Order 304, § 388-87-105, filed 9/6/68; Order 264 (part), § 388-87-105, filed 11/24/67.]

**WAC 388-87-110 Durable medical equipment—Prosthetic devices.** (1) Durable medical equipment is reimbursed using a fee schedule with maximums based on manufacturer's suggested retail prices and, in certain instances, medicare maximums.

(2) The reimbursement for medical equipment and prosthetic devices that are purchased/rented shall include but not be limited to:

- (a) The manufacturer's [manufacturer's] warranty; and
- (b) Any adjustments and/or modifications required to the equipment within three months of the date of service (for purchases) or during the total rental period (for rentals), except those occasioned by changes in the patient's condition; and
- (c) Instruction to the recipient in the safe usage of the equipment; and
- (d) Cost of freight from the manufacturer and delivery to the recipient's residence and, when appropriate, to the room in which the equipment will be used.

[Statutory Authority: RCW 74.08.090, 86-03-047 (Order 2329), § 388-87-110, filed 1/15/86.]

**WAC 388-87-115 Payment—Organ transplantation.** The department shall pay for organ transplantation procedures:

- (1) Only to medical centers that:
  - (a) Meet the standards established by the department; and
  - (b) Enter into a special agreement with the department.

(2) Limited to the cornea, heart, heart-lung, single lung, kidney, kidney-pancreas, pancreas, liver, and bone marrow.

[Statutory Authority: RCW 74.08.090, 90-23-070 (Order 3095), § 388-87-115, filed 11/20/90, effective 12/21/90; 87-12-050 (Order 2495), § 388-87-115, filed 6/1/87.]

**WAC 388-87-200 Payment for jail inmates medical care.** (1) The department shall directly reimburse the medical care provider in accordance with the rates and benefits set by the department, when a county or city jail inmate receives emergency or necessary medical care and meets the eligibility requirements for medical care programs authorized under chapter 74.09 RCW.

(2) The medical care provider and the governing unit as described under RCW 70.48.130, shall be responsible for payment for any remaining balance, including unpaid client liabilities that are a condition of eligibility.

(3) Total payment from all sources to the medical care provider for covered medical services provided to jail inmates eligible for coverage under chapter 74.09 RCW shall not exceed the amount the department pays for such services under the Medicaid program.

(4) The governing unit shall provide the department and medical care provider with information concerning the jail inmate's ability to pay for medical care.

(5) The governing unit or medical care provider may obtain reimbursement from the inmate for the cost of services not covered by the department, either directly or seek civil or criminal remedies. As part of a judgment and sentence, the courts may order a defendant to repay the medical costs incurred by the governing unit or medical care providers during confinement.

[Statutory Authority: RCW 74.08.090, 93-17-036 (Order 3618), § 388-87-200, filed 8/11/93, effective 9/11/93.]

**WAC 388-87-250 Third-party resources.** (1) The department shall require a provider to seek timely reimbursement from a third party when a client has available third-party resources except as described under subsections (2) and (3) of this section.

(2) The department shall pay for medical services and seek reimbursement from the liable third party when the claim is for:

- (a) Prenatal care;
- (b) Labor, delivery, and post-partum care (except inpatient hospital costs) for a pregnant woman; or
- (c) Preventive pediatric services as covered under the EPSDT/healthy kids program.

(3) The department shall pay for medical services and seek reimbursement from any liable third party when:

(a) The provider submits to the department documentation of billing the third party and the provider has not received payment after thirty days from the date of services; and

(b) The claim is for a covered service provided to a client on whose behalf the office of support enforcement is enforcing an absent parent to pay support.

For the purpose of this section, "is enforcing" means the absent parent:

- (i) Is not complying with an existing court order; or



(ii) Received payment directly from the third party and did not pay for the medical services.

(4) The provider may not bill the department or the client for a covered service when a third party pays a provider the department rate, or more.

(5) The provider shall refund to the department, when the third party pays the provider after the department has reimbursed the provider, the amount of the:

(a) Third-party payment when the payment is less than the department's maximum allowable rate; or

(b) Department's payment when the third-party payment is equal to or greater than the department's maximum allowable rate.

(6) The department shall not be responsible for payment of medical services when the third-party benefits are available to pay for the client's medical services at the time the provider bills the department, except as described under subsections (2) and (3) of this section.

(7) The client shall be liable for charges for covered medical services that would be paid by the third party payment when the client:

(a) Receives direct third-party reimbursement for such services; or

(b) Fails to execute legal signatures on insurance forms, billing documents, or other forms necessary to receive insurance payments for services rendered. See WAC 388-83-012 for assignment of rights.

(8) The department shall consider an adoptive family a third-party resource for the medical expenses of the birth mother and child only when there is a written contract between the adopting family and either the birth mother, the attorney, the provider, or the adoption service, which specifies that the adopting family shall pay for the medical care associated with the pregnancy.

(9) A provider shall not refuse to furnish covered services to a client because of a third party's potential liability for the services.

(10) For third-party liability on personal injury litigation claims, the department shall be responsible for providing medical services as described under WAC 388-87-020.

[Statutory Authority: RCW 74.08.090, 93-22-030 (Order 3658), § 388-87-250, filed 10/27/93, effective 11/27/93.]

### Chapter 388-90 WAC

#### SKILLED NURSING HOME CARE IN STATE SCHOOLS FOR RETARDED PERSONS

##### WAC

388-90-010 Skilled nursing facility care in state school for retarded persons—Minimum requirements for licensure or approval of institution.

##### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-90-005 Skilled nursing facility care in state school for retarded persons. [Order 1097, § 388-90-005, filed 2/13/76; Order 918, § 388-90-005, filed 3/14/74; Order 826, § 388-90-005, filed 7/26/73; Order 668, § 388-90-005, filed 3/23/72; Order 556, § 388-90-005, filed 4/1/71; Order 486, § 388-90-005, filed 10/13/70.] Repealed by 78-10-077 (Order 1346), filed 9/27/78. Statutory Authority: RCW 74.08.090.

**WAC 388-90-010 Skilled nursing facility care in state school for retarded persons—Minimum requirements for licensure or approval of institution.** The institution, or any part thereof, shall meet all applicable requirements for licensure or formal approval as a skilled nursing facility.

[Order 930, § 388-90-010, filed 4/25/74; Order 486, § 388-90-010, filed 10/13/70.]

### Chapter 388-91 WAC MEDICAL CARE—DRUGS

##### WAC

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388-91-030	Drugs—Prescription claim.
388-91-035	Drugs—Pharmacist's agreement.
388-91-040	Drugs—Pricing standards.
388-91-050	Out-of-state prescriptions.

**WAC 388-91-005 Drugs.** In accordance with the department's rules and regulations, the department shall pay for drugs necessary and essential to the medical care of recipients eligible for medical care programs.

[Statutory Authority: RCW 74.08.090, 91-23-084 (Order 3286), § 388-91-005, filed 11/19/91, effective 12/20/91.]

##### WAC 388-91-007 Drugs—Drug discount agreement.

(1) A supplemental drug discount agreement between each pharmaceutical manufacturer and the department is required. This agreement is to provide a supplemental drug discount in addition to the amount provided to the Medicaid program under the terms of their agreement with the federal Department of Health and Human Services.

(2) The supplemental drug discount shall be a percentage applied to the quarterly basic Health Care Financing Administration (HCFA) requested rebated amount. The discount will be assessed when the HCFA rebate amount, per labeler code, exceeds one thousand dollars in a reporting quarter.

[Statutory Authority: RCW 74.08.090, 94-01-094 (Order 3685), § 388-91-007, filed 12/14/93, effective 1/14/94.]

**WAC 388-91-010 Drugs—Not requiring prior authorization.** (1) The department shall publish a list of all drugs not requiring prior approval as described under subsections (3)(a) through (3)(e) and (4) of this section. The medical assistance administration may make changes to this list providing that action is in compliance with regulations governing the drug program and with acceptable management policies.

(2) The list described under subsection (1) of this section may include drugs which require prior approval only because the manufacturer has not signed a supplemental drug discount agreement as specified under subsection (3)(f) of this section. The department shall publish a list of manufac-

turers who have signed a supplemental drug discount agreement and whose products may not require prior approval.

(3) The department's decision not to require authorization for drug preparations shall be based on the following criteria:

(a) The drug is established as a part of necessary and essential care for the condition for which the drug is used;

(b) The drug is in general use by physicians practicing in Washington;

(c) The drug is of moderate cost. The department shall use generic forms when the drug is listed under the department or federal maximum allowable cost (MAC) programs. When two preparations of equal effectiveness but disparate costs are presented, the department shall select the less expensive drug;

(d) The food and drug administration shall not have classified the drug as "less than effective";

(e) The drug is not experimental; and

(f) That the drug manufacturer/labeler sign a Washington state drug discount agreement.

(4) The department shall use the following process to determine when a drug preparation requires prior authorization:

(a) Review objective, scientific information and utilization data for appropriateness according to the criteria in subsection (3) of this section; or

(b) Provide for the potential appointment of an advisory committee by the secretary in accordance with RCW 43.20A.360 to review and advise the medical assistance administration whether the drug preparation requires prior authorization; and

(c) Make appropriate changes in the requirement of prior authorization as to a drug preparation when consistent with subsection (3) of this section, and may accept recommendations of the advisory committee providing that action is in compliance with regulations governing the program and with acceptable management policies.

(5) Until January 1, 1994 the department shall not require prior authorization for any new biological or drug that the federal Food and Drug Administration approves between July 1, 1993 through December 31, 1993.

[Statutory Authority: RCW 74.08.090. 94-01-094 (Order 3685), § 388-91-010, filed 12/14/93, effective 1/14/94; 91-23-084 (Order 3286), § 388-91-010, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-010, filed 12/18/85; 84-09-017 (Order 2090), § 388-91-010, filed 4/10/84; 81-16-032 (Order 1684), § 388-91-010, filed 7/29/81; 81-10-016 (Order 1648), § 388-91-010, filed 4/27/81; 80-15-034 (Order 1554), § 388-91-010, filed 10/9/80; 80-02-024 (Order 1473), § 388-91-010, filed 1/9/80; 79-06-034 (Order 1402), § 388-91-010, filed 5/16/79; 78-10-077 (Order 1346), § 388-91-010, filed 9/27/78; Order 682, § 388-91-010, filed 5/10/72; Order 632, § 388-91-010, filed 11/24/71; Order 583, § 388-91-010, filed 7/20/71; Order 461, § 388-91-010, filed 6/17/70, effective 8/1/70; Order 387, § 388-91-010, filed 8/27/69; Order 316, § 388-91-010, filed 10/31/68.]

**WAC 388-91-013 Drugs—Physician's identification required on prescriptions.** The prescription claim, Form 525-106 or the equivalent electronic billing claim format, shall bear the prescribing physician's name or Medicaid provider identification number.

[Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-013, filed 11/19/91, effective 12/20/91; 85-11-034 (Order 2233), § 388-91-013, filed 5/15/85; 79-06-034 (Order 1402), § 388-91-013, filed 5/16/79;

Order 1112, § 388-91-013, filed 4/15/76; Order 884, § 388-91-013, filed 12/17/73; Order 682, § 388-91-013, filed 5/10/72; Order 461, § 388-91-013, filed 6/17/70, effective 8/1/70.]

**WAC 388-91-015 Drugs—Payment.** (1) In order for the department to pay for a covered outpatient drug, the drug shall be made by a manufacturer who has an agreement with the federal Department of Health and Human Services, except when the:

(a) Department determines that the drug is essential to the health of a recipient;

(b) Department identifies the drug as payable to a non-contract manufacturer; and

(c) Recipient's pharmacist has received approval before dispensing the drug.

(2) The department shall approve drugs for unusual conditions only under WAC 388-91-020.

(3) The department may pay an established fee to a physician for a drug (oral or by injection) incidental to an office call. The fee is on the basis of the acquisition cost of the drug in addition to the office call fee. In the event the cost of the drug given the patient exceeds this fee, the physician may include on his invoice for his professional services to the patient the actual cost of the drug indicating name of manufacturer, strength and dosage.

[Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-015, filed 11/19/91, effective 12/20/91.]

**WAC 388-91-016 Drugs—Nonpayment.** (1) The department shall not pay for:

(a) Any drug regularly supplied as an integral part of program activity by other public agencies such as the United States Veterans' Administration, United States Department of Health and Human Services, Division of Indian Health, local health departments, etc.;

(b) Drugs, biologicals, supplies, appliances, and equipment furnished by an extended care facility under Title XVIII of the Social Security Act;

(c) Drugs provided to persons enrolled in a special group medical coverage contract which includes the provision of drugs as a part of the contract;

(d) Drugs listed in the federal register as "less than effective." Payment shall not be made for such prescriptions under any circumstances;

(e) Drugs ordered for a recipient and used to replace drugs drawn from the doctor's stock for treatment of such recipient;

(f) Experimental or controversial medications; or

(g) Over-the-counter preparations unless medical necessity exists. The provisions of WAC 388-91-020 shall then apply.

(2) The term "covered outpatient drug" does not include any drug, biological product, or insulin provided as part of or as incident to and in the same setting as, any of the following:

(a) Inpatient hospital services;

(b) Hospice services;

(c) Dental services, except as authorized under the state plan;

(d) Physicians' services;

(e) Outpatient hospital services emergency room visits;

(f) Other laboratory and x-ray services; or

(g) Renal dialysis.

(3) The department shall not pay for:

(a) A drug when the drug is used for the following reasons:

(i) Agents when used for anorexia or weight gain;

(ii) Agent when used to promote fertility;

(iii) Agents when used for cosmetic purposes or hair growth;

(iv) Agents when used to promote smoking cessation;

(v) Prescription vitamins and mineral products in the absence of a condition that is clinically recognized to produce a deficiency state, except prenatal vitamins and fluoride preparations; or

(b) The following drugs:

(i) Outpatient nonprescription drugs;

(ii) Covered outpatient drugs for which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or its designee;

(iii) Described in section 107 (c)(3) of the Drug Amendments of 1962 and identical similar, or related drugs (DESI drugs).

[Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-016, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-016, filed 12/18/85; 85-11-034 (Order 2233), § 388-91-016, filed 5/15/85; 84-20-101 (Order 2158), § 388-91-016, filed 10/3/84; 81-10-016 (Order 1648), § 388-91-016, filed 4/27/81; 79-06-034 (Order 1402), § 388-91-016, filed 5/16/79; Order 1170, § 388-91-016, filed 11/24/76; Order 1154, § 388-91-016, filed 9/22/76; Order 884, § 388-91-016, filed 12/17/73; Order 682, § 388-91-016, filed 5/10/72; Order 487, § 388-91-016, filed 10/13/70; Order 461, § 388-91-016, filed 6/17/70, effective 8/1/70.]

#### WAC 388-91-020 Drugs—Requiring authorization.

(1) The pharmacist shall make a request to the department for drugs requiring prior authorization before dispensing the drug. The request shall be supported by the medical diagnosis and include proper justification for the drug. For drugs requiring prior authorization solely because the drug manufacturer/labeler has failed to sign a Washington state drug discount agreement, the authorization may be obtained subsequent to filling the prescription.

(2) The department may pay for drugs requiring prior authorization which are prescribed without prior authorization only:

(a) In an acute emergency;

(b) If the physician can substantiate that a drug is mandatory; and

(c) When the department receives justification within seventy-two hours for consideration.

[Statutory Authority: RCW 74.08.090. 94-01-094 (Order 3685), § 388-91-020, filed 12/14/93, effective 1/14/94; 91-23-084 (Order 3286), § 388-91-020, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-020, filed 12/18/85; 85-11-034 (Order 2233), § 388-91-020, filed 5/15/85; 79-06-034 (Order 1402), § 388-91-020, filed 5/16/79; Order 1170, § 388-91-020, filed 11/24/76; Order 884, § 388-91-020, filed 12/17/73; Order 461, § 388-91-020, filed 6/17/70, effective 8/1/70; Order 316, § 388-91-020, filed 10/31/68.]

#### WAC 388-91-030 Drugs—Prescription claim. (1)

Pharmacist, when billing, shall use the department's official prescription [claim] form or the department's electronic billing specifications, if billing electronically.

(2) The department prohibits the use of presigned prescription blanks filled out by the nursing facility operators or pharmacists. The department shall consider this practice sufficient grounds for cancelling the vendor agreement of participating providers involved.

(3) The department requires that all data on the pharmacy statement be recorded accurately.

[Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-030, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-030, filed 12/18/85; 85-11-034 (Order 2233), § 388-91-030, filed 5/15/85; 79-06-034 (Order 1402), § 388-91-030, filed 5/16/79; Order 884, § 388-91-030, filed 12/17/73; Order 461, § 388-91-030, filed 6/17/70, effective 8/1/70; Order 316, § 388-91-030, filed 10/31/68.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

#### WAC 388-91-035 Drugs—Pharmacist's agreement.

(1) Core Provider Agreement, Form DSHS 9-48 provided by the department shall be filed with the Department of Social and Health Services, Olympia, Washington 98504.

(2) To participate in this program, a licensed pharmacy shall agree to furnish goods and services in accordance with the department's rules, regulations, and payment procedures. The department shall establish fees and rates which shall constitute the full and complete charge for approved medical care and goods and services the vendors or providers provide to recipients.

(3) All pharmacists and pharmacies agreeing to render goods and services to eligible persons shall submit such charges as agreed upon between the department and the person or firm. Effective July 28, 1991, all pharmacists and pharmacies shall present their final charges within twelve months from the date of service or as otherwise provided by state law. For services rendered before July 28, 1991, all pharmacist and pharmacies shall present their final charges not more than one hundred twenty days from the date of service.

(4) Sale or transfer of ownership will automatically cancel this agreement.

[Statutory Authority: RCW 74.08.090. 91-23-084 (Order 3286), § 388-91-035, filed 11/19/91, effective 12/20/91; 85-11-034 (Order 2233), § 388-91-035, filed 5/15/85; 81-10-016 (Order 1648), § 388-91-035, filed 4/27/81; 80-13-020 (Order 1542), § 388-91-035, filed 9/9/80; 79-06-034 (Order 1402), § 388-91-035, filed 5/16/79; Order 1170, § 388-91-035, filed 11/24/76; Order 884, § 388-91-035, filed 12/17/73; Order 461, § 388-91-035, filed 6/17/70, effective 8/1/70.]

#### WAC 388-91-040 Drugs—Pricing standards. (1)

The department shall determine maximum cost allowed for all drugs, including generic drugs.

(2) The department shall not pay more than the amount charged to the general public. In defining the charge to the general public, the department and pharmacist shall consider pricing practices such as granting discounts, special commissions, fees, etc., to patients, institutions, or corporations.

(3) There shall be no differential in pricing prescriptions issued in less than manufacturer's size.

(4) The department shall not pay more than the lower of ingredient cost plus a dispensing fee or the provider's usual and customary charge to the public. Ingredient cost shall be

set at the estimated acquisition cost, which is the department's best estimate of the price providers generally are paying for a drug. The dispensing fee shall be set by taking into account the results of surveys and the costs of pharmacy operation. Reimbursement may also be made through exclusive service contracts for the provision of prescription drugs for nursing facility patients.

(5) True unit dose systems recognized by the department require each patient's medication to be delivered to the facility a minimum of five days a week or delivery of medical carts every other day with daily service available.

(6) Modified unit dose systems (also known as blister packs, "bingo" or punch cards) recognized by the department require each patient's medication be delivered in individually sealed single or multiple dose packages, and in quantities sufficient to meet specified minimums or one month's supply. Providers shall be paid a special dispensing fee per prescription. This special fee shall not apply to creams, ointments, ophthalmic/otic preparations, and oral liquids.

[Statutory Authority: RCW 74.08.090, 91-23-084 (Order 3286), § 388-91-040, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-040, filed 12/18/85; 82-01-001 (Order 1725), § 388-91-040, filed 12/3/81; 79-06-034 (Order 1402), § 388-91-040, filed 5/16/79; Order 1154, § 388-91-040, filed 9/22/76; Order 970, § 388-91-040, filed 9/13/74; Order 884, § 388-91-040, filed 12/17/73; Order 461, § 388-91-040, filed 6/17/70, effective 8/1/70; Order 316, § 388-91-040, filed 10/31/68.]

**WAC 388-91-050 Out-of-state prescriptions. (1)**

The department shall authorize drugs provided to residents of the state of Washington who are temporarily out of the state as defined under WAC 388-26-060 as part of medical care within the scope of WAC 388-86-115. Border situations as described by WAC 388-82-130 are not subject to out-of-state rules and are to be considered as care provided in the state of Washington.

(2) Drugs provided by out-of-state pharmacists (bordering cities excepted) shall require the approval of the department before payment can be made.

[Statutory Authority: RCW 74.08.090, 91-23-084 (Order 3286), § 388-91-050, filed 11/19/91, effective 12/20/91; 86-01-080 (Order 2320), § 388-91-050, filed 12/18/85; 81-16-032 (Order 1684), § 388-91-050, filed 7/29/81; Order 475, § 388-91-050, filed 9/8/70; Order 316, § 388-91-050, filed 10/31/68.]

**Chapter 388-96 WAC**

**NURSING HOME ACCOUNTING AND REIMBURSEMENT SYSTEM**

**WAC**

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388-96-709	Prospective rate revisions—Reduction in licensed beds.
388-96-710	Prospective reimbursement rate for new contractors.
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388-96-717	Desk review adjustments.		1168, § 388-96-200, filed 11/3/76.] Repealed by Order 1262, filed 12/30/77.
388-96-719	Method of rate determination.		
388-96-722	Nursing services cost area rate.	388-96-201	Desk review. [Order 1262, § 388-96-201, filed 12/30/77.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.
388-96-727	Food cost area rate.		
388-96-735	Administrative cost area rate.		
388-96-737	Operational cost area rate.	388-96-203	Initial financial survey report and budgetary report for new providers. [Order 1168, § 388-96-203, filed 11/3/76.] Repealed by Order 1262, filed 12/30/77.
388-96-745	Property cost area reimbursement rate.		
388-96-752	Documentation of leased assets.		
388-96-753	Return on investment—Effect of funding granted under WAC 388-96-774, 388-96-776, and 388-96-777.	388-96-206	Prospective daily payment. [Order 1168, § 388-96-206, filed 11/3/76.] Repealed by Order 1262, filed 12/30/77.
388-96-754	A contractor's return on investment.	388-96-209	Flat rate payment system option. [Order 1168, § 388-96-209, filed 11/3/76.] Repealed by Order 1262, filed 12/30/77.
388-96-757	Reimbursement for veterans' homes.		
388-96-760	Upper limits to reimbursement rate.	388-96-219	Disclosure of audit narratives and summaries. [Order 1262, § 388-96-219, filed 12/30/77.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.
388-96-761	Home office, central office, and other off-premises assets.		
388-96-762	Allowable land.		
388-96-763	Rates for recipients requiring exceptionally heavy care.	388-96-222	Settlement. [Statutory Authority: RCW 74.09.120. 83-05-007 (Order 1944), § 388-96-222, filed 2/4/83; 81-22-080 (Order 1716), § 388-96-222, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-222, filed 2/25/81. Statutory Authority: RCW 74.09.120. 79-12-085 (Order 1461), § 388-96-222, filed 11/30/79; 79-04-059 (Order 1382), § 388-96-222, filed 3/28/79. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-222, filed 6/1/78; Order 1262, § 388-96-222, filed 12/30/77.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.
388-96-764	Activities assistants.		
388-96-765	Ancillary care.		
388-96-766	Notification of rates.		
388-96-767	Appraisal values.		
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388-96-774	Add-ons to the prospective rate—Staffing.		
388-96-776	Add-ons to the prospective rate—Capital improvements.		
388-96-777	Add-ons to the prospective rate—Initiated by the department.	388-96-223	Shifting. [Statutory Authority: RCW 74.09.120. 81-15-049 (Order 1669), § 388-96-223, filed 7/15/81; 80-15-114 (Order 1561), § 388-96-223, filed 10/22/80; Order 1262, § 388-96-223, filed 12/30/77.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.
388-96-778	Public disclosure of rate-setting methodology.		
388-96-801	Billing period.		
388-96-804	Billing procedures.		
388-96-807	Charges to patients.		
388-96-810	Payment.		
388-96-813	Suspension of payment.	388-96-225	Date settlement becomes final. [Statutory Authority: RCW 74.09.120. 83-05-007 (Order 1944), § 388-96-225, filed 2/4/83; 81-22-080 (Order 1716), § 388-96-225, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-225, filed 2/25/81; Order 1262, § 388-96-225, filed 12/30/77.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.
388-96-816	Termination of payments.		
388-96-901	Disputes.		
388-96-902	Recoupment of undisputed overpayments.		
388-96-904	Administrative review—Adjudicative proceeding.		

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

388-96-015	Phase-in of other definitions. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-015, filed 2/25/81.] Repealed by 81-22-081 (Order 1712), filed 11/4/81. Statutory Authority: RCW 74.09.120.	388-96-227	Interest on settlements. [Statutory Authority: RCW 74.09.120. 83-05-007 (Order 1944), § 388-96-227, filed 2/4/83; 81-22-080 (Order 1716), § 388-96-227, filed 11/4/81.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.
388-96-100	Standards for funding patient care services in skilled nursing/intermediate care facilities. [Order 1168, § 388-96-100, filed 11/3/76.] Repealed by Order 1262, filed 12/30/77.	388-96-300	Required reports. [Order 1205, § 388-96-300, filed 4/13/77; Order 1114, § 388-96-300, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-103	Skilled nursing care patients. [Order 1168, § 388-96-103, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.	388-96-302	Report dates. [Order 1205, § 388-96-302, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
388-96-106	Minimum licensed personnel requirements for skilled nursing facilities. [Order 1168, § 388-96-106, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.	388-96-303	Uniform reporting forms. [Order 1169, § 388-96-303, filed 11/10/76; Order 1114, § 388-96-303, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
388-96-109	Intermediate care facility patients. [Order 1168, § 388-96-109, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.	388-96-305	Approval required for extensions. [Order 1205, § 388-96-305, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
388-96-112	Minimum licensed personnel requirements for intermediate care facilities. [Order 1168, § 388-96-112, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.	388-96-306	Short-period report procedure. [Order 1114, § 388-96-306, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
388-96-116	Provider classification. [Order 1169, § 388-96-116, filed 11/10/76.] Repealed by Order 1257, filed 12/21/77.	388-96-308	Late reports. [Order 1205, § 388-96-308, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
388-96-118	Exception to dual contract. [Order 1168, § 388-96-118, filed 11/3/76.] Repealed by Order 1257, filed 12/21/77.	388-96-309	Incorrect or false report. [Order 1114, § 388-96-309, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
388-96-125	Reporting for an abbreviated period. [Statutory Authority: RCW 74.09.120. 79-04-102 (Order 1387), § 388-96-125, filed 4/4/79; Order 1262, § 388-96-125, filed 12/30/77.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.	388-96-311	Forms. [Order 1205, § 388-96-311, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
388-96-200	Condition of qualification for participation in the Washington state cost-related reimbursement system. [Order	388-96-312	Amended annual or semiannual report. [Order 1114, § 388-96-312, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
		388-96-314	Completion of reports. [Order 1205, § 388-96-314, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
		388-96-315	Flat rate option for providers (flat rate system). [Order 1114, § 388-96-315, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.

- 388-96-317 Certification of reports. [Order 1205, § 388-96-317, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
- 388-96-318 Reporting requirements. [Order 1114, § 388-96-318, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
- 388-96-320 False reports. [Order 1205, § 388-96-320, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
- 388-96-321 Extensions. [Order 1114, § 388-96-321, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
- 388-96-323 Amendments. [Order 1205, § 388-96-323, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
- 388-96-324 Delinquent semiannual or annual reports. [Order 1114, § 388-96-324, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
- 388-96-325 Abbreviated reporting period. [Order 1205, § 388-96-325, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
- 388-96-326 Retention of records. [Order 1205, § 388-96-326, filed 4/13/77.] Repealed by Order 1262, filed 12/30/77.
- 388-96-327 Determination of prospective daily payment rate. [Order 1114, § 388-96-327, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-330 Rate adjustments and payments. [Order 1114, § 388-96-330, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-333 Annual report settlement. [Order 1114, § 388-96-333, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-336 Contested annual settlement. [Order 1114, § 388-96-336, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-339 Final settlement date. [Order 1114, § 388-96-339, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-342 Uniform system of accounting and reporting. [Order 1169, § 388-96-342, filed 11/10/76; Order 1114, § 388-96-342, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
- 388-96-345 Uniform statistical reporting. [Order 1114, § 388-96-345, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
- 388-96-348 Method of accounting. [Order 1114, § 388-96-348, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
- 388-96-351 Nursing home reports. [Order 1239, § 388-96-351, filed 8/23/77; Order 1205, § 388-96-351, filed 4/13/77; Order 1114, § 388-96-351, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-354 Final settlement report. [Order 1114, § 388-96-354, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-357 Provider records. [Order 1114, § 388-96-357, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
- 388-96-360 Audits by the department. [Order 1114, § 388-96-360, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-363 Report certification. [Order 1114, § 388-96-363, filed 4/21/76.] Repealed by Order 1205, filed 4/13/77.
- 388-96-387 Illustration of final settlement form. [Order 1114, § 388-96-387, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-400 The prospective cost-related reimbursement system. [Order 1168, § 388-96-400, filed 11/3/76; Order 1114, § 388-96-400, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-403 Control areas and associated cost centers. [Order 1168, § 388-96-403, filed 11/3/76; Order 1114, § 388-96-403, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-406 Payment of the actual allowable costs by cost center. [Order 1168, § 388-96-406, filed 11/3/76; Order 1114, § 388-96-406, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-409 Discretionary allowance. [Order 1114, § 388-96-409, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-412 Expense allocation procedures. [Order 1114, § 388-96-412, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-415 Expense identification. [Order 1114, § 388-96-415, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-418 Expense recoveries and adjustments. [Order 1114, § 388-96-418, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-421 Allocation of expenses. [Order 1114, § 388-96-421, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-424 Multifacility provider. [Order 1114, § 388-96-424, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-427 Uniform system of accounting. [Order 1114, § 388-96-427, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-430 Separate and distinct SNF and/or ICF. [Order 1114, § 388-96-430, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-433 Combined multifacility. [Order 1114, § 388-96-433, 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-436 Prospective cost reimbursement for combined multifacility. [Order 1114, § 388-96-436, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-439 Payment of the lower of actual costs or prospective per diem rates. [Order 1114, § 388-96-439, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-442 Multifacility flat rate option for providers (flat rate system). [Order 1114, § 388-96-442, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-445 Medical recipient rates. [Order 1114, § 388-96-445, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-448 Medical recipient rates by level of care. [Order 1114, § 388-96-448, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-451 Prospective daily payment rate. [Order 1114, § 388-96-451, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-454 Prospective rate—Inadequate data. [Order 1114, § 388-96-454, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-457 Prospective rate revision. [Order 1114, § 388-96-457, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-458 Prospective rate—Projected (budgeted) cost increases. [Order 1114, § 388-96-458, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-460 Prospective rate—New facility. [Order 1114, § 388-96-460, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-463 Prospective rate—Change in ownership—New provider. [Order 1114, § 388-96-463, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-466 Prospective rate—Change in ownership—Nonarmslength transaction. [Order 1114, § 388-96-466, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-470 Prospective rate—Change in ownership—Armslength transaction. [Order 1114, § 388-96-470, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-473 Final daily settlement rate. [Order 1114, § 388-96-473, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-476 Notification of prospective and final rates. [Order 1114, § 388-96-476, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-479 Adjustments, errors, or omissions. [Order 1114, § 388-96-479, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-500 Provider billing instructions—Nursing home statement. [Order 1114, § 388-96-500, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-510 Billing period. [Order 1114, § 388-96-510, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-520 Suspension of reimbursement formula. [Order 1114, § 388-96-520, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
- 388-96-537 Temporary contract labor. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-537, filed 2/25/81.] Repealed by 81-22-081 (Order 1712), filed 11/4/81. Statutory Authority: RCW 74.09.120.
- 388-96-539 Allowable interest. [Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-539, filed 9/16/83; 83-05-007 (Order 1944), § 388-96-539, filed 2/4/83; 81-22-081 (Order 1712), § 388-96-539, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-539, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-539, filed

	6/1/78; Order 1262, § 388-96-539, filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.	388-96-628	Partial change of ownership interest. [Order 1114, § 388-96-628, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-541	Offset of interest income. [Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-541, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-541, filed 2/25/81; Order 1262, § 388-96-541, filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.	388-96-630	Donated assets. [Order 1114, § 388-96-630, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-632	Capitalization vs. expense. [Order 1114, § 388-96-632, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-634	Construction in process. [Order 1114, § 388-96-634, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-545	Operating leases of equipment. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-545, filed 2/25/81.] Repealed by 81-22-081 (Order 1712), filed 11/4/81. Statutory Authority: RCW 74.09.120.	388-96-636	Amortization expense of leasehold improvements. [Order 1114, § 388-96-636, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-638	Leased facilities and equipment. [Order 1114, § 388-96-638, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-547	Operating leases of facilities and equipment. [Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-547, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-547, filed 2/25/81; Order 1262, § 388-96-547, filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.	388-96-640	Interest expense. [Order 1114, § 388-96-640, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-642	Interest rate. [Order 1114, § 388-96-642, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-644	Recovery of interest income. [Order 1114, § 388-96-644, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-549	Rental expense paid to related organizations. [Order 1262, § 388-96-549, filed 12/30/77.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.	388-96-646	Interest expense—Related organization. [Order 1114, § 388-96-646, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-648	Construction interest expense. [Order 1114, § 388-96-648, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-563	Depreciation base of assets previously used in medical care program. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-563, filed 2/25/81.] Repealed by 81-22-081 (Order 1712), filed 11/4/81. Statutory Authority: RCW 74.09.120.	388-96-650	In-service educational activities. [Order 1114, § 388-96-650, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-652	Owner-administrator compensation and/or allowances. [Order 1114, § 388-96-652, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-587	Phase-in of other unallowable costs. [Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-587, filed 2/25/81.] Repealed by 81-22-081 (Order 1712), filed 11/4/81. Statutory Authority: RCW 74.09.120.	388-96-654	Relatives of owner compensation and/or allowances. [Order 1114, § 388-96-654, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
		388-96-656	Owner-administrator of multiple facilities (groups). [Order 1114, § 388-96-656, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-600	Reasonable costs. [Order 1114, § 388-96-600, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-658	Owner allowances. [Order 1114, § 388-96-658, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-602	Substance of recoverable cost transactions. [Order 1114, § 388-96-602, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-660	Preopening expenses. [Order 1114, § 388-96-660, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-604	Costs due to changes imposed by regulatory agencies. [Order 1114, § 388-96-604, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-662	Discretionary allowance. [Order 1114, § 388-96-662, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-606	Nonreimbursable services and expenses. [Order 1114, § 388-96-606, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-664	Costs of related organization. [Order 1114, § 388-96-664, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-608	Recovery of expenses. [Order 1114, § 388-96-608, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-666	Rentals or leases from related organization. [Order 1114, § 388-96-666, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-610	Physical property. [Order 1114, § 388-96-610, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-668	Service charges from related organization. [Order 1114, § 388-96-668, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-612	Depreciation. [Order 1114, § 388-96-612, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-700	Appeals [Order 1114, § 388-96-700, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.
388-96-614	Historical cost depreciation for new providers and for depreciable assets purchased subsequent to July 1, 1974. [Order 1114, § 388-96-614, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-701	Reimbursement principles. [Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-701, filed 1/9/78.] Repealed by 81-15-049 (Order 1669), filed 7/15/81. Statutory Authority: RCW 74.09.120.
388-96-616	Election of depreciation method for depreciable assets purchased prior to July 1, 1974, by providers entering cost reimbursement at its inception. [Order 1169, § 388-96-616, filed 11/10/76; Order 1114, § 388-96-616, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-707	Program services not covered by the reimbursement rate. [Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-707, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-707, filed 6/1/78. Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-707, filed 1/9/78.] Repealed by 94-12-043 (Order 3737), filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800.
388-96-618	Guideline lives and methods of depreciation. [Order 1114, § 388-96-618, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-620	Disposal of depreciable assets. [Order 1114, § 388-96-620, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-720	Redistribution pool. [Statutory Authority: RCW 74.09.120. 82-11-065 (Order 1808), § 388-96-720, filed 5/14/82.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.
388-96-622	Gains or losses on disposition of major-minor equipment. [Order 1114, § 388-96-622, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		
388-96-624	Historical cost trade-ins. [Order 1114, § 388-96-624, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.	388-96-721	Priorities in establishing rates and responding to appeals of desk-review adjustments. [Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-721, filed 5/30/84.] Repealed by 94-12-043 (Order 3737), filed 5/30/84.]
388-96-626	Purchase of facility as an ongoing operations. [Order 1114, § 388-96-626, filed 4/21/76.] Repealed by Order 1262, filed 12/30/77.		

- 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800.
- 388-96-743 Property cost area rate. [Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-743, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-743, filed 10/13/82; 81-15-049 (Order 1669), § 388-96-743, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-743, filed 5/30/80, effective 7/1/80; 79-12-085 (Order 1461), § 388-96-743, filed 11/30/79; 78-02-013 (Order 1264), § 388-96-743, filed 1/9/78.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.
- 388-96-750 Return on investment. [Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-750, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-750, filed 9/16/83; 81-22-080 (Order 1716), § 388-96-750, filed 11/4/81; 80-15-114 (Order 1561), § 388-96-750, filed 10/22/80; 80-06-122 (Order 1510), § 388-96-750, filed 5/30/80, effective 7/1/80; 79-04-061 (Order 1381), § 388-96-750, filed 3/28/79.] Repealed by 84-24-050 (Order 2172), filed 12/4/84. Statutory Authority: RCW 74.09.120.
- 388-96-756 Enhancement cost area rate. [Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-756, filed 12/23/87.] Repealed by 93-19-074 (Order 3634), filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800 and 74.09.120.
- 388-96-772 Requests for revision of a prospective rate. [Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-772, filed 11/4/81; 78-02-013 (Order 1264), § 388-96-772, filed 1/9/78.] Repealed by 83-19-047 (Order 2025), filed 9/16/83. Statutory Authority: RCW 74.09.120.
- 388-96-773 Adjustments to prospective rates. [Statutory Authority: RCW 74.09.120 and 74.46.800. 85-13-065 (Order 2245), § 388-96-773, filed 6/18/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-773, filed 9/16/83.] Repealed by 90-09-061 (Order 2970), filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800.
- 388-96-775 Public review of rate-setting methods and standards. [Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-775, filed 1/9/78.] Repealed by 93-19-074 (Order 3634), filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800 and 74.09.120.
- 388-96-900 Definitions. [Order 1169, § 388-96-900, filed 11/10/76.] Repealed by Order 1262, filed 12/30/77.

**WAC 388-96-010 Terms.** Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section when used in this chapter.

(1) "Accounting" means activities providing information, usually quantitative and often expressed in monetary units, for:

- (a) Decision-making;
- (b) Planning;
- (c) Evaluating performance;
- (d) Controlling resources and operations; and
- (e) External financial reporting to investors, creditors, regulatory authorities, and the public.

(2) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period in which incurred, regardless of when paid.

(3) "Administration and management" means activities employed to maintain, control, and evaluate the efforts and resources of an organization for the accomplishment of the objectives and policies of that organization.

(4) "Allowable costs" - See WAC 388-96-501.

(5) "Ancillary care" means services required by the individual, comprehensive plan of care provided by qualified therapists or by support personnel under their supervision.

(6) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who have adverse bargaining positions in the marketplace.

(a) Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter.

(b) Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(7) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles. "Assets" also include certain deferred charges that are not resources but are recognized and measured in accordance with generally accepted accounting principles.

(8) "Bad debts" means amounts considered to be uncollectible from accounts and notes receivable.

(9) "Beds" means, unless otherwise specified, the number of set-up beds in the nursing home, not to exceed the number of licensed beds.

(10) "Beneficial owner" means any person who:

(a) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest.

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest, or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection (4) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in subsection (10)(c)(i), (ii), or (iii) of this section with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power.



(d) In the ordinary course of business, is a pledgee of ownership interest under a written pledge agreement and shall not be deemed the beneficial owner of such pledged ownership interest until the pledgee takes:

(i) Formal steps necessary required to declare a default; and

(ii) Determines the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised provided the pledge agreement:

(A) Is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (10)(b) of this section; and

(B) Prior to default, does not grant the pledgee the power to:

(I) Vote or direct the vote of the pledged ownership interest; or

(II) Dispose or direct the disposition of the pledged ownership interest, other than the grant of such power or powers pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(11) "Capitalization" means the recording of an expenditure as an asset.

(12) "Capitalized lease" means a lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

(13) "Cash method of accounting" means a method of accounting in which revenues are recognized only when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

(14) "Change of ownership" means a substitution of the individual operator or operating entity contracting with the department to deliver care services to medical care recipients in a nursing facility and ultimately responsible for the daily operational decisions of the nursing facility; or a substitution of control of such operating entity.

(a) Events which constitute a change of ownership include but are not limited to the following:

(i) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Ownership of the nursing home business enterprise is transferred by the contractor to another party, regardless of whether ownership of some or all of the real property and/or personal property assets of the facility is also transferred;

(iii) If the contractor is a partnership, any event occurs which dissolves the partnership;

(iv) If the contractor is a corporation, and the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation;

(v) If the operator is a corporation and, whether by a single transaction or multiple transactions within any continuous twenty-four-month period, fifty percent or more of the stock is transferred to one or more:

(A) New or former stockholders; or

(B) Present stockholders each having held less than five percent of the stock before the initial transaction; or

(vi) Any other event or combination of events which results in a substitution or substitution of control of the individual operator or the operating entity contracting with the department to deliver care services.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the contractor to manage the nursing facility enterprise as the contractor's agent, i.e., subject to the contractor's general approval of daily operating and management decisions; or

(ii) The real property or personal property assets of the nursing facility change ownership or are leased, or a lease of them is terminated, without a substitution of individual operator or operating entity and without a substitution of control of the operating entity contracting with the department to deliver care services.

(15) "Charity allowances" means reductions in charges made by the contractor because of the indigence or medical indigence of a patient.

(16) "Contract" means a contract between the department and a contractor for the delivery of SNF or ICF services to medical care recipients.

(17) "Contractor" means an entity which contracts with the department to deliver care services to medical care recipients in a facility. The entity is responsible for operational decisions.

(18) "Courtesy allowances" means reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

(19) "CSO" means the local community services office of the department.

(20) "Department" means the department of social and health services (DSHS) and employees.

(21) "Depreciation" means the systematic distribution of the cost or other base of tangible assets, less salvage, over the estimated useful life of the assets.

(22) "Donated asset" means an asset the contractor acquired without making any payment for the asset in the form of cash, property, or services.

(a) An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset.

(b) An asset purchased using donated funds is not a donated asset.

(23) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(24) "Equity capital" means total tangible and other assets which are necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

(25) "Exceptional care recipient" means a medical care recipient determined by the department to require exceptionally heavy care.

(26) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(27) "Fair market value" means:

(a) Prior to January 1, 1985, the price for which an asset would have been purchased on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell; or

(b) Beginning January 1, 1985, the replacement cost of an asset, less observed physical depreciation, on the date the fair market value is determined.

(28) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles and the provisions of chapter 74.46 RCW and this chapter including, but not limited to:

- (a) Balance sheet;
- (b) Statement of operations;
- (c) Statement of changes in financial position; and
- (d) Related notes.

(29) "Fiscal year" means the operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods. As determined by context or otherwise, "fiscal year" may also refer to a state fiscal year extending from July 1 through June 30 of the following year and comprising the first or second half of a state fiscal biennium.

(30) "Gain on sale" means the actual total sales price of all tangible and intangible nursing home assets including, but not limited to, land, building, equipment, supplies, goodwill, and beds authorized by certificate of need, minus the net book value of such assets immediately prior to the time of sale.

(31) "Generally accepted accounting principles (GAAP)" means accounting principles approved by the financial accounting standards Board (FASB).

(32) "Generally accepted auditing standards (GAAS)" means auditing standards approved by the American Institute of Certified Public Accountants (AICPA).

(33) "Goodwill" means the excess of the price paid for:

- (a) A business over the fair market value of all other identifiable, tangible, and intangible assets acquired; and
- (b) An asset over the fair market value of the asset.

(34) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

(35) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(36) "Interest" means the cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

(37) "Joint facility costs" means any costs representing expenses incurred which benefit more than one facility, or one facility and any other entity.

(38) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase

the total lease payment obligation of the lessee shall not be considered modification of a lease term.

(39) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(40) "Medical care recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(41) "Multiservice facility" means a facility at which two or more types of health or related care are delivered, e.g., a hospital and nursing facility, or a boarding home and nursing facility.

(42) "Net book value" means the historical cost of an asset less accumulated depreciation.

(43) "Net invested funds" means the net book value of tangible fixed assets, excluding assets associated with central or home offices or otherwise not on the nursing facility premises, employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles and not in excess of any lids or reimbursement limits set forth in this chapter, plus an allowance for working capital as provided in this chapter.

(44) "Nonadministrative wages and benefits" means wages, benefits, and corresponding payroll taxes paid for nonadministrative personnel, not to include administrator, assistant administrator, or administrator-in-training.

(45) "Nonallowable costs" means the same as "unallowable costs."

(46) "Nonrestricted funds" means funds which are not restricted to a specific use by the donor, e.g., general operating funds.

(47) "Nursing facility" means a home, place, or institution, licensed under chapter 18.51 RCW, where skilled nursing and/or intermediate care services are delivered.

(48) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(49) "Owner" means a sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

(50) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form the beneficial ownership takes.

(51) "Patient day" means a calendar day of patient care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the patient was admitted on the same day. A patient is admitted for purposes of this definition when the patient is assigned a bed and a patient medical record is opened.

(52) "Per diem (per patient day) costs" means total allowable costs for a fiscal period divided by total patient days for the same period.

(53) "Professionally designated real estate appraiser" means an individual:

(a) Regularly engaged in the business of providing real estate valuation services for a fee;

(b) Qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the:

- (i) Writing of real estate valuation reports;

(ii) Passing of written examination on valuation practice and theory; and

(iii) Requirement to subscribe and adhere to certain standards of professional practice as the organization prescribes.

(54) "Prospective daily payment rate" means the rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

(55) "Qualified therapist":

(a) An activities specialist having specialized education, training, or at least one year's experience in organizing and conducting structured or group activities;

(b) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional, either a qualified therapist or a therapist, approved by the department having specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker graduated from a school of social work;

(f) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW;

(h) An occupational therapist graduated from a program in occupational therapy, or having the equivalent of education or training, and meeting all requirements of state law; or

(i) A respiratory care practitioner certified under chapter 18.89 RCW.

(56) "Recipient" means a medical care recipient.

(57) "Records" means data supporting all financial statements and cost reports including, but not limited to:

(a) All general and subsidiary ledgers;

(b) Books of original entry;

(c) Invoices;

(d) Schedules;

(e) Summaries; and

(f) Transaction documentation, however maintained.

(58) "Regression analysis" means a statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

(59) "Related care" includes:

(a) The director of nursing services;

(b) Activities and social services programs;

(c) Medical and medical records specialists; and

(d) Consultation provided by:

(i) Medical directors;

(ii) Pharmacists;

(iii) Occupational therapists;

(iv) Physical therapists;

(v) Speech therapists; and

(vi) Other therapists; and

(vii) Mental health professionals as defined in law and regulation.

(60) "Related organization" means an entity under common ownership and/or control, or which has control of or is controlled by, the contractor. Common ownership exists if an entity has a five percent or greater beneficial ownership interest in the contractor and any other entity. Control exists if an entity has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution, whether or not the power is legally enforceable and however exercisable or exercised.

(61) "Relative" includes:

(a) Spouse;

(b) Natural parent, child, or sibling;

(c) Adopted child or adoptive parent;

(d) Stepparent, stepchild, stepbrother, stepsister;

(e) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law;

(f) Grandparent or grandchild; and

(g) Uncle, aunt, nephew, niece, or cousin.

(62) "Restricted fund" means a fund for which the use of the principal and/or income is restricted by agreement with or direction of the donor to a specific purpose, in contrast to a fund over which the contractor has complete control. Restricted funds generally fall into three categories:

(a) Funds restricted by the donor to specific operating purposes;

(b) Funds restricted by the donor for additions to property, plant, and equipment; and

(c) Endowment funds.

(63) "Secretary" means the secretary of the department of social and health services (DSHS).

(64) "Start-up costs" means the one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include:

(a) Administrative and nursing salaries;

(b) Utility costs;

(c) Taxes;

(d) Insurance;

(e) Repairs and maintenance; and

(f) Training costs.

Start-up costs do not include expenditures for capital assets.

(65) "Title XIX" means the 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

(66) "Unallowable costs" means costs which do not meet every test of an allowable cost.

(67) "Uniform chart of accounts" means a list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

(68) "Vendor number" means a number assigned to each contractor delivering care services to medical care recipients.

(69) "Working capital" means total current assets necessary, ordinary, and related to patient care from the most recent cost report minus total current liabilities necessary, ordinary, and related to patient care from the most recent cost report.

[Statutory Authority: RCW 74.46.800, 94-12-043 (Order 3737), § 388-96-010, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120, 93-19-074 (Order 3634), § 388-96-010, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120, 91-22-025

(Order 3270), § 388-96-010, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-010, filed 4/17/90, effective 5/18/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-010, filed 12/23/87. Statutory Authority: RCW 74.09.120 and 74.46.800. 85-13-060 (Order 2240), § 388-96-010, filed 6/18/85. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-010, filed 12/4/84. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-010, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-010, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-010, filed 10/13/82; 81-22-081 (Order 1712), § 388-96-010, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-010, filed 2/25/81. Statutory Authority: RCW 74.09.120. 80-09-083 (Order 1527), § 388-96-010, filed 7/22/80; 79-04-061 (Order 1381), § 388-96-010, filed 3/28/79. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-010, filed 6/1/78; Order 1262, § 388-96-010, filed 12/30/77.]

**WAC 388-96-020 Prospective cost-related reimbursement.** The prospective cost-related reimbursement system is the system used by the department to pay for skilled nursing facility services and intermediate care facility services provided to medical care recipients. Reimbursement rates for such services will be determined in accordance with the principles, methods, and standards contained in this chapter and in chapter 74.46 RCW as set forth in this chapter.

[Statutory Authority: RCW 74.09.120 and 74.46.800. 85-13-065 (Order 2245), § 388-96-020, filed 6/18/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-020, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-020, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-020, filed 6/1/78; Order 1262, § 388-96-020, filed 12/30/77.]

**WAC 388-96-023 Conditions of participation.** In order to participate in the prospective cost-related reimbursement system, the person or legal organization responsible for operation of a nursing or multiservice facility shall:

- (1) Obtain a state certificate of need approval pursuant to chapter 70.38 RCW where required;
- (2) Hold the appropriate current license (e.g., nursing home license, hospital license);
- (3) Hold current Title XIX certification to provide nursing facility services;
- (4) Hold a current contract to provide nursing facility services; and
- (5) Obtain and continuously maintain Medicare certification, under 42 USC 1395 (Title XVIII of the Social Security Act), as amended, for a portion of the licensed beds of the facility.
- (6) Comply with all provisions of the contract, chapter 74.46 RCW, and all applicable regulations, including but not limited to the provisions of this chapter and of chapter 388-88 WAC.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-023, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 91-22-025 (Order 3270), § 388-96-023, filed 10/29/91, effective 11/29/91; 83-19-047 (Order 2025), § 388-96-023, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-023, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-023, filed 6/1/78; Order 1262, § 388-96-023, filed 12/30/77.]

**WAC 388-96-026 Projected budget for new contractors.** (1) For purposes of administering chapter 388-96 WAC, the department shall consider a "new contractor" as one who receives a new vendor number and:

(a) Builds from the ground-up a new facility; and operates the new facility with completely new staff, administration and residents. If the "new contractor" operated a nursing facility immediately before the opening of the new facility, then the "new contractor" must operate the new facility:

(i) With staff and administration that are substantially to completely different than the previous operation of the "new contractor"; and

(ii) Have a resident population that is substantially to completely different than the residents residing in the previous nursing facility; or

(b) Currently operates, acquires, or assumes responsibility for operating an existing nursing facility that was not operated under a Medicaid contract immediately prior to the effective date of the new Medicaid contract; or

(c) Purchases or leases a nursing facility that at the time of the purchase or lease was operated under a Medicaid contract.

(2) A new contractor as defined under WAC 388-96-026 (1)(a) or (b) shall submit a projected budget to the department at least sixty days before its contract becomes effective. The projected budget shall:

(a) Cover the twelve months immediately following the date the contractor enters the program;

(b) Be certified by the new contractor;

(c) Be prepared on forms and in accordance with instructions provided by the department; and

(d) Include all earnest money, purchase, and lease agreements involved in the transactions, if applicable.

(3) A new contractor shall submit, at least sixty days before the effective date of the contract, a statement disclosing the identity of individuals or organizations who:

(a) Have a beneficial ownership interest in the current operating entity or the land, building, or equipment of the facility; or

(b) Have a beneficial ownership interest in the purchasing or leasing entity.

[Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-026, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-026, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-026, filed 12/21/88. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-026, filed 9/16/83; Order 1262, § 388-96-026, filed 12/30/77.]

**WAC 388-96-029 Change of ownership.** (1) On the effective date of a change of ownership, as that term is defined in WAC 388-96-010, the department's contract with the old owner shall be terminated. The old owner shall give the department sixty days' written notice of such termination in accordance with the terms of the contract. When certificate of need approval is required for the new owner to acquire the facility, and the new owner wishes to continue to provide service to recipients without interruption, certificate of need approval shall be obtained before the old owner submits a notice of termination.

(2) If the new owner desires to participate in the cost-related reimbursement system, it shall meet the conditions specified in WAC 388-96-023, and shall submit a projected budget in accordance with WAC 388-96-026 no later than sixty days before the date of the change of ownership. The

nursing home contract with the new owner shall be effective as of the date of the change of ownership.

[Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-029, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-029, filed 9/16/83; Order 1262, § 388-96-029, filed 12/30/77.]

**WAC 388-96-032 Termination of contract.** (1)

When a contract is terminated for any reason, the old contractor shall submit final reports in accordance with WAC 388-96-104.

(2) Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for any period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The reasonable estimate shall be based upon prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department.

(3) The old contractor shall provide security, in a form deemed adequate by the department, in the amount of determined and estimated overpayments, whether or not the overpayments are the subject of good-faith dispute. Security shall consist of:

(a) Withheld payments for one or more months of service due the contractor; or

(b) A surety bond issued by a bonding company acceptable to the department; or

(c) An assignment of funds to the department; or

(d) Collateral acceptable to the department; or

(e) A purchaser's assumption of liability for the prior contractor's overpayment; or

(f) Any combination of (a), (b), (c), (d), or (e) of this subsection.

(4) A surety bond or assignment of funds shall:

(a) Be at least equal in amount to determined or estimated overpayments, whether or not the subject of good-faith dispute, minus withheld payments;

(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;

(c) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies: *Provided*, That the bond or assignment shall initially be for a term of five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining overpayment in dispute.

(d) Provide the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final cost report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the auditor; and

(e) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond and assignment, shall be paid to the department if the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(5) The department shall release any payment withheld as security if alternate security is provided under subsection (3) of this section in an amount equivalent to determined and estimated overpayments.

(6) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state and shall become a lien against the real and personal property of the contractor from the time of filing by the department with the county auditor of the county where the contractor resides or owns property, and the lien claim has preference over the claims of all unsecured creditors.

(7) The contractor shall file a properly completed final cost report in accordance with the requirements of this chapter, which shall be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process, including any administrative review of the audit requested by the contractor.

(8) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after overpayments determined in connection with final settlement have been paid by the contractor. If the contractor contests the settlement determination in accordance with WAC 388-96-224, the department shall hold the security, not to exceed the amount of estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.

(9) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.

(10) The department may accept an assignment of funds if the assignment meets the requirements of subsection (3) of this section.

(11) If a contract is terminated solely in order for the same owner to contract with the department to deliver SNF or ICF services to a different class of medical care recipients at the same nursing home, the contractor is not required to submit final reports, and security shall not be required.

(12) When a contract is terminated, any accumulated liabilities which are assumed by a new owner shall be reversed against the appropriate accounts by the contractor.

[Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-032, filed 8/19/85. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-032, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-032, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-032, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-032, filed 6/1/78; Order 1262, § 388-96-032, filed 12/30/77.]

**WAC 388-96-101 Reports.** Each contractor shall submit to the department an annual cost report fully completed for the period from January 1st through December 31st of the preceding year. The department, when it deems necessary to assure the accuracy of cost reports, may require a contractor to submit to the department and may review any underlying financial statements or other records, including income tax returns, which relate to the cost report directly or indirectly.

[Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-101, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-101, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-101, filed 9/16/83; 79-03-021 (Order 1370), § 388-96-101, filed 2/21/79; Order 1262, § 388-96-101, filed 12/30/77.]

**WAC 388-96-104 Due dates for reports.** (1) Annual cost reports for a calendar year shall be submitted by March 31st of the following year.

(2) If a contract is terminated for any reason, the old contractor shall submit a final cost report within one hundred twenty days after the effective date of termination for the period January 1st of the year of termination through the effective date of termination.

(3) A new contractor shall submit, by March 31st of the following year, a cost report for the period from the effective date of the contract through December 31st of the year the contract was made effective.

[Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-104, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-104, filed 9/16/83; 79-03-021 (Order 1370), § 388-96-104, filed 2/21/79; Order 1262, § 388-96-104, filed 12/30/77.]

**WAC 388-96-107 Requests for extensions.** (1) A contractor may request in writing an extension for submitting cost reports. Contractor requests shall:

(a) Be addressed to the manager, residential rates program;

(b) State the circumstances prohibiting compliance with the report due date; and

(c) Be received by the department at least ten days prior to the due date of the report.

(2) The department may grant two extensions of up to thirty days each, only if the circumstances, stated clearly, indicate the due date cannot be met and the following conditions are present:

(a) The circumstances were not foreseeable by the provider; and

(b) The circumstances were not avoidable by advance planning.

[Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-107, filed 12/21/88. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-107, filed 9/16/83; Order 1262, § 388-96-107, filed 12/30/77.]

**WAC 388-96-108 Failure to submit final reports.**

(1) If a contract is terminated, the old contractor shall submit a final report as required by WAC 388-96-032(1) and 388-96-104(2). Such final reports must be received by the department within one hundred twenty days after the contract is terminated or prior to the expiration of any department-approved extension granted pursuant to WAC 388-96-107. If a final report is not submitted, all payments made to the contractor relating to the period for which a report has not been received shall be returned to the department within thirty days after receiving written demand from the department.

(2) Effective thirty days after written demand for payment is received by the contractor, interest will begin to accrue payable to the department on any unpaid balance at the rate of one percent per month.

[Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-108, filed 9/16/83. Statutory Authority: RCW 74.08.090. 82-21-025 (Order 1892), § 388-96-108, filed 10/13/82.]

**WAC 388-96-110 Improperly completed or late reports.** (1) For 1981 and subsequent annual cost reporting periods, a contractor shall complete an annual report, including all informational schedules and the proposed settlement computed by cost center pursuant to regulation, in accordance with applicable statutes, departmental regulations, and instructions. An annual cost report deficient in any of these respects will be returned in whole or in part to the contractor for proper completion. Annual reports must be submitted by the due date determined in accordance with WAC 388-96-104.

(2) If a cost report is not properly completed or is not received by the department on or before the due date of the report, including any approved extensions, the department may hold all or a part of any payments due under the contract until the improperly completed or delinquent report is properly completed and received by the department.

(3) If current resident debility information is not transmitted to the department under proper minimum data set (MDS) format and procedures, a contractor's July 1 rate shall be withheld until the department receives such information.

[Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-110, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-110, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-110, filed 9/16/83; 82-09-033 (Order 1791), § 388-96-110, filed 4/14/82; 80-06-122 (Order 1510), § 388-96-110, filed 5/30/80, effective 7/1/80; Order 1262, § 388-96-110, filed 12/30/77.]

**WAC 388-96-113 Completing reports and maintaining records.** (1) All report schedules shall be legible and reproducible. All entries must be typed, completed in black or dark blue ink, or provided in an acceptable, indelible copy.

(2) Reports shall be completed in accordance with the provisions of this chapter, the state of Washington nursing home accounting and reporting manual, and such instructions as may be issued by the department from time to time. If no specific regulation, manual provision, or instruction covers a situation, generally accepted accounting principles shall be followed.

(3) The accrual method of accounting shall be used. All revenue and expense accruals shall be reversed against the appropriate accounts if not received or paid within one hundred twenty days after the accrual is made; *unless*, the contractor has documentation of a good faith billing dispute with the supplier or vendors in which case this period may be extended, but only for those portions of the billings subject to the good faith dispute. Accruals for vacation, holiday, sick pay, and taxes may be carried for longer periods, provided the contractor follows generally accepted accounting principles and pays this type of accrual when due.

(4) Methods of allocating costs, including indirect or overhead costs, shall be consistently applied. Written approval must be obtained from the department if a contractor wishes to change an allocation method. Contractors operating multiservice facilities or facilities incurring joint

facility costs shall allocate costs using the methods approved by the department under WAC 388-96-534.

(5) The contractor's records relating to a nursing home shall be maintained so reported data can be audited for compliance with generally accepted accounting principles and the department's reimbursement principles and reporting instructions. If a contractor maintains records utilizing a chart of accounts other than that established by the department, the contractor shall provide to the department a written schedule specifying the way in which the contractor's individual account numbers correspond to the department's chart of accounts. Records shall be available for review by authorized personnel of the department and of the United States Department of Health and Human Services during normal business hours at a location in the state of Washington specified by the contractor.

(6) If a contractor fails to maintain records adequate for audit purposes as provided in subsection (5) of this section or fails to allow inspection of such records by authorized personnel as provided in subsection (5) of this section, the department may suspend all or part of subsequent reimbursement payments due under the contract until compliance is forthcoming. Upon compliance, the department shall resume current contract payments and shall release payments suspended pursuant to subsection (6) of this section.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-113, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-113, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-113, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-113, filed 8/19/85. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-113, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-113, filed 9/16/83; 83-05-007 (Order 1944), § 388-96-113, filed 2/4/83; 82-11-065 (Order 1808), § 388-96-113, filed 5/14/82; 80-09-083 (Order 1527), § 388-96-113, filed 7/22/80; Order 1262, § 388-96-113, filed 12/30/77.]

**WAC 388-96-117 Certification requirement.** Each required report shall be accompanied by a certification signed on behalf of the contractor responsible to the department during the report period. If the contractor files a federal income tax return, the certification shall be executed by the person normally signing this return. The certification shall also be signed by the licensed administrator of the nursing home. If the report is prepared by someone other than an employee of the contractor, a separate statement shall be included with the certification signed by the individual preparing the report and indicating his or her status with the contractor. The certification of the cost report shall be submitted in original.

[Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-117, filed 8/19/85; Order 1262, § 388-96-117, filed 12/30/77.]

**WAC 388-96-119 Reports—False information.** (1) If a contractor knowingly or with reason to know files a report containing false information, such action constitutes cause for termination of its contract with the department.

(2) Adjustments to reimbursement rates required because a false report was filed will be made in accordance with WAC 388-96-769.

(3) Contractors filing false reports may be referred for prosecution under applicable statutes.

[Order 1262, § 388-96-119, filed 12/30/77.]

**WAC 388-96-122 Amendments to reports.** (1) For the purpose of determining audited allowable costs in computing a final settlement, an amendment to an annual report shall be considered only if filed by the provider prior to receipt by the provider of the notification scheduling the department's field audit, except that an amendment may be filed subsequent to such notification and pursuant to the provisions of WAC 388-96-769 solely for the purpose of adjusting reimbursement rates. In order to determine the date of receipt, all notifications scheduling field audits shall be sent by registered mail, return receipt requested. Amendments may be filed by the provider and considered by the department only if errors or omissions are discovered which are significant. Errors or omissions shall be deemed "significant" if the errors or omissions would mean a net difference of two cents or more per patient day or one thousand dollars or more in reported costs, whichever is higher, in any cost area. To file an amendment, only those pages where changes appear need to be filed, together with the certification required by WAC 388-96-117.

(2) If an amendment is filed, a contractor shall also submit with the amendment an account of the circumstances relating to and the reasons for the amendment, along with supporting documentation. The department shall refuse to consider an amendment resulting in a more favorable settlement or rate to a contractor if the amendment is not the result of circumstances beyond the control of the contractor or the result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question.

(3) Acceptance or use by the department of an amendment to a cost report shall in no way be construed as a release of applicable civil or criminal liability.

[Statutory Authority: RCW 74.46.800. 86-10-055 (Order 2372), § 388-96-122, filed 5/7/86, effective 7/1/86; 84-12-039 (Order 2105), § 388-96-122, filed 5/30/84. Statutory Authority: RCW 74.09.120. 82-11-065 (Order 1808), § 388-96-122, filed 5/14/82; 79-03-021 (Order 1370), § 388-96-122, filed 2/21/79; Order 1262, § 388-96-122, filed 12/30/77.]

**WAC 388-96-128 Requirements for retention of records by the contractor.** All records supporting the required reports shall be retained for a period of four years subsequent to filing at a location in the state of Washington specified by the contractor. If at the end of four years there are unresolved audit questions, the records shall be retained until these questions are resolved. All such data shall be made available upon demand to authorized representatives of the department and of the United States Department of Health and Human Services. When a contract is terminated, final settlement will not be made and all payments due will be withheld until accessibility to and preservation of the records within the state of Washington are assured.

[Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-128, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-128, filed 9/16/83; Order 1262, § 388-96-128, filed 12/30/77.]

**WAC 388-96-131 Requirement for retention of reports by the department.** The department will retain each required report for a period of four years following the date the report was submitted. If at the end of four years there are unresolved audit questions, the report will be retained until such questions are resolved.

[Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-131, filed 9/16/83; Order 1262, § 388-96-131, filed 12/30/77.]

**WAC 388-96-134 Disclosure of nursing home reports.** (1) Cost reports and final audit reports will be made available for public disclosure. Cost report schedules showing information on rental or lease of assets, the facility or corporate balance sheet, schedule of changes in financial position, statement of changes in equity-fund balance, notes to financial statements, schedules summarizing adjustments to cost reports, reports or reviews of internal control and accounting procedures, and letters containing comments or recommendations relating to suggested improvements in internal control or accounting procedures shall be exempt from public disclosure.

(2) Whether or not subject to public disclosure, all documents shall be provided by the secretary, upon written request, to the legislature and to state agencies or state and local law enforcement officials having an official interest in the requested documents. A contractor or an authorized agent or designee may have access to nondisclosable information from its own records.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-134, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-134, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-134, filed 9/16/83; Order 1262, § 388-96-134, filed 12/30/77.]

**WAC 388-96-204 Field audits.** (1) The department shall conduct a field audit of all cost reports for calendar year 1982.

(2) The department may have auditors employed by the department or under contract field audit cost reports for years subsequent to 1982.

(3) Beginning with field audits for calendar year 1983, the department shall audit up to one hundred percent of submitted contractor cost reports and patient care trust fund accounts.

(4) The department may audit any or all schedules of a facility's cost report. The department shall audit the cost report at least once every three years.

(5) Beginning with cost reports for calendar year 1983, facilities selected for audit shall be notified within one hundred twenty days after submission of a complete and correct cost report of the department's intent to audit. Such audits shall be completed within one year after notification of the department's intent to audit unless the contractor fails to allow access to records and documentation or otherwise prevents the audit from being completed in a timely manner.

(6) To assure the accuracy of cost reports, the department or an auditor under contract with the department may require a contractor to submit for departmental review any underlying financial statements or other records including income tax returns relating to the cost report directly or indirectly.

(7) The department shall audit all submitted contractor cost reports of such facilities as follows:

(a) The department shall audit facilities terminating their Medicaid service contracts with the department when the audits are conducted for the calendar year in which the contract is terminated. Schedule preference will be given to conduct closing audits as soon as possible;

(b) The department shall audit facilities contracting in any given calendar year for that partial or full year, and facilities contracting for the first time for the first full calendar year;

(c) The department shall audit facilities under investigation by the Internal Revenue Service, Securities Exchange Commission, Department of Health and Human Services, Medicaid fraud control unit, or any other federal, state, or municipal agency for alleged fiscal and/or patient account impropriety for:

- (i) The year such investigation is commenced;
- (ii) Each year the investigation is continued;
- (iii) The year the investigation is concluded; and
- (iv) Two full calendar years following the year the investigation is terminated.

(d) The department shall audit facilities that the manager, residential rate program, aging and adult services, requests be audited.

(8) If a facility has a home or central office and such central office or any associated facility meets any of the criteria set forth in subsection (7) of this section, the department shall audit such facility as provided in subsection (7) of this section.

(9) When an audit discloses material discrepancies, undocumented costs, or mishandling of patient trust funds, the department auditors may re-open a maximum of two prior unaudited cost reporting or trust fund periods and/or select future periods for audit in order to discover similar problems, if any, and take appropriate action.

(10) The department may select for audit on a random or other basis reported costs and trust fund accounts of facilities.

[Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-204, filed 4/17/90, effective 5/18/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-204, filed 12/23/87. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-204, filed 8/19/85. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-204, filed 12/4/84. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-204, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-204, filed 9/16/83; Order 1262, § 388-96-204, filed 12/30/77.]

**WAC 388-96-207 Preparation for audit by the contractor.** (1) The department will notify the contractor at least ten working days in advance of a field audit.

(2) The contractor shall provide the auditors with access to the nursing home records, and to all work papers and documentation supporting the data in the cost report or relating to patient trust funds. Such records shall be made available at a location in the state of Washington specified by the contractor.

(3) The contractor shall reconcile reported data with applicable federal income and payroll tax returns and with the records for the period covered by the report. Such



reconciliation shall be in suitable form for verification by the auditors.

(4) The contractor shall designate and make available one or more individuals familiar with the internal operations of a facility being audited in order to respond to questions and requests for information and documentation from auditors. If the individual or individuals designated cannot answer all questions and respond to all requests, an alternate individual with sufficient knowledge and access to records and information must be provided by the contractor.

[Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-207, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-207, filed 9/16/83; Order 1262, § 388-96-207, filed 12/30/77.]

**WAC 388-96-210 Scope of field audits.** (1) Auditors will review the contractor's recordkeeping and accounting practices and, where appropriate, make written recommendations for improvements.

(2) The audit will result in a schedule summarizing adjustments to the contractor's cost report whether such adjustments eliminate costs reported or include costs not reported. These adjustments shall include an explanation for the adjustment, the general ledger account or account group, and the dollar amount. Auditors will examine the contractor's financial and statistical records to verify that:

(a) Supporting records are in agreement with reported data;

(b) Only those assets, liabilities, and revenue and expense items the department has specified as allowable have been included by the contractor in computing the costs of services provided under its contract;

(c) Allowable costs have been accurately determined and are necessary, ordinary, and related to patient care;

(d) Related organizations and beneficial ownerships or interests have been correctly disclosed;

(e) Recipient trust funds have been properly maintained; and

(f) The contractor is otherwise in compliance with provisions of this chapter and chapter 74.46 RCW.

(3) In determining allowable costs for each contractor for each cost report year selected for field audit, auditors shall consider and include in their adjustments, as appropriate, all peer group cost center limit adjustments as provided in subsections (4) and (5) of this section and other desk review adjustments previously made to the reported costs being audited, that is, made to such costs for the purpose of establishing a contractor's July 1 Medicaid rate following the cost report period under audit.

(4) Beginning with 1992 audits, in auditing cost reports for all calendar years ending six months before the start of each new biennium, auditors shall disallow costs in excess of the nursing facility's peer group median cost plus percentage limit in each cost center without inflating or deflating such limits by the IPD Index change used to adjust prospective rates for the first fiscal year of the biennium for economic trends and conditions.

(5) Beginning with 1993 audits, in auditing cost reports for all calendar years ending six months after the start of each new biennium, auditors shall disallow costs in excess of the nursing facility's peer group median cost plus percentage limit in each cost center, calculated on adjusted cost

report data for the preceding report year ending six months prior to the start of the new biennium but inflated or deflated by the IPD Index change used to adjust prospective rates for the first fiscal year of the biennium for economic trends and conditions.

(6) Auditors will prepare draft audit narratives and summaries and provide them to the contractor before final narratives and summaries are prepared.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-210, filed 9/14/93, effective 10/15/93; 89-11-100 (Order 2799), § 388-96-210, filed 5/24/89. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-210, filed 9/16/83; Order 1262, § 388-96-210, filed 12/30/77.]

**WAC 388-96-213 Inadequate documentation.** The auditors will disallow any assets, liabilities, revenues, or expenses reported as allowable which are not supported by adequate documentation in the contractor's records. Documentation must show both that costs reported were incurred during the period covered by the report and were related to patient care, and that assets reported were used in the provision of patient care.

[Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-213, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-213, filed 9/16/83; Order 1262, § 388-96-213, filed 12/30/77.]

**WAC 388-96-216 Deadline for completion of audits.**

(1) Provided auditors are given prompt and timely access to the nursing home and to all records necessary to audit the report, field audits will be completed within one year after a properly completed annual cost report is received by the department or, beginning with audits of 1983 cost reports, within one year after a nursing home is notified it has been selected for audit.

(2) The department will give priority to field audits of final annual reports and whenever possible will begin such field audits within ninety days after a properly completed final annual report is received.

[Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-216, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-216, filed 9/16/83; Order 1262, § 388-96-216, filed 12/30/77.]

**WAC 388-96-217 Civil fines.** (1) When the department finds that a current or former contractor, or any partner, officer, director, owner of five percent or more of the stock of a current or former corporate contractor, or managing agent has failed or refused to comply with any requirement of chapters 74.46 RCW or 388-96 WAC, the department may assess monetary penalties of a civil nature not to exceed one thousand dollars per violation. Every day of noncompliance with any requirement of chapters 74.46 RCW or 388-96 WAC is a separate violation.

(2) The department may fine a contractor or former contractor or any partner, officer, director, owner of five percent or more of the stock of a current or former corporate contractor, or managing agent for the following but is not limited to the following in its fine assessments:

(a) Failure to file a mathematically accurate and complete cost report, including a final cost report, on or prior to the applicable due date established by this chapter or

authorized by extension granted in writing by the department; or

(b) Failure to permit an audit authorized by this chapter or to grant access to all records and documents deemed necessary by the department to complete such an audit.

(3) The department shall send notice of a fine assessed under subsection (2) of this section by certified mail return receipt requested to the current contractor, administrator, or former contractor informing the addressee of the following:

(a) The fine shall become effective the date of receipt of the notice by the addressee; and

(b) If within two weeks of the date of receipt of the notice by the addressee, an acceptable cost report is received by the department; an audit is allowed; or access to documentation is allowed, as applicable, the department may waive the fine.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-217, filed 5/26/94, effective 6/26/94; 87-09-058 (Order 2485), § 388-96-217, filed 4/20/87.]

**WAC 388-96-220 Principles of settlement.** (1) For each cost center, a settlement shall be calculated at the lower of prospective reimbursement rate or audited allowable costs, except as otherwise provided in this chapter.

(2) Each contractor shall complete a proposed preliminary settlement by cost center as part of the annual cost report and submit it by the due date of the annual cost report. After review of the proposed preliminary settlement, the department shall issue by cost center a preliminary settlement report to the contractor.

(3) If a field audit is conducted, the audit findings shall be evaluated by the department after completion of the audit and a final settlement by cost center, including any allowable shifting or cost savings, shall be issued which takes account of such findings and evaluations.

(4) Pursuant to preliminary or final settlement and the procedures set forth in this chapter, the contractor shall refund overpayments to the department and the department shall pay underpayments to the contractor.

[Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-220, filed 9/16/83.]

**WAC 388-96-221 Preliminary settlement.** (1) In the proposed preliminary settlement submitted under WAC 388-96-220(2), a contractor shall compare the prospective rates at which the contractor was paid during the report period, weighted by the number of patient days reported for the period each rate was in effect, to the contractor's allowable costs for the reporting period. The contractor shall take into account all authorized shifting, cost savings, and upper limits to rates on a cost center basis.

(2) Within one hundred twenty days after a proposed preliminary settlement is received, the department shall:

(a) Review proposed preliminary settlement for accuracy, and

(b) Either accept or reject the proposal of the contractor. If accepted, the proposed preliminary settlement shall become the preliminary settlement report. If rejected, the department shall issue, by cost center, a preliminary settlement report fully substantiating disallowed costs, refunds, or

underpayments due and adjustments to the proposed preliminary settlement.

(3) A contractor shall have thirty days after receipt of a preliminary settlement report to contest such report under WAC 388-96-901 and 388-96-904. Upon expiration of the thirty-day period, the department shall not review or adjust a preliminary settlement report.

(4) If no audit is scheduled by the department or if a scheduled audit is not performed within two years of the scheduled date, the department shall perform the preliminary settlement review described in this section with the following exceptions:

(a) For cost centers, the department shall:

(i) Use desk-reviewed costs as the contractor's allowable costs for the reporting period;

(ii) Disallow all costs in excess of the nursing facility's peer group median cost limit as described under WAC 388-96-210; and

(iii) For 1992 and 1993 settlements only, nursing facilities qualifying for the nursing services exception described in WAC 388-96-722(9) will have their 1992 and 1993 nursing services costs limited by the product of their 1992 or 1993 total days, respectively, times their June 30, 1993 nursing services rate.

(b) The department shall calculate the variable portion of return on investment as calculated in the prospective rate;

(c) The department shall base the financing allowance portion of return on investment on audited costs in compliance with provisions contained in this chapter. If audited costs are not available, the department shall use the financing allowance used for rate setting. If an audited financing allowance is later determined, the department shall revise the final settlement to reflect audited financing allowance if payment is changed by \$1,000 or more; and

(d) When a complete audit was not performed and audited information is needed for purposes of calculating return on investment, the department may do a partial audit of current or prior year cost report.

(5) Beginning with preliminary settlements for report year 1988, if the department intends to field audit a facility's reported costs, the department shall issue the facility's preliminary settlement report based upon reported costs. If the department does not intend to field audit a facility's reported costs, the department shall issue the facility's preliminary settlement report based upon desk-reviewed costs utilizing the procedure under subsection (4) of this section.

(6) If the facility prevents, hinders, or otherwise delays completion of a full field audit, that facility's preliminary settlement issued on reported costs may be reopened to substitute desk-reviewed costs.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-221, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.09.120 and 74.46.800. 89-11-100 (Order 2799), § 388-96-221, filed 5/24/89. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-221, filed 12/23/87. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-221, filed 9/16/83.]

**WAC 388-96-224 Final settlement.** (1) If an audit is conducted, the department shall issue a final settlement report to the contractor after completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations. The department

shall prepare the final settlement by cost center and shall fully substantiate disallowed costs, refunds, underpayments, or adjustments to the cost report and financial statements, reports, and schedules submitted by the contractor. For the final settlement report, the department shall compare:

(a) The prospective rate the contractor was paid during the report period, weighted by the number of patient days reported for the period each rate was in effect as verified by audit, to

(b) The contractor's audited allowable costs for the reporting period.

The department shall take into account all authorized shifting, cost savings, and upper limits to rates on a cost center basis. If the contractor is pursuing in good faith an administrative or judicial review or appeal of audit findings or determinations, the department may issue a partial final settlement report in order to recover overpayments based on audit findings or determinations not in dispute on review or appeal.

(2) For the 1981 cost report period, the department shall issue one settlement for the year composed of two parts:

(a) One relating to January 1, 1981, through June 30, 1981; and

(b) One relating to July 1, 1981, through December 31, 1981.

(3) For the first six months of 1981, the department shall compute the settlement in accordance with the court order and agreement between the department and Medicaid contractors for the UNH II and III period (January 1, 1978, through June 30, 1981).

(4) For the second six months of 1981, the department shall compute the settlement in accordance with principles and instructions contained in regulations applicable to 1981 settlements, except for the requirement that a settlement cover an entire cost report year.

(5) A contractor shall have thirty days after receipt of a final settlement report to contest such report pursuant to WAC 388-96-901 and 388-96-904. Upon expiration of the thirty-day period, the department shall not review a final settlement report.

(6) The department shall reopen a final settlement if it is necessary to make adjustments based upon findings resulting from an audit performed pursuant to RCW 74.46.105. The department may also reopen a final settlement to recover an industrial insurance dividend or premium discount under RCW 51.16.035 in proportion to a contractor's medical care recipients, pursuant to RCW 74.46.180(5).

[Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-224, filed 12/23/87. Statutory Authority: RCW 74.09.120 and 74.46.800. 85-13-060 (Order 2240), § 388-96-224, filed 6/18/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-224, filed 9/16/83.]

**WAC 388-96-226 Shifting provisions.** In computing a preliminary or final settlement, a contractor may shift savings and/or overpayment in a cost center to cover a deficit and/or underpayment in another cost center up to the amount of the savings, provided:

(1) Contractors may not shift more than twenty percent of the rate in a cost center into that cost center;

(2) Contractors may not shift into the property cost center;

(3) Beginning January 1, 1988, contractors may not shift out of the nursing services cost center;

(4) Beginning January 1, 1988, contractors may shift savings and/or overpayments in the food cost center only to cover deficits and/or underpayments in the nursing services cost center; and

(5) Beginning January 1, 1988, contractors shall shift payments in the enhancement cost center shown to have been spent for legislatively authorized enhancements, funding for which terminated June 30, 1990, to nonadministrative wages and benefits to the nursing services and administration and operations cost centers, as appropriate. Such funds shall be shifted for no other purpose;

(6) The following shall apply with regard to the operational and administrative cost centers:

(a) Beginning January 1, 1993, the operational cost center and the administrative cost center will be combined for the calculation of preliminary and final settlements;

(b) Beginning January 1, 1994, the operational cost center and the administrative cost center will be separate; and contractors shall not shift from the operational cost center to the administrative cost center.

(7) For calendar years 1992 and 1993 only, and for final settlement purposes only, a contractor may shift, as authorized in this section, rate payments into the appropriate cost center without regard to the peer group median cost plus percentage limit for that cost center used by the department to establish the facility's July 1 rate following the period being settled.

(8) Beginning with final settlements for calendar year 1994 and following, a contractor may not shift rate payments into any cost center, for settlement or any other purpose, if the total rate payment in that cost center, after shifting, would exceed the contractor's peer group median cost plus percentage limit for that cost center previously used by the department in establishing that facility's July 1 rate in that cost center following the period being settled.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-226, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-226, filed 9/14/93, effective 10/15/93. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-226, filed 12/23/87. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-226, filed 9/16/83.]

**WAC 388-96-228 Cost savings.** (1) For calendar year 1993 settlements, contractors may not retain cost savings if the sum of the reported costs in the property, operational, and administrative cost centers exceeds audited allowable costs in those cost centers by a total of ten cents or more per patient day. Beginning with settlements for calendar year 1994 and following, if the sum of the reported costs in property and administrative cost centers exceeds audited allowable costs in those cost centers by a total of ten cents or more per patient day, contractors may not retain cost savings in the property and administrative cost centers. For facilities that qualify, cost savings will be determined according to the following procedures:

(a) Based upon the latest information available, the department shall notify contractors of the fiftieth percentile rates for the period July 1st through December 31st in the following cost centers:

(i) For calendar 1993, in the operational, administrative, and property cost centers; and

(ii) For calendar year 1994 and all subsequent calendar years, in the administrative and property cost centers.

(b) A contractor shall be permitted to retain, after allowable shifting, seventy-five percent of cost savings in the following cost centers, multiplied by medical care recipient days of service, if the average rate for the cost report period, computed according to department instructions in such cost area, is at or below the fiftieth percentile rate:

(i) For calendar 1993, in the combined operational and administrative cost centers or the property cost center;

(ii) For calendar year 1994 and all subsequent calendar years, in the administrative cost center or the property cost center.

(c) A contractor shall be permitted to retain, after allowable shifting, fifty percent of cost savings in the following cost centers, multiplied by medical care recipient days of service, if the average rate for the cost report period, computed according to department instructions in such cost area, is above the fiftieth percentile rate:

(i) For calendar year 1993, in the combined operational and administrative cost centers or the property cost center;

(ii) For calendar year 1994 and all subsequent calendar years, the administrative cost center or the property cost center.

(2) The department shall recover cost savings attributable to any industrial insurance dividend or premium discount under RCW 51.16.035 in proportion to the ratio of medical care recipients to other patients at the facility.

(3) The department shall compute cost savings calculated for the final settlement on closing cost reports using property costs without consideration of any gain or loss on the sale of assets in the report year.

[Statutory Authority: RCW 74.46.800, 94-12-043 (Order 3737), § 388-96-228, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120, 93-19-074 (Order 3634), § 388-96-228, filed 9/14/93, effective 10/15/93. Statutory Authority: 1987 c 476, 88-01-126 (Order 2573), § 388-96-228, filed 12/23/87. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800, 85-17-052 (Order 2270), § 388-96-228, filed 8/19/85. Statutory Authority: RCW 74.09.120, 83-19-047 (Order 2025), § 388-96-228, filed 9/16/83.]

**WAC 388-96-229 Procedures for overpayments and underpayments.** (1) The department shall make payment of underpayments determined by preliminary or final settlement within thirty days after the preliminary or final settlement report is submitted to the contractor.

(2) A contractor found to have received overpayments or payments in error as determined by preliminary or final settlement shall refund such payments to the department within thirty days after receipt of the preliminary or final settlement report as applicable. Contractors shall refund to the department funds reimbursed in the enhancement cost center, but not spent in the legislatively authorized manner.

(3) If a contractor fails to comply with subsection (2) of this section, the department shall:

(a) Deduct from current monthly amounts due the contractor the refund due the department and interest on the unpaid balance at the rate of one percent per month; or

(b) If the contract has been terminated:

(i) Deduct from any amounts due the contractor the refund due the department and interest on the unpaid balance at the rate of one percent per month; or

(ii) Pursue, as authorized by law and regulation, recovery of the refund due and interest on the unpaid balance at the rate of one percent per month.

(4) A facility pursuing a timely filed administrative or judicial remedy in good faith regarding a proposed settlement report need not refund overpayments. The department shall not withhold from current amounts due the facility any refund or interest the department claims to be due from the contractor on review or appeal. Portions of refunds due the department, not specifically disputed by the contractor on review or appeal, are subject to recovery and assessment of interest as provided in subsection (3) of this section. If the administrative or judicial remedy sought by the facility is not granted or is granted only in part after exhaustion or mutual termination of all appeals, the facility shall refund all amounts due the department within sixty days after the date of decision or termination plus interest as payable on judgments from the date the review was requested pursuant to WAC 388-96-901 and 388-96-904 to the date the repayment is made.

[Statutory Authority: 1987 c 476, 88-01-126 (Order 2573), § 388-96-229, filed 12/23/87. Statutory Authority: RCW 74.09.120, 83-19-047 (Order 2025), § 388-96-229, filed 9/16/83.]

**WAC 388-96-310 Interest on other excess payments.** (1) Any contractor obtaining benefits or payments under the medical assistance program to which such contractor is not entitled or in an amount to which such contractor is not entitled, shall be liable for such benefits or payments received and for interest on the amount of benefits or payments from the date of receipt until repayment is made to the department at the rate of one percent per month, unless the contractor establishes the overpayment was the result of errors made by the department.

(2) Interest charged by the department or interest expense incurred by the contractor, from whatever source, in making refund to the department shall not be reimbursable by the department as an allowable cost. The contractor may, by payment of a disputed settlement in whole or in part, stop accrual of interest on the amount paid. Such payment will be without prejudice to obtain review of a settlement determination.

[Statutory Authority: RCW 74.09.120, 83-19-047 (Order 2025), § 388-96-310, filed 9/16/83.]

**WAC 388-96-366 Facility records and handling of resident moneys.** (1) A nursing facility may not require residents to deposit personal funds with the facility. A facility may hold a resident's personal funds only if the resident or resident's guardian provides written authorization.

(2) Once a nursing facility accepts the written authorization of the resident or resident's guardian, the facility shall hold, safeguard, and account for such personal funds under an established system in accordance with this chapter. The nursing facility shall establish and maintain as a service to the residents a bookkeeping system, incorporated in the

business records and adequate for audit, for all resident moneys received by the facility.

(3) The nursing facility shall maintain the resident's or guardian's written authorization in the resident's file. The facility shall deposit any resident's personal funds in excess of fifty dollars in an interest-bearing resident personal fund account or accounts, separate from any of the facility's operating accounts, and credit all interest earned on an account to the account. With respect to any other personal funds, the facility shall keep such funds in a noninterest-bearing account or petty cash fund maintained for residents.

(4) The facility shall give the resident at least a quarterly reporting of all financial transactions involving personal funds held for the resident by the facility. The facility shall send the representative payee, the guardian, or other designated agents of the resident a copy of the quarterly accounting report.

(5) The nursing facility shall further maintain a written record of all personal property deposited with the facility for safekeeping by or for the resident. The facility shall issue or obtain written receipts upon taking possession or disposing of such property and retain copies and/or originals of such receipts. The facility shall maintain records adequate for audit.

(6) The facility shall purchase a surety bond, or otherwise provide assurances or security satisfactory to the department, to assure the security of all personal funds of residents deposited with the facility.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-366, filed 9/28/90, effective 10/1/90. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-366, filed 4/20/87; Order 1168, § 388-96-366, filed 11/3/76; Order 1114 § 388-96-366, filed 4/21/76.]

**WAC 388-96-369 The nursing facility shall maintain a subsidiary ledger with an account for each resident for whom the facility holds money.** (1) The facility shall assure a full and complete separate accounting of each resident's personal funds. Each account record and related supporting information and documentation shall:

- (a) Be maintained at the facility;
- (b) Be kept current;
- (c) Be balanced each month; and

(d) Show in writing and in detail, with supporting verification, all moneys received on behalf of the individual resident and the disposition of all moneys so received.

(2) Each account shall be reasonably accessible to the resident or the resident's guardian or legal representative and shall be available for audit and inspection by a department representative. Each account shall be maintained for a minimum of four years. A Medicaid provider shall notify each Title XIX Medicaid recipient or guardian and the community services office of the department when the amount in the account of any Title XIX Medicaid recipient reaches two hundred dollars less than the applicable dollar resource limit for supplemental security income (SSI) eligibility set forth in Title XVI of the Social Security Act.

(3) When notice is given under subsection (2) of this section, the facility shall notify the recipient or guardian that if the amount in the account, in addition to the value of the recipient's other nonexempt resources, reaches the dollar resource limit determined under Title XVI, the recipient may

lose eligibility for SSI medical assistance or benefits under Title XVI.

(4) Accumulation toward the Title XVI limit, after the recipient's admission to the facility, is permitted only from savings from the clothing and personal incidentals allowance and other income which the department specifically designates as exempt income.

(5) No resident funds may be overdrawn (show a debit balance). If a resident wants to spend an amount greater than the facility is holding for the resident, the home may provide money from its own funds and collect the debt by installments from that portion of the resident's allowance remaining at the end of each month. No interest may be charged to residents for such loans.

(6) The facility may not impose a charge against the personal funds of a Medicare or Medicaid recipient for any item or service for which payment is made under the Title XVIII Medicare program or the Title XIX Medicaid program. In order to ensure that Medicaid recipients are not charged for services provided under the Title XIX program, any charge for medical services otherwise properly made to a recipient's personal funds shall be supported by a written denial from the department.

(a) Mobility aids including walkers, wheelchairs, or crutches requested for the exclusive use by a Medicaid recipient shall have a written denial from the department of social and health services before a recipient's personal funds may be charged.

(b) Requests for medically necessary services and supplies not funded under the provisions of chapter 388-96 WAC or chapter 388-86 WAC (reimbursement rate or coupon system) shall have a written denial from the department before a Medicaid recipient's personal funds may be charged.

(c) A written denial from the department is not required when the pharmacist verifies that a drug is not covered by the program, e.g., items on the FDA list of ineffective or possible effective drugs, nonformulary over-the-counter (OTC) medications. The pharmacist's notation to this effect is sufficient.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-369, filed 9/28/90, effective 10/1/90. Statutory Authority: RCW 74.42.620 and 74.46.800. 85-17-070 (Order 2275), § 388-96-369, filed 8/21/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-369, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-369, filed 10/13/82; Order 1168, § 388-96-369, filed 11/3/76; Order 1114, § 388-96-369, filed 4/21/76.]

**WAC 388-96-372 The nursing facility may maintain a petty cash fund originating from resident personal funds of an amount reasonable and necessary for the size of the facility and the needs of the residents, not to exceed \$500.00.** (1) This petty cash fund shall be an imprest fund. All moneys over and above the petty cash limit of 500.00 shall be deposited intact in an interest bearing account or accounts maintained for resident personal funds, separate and apart from any other bank account of the facility or other facilities. All interest earned on an account containing resident personal funds shall be credited to such account.

(2) Cash deposits of recipient allowances must be made intact to the resident personal fund account within one week

from the time that payment is received from the department, Social Security Administration, or other payor.

(3) Any related bankbooks, bank statements, checkbook, check register, and all voided and cancelled checks, shall be made available for audit and inspection by a department representative, and shall be maintained by the home for not less than four years.

(4) No service charges for such checking account shall be paid by residents or deducted from resident personal funds.

(5) The resident personal fund account or accounts per bank shall be reconciled monthly to the resident personal funds per resident ledgers.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-372, filed 9/28/90, effective 10/1/90. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-372, filed 9/16/83; Order 1114, § 388-96-372, filed 4/21/76.]

**WAC 388-96-375 Resident personal funds control/disbursement.** Personal funds shall be held and used for the benefit of the resident and are not to be turned over to anyone other than the resident or the resident's guardian without the written consent of the resident, the resident's designated agent as appointed by power of attorney, or appropriate department of social and health services personnel as designated by the CSO administrator.

(1) When money is received, a receipt shall be filled out in duplicate:

(a) One copy shall be given to the person making payment or deposit; and

(b) The other copy shall be retained in the receipt book for easy reference.

(2) Checks received by residents shall be endorsed by the resident. Schedule I-A(6e) of the agreement states in part: "Each patient receiving a check or state warrant is responsible for endorsement by his own signature. Only when the patient is incapable of signing his name may the Provider assume the responsibility of securing the patient's mark "X" followed by the name of the patient and the signature of two witnesses."

(3) If both a facility operating account and a resident personal fund account are at the same bank, the resident portion of checks which include care payments can be deposited directly to the resident account by including a resident account deposit slip for the correct amount with the checks and the operating account deposit slip.

(4) The resident's ledger sheet shall be credited with the allowance received. This shall be referenced with the receipt number and shall be supported by a copy of the deposit slip (one copy for all deposits made).

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-375, filed 9/28/90, effective 10/1/90. Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-375, filed 10/13/82; Order 1168, § 388-96-375, filed 11/3/76; Order 1114, § 388-96-375, filed 4/21/76.]

**WAC 388-96-378 Resident personal funds availability.** Funds held for any resident shall be available for the resident's personal and incidental needs when requested by the resident or one of the individuals designated in WAC 388-96-375.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-378, filed 9/28/90, effective 10/1/90; Order 1114, § 388-96-378, filed 4/21/76.]

**WAC 388-96-381 Procedure for refunding resident personal funds.** (1) When a resident is discharged or transferred, the balance of the resident's personal funds shall be returned to the individual designated in WAC 388-96-375 within one week and a receipt obtained. In some cases it may be advisable to mail the refund to the resident's new residence.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-381, filed 9/28/90, effective 10/1/90; Order 1114, § 388-96-381, filed 4/21/76.]

**WAC 388-96-384 Liquidation or transfer of resident personal funds.** (1) Upon the death of a resident, the facility shall promptly convey the resident's personal funds held by the facility with a final accounting of such funds to the individual administering the resident's estate.

(2) In situations where the resident leaves the nursing home without authorization and the resident's whereabouts is unknown:

(a) The nursing facility shall make a reasonable attempt to locate the missing resident. This includes contacting:

(i) Friends,

(ii) Relatives,

(iii) Police,

(iv) The guardian, and

(v) The community services office in the area.

(b) If the resident cannot be located after ninety days, the nursing facility shall notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The nursing facility shall deliver to the department of revenue the balance of the resident's personal funds within twenty days following such notification.

(3) Prior to the sale or other transfer of ownership of the nursing facility business, the facility operator shall:

(a) Provide each resident or resident representative with a written accounting of any personal funds held by the facility;

(b) Provide the new operator with a written accounting of all resident funds being transferred; and

(c) Obtain a written receipt for those funds from the new operator.

[Statutory Authority: RCW 74.46.800, 74.42.620 and 74.09.120. 90-20-075 (Order 3070), § 388-96-384, filed 9/28/90, effective 10/1/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-384, filed 12/23/87. Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-384, filed 10/13/82; Order 1168, § 388-96-384, filed 11/3/76; Order 1114, § 388-96-384, filed 4/21/76.]

**WAC 388-96-501 Allowable costs.** Allowable costs are documented costs which are necessary, ordinary and related to the care of medical care recipients, and are not expressly declared nonallowable by applicable statutes or regulations. Costs are ordinary if they are of the nature and magnitude which prudent and cost-conscious management would pay.

[Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-501, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-501, filed 6/1/78; Order 1262, § 388-96-501, filed 12/30/77.]

**WAC 388-96-502 Indirect and overhead costs.** If a contractor provides goods or services not reimbursable under this chapter, any indirect or overhead costs associated with their provision must be allocated to such goods or services on a reasonable basis approved by the department and must not be reported as allowable costs. Such goods and services include, but are not limited to, compensation to administrative personnel and management fees in excess of limits established in this chapter.

[Statutory Authority: 1987 c 476, 88-01-126 (Order 2573), § 388-96-502, filed 12/23/87. Statutory Authority: RCW 74.46.800, 86-10-055 (Order 2372), § 388-96-502, filed 5/7/86, effective 7/1/86; 84-12-039 (Order 2105), § 388-96-502, filed 5/30/84.]

**WAC 388-96-503 Substance prevails over form.** (1) In determining allowable costs, the substance of a transaction will prevail over the form of the transaction. Accordingly, allowable costs will not include increased costs resulting from transactions or the application of accounting methods which circumvent the principles of the prospective cost-related reimbursement system.

(2) Increased costs resulting from a series of transactions between the same parties and involving the same assets (e.g., sale, and leaseback, successive sales or leases of a single facility or piece of equipment) will not be allowed.

[Statutory Authority: RCW 74.09.120, 81-22-081 (Order 1712), § 388-96-503, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800, 81-06-024 (Order 1613), § 388-96-503, filed 2/25/81; Order 1262, § 388-96-503, filed 12/30/77.]

**WAC 388-96-505 Offset of miscellaneous revenues.**

(1) The contractor shall reduce allowable costs whenever the item, service, or activity covered by such costs generates revenue or financial benefits (e.g., purchase discounts or rebates) other than through the contractor's normal billing for care services; except, the department shall not deduct from the allowable costs of a nonprofit facility unrestricted grants, gifts, and endowments, and interest therefrom.

(2) The contractor shall reduce allowable costs for hold-bed revenue in the property, administrative, and operational cost areas only. In the property cost area, the amount of reduction will be determined by dividing a facility's allowable property costs by total patient days and multiplying the result by total hold-room days. In the administrative cost area, the amount of the bed hold revenue shall be determined by dividing a facility's allowable administrative costs by total patient days and multiplying the result by total hold-room days. In the operational cost area, the amount of reduction will be determined by dividing allowable operational costs minus dietary and laundry costs by the total patient days and multiplying the result by total hold-room days.

(3) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts or rebates are received, the amount of the reduction shall be the amount of the discount or rebate. Financial benefits such as purchase discounts and rebates, including industrial insurance rebates, shall be offset against allowable costs in the year the contractor actually receives the benefits.

(4) Only allowable costs shall be recovered under this section. Costs allocable to activities or services not included in nursing facility services (e.g., costs of vending machines and services specified in chapter 388-86 WAC not included in nursing facility services) are nonallowable costs.

[Statutory Authority: RCW 74.46.800 and 74.09.120, 93-19-074 (Order 3634), § 388-96-505, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800, 92-16-013 (Order 3424), § 388-96-505, filed 7/23/92, effective 8/23/92. Statutory Authority: 1987 c 476, 88-01-126 (Order 2573), § 388-96-505, filed 12/23/87. Statutory Authority: RCW 74.09.120, 84-24-050 (Order 2172), § 388-96-505, filed 12/4/84; 82-21-025 (Order 1892), § 388-96-505, filed 10/13/82. Statutory Authority: RCW 74.09.120 and 74.46.800, 81-06-024 (Order 1613), § 388-96-505, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120, 78-06-080 (Order 1300), § 388-96-505, filed 6/1/78; Order 1262, § 388-96-505, filed 12/30/77.]

**WAC 388-96-507 Costs of meeting standards.** All documented costs that are ordinary, necessary and related to the care of medical care recipients and are not expressly unallowable which a contractor incurs in providing care services meeting all applicable standards, will be allowable costs. The expenses include necessary and ordinary costs of:

(1) Meeting licensing and certification standards;

(2) Meeting standards of providing regular room, nursing, ancillary, and dietary services, in accordance with WAC 388-88-050 and;

(3) Fulfilling accounting and reporting requirements imposed by this chapter; and

(4) Performing any patient assessment activity required by the department.

[Statutory Authority: RCW 74.09.120, 91-22-025 (Order 3270), § 388-96-507, filed 10/29/91, effective 11/29/91; 81-22-081 (Order 1712), § 388-96-507, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800, 81-06-024 (Order 1613), § 388-96-507, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120, 78-06-080 (Order 1300), § 388-96-507, filed 6/1/78; Order 1262, § 388-96-507, filed 12/30/77.]

**WAC 388-96-508 Travel expenses for members of trade association boards of directors.** Travel expenses for members of trade association boards of directors otherwise meeting the requirements of this chapter will be allowable for twelve meetings per calendar year subject to any applicable cost center limit established by this chapter.

[Statutory Authority: RCW 74.46.800 and 74.09.120, 93-19-074 (Order 3634), § 388-96-508, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800, 84-12-039 (Order 2105), § 388-96-508, filed 5/30/84.]

**WAC 388-96-509 Boards of directors fees.** Fees paid to members of boards of directors of corporations operating nursing homes shall be subject to any applicable cost center limit established by this chapter.

[Statutory Authority: RCW 74.46.800 and 74.09.120, 93-19-074 (Order 3634), § 388-96-509, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800, 84-12-039 (Order 2105), § 388-96-509, filed 5/30/84.]

**WAC 388-96-513 Limit on costs to related organizations.** (1) Costs applicable to services, facilities and supplies furnished by organizations related to the contractor shall be allowable only to the extent they do not exceed the lower of the cost to the related organization or the price of comparable services, facilities or supplies purchased elsewhere subject to any applicable cost center limit established

by this chapter. The term "related organization" is defined in WAC 388-96-010.

(2) Documentation of costs to related organizations shall be made available to the auditor at the time and place the financial records relating to the entity are audited. Payments to or for the benefit of the related organization will be disallowed where the cost to the related organization cannot be documented.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-513, filed 9/14/93, effective 10/15/93; 81-06-024 (Order 1613), § 388-96-513, filed 2/25/81; Order 1262, § 388-96-513, filed 12/30/77.]

**WAC 388-96-521 Start-up costs.** Necessary and ordinary start-up costs, as defined in WAC 388-96-010, will be allowable in the administrative cost area[,] subject to any applicable cost center limit established by this chapter, if they are amortized over not less than sixty consecutive months beginning with the month in which the first patient is admitted for care.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-521, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-521, filed 9/16/83; Order 1262, § 388-96-521, filed 12/30/77.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 388-96-523 Organization costs.** (1) Necessary and ordinary costs which are directly incident to the creation of a corporation or other form of business of the contractor and that are incurred prior to the admission of the first patient, will be allowable in the administrative cost area, subject to any applicable cost center limit established by this chapter, if they are amortized over not less than sixty consecutive months beginning with the month in which the first patient is admitted for care.

(2) Allowable organization costs, as limited by subsection (1) of this section, include but are not limited to legal fees incurred in establishing the corporation or other organization and fees paid to states for incorporation. They do not include costs relating to the issuance and sale of shares of capital stock or other securities.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-523, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-523, filed 9/16/83. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-523, filed 2/25/81; Order 1262, § 388-96-523, filed 12/30/77.]

**WAC 388-96-525 Education and training.** (1) Necessary and ordinary expenses of on-the-job training and in-service training required for employee orientation and certification training directly related to the performance of duties assigned will be allowable costs.

(2) Ordinary expenses of nursing assistant training conducted pursuant to chapter 18.52A RCW will be allowable costs.

(3) Necessary and ordinary expenses of recreational and social activity training conducted by the contractor for volunteers will be allowable costs. Expenses of training

programs for other nonemployees will not be allowable costs.

(4) Expenses for travel, lodging, and meals associated with education and training in the states of Idaho, Oregon, and Washington and the province of British Columbia are allowable if the expenses meet the requirements of this chapter.

(5) Except travel, lodging, and meal expenses, education and training expenses at sites outside of the states of Idaho, Oregon, and Washington and the province of British Columbia are allowable costs if the expenses meet the requirements of this chapter.

(6) Costs designated by this section as allowable shall be subject to any applicable cost center limit established by this chapter.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-525, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-525, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-525, filed 5/30/84. Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-525, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-525, filed 2/25/81. Statutory Authority: RCW 74.09.120. 80-06-122 (Order 1510), § 388-96-525, filed 5/30/80, effective 7/1/80; Order 1262, § 388-96-525, filed 12/30/77.]

**WAC 388-96-529 Total compensation—Owners, relatives, and certain administrative personnel.** Subject to any applicable cost center limit established by this chapter, total compensation shall be as provided in the employment contract, including benefits, whether such contract is written, verbal, or inferred from the acts of the parties. In the absence of a contract, total compensation shall include gross salary or wages and benefits (e.g., health insurance) made available to all employees, but excluding payroll taxes paid by the contractor.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-529, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-529, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-529, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-529, filed 2/25/81; Order 1262, § 388-96-529, filed 12/30/77.]

**WAC 388-96-531 Owner or relative—Compensation.** (1) Total compensation of an owner or relative of an owner shall be limited to ordinary compensation for necessary services actually performed.

(a) Compensation is ordinary if it is the amount usually paid for comparable services in a comparable facility to an unrelated employee, and does not exceed any applicable cost center limit set out in this chapter.

(b) A service is necessary if it is related to patient care and would have had to be performed by another person if the owner or relative had not done it.

(2) The contractor, in maintaining customary time records adequate for audit, shall include such records for owners and relatives who receive compensation. Such records shall document compensated time was spent in provision of necessary services actually performed.

(3) For purposes of this section, if the contractor with the department is a corporation, "owner" includes all corporate officers and directors.



[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-531, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-531, filed 9/16/83. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-531, filed 2/25/81; Order 1262, § 388-96-531, filed 12/30/77.]

**WAC 388-96-533 Maximum allowable compensation of certain administrative personnel.** (1) The department shall allow prudent and cost-conscious costs of compensation for administrative personnel, subject to any applicable cost center limit promulgated by this chapter.

(2) Compensation of the licensed administrator shall be allowable only if the department is given written notice of the administrator's employment within ten days after the employment begins.

(3) The contractor shall maintain time records which are adequate for audit for the licensed administrator, assistant administrator, and/or administrator-in-training. The contractor shall include in such records verification of the actual hours of service performed for the nursing home.

(4) The department shall not consider costs of an administrator-in-training for the purpose of setting the administrative prospective rate. The department shall reimburse the costs of an approved administrator-in-training program by an add-on to the current prospective rate; *unless*, the administrative cost center is at or above the median cost limit for the facility's peer group reduced or increased under WAC 388-96-719. To obtain a rate add-on, the contractor shall submit a request for an add-on to its current prospective rate together with necessary documentation which shall include:

(a) A copy of the department of licensing approval of the administrator-in-training program, and

(b) A schedule indicating the commencement date, expected termination date, salary or wage, hours, and costs of benefits. The contractor shall notify the department, at least thirty days in advance, of the actual termination date of the administrator-in-training program. Upon termination of the program, the department shall reduce the current prospective rate by an amount corresponding to the rate add-on; and

(c) If the contractor does not use the administrator-in-training funds for the purpose for which they were granted, the department shall immediately recoup the misspent or unused funds.

(5) As similarly provided in WAC 388-96-210 regarding field audits, the department shall commence to apply a facility's peer group median cost plus percentage limit in the administrative cost area, in place of administrative personnel compensation limits previously contained in this section, beginning with report year 1992.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-533, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-533, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-533, filed 12/21/88. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-533, filed 12/23/87. Statutory Authority: RCW 74.46.800. 86-10-055 (Order 2372), § 388-96-533, filed 5/7/86, effective 7/1/86; 84-12-039 (Order 2105), § 388-96-533, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-533, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-533, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-533, filed 2/25/81. Statutory Authority: RCW

74.09.120. 80-06-122 (Order 1510), § 388-96-533, filed 5/30/80, effective 7/1/80. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-533, filed 6/1/78; Order 1262, § 388-96-533, filed 12/30/77.]

**WAC 388-96-534 Joint cost allocation disclosure (JCAD).** (1) The contractor shall disclose to the department:

(a) The nature and purpose of all costs representing allocations of joint facility costs; and

(b) The methodology of the allocation utilized.

(2) The contractor shall demonstrate in such disclosure:

(a) The services involved are necessary and non-duplicative; and

(b) Costs are allocated in accordance with benefits received from the resources represented by those costs.

(3) The contractor shall make such disclosure not later than September 30th for each year; except, a new contractor shall submit the first year's disclosure together with the submissions required by WAC 388-96-026.

(4) The department shall determine the acceptability of the JCAD methodology not later than December 31, of each year. Costs disclosed, allocated, and reported in conformity with a department-approved JCAD methodology must undergo review and be determined allowable costs for the purposes of rate setting and audit.

(5) An amendment or revision to an approved methodology shall be submitted to the department for approval at least ninety days prior to the effective date of the amendment or revision.

(6) Where a contractor will begin to incur joint facility costs at some time other than the beginning of the calendar year, the contractor shall provide the information required in subsections (1) and (2) of this section at least ninety days prior to the date the cost will first be incurred.

(7) Joint facility costs not disclosed, allocated, and reported in conformity with this section are nonallowable costs.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-534, filed 5/26/94, effective 6/26/94. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-534, filed 12/23/87. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-534, filed 9/16/83; 80-09-083 (Order 1527), § 388-96-534, filed 7/22/80.]

**WAC 388-96-535 Management agreements, management fees, and central office services.** (1) If a contractor intends to enter into a management agreement with an individual or firm managing the nursing home as an agent of the contractor, the contractor shall send a copy of the agreement to the department at least sixty days before the agreement is to become effective. A contractor shall send a copy of any amendment to a management agreement to the department at least thirty days in advance of the date the amendment is to become effective. The department shall not allow management fees for periods prior to the time the department receives a copy of the applicable agreement. When necessary for the health and safety of medical care recipients, the department may waive the sixty-day notice requirement in writing.

(2) The department shall allow management fees only if:

(a) A written management agreement both:

(a) A written management agreement both:

(i) Creates a principal and/or agent relationship between the contractor and the manager; and

(ii) Sets forth the items, services, and activities to be provided by the manager.

(b) Documentation demonstrates the services contracted for were actually delivered, were nonduplicative of other services rendered to the facility directly or indirectly, and the services were necessary to care for the residents of the facility. Fees are allowable only for such necessary, nonduplicative services to the extent they are of the nature and magnitude that prudent and cost-conscious management would pay.

(3) Allowable fees for all general management services of any kind referenced in this section, including corporate or business entity management and board of director's fees and including management fees not allocated to specific services, are subject to any applicable cost center limit established by this chapter.

(4) A management fee paid to or for the benefit of a related organization shall be allowable at the lower of the actual cost to the related organization of providing necessary services related to patient care under the agreement, or the cost of comparable services purchased elsewhere. Where costs to the related organization represent joint facility costs, the department shall comply with WAC 388-96-534 in measuring such costs.

(5) Central office costs, owner's compensation, and other fees or compensation, including joint facility costs, for general administrative and management services, including the management expense not allocated to specific services, shall be subject to any cost center limit established by this chapter.

(6) Necessary travel and housing expenses of nonresident staff working at a contractor's nursing facility shall be considered allowable costs if the visit does not exceed three weeks.

(7) Bonuses paid to employees at a contractor's nursing facility shall be considered compensation.

(8) As similarly provided in WAC 388-96-210 regarding field audits, the department shall commence to apply a facility's peer group median cost plus percentage limit in the administrative cost area, in place of management fee limits previously contained in this section, beginning with report year 1992.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-535, filed 9/14/93, effective 10/15/93. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-535, filed 12/23/87. Statutory Authority: RCW 74.46.800. 86-10-055 (Order 2372), § 388-96-535, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-535, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-535, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-535, filed 2/25/81. Statutory Authority: RCW 74.09.120. 80-09-083 (Order 1527), § 388-96-535, filed 7/22/80; 79-03-020 (Order 1371), § 388-96-535, filed 2/21/79; Order 1262, § 388-96-535, filed 12/30/77.]

#### **WAC 388-96-543 Expense for construction interest.**

Interest expense and loan origination fees relating to construction of a nursing home incurred during the period of construction shall be capitalized and amortized over the life of the facility from the date the first patient is admitted. The period of construction shall extend from the date of the construction loan to the date the facility is put into service

for patient care, not to exceed the project certificate of need time period.

[Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-543, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-543, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-543, filed 2/25/81; Order 1262, § 388-96-543, filed 12/30/77.]

**WAC 388-96-553 Capitalization.** The following costs shall be capitalized:

(1) Expenditures for and costs of equipment, including furniture and furnishings, with historical cost in excess of one hundred fifty dollars per unit and a useful life of more than one year from the date of purchase;

(2) Expenditures and costs for equipment, including furniture and furnishings, with historical cost of one hundred fifty dollars or less per unit if either:

(a) The item of equipment was acquired in a group purchase where the total cost exceeded one hundred fifty dollars; or

(b) The item of equipment was part of the initial equipment or stock of the nursing home.

(3) Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsections (1) and (2) of this section shall be applied with the sum of five hundred dollars replacing the sum of one hundred fifty dollars.

(4) Effective January 1, 1983, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1984, and subsequently subsections (1) and (2) of this section shall be applied with the sum of seven hundred fifty dollars replacing the sum of one hundred fifty dollars.

(5) Expenditures for and costs of building, and other real property items, components, and improvements, whether for leased or owner-operated facilities, in excess of five hundred dollars and involving one or more of the following:

(a) Increase of the interior floor space of the structure;

(b) Increase or renewal of paved areas outside the structure;

(c) Exterior or interior remodeling of the structure;

(d) Installation of additional heating, cooling, electrical, water-related, or similar fixed equipment;

(e) Landscaping or redecorating;

(f) Any change, including repairs, which increases the useful life of the structure or item if not a part of the structure by two years or more;

(g) Any replacement or renewal of a real property item, component or improvement, whether structural or nonstructural.

(6) For a leasehold improvement, the asset shall be amortized over the asset's useful life in accordance with Internal Revenue Service class life ADR system guidelines or in accordance with American Hospital Association guidelines.

[Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-553, filed 9/16/83; 83-05-007 (Order 1944), § 388-96-553, filed 2/4/83; 82-11-065 (Order 1808), § 388-96-553, filed 5/14/82. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-553, filed 2/25/81; Order 1262, § 388-96-553, filed 12/30/77.]

**WAC 388-96-554 Expensing.** The following costs shall be expensed:

(1) Expenditures for and costs of equipment, including furniture and furnishings, with historical cost of one hundred fifty dollars or less per unit or a useful life of one year or less from the date of purchase.

(2) Subsection (1) of this section shall not apply if:

(a) The item of equipment was acquired in a group purchase where the total cost exceeded one hundred fifty dollars; or

(b) The item of equipment was part of the initial equipment or stock of the nursing home.

(3) Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsections (1) and (2) of this section shall be applied with the sum of five hundred dollars replacing the sum of one hundred fifty dollars.

(4) Effective January 1, 1983, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1984, and subsequently subsections (1) and (2) of this section shall be applied with the sum of seven hundred fifty dollars replacing the sum of one hundred fifty dollars.

(5) Expenditures for and costs of building and other real property items, components and improvements, whether for leased or owner-operated facilities, of five hundred dollars or less.

(6) Expenditures for and costs of repairs necessary to maintain the useful life of equipment, including furniture and furnishings, and real property items, components or improvements which do not increase the useful life of the asset by two years or more. If a repair is to the interior or exterior of the structure, the term "asset" shall refer to the structure.

(7) Remaining undepreciated cost of equipment, including furniture or furnishings or real property items, components, or improvements which are retired and not replaced, provided such cost shall be offset by any proceeds or compensations received for such assets, and such cost shall be expensed only if the contractor has made a reasonable effort to recover at least the outstanding book value of such assets. If a retired asset is replaced, WAC 388-96-572(3) shall apply and the replacement or renewal shall be capitalized if required by WAC 388-96-553.

[Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-554, filed 9/16/83; 83-05-007 (Order 1944), § 388-96-554, filed 2/4/83.]

**WAC 388-96-555 Depreciation expense.** Depreciation expense on depreciable assets which are required in the regular course of providing patient care will be an allowable cost. It shall be (1) identifiable and recorded in the contractor's accounting records and (2) computed using the depreciation base, lives and methods specified below.

[Order 1262, § 388-96-555, filed 12/30/77.]

**WAC 388-96-557 Depreciable assets.** (1) Tangible assets of the following types in which a contractor has an economic interest through ownership or lease agreement are subject to depreciation:

(a) Building - The basic structure or shell and additions thereto.

(b) Building fixed equipment - Attachments to buildings, such as wiring, electrical fixtures, plumbing, elevators, heating system, and air conditioning system. The general characteristics of this equipment are:

(i) Affixed to the building and not subject to transfer; and

(ii) A fairly long life, but shorter than the life of the building to which affixed.

(c) Major movable equipment - Such items as beds, wheelchairs, desks, and x-ray machines. The general characteristics of this equipment are:

(i) A relatively fixed location in the building;

(ii) Capable of being moved as distinguished from building equipment;

(iii) A unit cost sufficient to justify ledger control;

(iv) Sufficient size and identity to make control feasible by means of identification tags; and

(v) A minimum life of approximately three years. Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, this equipment shall be characterized by a minimum life of greater than one year.

(d) Minor equipment - Such items as wastebaskets, bedpans, syringes, catheters, silverware, mops, and buckets which are properly capitalized. No depreciation shall be taken on items which are not properly capitalized (see WAC 388-96-553). The general characteristics of minor equipment are:

(i) In general, no fixed location and subject to use by various departments;

(ii) Small in size and unit cost;

(iii) Subject to inventory control;

(iv) Large number in use; and

(v) Generally, a useful life of one to three years.

(e) Land improvements - Such items as paving, tunnels, underpasses, on-site sewer and water lines, parking lots, shrubbery, fences, walls, etc., where replacement is the responsibility of the contractor.

(f) Leasehold improvements - Betterments and additions made by the lessee to the leased property, which become the property of the lessor after the expiration of the lease.

(2) Land is not depreciable. The cost of land includes, but is not limited to, the cost of such items as off-site sewer and water lines, public utility charges necessary to service the land, governmental assessments for street paving and sewers, the cost of permanent roadways and grading of a nondepreciable nature, and the cost of curbs and sidewalks, replacement of which is not the responsibility of the contractor.

[Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-557, filed 12/4/84; 83-19-047 (Order 2025), § 388-96-557, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-557, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-557, filed 2/25/81; Order 1262, § 388-96-557, filed 12/30/77.]

**WAC 388-96-559 Cost basis of land and depreciation base.** (1) For all partial or whole rate periods after December 31, 1984, the total depreciation base of depreciable assets and the cost basis of land shall be the lowest of:

(a) The contractor's appraisal, if any;

(b) The department's appraisal obtained through the department of general administration of the state of Washington, if any; or

(c) The historical purchase cost of the contractor, or lessor if the assets are leased by the contractor, in acquiring ownership of the asset in an arm's-length transaction, and preparing the asset for use, less goodwill, and less accumulated depreciation, if applicable, incurred during periods the assets have been used in or as a facility by any and all contractors. Such accumulated depreciation is to be measured in accordance with subsection (5) of this section and WAC 388-96-561, 388-96-565, and 388-96-567. Where the straight-line or sum-of-the-years digits method of depreciation is used the contractor:

(i) May deduct salvage values from historical costs for each cloth based item, e.g., mattresses, linen, and draperies; and

(ii) Shall deduct salvage values from historical costs of at least:

(A) Five percent of the historical value for each noncloth item included in moveable equipment; and

(B) Twenty-five percent of the historical value for each vehicle.

(2) Unless otherwise provided or limited by this chapter or by chapter 74.46 RCW, the department shall, in determining the total depreciation base of a depreciable real or personal asset owned or leased by the contractor, deduct depreciation relating to all periods subsequent to the more recent of:

(a) The date such asset was first used in the medical care program; or

(b) The most recent date such asset was acquired in an arm's-length purchase transaction which the department is required to recognize for Medicaid cost reimbursement purposes.

No depreciation shall be deducted for periods such asset was not used in the medical care program or was not used to provide nursing care.

(3) The department may have the fair market value of the asset at the time of purchase established by appraisal through the department of general administration of the state of Washington if:

(a) The department challenges the historical cost of an asset; or

(b) The contractor cannot or will not provide the historical cost of a leased asset and the department is unable to determine such historical cost from its own records or from any other source.

The contractor may allocate or reallocate values among land, building, improvements, and equipment in accordance with the department's appraisal.

If an appraisal is conducted, the depreciation base of the asset and cost basis of land will not exceed the fair market value of the asset. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious.

(4) For leased assets, the department may examine documentation in its files or otherwise obtainable from any source to determine:

(a) The lessor's purchase acquisition date; or

(b) The lessor's historical cost at the time of the last arm's-length purchase transaction.

If the department is unable to determine the lessor's acquisition date by review of its records or other records, the department, in determining fair market value as of such date, may use the construction date of the facility, as found in the state fire marshal's records or other records, as the lessor's purchase acquisition date of leased assets.

(5) For all rate periods past or future, where depreciable assets or land are acquired from a related organization, the contractor's depreciation base and land cost basis shall not exceed the base and basis the related organization had or would have had under a contract with the department.

(6) If a contractor cannot or will not provide the lessor's purchase acquisition cost of assets leased by the contractor and the department is unable to determine historical purchase cost from another source, the appraised asset value of land, building, or equipment, determined by or through the department of general administration shall be adjusted, if necessary, by the department using the *Marshall and Swift Valuation Guide* to reflect the value at the lessor's acquisition date. If an appraisal has been prepared for leased assets and the assets subsequently sell in the first arm's-length transaction since January 1, 1980, under subsection (8) of this section, the *Marshall and Swift Valuation Guide* will be used to adjust, if necessary, the asset value determined by the appraisal to the sale date. If the assets are located in a city for which the *Marshall and Swift Valuation Guide* publishes a specific index, or if the assets are located in a county containing that city, the city-specific index shall be used to adjust the appraised value of the asset. If the assets are located in a city or county for which a specific index is not calculated, the *Western District Index* calculated by Marshall and Swift shall be used.

(7) For all rates effective on or after January 1, 1985, if depreciable assets or land are acquired by purchase which were used in the medical care program on or after January 1, 1980, the depreciation base or cost basis of such assets shall not exceed the net book value existing at the time of such acquisition or which would have existed had the assets continued in use under the previous Medicaid contract with the department; except that depreciation shall not be accumulated for periods during which such assets were not used in the medical care program or were not in use in or as a nursing care facility.

(8)(a) Subsection (7) of this section shall not apply to the most recent arm's-length purchase acquisition if it occurs ten years or more after the previous arm's-length transfer of ownership nor shall subsection (7) of this section apply to the first arm's-length purchase acquisition of assets occurring on or after January 1, 1980, for facilities participating in the Medicaid program before January 1, 1980. The depreciation base or cost basis for such acquisitions shall not exceed the lesser of the fair market value as of the date of purchase of the assets determined by an appraisal conducted by or through the department of general administration or the owner's acquisition cost of each asset, land, building, or equipment. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious. Should a contractor request a revaluation of an asset, the contractor must document ten years have passed since the most recent arm's-length transfer of ownership. As mandated by Section 2314 of the Deficit Reduction Act of 1984 (P.L. 98-369) and

state statutory amendments, and under RCW 74.46.840, for all partial or whole rate periods after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, including land and all depreciable or nondepreciable assets, occurring on or after July 18, 1984, leaving subsection (7) of this section to apply without exception to acquisitions occurring on or after July 18, 1984, except as provided in subsections (8)(b) and (9) of this section.

(b) For all rates after July 17, 1984, subsection (8)(a) shall apply, however, to transfers of ownership of assets:

(i) Occurring before January 1, 1985, if the costs of such assets have never been reimbursed under Medicaid cost reimbursement on an owner-operated basis or as a related party lease; or

(ii) Under written and enforceable purchase and sale agreements dated before July 18, 1984, which are documented and submitted to the department before January 1, 1988.

(c) For purposes of Medicaid cost reimbursement under this chapter, an otherwise enforceable agreement to purchase a nursing home dated before July 18, 1984, shall be considered enforceable even though the agreement contains:

(i) No legal description of the real property involved; or  
 (ii) An inaccurate legal description, notwithstanding the statute of frauds or any other provision of law.

(9)(a) In the case of land or depreciable assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option to have the:

(i) Provisions of subsection (8) of this section apply to the purchase; or

(ii) Reimbursement for property and return on investment continue to be calculated under the provisions contained in RCW 74.46.530 (1)(e) and (f) and WAC 388-96-754(5). Reimbursement shall be based upon provisions of the lease in existence on the date of the purchase.

(b) The lessee/contractor may select the option in subsection (9)(a)(ii) of this section only when the purchase date meets one of the following criteria. The purchase date is:

(i) After the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(ii) Within one year of the lease expiration or renewal date contained in the lease;

(iii) After a rate setting for the facility in which the reimbursement rate set, under this chapter and under chapter 74.46 RCW, no longer is equal to or greater than the actual cost of the lease; or

(iv) Within one year of any purchase option in existence on January 1, 1988.

(10) For purposes of establishing the property and return on investment component rates, the value of leased equipment, if unknown by the contractor, may be estimated by the department using previous department of general administration appraisals as a data base. The estimated value may be adjusted using the *Marshall and Swift Valuation Guide* to reflect the value of the asset at the lessor's purchase acquisition date.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-559, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.09.120. 91-22-025 (Order 3270), § 388-96-559, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-

061 (Order 2970), § 388-96-559, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.46.800. 88-16-079 (Order 2660), § 388-96-559, filed 8/2/88; 86-10-055 (Order 2372), § 388-96-559, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-559, filed 8/19/85. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-559, filed 12/4/84; 81-22-081 (Order 1712), § 388-96-559, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-559, filed 2/25/81; Order 1262, § 388-96-559, filed 12/30/77.]

**WAC 388-96-561 Cost basis of land and depreciation base—Donated or inherited assets.** (1) The cost basis or depreciation base of land or depreciable assets, either donated[,] or received through testate or intestate distribution, will be the lesser of:

(a) Fair market value at the date of donation or death, less goodwill, provided the estimated salvage value shall be deducted from fair market value where the straight-line or sum-of-the-years digits method of depreciation is used; or

(b) The historical cost of the owner last contracting with the department, if any.

(2) When the donation or distribution is between related organizations, the base shall be the lesser of:

(a) Fair market value, less goodwill and, where appropriate, salvage value; or

(b) The depreciation base or cost basis the related organization had or would have had for the asset under a contract with the department.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, for all rates after July 17, 1984, neither the depreciation base of depreciable assets nor the cost basis of land shall increase for reimbursement purposes if the asset is donated or acquired through testate or intestate distribution on or after July 18, 1984, the enactment date of the Deficit Reduction Act of 1984.

[Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-561, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-561, filed 12/4/84; 83-19-047 (Order 2025), § 388-96-561, filed 9/16/83. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-561, filed 2/25/81; Order 1262, § 388-96-561, filed 12/30/77.]

**WAC 388-96-565 Lives.** (1) The contractor shall use lives reflecting the estimated actual useful life of assets, for example, land improvements, buildings, equipment, leasehold improvements, and other assets. Lives shall not be shorter than guideline lives published by the American Hospital Association in computing allowable depreciation. The shortest building life a contractor may use is thirty years; *provided* that, in cases of newly constructed buildings containing newly licensed nursing home beds, the shortest lives shall be the most recently published lives for construction classes as defined and described in the *Marshall Valuation Service* published by the Marshall Swift Publication Company.

(2) The contractor shall measure lives from the date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition by purchase of the asset, whichever is more recent. The contractor shall extend lives to reflect periods, if any, during which assets were not used to provide nursing care or were not used in the medical care program.

(3) Contractors shall depreciate building improvements over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

(4) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

(5) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

[Statutory Authority: RCW 74.46.800, 94-12-043 (Order 3737), § 388-96-565, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.09.180 and 74.46.800, 89-01-095 (Order 2742), § 388-96-565, filed 12/21/88. Statutory Authority: RCW 74.46.800, 87-09-058 (Order 2485), § 388-96-565, filed 4/20/87; 86-10-055 (Order 2372), § 388-96-565, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120, 83-19-047 (Order 2025), § 388-96-565, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-565, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800, 81-06-024 (Order 1613), § 388-96-565, filed 2/25/81; Order 1262, § 388-96-565, filed 12/30/77.]

#### **WAC 388-96-567 Methods of depreciation.** (1)

Buildings, building improvements, land improvements, leasehold improvements, and fixed equipment shall be depreciated using the straight-line method. Major-minor equipment shall be depreciated using either the straight-line method, the sum-of-the-years digits method, or declining balance method not to exceed one hundred fifty percent of the straight-line rate. Contractors which have elected to take either the sum-of-the-years digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes not both necessary and related to patient care.

(3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to WAC 388-96-559.

[Statutory Authority: RCW 74.46.800, 86-10-055 (Order 2372), § 388-96-567, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800, 85-17-052 (Order 2270), § 388-96-567, filed 8/19/85. Statutory Authority: RCW 74.09.120, 81-22-081 (Order 1712), § 388-96-567, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800, 81-06-024 (Order 1613), § 388-96-567, filed 2/25/81; Order 1262, § 388-96-567, filed 12/30/77.]

#### **WAC 388-96-569 Retirement of depreciable assets.**

(1) Where depreciable assets are disposed of through sale, trade-in, scrapping, exchange, theft, wrecking, or fire or other casualty, depreciation shall no longer be taken on the assets. No further depreciation shall be taken on permanently abandoned assets.

(2) Where an asset has been retired from active use but is being held for stand-by or emergency service, and the department has determined that it is needed and can be effectively used in the future, depreciation may be taken.

(3) For rate setting effective July 1, 1991 through June 30, 1993, if a Medicaid contractor or lessor related to a lessee Medicaid contractor, as defined in this chapter, sells any or all of the nursing facility's tangible and/or intangible assets, including, but not limited to, land, building, equipment, supplies, goodwill, and beds authorized by certificate of need, the department shall recover depreciation reimbursement paid to the selling contractor or lessee related to the selling lessor. However, the department shall recover

depreciation reimbursement only to the extent there was a gain on sale as defined in this chapter. Further, the department shall recover depreciation reimbursement for depreciation from July 1, 1991, forward only.

(4) Recovery of depreciation reimbursement as authorized in this section shall apply to all transfers of assets by sale on or after July 1, 1991, unless pursuant to an enforceable agreement in place prior to July 1, 1991, and on file with the department's rates management office on or before December 31, 1991.

(5) Recovery of depreciation reimbursement shall be from the buyer whether or not such buyer operates the nursing facility or is a Medicaid contractor. If recovery cannot be made from the buyer in whole or in part, the amount due shall be recovered from the selling contractor or selling lessor related to the contractor. If the buyer leases some or all of the assets purchased to a related party or organization as defined in this chapter, the department may recover directly from such related party or organization. The total amount subject to recovery shall be due and payable immediately after transfer of the assets by sale. However, the department may establish a repayment schedule to recover depreciation reimbursement for a period not to exceed six months after the transfer by sale.

(6) If repayment is not made immediately or commenced and maintained in accordance with a repayment schedule agreeable to the department, the department shall deduct the recovery from the monthly payments, if any, for Medicaid services made to the buyer, or from payments, if any, made to a contractor related to the buyer as defined in this chapter. Such method of recovery shall be in addition to all other means of recovering debt to the state authorized by law.

(7) The depreciation base of depreciable assets and the cost basis of nondepreciable assets for all partial or whole Medicaid rate periods after the sale shall be established or continued in accordance with the provisions of this chapter. Neither shall be adjusted to reflect any liability for recovery of depreciation reimbursement. Upon request, the department shall provide to any prospective buyer or seller of nursing facility assets the total depreciation reimbursement paid from July 1, 1991 through June 30, 1993 to the selling contractor or lessee related to the selling lessor.

[Statutory Authority: RCW 74.46.800 and 74.09.120, 93-19-074 (Order 3634), § 388-96-569, filed 9/14/93, effective 10/15/93; 91-22-025 (Order 3270), § 388-96-569, filed 10/29/91, effective 11/29/91; 81-06-024 (Order 1613), § 388-96-569, filed 2/25/81; Order 1262, § 388-96-569, filed 12/30/77.]

**WAC 388-96-571 Handling of gains and losses upon retirement of depreciable assets settlement periods prior to 1/1/81 and rate periods prior to 7/1/82.** (1) For settlement purposes for periods prior to January 1, 1981, and for rate-setting purposes for periods prior to July 1, 1982, gains and losses on the retirement of depreciable assets either during the period of participation in the program or within twelve months following termination, shall be treated in accordance with this section.

(2) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the

asset. For purposes of subsections (3) and (4) of this section, the total gain shall be reduced by one percent for each month of ownership of an asset with an expected useful life of one hundred months or longer. For an asset with an expected useful life of less than one hundred months, total gain shall be reduced by the portion thereof equal to the ratio of the actual life of the asset from its most recent arms-length acquisition up to the date of retirement to its expected useful life.

(3) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided that a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

(4) If the retired asset is not replaced, or if the contractor is terminating its contract, the gain or loss shall be spread over the actual life of the asset up to the date of retirement, provided that a loss will only be so spread if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset. The difference between reimbursement actually paid for depreciation in any period beginning on or after January 1, 1978, and the reimbursement for depreciation which would have been paid with the base adjusted to reflect the gain or loss, will be computed. Where the difference results from a gain, it shall be recovered by the department. Where the difference results from a loss, it will be added to allowable costs for purposes of determining settlement.

[Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-571, filed 2/25/81. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-571, filed 6/1/78; Order 1262, § 388-96-571, filed 12/30/77.]

**WAC 388-96-572 Handling of gains and losses upon retirement of depreciable assets—Other periods.** (1) This section shall apply in the place of WAC 388-96-571 effective January 1, 1981, for purposes of settlement for settlement periods subsequent to that date, and for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently.

(2) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the asset.

(3) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided that a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

(4) If the retired asset is not replaced, any gain shall be offset against property expense for the period during which it is retired and any loss shall be expensed subject to the provisions of WAC 388-96-554(7).

[Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-572, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-572, filed 9/16/83. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-572, filed 2/25/81.]

**WAC 388-96-573 Recovery of excess over straight-line depreciation.** This section shall apply to settlement

periods prior to January 1, 1981, only. If a contractor terminates its contract without selling or otherwise retiring equipment which was depreciated using an accelerated method, depreciation schedules relating to these assets for periods during which the contractor participated in the program shall be adjusted. The difference between reimbursement actually paid for depreciation in any period beginning on or after January 1, 1978, and the reimbursement which would have been paid for depreciation if the straight-line method had been used, will be recovered by the department.

[Statutory Authority: RCW 74.09.120. 83-05-007 (Order 1944), § 388-96-573, filed 2/4/83; Order 1262, § 388-96-573, filed 12/30/77.]

**WAC 388-96-580 Operating leases of office equipment.** Rental costs of office equipment under arm's-length operating leases shall be allowable to the extent such costs are necessary, ordinary, and related to patient care. Beginning January 1, 1985, office equipment rental costs shall be reimbursed in the administration and operations cost center. Office equipment may include items typically used in administrative or clerical functions such as telephones, copy machines, desks and chairs, calculators and adding machines, file cabinets, typewriters, and computers. However, expenses of leasing computers may not be reimbursed in excess of ten cents per patient day. Effective with July 1, 1993 rate setting, office equipment rental costs shall be reimbursed in the administrative cost center.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-580, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-580, filed 8/19/85. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-580, filed 12/4/84. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-580, filed 5/30/84.]

**WAC 388-96-585 Unallowable costs.** (1) The department shall not allow costs if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) The department shall include, but not limit unallowable costs to the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items covered by the Medicaid program but not included in the Medicaid nursing facility daily payment rate. Items and services covered by the Medicaid nursing facility daily payment rate are listed in chapters 388-86 and 388-88 WAC;

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure inconsistent with applicable standards, criteria, or plans. If the contractor did not give the department timely notice of a proposed capital expenditure, all associated costs shall be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes or related to the part of a facility leased out for office space);

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or violating principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts. Beginning July 1, 1983, the department shall allow bad debts of Title XIX recipients only if:

(i) The debt is related to covered services;

(ii) It arises from the recipient's required contribution toward the cost of care;

(iii) The provider can establish reasonable collection efforts were made;

(iv) The debt was actually uncollectible when claimed as worthless; and

(v) Sound business judgment established there was no likelihood of recovery at any time in the future.

Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery. The department shall compensate a contractor for bad debts of Title XIX recipients at final settlement through the final settlement process only.

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care;

(r) Fund-raising expenses, except expenses directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of any employee benefit not in fact made available to all employees on an equal or fair basis in terms of costs to employees and benefits commensurate to such costs, e.g., key-man insurance, other insurance, or retirement plans;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses for membership in professional organizations and all expenses of maintaining professional licenses, e.g., nursing home administrator's license;

(bb) Costs related to agreements not to compete;

(cc) Goodwill and amortization of goodwill;

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department relating to those issues where:

(i) A final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review; or

(ii) In connection with a fair hearing, a final administrative decision has not been rendered; or

(iii) In connection with a fair hearing, related costs are not reported as unallowable and identified by fair hearing docket number in the period they are incurred if no final administrative decision has been rendered at the end of the report period; or

(iv) In connection with a fair hearing, related costs are not reported as allowable, identified by docket number, and prorated by the number of issues decided favorably to a contractor in the period a final administrative decision is rendered.

(ff) Legal and consultant fees in connection with a lawsuit against the department, including suits which are appeals of administrative decisions;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds;

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs;

(jj) Beginning January 1, 1985, interest costs;

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington, and the Province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care;



(ll) Board of director fees for services in excess of one hundred dollars per board member, per meeting, not to exceed twelve meetings per year;

(mm) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the Province of British Columbia;

(nn) For rates effective after June 30, 1993, depreciation expense in excess of four thousand dollars per year for each passenger car or other vehicles primarily used for the administrator, facility staff, or central office staff;

(oo) Any costs associated with the use of temporary health care personnel from any nursing pool not registered with the director of the department of health at the time of such pool personnel use;

(pp) Costs of payroll taxes associated with compensation in excess of allowable compensation for owners, relatives, and administrative personnel;

(qq) Department-imposed postsurvey charges incurred by the facility as a result of subsequent inspections which occur beyond the first postsurvey visit during the certification survey calendar year;

(rr) For all partial or whole rate periods after July 17, 1984, costs of assets, including all depreciable assets and land, which cannot be reimbursed under the provisions of the Deficit Reduction Act of 1984 (DEFRA) and state statutes and regulations implementing DEFRA;

(ss) Effective for July 1, 1991, and all following rates, compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensations which would have been paid for such hours of nursing care services had they been paid at the combined regular and overtime average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification of registered nurse, licensed practical nurse, or nursing assistant at the same nursing facility, as reported on the facility's filed cost report for the most recent cost report period;

(tt) Outside consultation expenses required pursuant to WAC 388-88-135;

(uu) Fees associated with filing a bankruptcy petition under chapters VII, XI, and XIII, pursuant to the Bankruptcy Reform Act of 1978, Public Law 95-598;

(vv) All advertising or promotional costs of any kind, except reasonable costs of classified advertising in trade journals, local newspapers, or similar publications for employment of necessary staff.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-585, filed 5/26/94, effective 6/26/94; 93-17-033 (Order 3615), § 388-96-585, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-585, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.09.120. 91-22-025 (Order 3270), § 388-96-585, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 74.09.120 and 74.46.800. 90-09-061 (Order 2970), § 388-96-585, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.46.800. 89-17-030 (Order 2847), § 388-96-585, filed 8/8/89, effective 9/8/89. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-585, filed 12/21/88. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-585, filed 4/20/87; 86-10-055 (Order 2372), § 388-96-585, filed 5/7/86, effective 7/1/86; 84-12-039 (Order 2105), § 388-96-585, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-585, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-585, filed 10/13/82; 82-11-065 (Order 1808), § 388-

96-585, filed 5/14/82; 81-22-081 (Order 1712), § 388-96-585, filed 11/4/81. Statutory Authority: RCW 74.09.120 and 74.46.800. 81-06-024 (Order 1613), § 388-96-585, filed 2/25/81. Statutory Authority: RCW 74.09.120. 79-04-102 (Order 1387), § 388-96-585, filed 4/4/79. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-585, filed 6/1/78; Order 1262, § 388-96-585, filed 12/30/77.]

#### WAC 388-96-704 Prospective reimbursement rates.

(1) The department will determine prospective reimbursement rates for services provided to recipients. Each rate represents the contractor's maximum compensation for one patient day of care of a recipient determined by the department to require nursing facility care.

(2) A contractor may also be assigned an individual prospective rate for a specific recipient determined by the department to require exceptional care.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-704, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-704, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-704, filed 6/1/78. Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-704, filed 1/9/78.]

**WAC 388-96-705 Payment for services after settlement.** When payment for services is first made following preliminary or final settlement for the period during which the services were provided, payment will be at the most recent available settlement rate.

[Statutory Authority: RCW 74.09.120. 81-22-081 (Order 1712), § 388-96-705, filed 11/4/81.]

**WAC 388-96-709 Prospective rate revisions—Reduction in licensed beds.** (1) The department will revise a contractor's prospective rate when the contractor reduces the number of its licensed beds and:

(a) Notifies the department in writing thirty days before the licensed bed reduction; and

(b) Supplies a copy of the new bed license and documentation of the number of beds sold, exchanged or otherwise placed out of service, along with the name of the contractor that received the beds, if any; and

(c) Requests a rate revision.

(2) The revised prospective rate shall comply with all the provisions of rate setting contained in this chapter including all lids and maximums unless otherwise specified in this section and remain in effect until a prospective rate can be set according to WAC 388-96-713.

(3) The revised prospective rate shall be effective the first of a month determined by where in the month the effective date of the licensed bed reduction occurs or the date the contractor complied with subsections 1(a), (b), and (c) of this section as follows:

(a) If the contractor complied with subsection 1(a), (b), and (c) of this section and the effective date of the reduction falls:

(i) Between the first and the fifteenth of the month, then the revised prospective rate is effective the first of the month in which the reduction occurs; or

(ii) Between the sixteenth and the end of the month, then the revised prospective rate is effective the first of the month following the month in which the reduction occurs; or

(b) When the contractor fails to comply with subsection 1(a) of this section, then the date the department receives

from the contractor the documentation that is required by subsection (1)(b) and (c) of this section shall become the effective date of the reduction for the purpose of applying subsection (3)(a)(i) and (ii) of this section.

(4) For the first fiscal year of a state biennium, if a contractor's prospective rate is based on either WAC 388-96-710(4) or WAC 388-96-719(2), the department shall revise the contractor's prospective rate as follows:

(a) For the nursing service and food cost centers, the rate will remain the same as before the reduction in licensed beds;

(b) For property, administrative, and operational cost centers; and return on investment rate, the department will use the reduced total of licensed beds to determine occupancy level under WAC 388-96-719(10). If the department computed the contractor's occupancy level of licensed beds on the Medicaid cost report for the calendar year immediately prior to the first fiscal year of the state biennium in which the bed reduction occurs and the occupancy level:

(i) Was above eighty-five percent and remains above eighty-five percent after the reduction, then the department will:

(A) Not change the administrative and operational rate;

(B) Recompute the property rate to reflect the new asset basis using actual patient days from the Medicaid cost report for the prior calendar year; and

(C) Recompute the return on investment rate to reflect the new asset basis and the change in the property cost center using actual patient days from the Medicaid cost report for the prior calendar year.

(ii) Was below eighty-five percent and changes to at or above eighty-five percent after the reduction, then the department will recompute rates for:

(A) Administrative and operational cost centers using actual patient days from the Medicaid cost report for the calendar year immediately prior to the first fiscal year of the state biennium in which the bed reduction occurs; and

(B) Property and return on investment cost centers using actual patient days from the Medicaid cost report for the prior calendar year and the new asset basis.

(iii) Was below eighty-five percent and remains below eighty-five percent after the reduction, then the department will recompute rates for:

(A) Administrative and operational cost centers using the change in patient days from the Medicaid cost report for the calendar year immediately prior to the first fiscal year of the state biennium in which the bed reduction occurs that results from the reduced number of licensed beds used in calculating the eighty-five percent occupancy level; and

(B) Property and return on investment cost centers using the change in patient days from the Medicaid cost report for the prior calendar year that results from the reduced number of licensed beds used in calculating the eighty-five percent occupancy level and to reflect the new asset basis.

(5) For the second fiscal year of a state biennium, the department shall revise the contractor's prospective rate, as identified under subsection (4) of this section, as follows:

(a) For the nursing service and food cost centers, the rate will remain the same as before the reduction in licensed beds;

(b) For property and return on investment rates and to determine a new occupancy level under WAC 388-96-

719(10), the department will use the reduced total of licensed beds and the cost report from the prior calendar year;

(c) If the occupancy level prior to the bed reduction:

(i) Was above eighty-five percent and remains above eighty-five percent after the reduction, then the department will:

(A) Not revise the administrative or operational rates; and

(B) Recompute the property rate to reflect the new asset basis using actual patient days from the Medicaid cost report for the prior calendar year; and

(C) Recompute the return on investment rate to reflect the new asset basis and the change in the property cost center using actual patient days from the Medicaid cost report for the prior calendar year.

(ii) Was below eighty-five percent and changes to eighty-five percent or above after the reduction, then the department will:

(A) Not revise the administrative or operational rates; and

(B) Revise property and return on investment using actual patient days from the Medicaid cost report for the prior calendar year and the new asset basis.

(iii) Was below eighty-five percent and remains below eighty-five percent after the reduction, then the department will:

(A) Not revise administrative or operational rates; and

(B) Revise the property and return on investment rates using the change in patient days from the Medicaid cost report for the prior calendar year that results from the reduced number of licensed beds used in calculating the eighty-five percent occupancy level and to reflect the new asset basis.

(6) If a contractor's prospective rate is based on either a sample or budget per WAC 388-96-710, the department shall revise the contractor's prospective rate by applying subsection (4)(a) and (b) or (5)(a) and (b) of this section as applicable and:

(a) Using the days from the timely received budget per WAC 388-96-026(2) and using occupancy as "selected" by the department when the initial rate was set; or

(b) If the budget was not received timely in accordance with WAC 388-96-026(2), using the product of the statewide average occupancy as reported on all nursing facilities' prior calendar year Medicaid cost reports multiplied by the number of calendar days in the calendar year following the decrease licensed bed capacity multiplied by the number of licensed beds on the new license.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-709, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-709, filed 5/26/93, effective 6/26/93.]

**WAC 388-96-710 Prospective reimbursement rate for new contractors.** (1) The department shall establish an initial prospective reimbursement rate for a new contractor as defined under WAC 388-96-026 (1)(a) or (b) within sixty days following receipt by the department of a properly completed projected budget (see WAC 388-96-026). The rate shall take effect as of the effective date of the contract and shall comply with all the provisions of rate setting

contained in this chapter including all lids and maximums set forth in this chapter.

(2) To set the initial prospective reimbursement rate for a new contractor as defined in WAC 388-96-026 (1)(a) and (b), the department shall:

(a) Determine whether the new contractor belongs to the metropolitan statistical area (MSA) peer group or the non-MSA peer group using the latest information received from the office of management and budget or the appropriate federal agency;

(b) Select all nursing facilities from the department's records of all the current Medicaid nursing facilities in the new contractor's peer group with the same bed capacity plus or minus ten beds. If the selection does not result in at least seven facilities, then the department will increase the bed capacity by plus or minus five bed increments until a sample of at least seven nursing facilities is obtained;

(c) Based on the information for the nursing facilities selected under subsection (2)(b) of this section and available to the department on the day the new contractor began participating in the program, rank from the highest to the lowest the rates in nursing services, food, administrative, and operational cost centers and based on this ranking:

(i) Determine the rate in the middle of the ranking, above and below which lie an equal number of rates (median) and then identify the rate immediately above the median for each cost center identified in subsection (2)(c) of this section. The rate immediately above the median will be known as the "selected rate" for each cost center; and

(ii) Set the new contractor's rates for each cost center identified in subsection (2)(c) at the lower of the "selected rate" or the budget rate; and

(iii) Set the property rate in accordance with the provisions of this chapter; and

(iv) Set the return on investment rate in accordance with the provisions of this chapter. In computing the financing allowance, the department shall use for the nursing services, food, administrative, and operational cost centers the rates set pursuant to subsection (2)(c)(i) and (ii) of this section.

(d) Any subsequent revisions to the rate components of the sample members will not impact a "selected rate" component of the initial prospective rate established for the new contractor under this subsection; *unless*, a "selected rate" identified in subsection (2)(c) is at the median cost limit established for July 1, then the median cost limit established after October 31 for that "selected rate" component becomes the component rate for the new contractor.

(3) If the department has not received a properly completed projected budget from the new contractor as defined under WAC 388-96-026 (1)(a) or (b) at least sixty days prior to the effective date of the new contract, the department shall establish rates for:

(a) Nursing services, food, administrative and operational cost centers based on the "selected rates" as determined under subsection (2)(c) of this section that are in effect on the date the new contractor began participating in the program; and

(b) Property in accordance with the provisions of this chapter using for the new contractor as defined under:

(i) WAC 388-96-026 (1)(a), information from the certificate of need; or

(ii) WAC 388-96-026 (1)(b), information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under WAC 388-96-026 (1)(b), has not provided the requested information within ten days of the date requested, then the property rate will be zero. The property rate will remain zero until the information is received.

(c) Return on investment rate in accordance with the provisions of this chapter using the "selected rates" established under subsection (2)(c) of this section that are in effect on the date the new contractor began participating in the program, to compute the working capital provision and variable return for the new contractor as defined under:

(i) WAC 388-96-026 (1)(a), information from the certificate of need; or

(ii) WAC 388-96-026 (1)(b), information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under WAC 388-96-026 (1)(b), has not provided the requested information within ten days of the date requested, then the net book value of allowable assets will be zero. The financing allowance rate component will remain zero until the information is received.

(4) The initial prospective reimbursement rate for a new contractor as defined under WAC 388-96-026 (1)(c), shall be the last prospective reimbursement rate paid by the department to the Medicaid contractor operating the nursing facility immediately prior to the effective date of the new contract.

(5) If the new contractor as defined under WAC 388-96-026 (1)(a), (b), or (c) began participating in the program beginning in the first year of a state fiscal biennium or had its first year of a state fiscal biennium rate set under WAC 388-96-710(6), its July 1 prospective reimbursement rate for the second year of that state fiscal biennium shall:

(a) Be the initial prospective rate set in accordance with WAC 388-96-710 inflated in accordance with WAC 388-96-719; and

(b) Remain in effect until a prospective rate can be set under WAC 388-96-713.

(6) If the new contractor began participating in the program beginning in the second year of a state fiscal biennium, its July 1 prospective reimbursement rate for the first year of the next state fiscal biennium will be set for the new contractor defined under:

(a) WAC 388-96-026 (1)(a) and (b), by applying WAC 388-96-710 (2) and (3) using the July 1 rate components established for the first year of the state's fiscal biennium following the second year of the state's fiscal biennium in which the new contractor began participating in the program; or

(b) WAC 388-96-026 (1)(c), by using twelve months of cost report data derived from the old contractor's data and the new contractor's data for the cost report year prior to the first year of the state fiscal biennium for which the rate is being set and applying WAC 388-96-719 through 388-96-754 to set the component rates.

(7) For July 1, 1993 rate setting only, if a new contractor as defined under WAC 388-96-026(1) is impacted by the peer group median cost plus twenty-five percent limit in its nursing services cost, such contractor shall not receive a per patient day prospective rate in nursing services for July 1,

1993 lower than the same contractor's prospective rate in nursing services as of June 30, 1993, as reflected in departmental records as of that date, inflated by any increase in the IPD Index authorized by WAC 388-96-719.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-710, filed 5/26/94, effective 6/26/94; 93-17-033 (Order 3615), § 388-96-710, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-710, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-710, filed 7/23/92, effective 8/23/92. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-710, filed 12/23/87. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-710, filed 4/20/87. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-710, filed 9/16/83; 78-02-013 (Order 1264), § 388-96-710, filed 1/9/78.]

**WAC 388-96-713 Rate determination.** (1) Each contractor's reimbursement rate will be determined prospectively once each state biennium as provided in this chapter to be effective July 1 of the first fiscal year of each biennium. Rates shall be adjusted as provided in this chapter to be effective July 1 of the second year of each biennium and may be adjusted more frequently to take into account program changes.

(2) If the contractor participated in the program for less than six months of the prior calendar year, its rates will be determined by procedures set forth in WAC 388-96-710.

(3) Beginning with rates effective July 1, 1984, contractors submitting correct and complete cost reports by March 31st, shall be notified of their rates by July 1st, unless circumstances beyond the control of the department interfere.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-713, filed 9/14/93, effective 10/15/93; 90-09-061 (Order 2970), § 388-96-713, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-713, filed 9/16/83; 81-15-049 (Order 1669), § 388-96-713, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-713, filed 5/30/80, effective 7/1/80; 78-02-013 (Order 1264), § 388-96-713, filed 1/9/78.]

**WAC 388-96-716 Cost areas.** A contractor's overall reimbursement rate for medical care recipients shall consist of the total of six component rates, each covering one cost area. The six cost areas are:

- (1) Nursing services;
- (2) Food;
- (3) Administrative;
- (4) Operational;
- (5) Property; and
- (6) Return on investment.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-716, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-716, filed 7/23/92, effective 8/23/92. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-716, filed 12/23/87. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-716, filed 12/4/84; 83-19-047 (Order 2025), § 388-96-716, filed 9/16/83; 81-15-049 (Order 1669), § 388-96-716, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-716, filed 5/30/80, effective 7/1/80; 78-02-013 (Order 1264), § 388-96-716, filed 1/9/78.]

**WAC 388-96-717 Desk review adjustments.** (1) The department shall analyze each annual cost report to determine if the information is correct, complete, and reported in conformity with generally accepted accounting principles, the nursing home accounting and reporting manual, and instructions issued by the department. An analysis by the depart-

ment to determine whether reported information is correct and complete may include, but is not limited to:

(a) An examination of reported costs for prior years;

(b) An examination of desk review adjustments made in prior years and their final disposition; and

(c) An examination of findings, if any, from field audits of cost reports from prior years and findings, if any, from the field audit of the cost report under analysis.

(2) If it appears from this analysis a contractor has not correctly determined or reported its costs, the department may make adjustments to the reported information for the purpose of establishing reimbursement rates. A schedule of such adjustments shall be provided to contractors and shall include an explanation of the adjustment and the dollar amount of the adjustment for each adjustment made. If a contractor believes an adjustment is in error, the adjustment shall be subject to review pursuant to WAC 388-96-769 and, if a satisfactory resolution of issues is not reached, to further review pursuant to WAC 388-96-901 and 388-96-904.

(3) The department shall accumulate data from properly completed cost reports for use in exception profiling and establishing rates.

(4) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as deemed necessary by the department.

[Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-717, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-717, filed 9/16/83.]

**WAC 388-96-719 Method of rate determination.**

(1) The principles contained in this section are inherent in rate setting effective with July 1, 1993 and following nursing facility prospective rates.

(2) Reimbursement rates shall be established or adjusted prospectively, on a per patient day basis, once each calendar year, to be effective July 1, and shall follow a two-year cycle corresponding to each state fiscal biennium; provided that, a nursing facility's rate for the first fiscal year of any biennium, unless the operator qualifies as a "new contractor" under the provisions of this chapter, must be established upon its own prior calendar year cost report data covering at least six months.

(3) A contractor's rates in the nursing services, food, administrative, and operational cost centers for the first year of the state fiscal biennium (first fiscal year) shall be adjusted downward or upward for economic trends and conditions when set effective July 1 of the first fiscal year in accordance with subsections (4), (5) and (6) of this section, and adjusted again downward or upward for economic trends and conditions effective July 1 of the second year of the state fiscal biennium (second fiscal year) in accordance with subsections (7), (8) and (9) of this section.

(4) The July 1 cost center rates referenced in subsection (3) of this section shall, for the first fiscal year of each biennium, be adjusted by the change in the Implicit Price Deflator for Personal Consumption Expenditures Index published by the United States Department of Commerce, Economics and Statistics Administration, Bureau of Economic Analysis ("IPD Index").

(5) The period used to measure the change in the IPD Index shall be the calendar year preceding the July 1

commencement of the state fiscal biennium (first calendar year). The change in the IPD Index shall be calculated by:

(a) Consulting the latest quarterly IPD Index available to the department no later than February 28 following the first calendar year to determine, as nearly as possible, the applicable expenditure levels as of December 31 of the first calendar year;

(b) Subtracting from the expenditure levels taken from the quarterly IPD Index described in subsection (5)(a) of this section the expenditure levels taken from the IPD Index for the quarter occurring one year prior to the quarterly IPD Index described in subsection (5)(a) of this section; and

(c) Dividing the difference by the level of expenditures from the quarterly IPD Index occurring one year prior to the quarterly IPD Index described in subsection (5)(a) of this section.

(6) In applying the change in the IPD Index to establish first fiscal year nursing services, food, administrative and operational cost center rates for a contractor having at least six months, but less than twelve months, of cost report data from the prior calendar year, the department shall prorate the downward or upward adjustment by a factor obtained by dividing the contractor's actual calendar days of report data by two, adding three hundred sixty-five, and dividing the resulting figure by five hundred forty-eight.

(7) For the second year of each state fiscal biennium, a contractor's July 1 cost center rates referenced in subsection (2) of this section shall be the July 1 component rates for the first year of the state fiscal biennium, adjusted downward by any decrease, or upward by one and one-half times any increase, in the Nursing Home Input Price Index without Capital Costs published by the Health Care Financing Administration of the United States Department of Health and Human Services ("HCFA Index").

(8) The period used to measure the change in the HCFA Index shall, subject to subsection (9) of this section, be the calendar year preceding the July 1 commencement of the state fiscal biennium (first fiscal year). The change in the HCFA Index shall be calculated by:

(a) Consulting the latest quarterly HCFA Index available to the department no later than February 28 following the first calendar year to determine, as nearly as possible, the applicable price levels as of December 31 of the first calendar year;

(b) Subtracting from the price levels taken from the quarterly HCFA Index described in subsection (8)(a) of this section the price levels taken from the HCFA Index for the quarter occurring one year prior to the quarterly HCFA Index described in subsection (8)(a) of this section; and

(c) Dividing the difference by the price levels from the quarterly HCFA Index occurring one year prior to the quarterly HCFA Index described in subsection (8)(a).

(9) In the event the change in the HCFA Index measured over the calendar year ending six months after the July 1 commencement of the state fiscal biennium (second calendar year), is twenty-five percent greater or less than the change in the HCFA Index measured over the first calendar year, the department shall use any HCFA Index decrease, or one and one-half times any HCFA increase, from the second calendar year to adjust downward or upward, respectively, nursing facilities' nursing services, food, administrative, and operational component rates for July 1 of the second fiscal

year of the biennium. The change in the HCFA Index shall be calculated by:

(a) Consulting the latest quarterly HCFA Index available to the department no later than February 28 following the second calendar year to determine, as nearly as possible, the applicable price levels as of December 31 of the second calendar year;

(b) Subtracting from the price levels taken from the quarterly HCFA Index described in subsection (9)(a) of this section the price levels taken from the HCFA Index for the quarter occurring one year prior to the quarterly HCFA Index described in subsection (9)(a) of this section; and

(c) Dividing the difference by the price levels from the quarterly HCFA Index occurring one year prior to the quarterly HCFA Index described in subsection (9)(a).

(10) The department shall compute the occupancy level for each facility in accordance with the following:

(a) For the first fiscal year of a state biennium, by dividing the actual number of patient days from the Medicaid cost report for the calendar year immediately prior to the first fiscal year of that state biennium by the product of the numbers of licensed beds multiplied by calendar days in the cost report period. If a facility's occupancy level is:

(i) At or above eighty-five percent, the department shall compute per patient day prospective rates and limits for nursing, food, administrative, operational, property and return on investment components using actual patient days;

(ii) Below eighty-five percent, the department shall compute per patient day prospective rates and limits for:

(A) Nursing and food components using actual patient days; and

(B) Administrative, operational, property and return on investment components using patient days at the eighty-five percent occupancy level.

(b) For the second fiscal year of a biennium, the department shall compute the occupancy level by dividing the actual number of patient days from the Medicaid cost report for the calendar year immediately prior to the second fiscal year of that biennium by the product of the number of licensed beds multiplied by calendar days in that report period. The department shall:

(i) Compute the per patient day return on investment rate and prospective property rate when a facility's occupancy level is:

(A) At or above eighty-five percent occupancy level, using actual patient days; or

(B) Below eighty-five percent using patient days at the eighty-five percent occupancy level.

(ii) Not adjust nursing, food, administrative and occupational rates for any change to actual patient days, calendar days, and/or occupancy as reported on the Medicaid cost report for the calendar year immediately prior to the second fiscal year of that state biennium. For bed increases or decreases the department shall use WAC 388-96-709 and other applicable WACs to determine occupancy level.

(c) For new contractors as defined under WAC 388-96-026 (a) or (b), occupancy shall be based on a minimum of eighty-five percent for administrative, operations, property and return on investment.

(11) If a nursing home provides residential care to individuals other than those receiving nursing facility care:

(a) The facility may request in writing, and

(b) The department may grant in writing an exception to the requirements of subsection (10) of this section by including such other residents in computing occupancy. Exceptions granted shall be revocable effective ninety days after written notice of revocation is received from the department. The department shall not grant an exception unless the contractor submits with the annual cost report a certified statement of occupancy including all residents of the facility and their status or level of care.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-719, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-719, filed 9/14/93, effective 10/15/93; 90-09-061 (Order 2970), § 388-96-719, filed 4/17/90, effective 5/18/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-719, filed 12/23/87. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-719, filed 8/19/85. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-719, filed 5/30/84. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-719, filed 9/16/83; 82-17-071 (Order 1867), § 388-96-719, filed 8/18/82; 82-12-068 (Order 1820), § 388-96-719, filed 6/2/82; 82-04-073 (Order 1756), § 388-96-719, filed 2/3/82; 81-15-049 (Order 1669), § 388-96-719, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-719, filed 5/30/80, effective 7/1/80; 79-12-085 (Order 1461), § 388-96-719, filed 11/30/79; 78-11-043 (Order 1353), § 388-96-719, filed 10/20/78. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-719, filed 6/1/78. Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-719, filed 1/9/78.]

#### WAC 388-96-722 Nursing services cost area rate.

(1) The nursing services cost center shall include for reporting and auditing purposes all costs relating to the direct provision of nursing and related care, including fringe benefits and payroll taxes for nursing and related care personnel and for the cost of nursing supplies. The cost of one-to-one care shall include care provided by qualified therapists and their employees only to the extent the costs are not covered by Medicare, part B, or any other coverage.

(2) In addition to other limits contained in this chapter, the department shall subject nursing service costs to a test for nursing staff hours according to the procedures set forth in subsection (3) of this section.

(3) The test for nursing staff hours referenced in subsection (2) of this section shall use a regression of hours reported by facilities for registered nurses, licensed practical nurses, and nurses' assistants, including:

(a) Purchased and allocated nursing and assistant staff time; and

(b) The average patient debility score for the corresponding facilities as computed by the department. The department shall compute the regression every two years which shall be effective for the entire biennium, beginning July 1, 1993, and shall take data for the regression from:

(i) Correctly completed cost reports; and

(ii) Patient assessments completed by nursing facilities and transmitted to the department in accordance with the minimum data set (MDS) format and instructions, as may be corrected after departmental audit or other investigation, for the corresponding calendar report year and available at the time the regression equation is computed. Effective January 1, 1988, the department shall not include the hours associated with off-site or class room training of nursing assistants and the supervision of such training for nursing assistants in the test for nursing staff hours. The department shall calculate and set for each facility a limit on nursing and

nursing assistant staffing hours at predicted staffing hours plus 1.75 standard errors, utilizing the regression equation calculated by the department. The department shall reduce costs for facilities with reported hours exceeding the limit by an amount equivalent to:

(A) The hours exceeding the limit;

(B) Times the average wage rate for nurses and assistants indicated on cost reports for the year in question, including benefits and payroll taxes allocated to such staff. The department shall provide contractors' reporting hours exceeding the limit the higher of their January 1983 patient care rate or the nursing services rate computed for them according to the provisions of this subsection, plus applicable inflation adjustments.

(4) For all rates effective after June 30, 1991, nursing services costs, as reimbursed within this chapter, shall not include costs of any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement (commonly referred to as "nursing pool" services), in excess of the amount of compensation which would have been paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period.

(5) Staff of like classification shall mean only the nursing classifications of registered nurse, licensed practical nurse or nurse assistant. The department shall not recognize particular individuals, positions or subclassifications within each classification for whom pool staff may be substituting or augmenting. The department shall derive the facility average hourly wage for each classification by dividing the total allowable regular and overtime salaries and wages, including related taxes and benefits, paid to facility staff in each classification divided by the total allowable hours worked for each classification. All data used to calculate the average hourly wage for each classification shall be taken from the cost report on file with the department's rates management office for the most recent cost report period.

(6) Once every two years, when the rates are set at the beginning of each new biennium, starting with July 1, 1993 prospective rate setting, the department shall determine peer group median cost plus limits for the nursing services cost center in accordance with this section.

(a) The department shall divide into two peer groups nursing facilities located in the state of Washington providing services to Medicaid residents. These two peer groups shall be those nursing facilities:

(i) Located within a Metropolitan Statistical Area (MSA) as defined and determined by the United States Office of Management and Budget or other applicable federal office (MSA facilities); and

(ii) Not located within such an area (non-MSA facilities).

(b) Prior to any adjustment for economic trends and conditions under WAC 388-96-719, the facilities in each peer group shall be arrayed from lowest to highest by magnitude of per patient day adjusted nursing services cost from the prior cost report year, which shall include all costs of nursing supplies and purchased and allocated medical records, regardless of whether any such adjustments are

contested by the nursing facility. All available cost reports from the prior cost report year having at least six months of cost report data shall be used, including all closing cost reports covering at least six months. Costs current-funded by means of rate add-ons, granted under the authority of WAC 388-96-774 and WAC 388-96-777 and commencing in the prior cost report year, shall be included in costs arrayed. Costs current-funded by rate add-ons commencing January 1 through June 30 following the prior cost report year shall be excluded from costs arrayed.

(c) The median or fiftieth percentile nursing facility cost in nursing services for each peer group shall then be determined. In the event there are an even number of facilities within a peer group, the adjusted nursing services cost of the lowest cost facility in the upper half shall be used as the median cost for that peer group. Facilities at the fiftieth percentile in each peer group and those immediately above and below it shall be subject to field audit in the nursing services cost area prior to issuing new July 1 rates.

(7) Except as may be otherwise specifically provided in this section, beginning with July 1, 1993 prospective rates, nursing services component rates for facilities within each peer group shall be set for the first fiscal year of each state biennium at the lower of:

(a) The facility's adjusted per patient day nursing services cost from the most recent prior report period, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719; or

(b) The median nursing services cost for the facility's peer group plus twenty-five percent of that cost, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719.

(8) Rate add-ons made to current fund nursing services costs, pursuant to WAC 388-96-774 and WAC 388-96-777 and commencing in the prior cost report year, shall be reflected in first fiscal year prospective rates only by their inclusion in the costs arrayed. A facility shall not receive, based on any calculation or consideration of any such prior report year rate add-ons, a July 1 nursing services rate higher than that provided in subsection (7) of this section.

(9) For July 1, 1993 rate setting only, if a nursing facility is impacted by the peer group median cost plus twenty-five percent limit in its nursing services cost, such facility shall not receive a per patient day prospective rate in nursing services for July 1, 1993 lower than the same facility's prospective rate in nursing services as of June 30, 1993, as reflected in departmental records as of that date, inflated by any increase in the IPD Index authorized by WAC 388-96-719.

(10) For July 1, 1993 rate setting only, nursing services rate adjustments, granted under authority of WAC 388-96-774 and commencing from January 1, 1993 through June 30, 1993, shall be added to a facility's nursing services rate established under subsection (7) of this section. For all rate setting beginning July 1, 1995 and following, the department shall add nursing services rate add-ons, granted under authority of WAC 388-96-774 and WAC 388-96-777 and commencing from January 1 through June 30 preceding the start of a state biennium, to a nursing facility's rate in nursing services, but only up to the facility's peer group median cost plus twenty-five percent limit.

(11) Subsequent to issuing the first fiscal year July 1 rates, the department shall recalculate the median costs of each peer group based upon the most recent adjusted nursing services cost report information in departmental records as of October 31 of the first fiscal year of each biennium. For any facility which would have received a higher or lower July 1 rate for the first fiscal year in nursing services based upon the recalculation of that facility's peer group median costs, the department shall reissue that facility's nursing services rate reflecting the recalculation, retroactive to July 1 of the first fiscal year.

(12) For both the initial calculation of peer group median costs and the recalculation based on adjusted nursing services cost information as of October 31 of the first fiscal year of the biennium, the department shall use adjusted information regardless of whether the adjustments may be contested or the subject of pending administrative or judicial review. Median costs shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

(13) Neither the per patient day peer group median plus twenty-five percent limit for nursing services cost nor the test for nursing staff hours authorized in this section shall apply to the pilot facility designated to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan. The AIDS pilot facility shall be the only facility exempt from these limits.

(14) Beginning with July 1, 1994 prospective rates, a nursing facility's rate in nursing services for the second fiscal year of each biennium shall be that facility's nursing services rate as of July 1 of the first year of the same biennium reduced or increased utilizing the HCFA Index as authorized by WAC 388-96-719.

(15) The alternating procedures prescribed in this section and in WAC 388-96-719 for a nursing facility's two July 1 nursing services rates occurring within each biennium shall be followed in the same order for each succeeding biennium.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-722, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-722, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-722, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 74.09.180 and 74.46.800. 91-22-025 (Order 3270), § 388-96-722, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 74.46.800 and 74.09.120. 91-12-026 (Order 3185), § 388-96-722, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-722, filed 12/21/88. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-722, filed 12/23/87. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-722, filed 4/20/87; 86-10-055 (Order 2372), § 388-96-722, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-722, filed 8/19/85. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-722, filed 9/16/83; 82-11-065 and 82-13-050 (Orders 1808 and 1808A), § 388-96-722, filed 5/14/82 and 6/14/82; 81-15-049 (Order 1669), § 388-96-722, filed 7/15/81; 81-06-024 (Order 1613), § 388-96-722, filed 2/25/81; 80-06-122 (Order 1510), § 388-96-722, filed 5/30/80, effective 7/1/80; 79-12-085 (Order 1461), § 388-96-722, filed 11/30/79. Statutory Authority: RCW 18.51.310 and 74.09.120. 78-11-013 (Order 1349), § 388-96-722, filed 10/9/78. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-722, filed 6/1/78. Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-722, filed 1/9/78.]

**WAC 388-96-727 Food cost area rate.** (1) The food cost center shall include for cost reporting purposes all costs of bulk and raw food and beverages purchased for the dietary needs of the nursing facility residents.

(2) Once every two years, when the rates are set at the beginning of each new biennium, starting with July 1, 1993 prospective rate setting, the department shall determine peer group median cost plus limits for the food cost center in accordance with this section.

(a) The department shall divide into two peer groups nursing facilities located in the state of Washington providing services to Medicaid residents. These two peer groups shall be:

(i) Those nursing facilities located within a Metropolitan Statistical Area (MSA) as defined and determined by the United States Office of Management and Budget or other applicable federal office (MSA facilities); and

(ii) Those not located within such an area (Non-MSA facilities).

(b) Prior to any adjustment for economic trends and conditions under WAC 388-96-719, the facilities in each peer group shall be arrayed from lowest to highest by magnitude of per patient day adjusted food cost from the prior cost report year, regardless of whether any such adjustments are contested by the nursing facility. All available cost reports from the prior cost report year having at least six months of cost report data shall be used, including all closing cost reports covering at least six months. The department shall include costs current-funded by means of rate add-ons, granted under the authority of WAC 388-96-777 and commencing in the prior cost report year, in costs arrayed. The department shall exclude costs current-funded by rate add-ons granted under the authority of WAC 388-96-777 and commencing January 1 through June 30 following the prior cost report year from costs arrayed.

(c) The median or fiftieth percentile nursing facility food cost for each peer group shall then be determined. In the event there are an even number of facilities within a peer group, the adjusted food cost of the lowest cost facility in the upper half shall be used as the median cost for that peer group. Facilities at the fiftieth percentile in each peer group and those immediately above and below it shall be subject to field audit in the food cost area prior to issuing new July 1 rates.

(3) Except as may be otherwise specifically provided in this section, beginning with July 1, 1993 prospective rates, food component rates for facilities within each peer group shall be set for the first fiscal year of each state biennium at the lower of:

(a) The facility's adjusted per patient day food cost from the most recent prior report period, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719; or

(b) The median nursing facility food cost for the facility's peer group plus twenty-five percent of that cost, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719.

(4) Rate add-ons made to current fund food costs, pursuant to WAC 388-96-777 and commencing in the prior cost report year, shall be reflected in first fiscal year of a state biennium prospective rates only by their inclusion in the costs arrayed. A facility shall not receive, based on any

calculation or consideration of any such prior report year rate add-ons, a July 1 food rate higher than that provided in subsection (3) of this section.

(5) For July 1, 1993 rate setting only, food rate adjustments, granted under authority of WAC 388-96-774 and commencing from January 1, 1993 through June 30, 1993, shall be added to a facility's food rate established under subsection (3) of this section. For all rate setting beginning July 1, 1995 and following, the department shall add food rate add-ons, granted under authority of WAC 388-96-777 and commencing from January 1 through June 30 preceding the start of a state biennium, to a nursing facility's rate in food, but only up to the facility's peer group median cost plus twenty-five percent limit.

(6) Subsequent to issuing the first fiscal year July 1 rates, the department shall recalculate the median costs of each peer group based upon the most recent adjusted food cost report information in departmental records as of October 31 of the first fiscal year of each biennium. For any facility which would have received a higher or lower July 1 rate for the first fiscal year in food based upon the recalculation of that facility's peer group median costs, the department shall reissue that facility's food rate reflecting the recalculation, retroactive to July 1 of the first fiscal year.

(7) For both the initial calculation of peer group median costs and the recalculation based on adjusted nursing services cost information as of October 31 of the first fiscal year of the biennium, the department shall use adjusted information regardless of whether the adjustments may be contested or the subject of pending administrative or judicial review. Median costs shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

(8) Beginning with July 1, 1994 prospective rates, a nursing facility's rate in food for the second fiscal year of each biennium shall be that facility's food rate as of July 1 of the first year of the same biennium reduced or increased utilizing the HCFA Index as authorized by WAC 388-96-719.

(9) The alternating procedures prescribed in this section and in WAC 388-96-719 for a nursing facility's two July 1 food rates occurring within each biennium shall be followed in the same order for each succeeding biennium.

[Statutory Authority: RCW 74.46.800, 94-12-043 (Order 3737), § 388-96-727, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120, 93-19-074 (Order 3634), § 388-96-727, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120, 83-19-047 (Order 2025), § 388-96-727, filed 9/16/83; 81-15-049 (Order 1669), § 388-96-727, filed 7/15/81; 79-12-085 (Order 1461), § 388-96-727, filed 11/30/79; 78-02-013 (Order 1264), § 388-96-727, filed 1/9/78.]

**WAC 388-96-735 Administrative cost area rate.** (1) The administrative cost center shall include for cost reporting purposes all administrative, oversight, and management costs, whether incurred at the facility or allocated in accordance with a department-approved joint cost allocation methodology. Such costs shall be identical to the cost report line items categorized on the 1992 calendar year report under "general and administrative" within the administration and operations (A&O) combined cost center existing for reporting purposes prior to January 1, 1993, with the exception of nursing supplies and purchased and allocated medical



records. The department shall issue cost reporting instructions identifying administrative costs for 1993 and following cost report years.

(2) Once every two years, when the rates are set at the beginning of each new biennium, starting with July 1, 1993 prospective rate setting, the department shall determine peer group median cost plus limits for the administrative cost center in accordance with this section.

(a) The department shall divide into two peer groups nursing facilities located in the state of Washington providing services to Medicaid residents. These two peer groups shall be:

(i) Those nursing facilities located within a Metropolitan Statistical Area (MSA) as defined and determined by the United States Office of Management and Budget or other applicable federal office (MSA facilities); and

(ii) Those not located within such an area (Non-MSA facilities).

(b) Prior to any adjustment for economic trends and conditions under WAC 388-96-719, the facilities in each peer group shall be arrayed from lowest to highest by magnitude of per patient day adjusted administrative cost from the prior cost report year, excluding the costs of nursing supplies and purchased and allocated medical records, regardless of whether any such adjustments are contested by the nursing facility. All available cost reports from the prior cost report year having at least six months of cost report data shall be used, including all closing cost reports covering at least six months. The department shall include costs current-funded by means of rate add-ons, granted under the authority of WAC 388-96-777 and commencing in the prior cost report year, in costs arrayed. The department shall exclude costs current-funded by rate add-ons granted under the authority of WAC 388-96-777 and commencing January 1 through June 30 following the prior cost report year from costs arrayed.

(c) The median or fiftieth percentile nursing facility administrative cost for each peer group shall then be determined. In the event there are an even number of facilities within a peer group, the adjusted administrative cost of the lowest cost facility in the upper half shall be used as the median cost for that peer group. Facilities at the fiftieth percentile in each peer group and those immediately above and below it shall be subject to field audit in the administrative cost area prior to issuing new July 1 rates.

(3) Except as may be otherwise specifically provided in this section, beginning with July 1, 1993 prospective rates, administrative component rates for facilities within each peer group shall be set for the first fiscal year of each state biennium at the lower of:

(a) The facility's adjusted per patient day administrative cost from the most recent prior report period, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719; or

(b) The median nursing facility administrative cost for the facility's peer group plus ten percent of that cost, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719.

(4) Rate add-ons made to current fund administrative costs, pursuant to WAC 388-96-777 and commencing in the prior cost report year, shall be reflected in first fiscal year of a state biennium prospective rates only by their inclusion in

the costs arrayed. A facility shall not receive, based on the calculation or consideration of any such prior report year adjustment, a July 1 administrative rate higher than that provided in subsection (3) of this section.

(5) For July 1, 1993 rate setting only, administrative rate adjustments, granted under authority of WAC 388-96-774 and commencing from January 1, 1993 through June 30, 1993, shall be added to a facility's administrative rate established under subsection (3) of this section. For all rate setting beginning July 1, 1995 and following, the department shall add administrative rate add-ons, granted under authority of WAC 388-96-777 and commencing from January 1 through June 30 preceding the start of a state biennium, to a facility's administrative rate, but only up to the facility's peer group median cost plus ten percent limit.

(6) Subsequent to issuing the first fiscal year July 1 rates, the department shall recalculate the median costs of each peer group based on the most recent adjusted administrative cost report information in departmental records as of October 31 of the first fiscal year of each biennium. For any facility which would have received a higher or lower July 1 administrative rate for the first fiscal year based upon the recalculation of that facility's peer group median costs, the department shall reissue that facility's administrative rate reflecting the recalculation, retroactive to July 1 of the first fiscal year.

(7) For both the initial calculation of peer group median costs and the recalculation based on adjusted administrative cost information as of October 31 of the first fiscal year of the biennium, the department shall use adjusted information regardless of whether the adjustments may be contested or the subject of pending administrative or judicial review. Median costs shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

(8) Beginning with July 1, 1994 prospective rates, a nursing facility's administrative rate for the second fiscal year of each biennium shall be that facility's administrative rate as of July 1 of the first year of the same biennium reduced or increased utilizing the HCFA Index as authorized by WAC 388-96-719.

(9) The alternating procedures prescribed in this section and in WAC 388-96-719 for a nursing facility's two July 1 administrative rates occurring within each biennium shall be followed in the same order for each succeeding biennium.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-735, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-735, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-735, filed 12/4/84; 83-19-047 (Order 2025), § 388-96-735, filed 9/16/83; 82-11-065 (Order 1808), § 388-96-735, filed 5/14/82; 81-15-049 (Order 1669), § 388-96-735, filed 7/15/81; 80-06-122 (Order 1510), § 388-96-735, filed 5/30/80, effective 7/1/80; 79-12-085 (Order 1461), § 388-96-735, filed 11/30/79; 78-02-013 (Order 1264), § 388-96-735, filed 1/9/78.]

**WAC 388-96-737 Operational cost area rate. (1)**

The operational cost center shall include for cost reporting purposes all allowable costs having a direct relationship to the daily operation of the nursing facility (but not including nursing services and related care, food, administrative, or property costs), whether such operating costs are incurred at the facility or are allocated in accordance with a department-approved joint cost allocation methodology.

(2) Once every two years, when the rates are set at the beginning of each new biennium, starting with July 1, 1993 prospective rate setting, the department shall determine peer group median cost plus limits for the operational cost center in accordance with this section.

(a) The department shall divide into two peer groups nursing facilities located in the state of Washington providing services to Medicaid residents. These two peer groups shall be:

(i) Those nursing facilities located within a metropolitan statistical area (MSA) as defined and determined by the United States Office of Management and Budget or other applicable federal office (MSA facilities); and

(ii) Those not located within such an area (Non-MSA facilities).

(b) Prior to any adjustment for economic trends and conditions under WAC 388-96-719, the facilities in each peer group shall be arrayed from lowest to highest by magnitude of per patient day adjusted operational cost from the prior cost report year, regardless of whether any such adjustments are contested by the nursing facility. All available cost reports from the prior cost report year having at least six months of cost report data shall be used, including all closing cost reports covering at least six months. Costs current-funded by means of rate add-ons, granted under the authority of WAC 388-96-774 and WAC 388-96-777 and commencing in the prior cost report year, shall be included in costs arrayed. The department shall exclude costs current-funded by rate add-ons commencing January 1 through June 30 following the prior cost report year from costs arrayed.

(c) The median or fiftieth percentile nursing facility operational cost for each peer group shall then be determined. In the event there are an even number of facilities within a peer group, the adjusted operational cost of the lowest cost facility in the upper half shall be used as the median cost for that peer group. Facilities at the fiftieth percentile in each peer group and those immediately above and below it shall be subject to field audit in the operational cost area prior to issuing new July 1 rates.

(3) Except as may be otherwise specifically provided in this section, beginning with July 1, 1993 prospective rates, operational component rates for facilities within each peer group shall be set for the first fiscal year of each state biennium at the lower of:

(a) The facility's adjusted per patient day operational cost from the most recent prior report period, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719; or

(b) The median nursing facility operational cost for the facility's peer group plus twenty-five percent of that cost, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719.

(4) Rate add-ons made to current fund operational costs, pursuant to WAC 388-96-774 and WAC 388-96-777 and commencing in the prior cost report year, shall be reflected in first fiscal year prospective rates only by their inclusion in the costs arrayed. A facility shall not receive, based on the calculation or consideration of any such prior report year rate add-ons, a July 1 operational rate higher than that provided in subsection (3) of this section.

(5) For July 1, 1993 rate setting only, operational rate adjustments, granted under authority of WAC 388-96-774 and commencing January 1, 1993 through June 30, 1993, shall be added to a facility's operational rate established under subsection (3) of this section. For all rate setting beginning July 1, 1995 and following, the department shall add operational rate add-ons, granted under authority of WAC 388-96-774 and WAC 388-96-777 and commencing from January 1 through June 30 preceding the start of a state biennium to a facility's operational rate, but only up to the facility's peer group median cost plus twenty-five percent limit.

(6) Subsequent to issuing the first fiscal year July 1 rates, the department shall recalculate the median costs of each peer group based upon the most recent adjusted operational cost report information in departmental records as of October 31 of the first fiscal year of each biennium. For any facility which would have received a higher or lower July 1 operational rate for the first fiscal year based upon the recalculation of that facility's peer group median costs, the department shall reissue that facility's operational rate reflecting the recalculation, retroactive to July 1 of the first fiscal year.

(7) For both the initial calculation of peer group median costs and the recalculation based on adjusted administrative cost information as of October 31 of the first fiscal year of the biennium, the department shall use adjusted information regardless of whether the adjustments may be contested or the subject of pending administrative or judicial review. Median costs shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

(8) Beginning with July 1, 1994 prospective rates, a nursing facility's operational rate for the second fiscal year of each biennium shall be that facility's operational rate as of July 1 of the first year of the same biennium reduced or increased utilizing the HCFA Index as authorized by WAC 388-96-719.

(9) The alternating procedures prescribed in this section and in WAC 388-96-719 for a nursing facility's two July 1 operational rates occurring within each biennium shall be followed in the same order for each succeeding biennium.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-737, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-737, filed 9/14/93, effective 10/15/93.]

**WAC 388-96-745 Property cost area reimbursement rate.** (1) The department shall determine the property cost area rate for each facility annually, to be effective July 1, regardless of whether the July 1 rate is for the first or second year of the biennium, in accordance with this section and any other applicable provisions of this chapter.

(2) The department shall divide the allowable prior period depreciation costs subject to the provisions of this chapter, adjusted for any capitalized addition or replacements approved by the department, plus

(a) The retained savings from the property cost center as provided in WAC 388-96-228, by

(b) Total patient days for the facility in the prior period.

(3) Allowable depreciation costs are defined as the costs of depreciation of tangible assets meeting the criteria specified in WAC 388-96-557, regardless of whether owned

or leased by the contractor. The department shall not reimburse depreciation of leased office equipment.

(4) If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the calendar year following the capitalized addition or replacement, patient days from the cost report for the calendar year immediately prior to the capitalized addition or replacement that were used in computing the property component rate will be adjusted to the product of the occupancy level derived from the cost report used to compute the property component rate at the time of the increased licensed bed capacity multiplied by the number of calendar days in the calendar year following the increased licensed bed capacity multiplied by the number of licensed beds on the new license. If a capitalized addition, replacement, or retirement results in a decreased licensed bed capacity, WAC 388-96-709 will apply.

(5) When a facility is constructed, remodeled, or expanded after obtaining a certificate of need, the department shall determine actual and allocated allowable land cost and building construction cost. Reimbursement for such allowable costs, determined pursuant to the provisions of this chapter, shall not exceed the maximums set forth in this subsection and in subsections (4), (5), and (6) of this section. The department shall determine construction class and types through examination of building plans submitted to the department and/or on-site inspections. The department shall use definitions and criteria contained in the *Marshall and Swift Valuation Service* published by the Marshall and Swift Publication Company. Buildings of excellent quality construction shall be considered to be of good quality, without adjustment, for the purpose of applying these maximums.

(6) Construction costs shall be final labor, material, and service costs to the owner or owners and shall include:

- (a) Architect's fees;
- (b) Engineers' fees (including plans, plan check and building permit, and survey to establish building lines and grades);
- (c) Interest on building funds during period of construction and processing fee or service charge;
- (d) Sales tax on labor and materials;
- (e) Site preparation (including excavation for foundation and backfill);
- (f) Utilities from structure to lot line;
- (g) Contractors' overhead and profit (including job supervision, workmen's compensation, fire and liability insurance, unemployment insurance, etc.);
- (h) Allocations of costs which increase the net book value of the project for purposes of Medicaid reimbursement;
- (i) Other items included by the *Marshall and Swift Valuation Service* when deriving the calculator method costs.

(7) The department shall allow such construction costs, at the lower of actual costs or the maximums derived from one of the three tables which follow. The department shall derive the limit from the accompanying table which corresponds to the number of total nursing home beds for the proposed new construction, remodel or expansion. The limit will be the sum of the basic construction cost limit plus the common use area limit which corresponds to the type and class of the new construction, remodel or expansion. The limits calculated using the tables shall be adjusted forward

from September 1990 to the average date of construction, to reflect the change in average construction costs. The department shall base the adjustment on the change shown by relevant cost indexes published by Marshall and Swift Publication Company. The average date of construction shall be the midpoint date between award of the construction contract and completion of construction.

BASE CONSTRUCTION COST LIMITS		COMMON-USE AREA COST LIMITS	
74 BEDS & UNDER			
Building Class	Base per Bed Limit	Base Limit	
A-Good	\$50,433	\$278,847	
A-Avg	\$41,141	\$227,469	
B-Good	\$48,421	\$267,718	
B-Avg	\$40,042	\$221,392	
C-Good	\$35,887	\$198,421	
C-Avg	\$27,698	\$153,143	
C-Low	\$21,750	\$120,258	
D-Good	\$33,237	\$183,765	
D-Avg	\$25,716	\$142,182	
D-Low	\$20,298	\$112,227	

BASE CONSTRUCTION COST LIMITS		COMMON-USE AREA COST LIMITS		
75 TO 120 BEDS				
Building Class	Base Limit	Add per Bed Over 74	Base Limit	Add per Bed Over 74
A-Good	\$3,732,076	\$48,210	\$278,847	\$2,808
A-Avg	\$3,044,442	\$39,327	\$227,469	\$2,291
B-Good	\$3,583,131	\$46,286	\$267,718	\$2,696
B-Avg	\$2,963,112	\$38,277	\$221,392	\$2,230
C-Good	\$2,655,654	\$34,305	\$198,421	\$1,998
C-Avg	\$2,049,668	\$26,477	\$153,143	\$1,542
C-Low	\$1,609,531	\$20,792	\$120,258	\$1,211
D-Good	\$2,459,506	\$31,771	\$183,765	\$1,851
D-Avg	\$1,902,956	\$24,582	\$142,182	\$1,442
D-Low	\$1,502,048	\$19,403	\$112,227	\$1,130

BASE CONSTRUCTION COST LIMITS		COMMON-USE AREA COST LIMITS		
121 BEDS AND OVER				
Building Class	Base Limit	Add per Bed Over 120	Base Limit	Add per Bed Over 120
A-Good	\$5,949,745	\$42,359	\$408,015	\$2,106
A-Avg	\$4,853,505	\$34,555	\$332,855	\$1,718
B-Good	\$5,712,287	\$40,669	\$391,734	\$2,022
B-Avg	\$4,723,848	\$30,142	\$323,972	\$1,672
C-Good	\$4,233,692	\$23,264	\$290,329	\$1,499
C-Avg	\$3,267,618	\$18,268	\$224,092	\$1,157
C-Low	\$2,565,943	\$27,916	\$175,971	\$ 908
D-Good	\$3,920,989	\$21,599	\$268,911	\$1,388
D-Avg	\$3,033,727	\$17,048	\$208,493	\$1,081
D-Low	\$2,394,592	\$19,403	\$164,220	\$ 848

(8) When some or all of a nursing home's common-use areas are situated in a basement, the department shall exclude some or all of the per-bed allowance shown in the attached tables for common-use areas to derive the construction cost lid for the facility. The amount excluded will be equal to the ratio of basement common-use areas to all common-use areas in the facility times the common-use area limit in the table. In lieu of the excluded amount, the department shall add an amount calculated using the calcula-

tor method guidelines for basements in nursing homes from the Marshall and Swift Publication.

(9) Subject to provisions regarding allowable land contained in this chapter, allowable costs for land shall be the lesser of:

(a) Actual cost per square foot, including allocations; or

(b) The average per square foot land value of the ten nearest urban or rural nursing facilities at the time of purchase of the land in question. The average land value sample shall reflect either all urban or all rural facilities depending upon the classification of urban or rural for the facility in question. The values used to derive the average shall be the assessed land values which have been calculated for the purpose of county tax assessments.

(10) If allowable costs for construction or land are determined to be less than actual costs pursuant to subsection (3), (4), and (5) of this section, the department may increase the amount if the owner or contractor is able to show unusual or unique circumstances having substantially impacted the costs of construction or land. Actual costs shall be allowed to the extent they resulted from such circumstances up to a maximum of ten percent above levels determined under subsections (3), (4), and (5) of this section for construction or land. An adjustment under this subsection shall be granted only if requested by the contractor. The contractor shall submit documentation of the unusual circumstances and an analysis of their financial impact with the request.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-745, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-745, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 92-16-013 (Order 3424), § 388-96-745, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-745, filed 4/17/90, effective 5/18/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-745, filed 12/23/87. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-745, filed 4/20/87. Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-745, filed 12/4/84.]

#### **WAC 388-96-752 Documentation of leased assets.**

If the department challenges the historical cost of a leased asset or if the contractor cannot or will not provide the lessor's acquisition cost of an asset, the asset will be excluded from reimbursement until a department of general administration appraisal is prepared for the asset.

[Statutory Authority: RCW 74.09.120. 84-24-050 (Order 2172), § 388-96-752, filed 12/4/84.]

**WAC 388-96-753 Return on investment—Effect of funding granted under WAC 388-96-774, 388-96-776, and 388-96-777.** (1) In establishing a nursing facility's return on investment prospective rate for July 1 or any subsequent revision to the prospective rate, in either the financing allowance or the variable return allowance, rate add-ons granted under the authority of WAC 388-96-774, 388-96-776, or 388-96-777 for any cost center shall be accounted for in accordance with this section. WAC 388-96-774, 388-96-776, and 388-96-777 rate add-ons accounted for in the prospective rate under this section shall remain subject to all the provisions of those sections including recoupment.

(2) For the July 1 prospective rate for the first fiscal year of a state biennium:

(a) Funding granted under the authority of WAC 388-96-774 and 388-96-777 during the preceding cost report year will be annualized and subsumed in the July 1 prospective rate and subject to adjustments for economic trends and conditions as authorized under WAC 388-96-719;

(b) WAC 388-96-774 and 388-96-777 funding granted during the six months prior to the beginning of the first fiscal year will continue as a rate add-on to the July 1 prospective rate and will not be subject to adjustments for economic trends and conditions as authorized under WAC 388-96-719.

(3) For the July 1 prospective rate for the second fiscal year of a state biennium, WAC 388-96-774 and 388-96-777 funding granted during the eighteen months preceding the second fiscal year will be rate add-ons to the July 1 prospective rate and not subject to adjustments for economic trends and conditions as authorized under WAC 388-96-719.

(4) For the July 1 rate for either the first fiscal year or the second fiscal year, funding granted under the authority of WAC 388-96-776 shall be annualized and subsumed in the July 1 prospective rate.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-753, filed 5/26/94, effective 6/26/94.]

**WAC 388-96-754 A contractor's return on investment.** (1) The department shall establish for each Medicaid nursing facility a return on investment (ROI) rate composed of a financing allowance and a variable return allowance. The department shall determine a facility's ROI rate annually in accordance with this section, to be effective July 1, regardless of whether the rate is for the first or second fiscal year of a state biennium.

(2) The department shall determine the financing allowance by:

(a) Multiplying the net invested funds of each facility by ten percent and dividing by the contractor's total patient days, to which the provisions of WAC 388-96-719 shall apply, and corresponding to the following:

(i) If the cost report covers twelve months, annual patient days from the contractor's most recent twelve month cost report period; or

(ii) If the cost report covers less than twelve months, annualized patient days and working capital costs based upon data in the cost report; or

(iii) If a capitalized addition or replacement results in an increased licensed bed capacity during the calendar year following the capitalized addition or replacement, the total patient days from the cost report immediately prior to the capitalized addition or replacement that were used in computing the financing and variable return allowances will be adjusted to the product of the occupancy level derived from the cost report used to compute the financing and variable return allowances at the time of the increased licensed bed capacity multiplied by the number of calendar days in the calendar year following the increased licensed bed capacity multiplied by the number of licensed beds on the new license; or

(iv) If a capitalized addition or retirement of an asset results in a different licensed bed capacity WAC 388-96-709 will apply;

(b) For the first fiscal year of a state biennium, the working capital portion of net invested funds shall be five percent of the sum of a contractor's costs from the cost report year used to establish the contractor's prospective component rates in nursing services, food, administrative, and operational that have been adjusted for economic trends and conditions under authority of WAC 388-96-719 and property. For the second fiscal year of a state biennium, the working capital portion of net invested funds shall be five percent of the sum of the July 1 prospective component rates for the first fiscal year in nursing services, food, administrative, and operational multiplied by the patient days as defined in subsection (2)(a)(i), (ii), (iii), or (iv) of this section from the calendar year immediately prior to the second fiscal year of a state biennium adjusted for economic trends and conditions granted under authority of WAC 388-96-719 plus the desk reviewed property costs from the cost report of the prior calendar year;

(c) For either the first or second year of a state biennium, in computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in this chapter, including owned and leased assets, shall be used, except the capitalized cost of land upon which a facility is located and other such contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. As such, subject to provisions contained in this chapter, capitalized cost of leased land, regardless of the type of lease, shall be the lessor's historical capitalized cost. Subject to provisions contained in this chapter, for land purchases before July 18, 1984 (the enactment date of the Deficit Reduction Act of 1984 (DEFRA)), capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased on or after July 18, 1984, capitalized cost of land shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable or unwilling to provide necessary information to determine net invested funds, the department may determine an amount to be used for net invested funds based upon an appraisal conducted by the department of general administration per this chapter; and

(d) A contractor shall retain that portion of ROI rate payments at settlement representing the contractor's financing allowance only to the extent reported net invested funds, upon which the financing allowance is based, are substantiated by the department.

(3) The department shall determine the variable return allowance according to the following procedure:

(a) Once every two years at the start of each biennium, beginning with July 1, 1993 rate setting, the department shall, without utilizing the MSA and Non-MSA peer groups used to calculate other Medicaid component rates, rank all facilities in numerical order from highest to lowest based upon the combined average per diem allowable costs for the nursing services, food, administrative, and operational cost centers taken from the prior cost report period. The department shall use adjusted costs taken from cost reports having at least six months of data, shall not include adjustments for economic trends and conditions granted under authority of

WAC 388-96-719, and shall include costs current-funded under authority of WAC 388-96-774 and 388-96-777 and commencing in the prior cost report year. In the case of a new contractor, nursing services, food, administrative, and operational cost levels actually used to set the initial rate shall be used for the purpose of ranking the new contractor.

(b) The department shall compute the variable return allowance by multiplying the sum of the nursing services, food, administrative and operational rate components for each nursing facility by the appropriate percentage which shall not be less than one percent nor greater than four percent. The department shall divide the facilities ranked according to subsection (3)(a) of this section into four groups, from highest to lowest, with an equal number of facilities in each group or nearly equal as is possible. The department shall assign facilities in the highest quarter a percentage of one, in the second highest quarter a percentage of two, in the third highest quarter a percentage of three, and in the lowest quarter a percentage of four. The per patient day variable return allowance in the initial rate of a new contractor shall be the same as that in the rate of the preceding contractor, if any.

(c) The percentages so determined and assigned to each facility for July 1 rate setting for the first fiscal year of each state biennium, shall continue to be assigned without modification for July 1 rate setting for the second fiscal year of each biennium. Neither the break points separating the four groups nor facility ranking shall be adjusted to reflect future rate add-ons granted to contractors for any purpose under WAC 388-96-774 and 388-96-777.

(4) The sum of the financing allowance and the variable return allowance shall be the return on investment rate for each facility and shall be a component of the prospective rate for each facility.

(5) If a facility is leased by a contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement as defined in this chapter, and for which the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to this chapter, is more than the return on investment allowance determined according to this section, the following shall apply:

(a) The financing allowance shall be recomputed substituting the fair market value of the assets, as of January 1, 1982, determined by department of general administration appraisal less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. Said appraisal shall be final unless shown to be arbitrary and capricious.

(b) The sum of the financing allowance computed under this subsection and the variable return allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to this chapter. The lesser of the two amounts shall be called the alternate return on investment allowances.

(c) The return on investment allowance determined in accordance with subsections (1), (2), (3), and (4) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be a component of the prospective rate of the facility.

(d) In the case of a facility leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease agreement existing on January 1, 1980, the treatment provided in subsection (5)(a) of this section shall be applied except that in the case of renewals or extensions made on or subsequent to April 1, 1985, per a provision of the lease agreement existing on January 1, 1980, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(6) The information from the two prior reporting periods used to set the two prospective return on investment rates in effect during the settlement year is subject to field audit. If the financing allowances which can be documented and calculated at audit of the prior periods are different than the prospective financing allowances previously determined by desk-reviewed, reported information, and other relevant information, the prospective financing allowances shall be adjusted to the audited level at final settlement of the year the rates were in effect, except the adjustments shall reflect a minimum bed occupancy level of eighty-five percent. Any adjustments to the financing allowances pursuant to this subsection shall be for settlement purposes only. However, the variable return allowances shall be the prospective allowances determined by desk-reviewed, reported information, and other relevant information and shall not be adjusted to reflect prior-period audit findings.

[Statutory Authority: RCW 74.46.800, 94-12-043 (Order 3737), § 388-96-754, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120, 93-19-074 (Order 3634), § 388-96-754, filed 9/14/93, effective 10/15/93; 91-22-025 (Order 3270), § 388-96-754, filed 10/29/91, effective 11/29/91; 90-09-061 (Order 2970), § 388-96-754, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.180 and 74.46.800, 89-01-095 (Order 2742), § 388-96-754, filed 12/21/88. Statutory Authority: RCW 74.46.800, 87-09-058 (Order 2485), § 388-96-754, filed 4/20/87; 86-10-055 (Order 2372), § 388-96-754, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800, 85-17-052 (Order 2270), § 388-96-754, filed 8/19/85. Statutory Authority: RCW 74.09.120, 84-24-050 (Order 2172), § 388-96-754, filed 12/4/84.]

**WAC 388-96-757 Reimbursement for veterans' homes.** (1) Notwithstanding any other provision of this chapter, reimbursement rates for any nursing facility operated by the state of Washington, department of veterans affairs (DVA) shall, for the 1993/1995 biennium (July 1, 1993 through June 30, 1994 rate setting), be established according to the following procedures:

(a) DVA shall submit separately for each facility an opening-year budget utilizing the 1992 cost report form and instructions designed for all Medicaid nursing facilities reimbursed for services under this chapter;

(b) Each facility budget shall be reviewed and adjusted by staff of the department's office of rates management, aging and adult services administration, utilizing rules of allowability for Medicaid costs contained in this chapter;

(c) The total prospective Medicaid rate for each DVA-operated facility to be effective July 1, 1993 (or effective upon the subsequent opening date of each facility), through June 30, 1995, shall be established at the lower of:

(i) Each facility's budgeted costs submitted by DVA, as reviewed and adjusted by department staff; or

(ii) One hundred fifty dollars per patient day in all cost centers combined.

(d) In the event the limit of one hundred fifty dollars at any DVA facility is exceeded by the total budgeted costs remaining after department review of the facility budget, the department will divide the one hundred fifty dollars limited amount among the costs centers in the following priority: nursing services, food, operational, administrative, property and return on investment (ROI).

(e) Once the rates are established and in effect, DVA may seek rate increases at any time during the 1993/1995 biennium to current-fund additional costs exceeding the rates, but only as authorized under the procedures and substantive criteria in WAC 388-96-774 as employed for all Medicaid facilities reimbursed under this chapter.

(f) Any adjustments for economic trends and conditions in any cost center, effective July 1, 1994 for Medicaid contractors under the provisions of this chapter, shall be extended to the DVA facilities as well.

(g) The DVA facilities shall submit annual facility cost reports on department forms, and according to department instructions applicable to all facilities, for 1993 and for 1994, and settlements for each of these years shall be completed for each DVA facility, with final payment being made at the lower of cost or rate, after all allowable cost center shifting, as for all Medicaid facilities reimbursed under this chapter.

(2) For July 1, 1995 rate setting and following, all rate-setting principles applicable to the DVA facilities shall be developed by the department.

[Statutory Authority: RCW 74.46.800 and 74.09.120, 93-19-074 (Order 3634), § 388-96-757, filed 9/14/93, effective 10/15/93.]

**WAC 388-96-760 Upper limits to reimbursement rate.** The average reimbursement rate for the cost report year shall not exceed the contractor's average customary charges to the general public for the services covered by the rate for the same time period, except that public facilities rendering such services free of charge or at a nominal charge will be reimbursed according to the methods and standards set out in this chapter. The contractor shall provide as part of the annual cost report a statement of the average charges for the cost report year for services covered by the rate and supporting computations and documentation. The contractor shall immediately inform the department if its reimbursement rate does exceed customary charges for comparable services. If necessary, the rate will be adjusted in accordance with WAC 388-96-769.

[Statutory Authority: RCW 74.46.800 and 74.09.120, 91-12-026 (Order 3185), § 388-96-760, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.09.120, 84-24-050 (Order 2172), § 388-96-760, filed 12/4/84; 83-19-047 (Order 2025), § 388-96-760, filed 9/16/83; 81-22-081 (Order 1712), § 388-96-760, filed 11/4/81. Statutory Authority: RCW 74.08.090 and 74.09.120, 78-06-080 (Order 1300), § 388-96-760, filed 6/1/78. Statutory Authority: RCW 74.09.120, 78-02-013 (Order 1264), § 388-96-760, filed 1/9/78.]

**WAC 388-96-761 Home office, central office, and other off-premises assets.** Assets used in the provision of services by or to a nursing home, but not located on the premises of the nursing home, shall not be included in net invested funds or in the calculation of property reimbursement for the nursing facility. Depreciation, interest expense, and operating lease expense for home office, central office, and other off-premises assets may be allocated to the cost of services provided to or by the facility on a reasonable statistical basis approved by the department and included in the costs of services in cost centers where such services and related costs are appropriately reported.

[Statutory Authority: RCW 74.46.800, 84-12-039 (Order 2105), § 388-96-761, filed 5/30/84.]

**WAC 388-96-762 Allowable land.** (1) Beginning January 1, 1985, land associated with a nursing facility which is eligible for inclusion in net invested funds shall not exceed two acres for facilities located in a Metropolitan Statistical Area (MSA), as defined and determined by the United States Office of Management and Budget or other applicable federal office, and three acres for nursing facilities located outside such an area.

(2) The department may grant an exception to these limits if a contractor presents documentation deemed adequate by the department establishing a larger area of land is directly related to patient care. Requests for exceptions and any exceptions granted must be in writing.

(3) Requests for exceptions may be granted in the following cases:

(a) The area occupied by the nursing home building exceeds the allowable land area specified in subsection (1) of this section;

(b) The land is used directly in the provision of patient care;

(c) The land is maintained;

(d) The land is not subdivided or eligible for subdivision;

(e) The land is zoned for nursing home or similar use; or

(f) Other reasons exist which are deemed sufficient by the department.

[Statutory Authority: RCW 74.46.800 and 74.09.120, 93-19-074 (Order 3634), § 388-96-762, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800, 84-12-039 (Order 2105), § 388-96-762, filed 5/30/84.]

**WAC 388-96-763 Rates for recipients requiring exceptionally heavy care.** (1) A nursing facility contractor certified to provide nursing services, a discharging hospital, a recipient of Medicaid benefits or her/his authorized representative may apply for an individual prospective reimbursement rate for a Medicaid recipient whose special nursing and direct care-related service needs are such that the hours of nursing services needed are at least twice the per patient day average of nursing services hours provided in the nursing facility to which the recipient is admitted as determined by the facility's Medicaid cost report for the calendar year immediately prior to the first fiscal year of the current state biennium.

(2) When application for an exceptional care rate is made before determining where the recipient will be placed,

pre-admission qualification may be granted when the recipient's special nursing and direct care needs require hours of nursing services at least twice the statewide per patient day average derived from Medicaid cost reports for the calendar year immediately prior to the first fiscal year of the current state biennium. For reviews to determine continued qualification only for such recipients, conducted during the specified period of time determined under subsection (4) of this section, the department will continue to utilize the statewide average available to the department, assuming the care plan is unchanged. For subsequent reviews to determine continued qualification, the contractor's average, set forth under subsection (1) of this section, shall be substituted for the statewide average.

(3) The contractor or other applicant shall apply for exceptional care rate qualification for an exceptionally heavy care recipient in accordance with department instructions. The facility shall bill the department at the authorized exceptional care rate within three hundred sixty-five days from the exceptional care rate's effective date. Bills for services submitted after three hundred sixty-five days shall be denied as untimely.

(4) When the department grants an individual rate for an exceptionally heavy care recipient, it shall be for a specified period of time, which the department shall determine, subject to extension, revision, or termination depending on the recipient's care requirements at the end of such period. If within thirty days after a resident's admission to a nursing facility the application for such resident for an exceptional care rate is submitted to the department and includes the facility plan of care documenting the need for and delivery of the resident's nursing and direct care hours, the rate, if approved, shall be effective as of the date of admission. Applications submitted more than thirty days after admission to the facility, if approved, shall be effective as of the date of application.

(5) Extensions of exceptional care rates will not be approved without an updated care plan and resident medical status information submitted in accordance with departmental instruction prior to the scheduled date of the rate's termination. Failure to comply will result in automatic termination as of the scheduled date and reinstatement of an exceptional care rate, if desired, will require re-application and approval. Discharge or transfer of the recipient, permanently or temporarily, shall terminate an exceptional care rate which shall be nontransferable to a different facility. Qualification upon re-admission shall require re-application. A contractor may not transfer or discharge a Medicaid recipient based upon the status of an exceptional care rate or application for such a rate.

(6) Regardless of whether statewide average nursing hours derived from the Medicaid cost reports for the calendar year immediately prior to the first fiscal year of the current state biennium or facility average nursing hours reported on the Medicaid cost reports for the calendar year immediately prior to the first fiscal year of the current state biennium are used for qualification, the exceptional care rate for a recipient shall be calculated by:

(a) Deriving a ratio equivalent to actual or projected nursing hours per patient day needed by the recipient in excess of the facility-specific reimbursed average nursing hours per patient day divided by the facility-specific reported

average nursing hours per patient day derived from the Medicaid cost reports for the calendar year immediately prior to the first fiscal year of the current state biennium;

(b) Multiplying the ratio by the facility-specific nursing services rate in effect at the time of the initial request or in the case of continuation or revision, the facility's nursing services rate in effect at the time of the approval of the continuation or revision; and

(c) Adding the result of subsection (6)(b) of this section to the total facility-specific reimbursement rate; *provided*, that in no circumstance shall an exceptional care rate exceed one hundred sixty percent of the facility's Medicare reimbursement rate in place at the time the exceptional care rate takes effect.

(7) A pre-admission exceptional care rate shall be effective for thirty days. The contractor shall notify the department, in writing, as soon as the recipient is admitted to the contractor's facility. If resident placement in a Medicaid nursing facility has not occurred within thirty days after the department receives the exceptional care application the contractor shall submit, an updated plan of care in order to reinstate exceptional care qualification.

(8) Unless the department establishes otherwise, extensions require an updated plan of care to be completed and submitted every ninety days for each exceptional care recipient, including documentation supporting the need for services identified in the plan of care. The department shall base a decision to continue, revise, or terminate an exceptional care rate on review of the updated plan of care and supporting documentation, a current care need assessment, and other information available to the department.

In order to extend an exceptional care rate, the review must verify continued need for and delivery of nursing, direct and ancillary care services funded by the rate.

(9) An exceptional care rate shall not be revised during the period the exceptional care rate is in effect because the facility-specific nursing services or total rate is revised or reset; however, when an exceptional care rate is continued or revised as authorized in this section, the facility rate in place at the time of continuation or revision shall be used in the calculation process. An exceptional care rate shall be revised during the period the rate is in effect only when:

(a) An updated plan of care indicates a significant change in care needs; or

(b) Funded services are not fully delivered.

(10) No retroactive revision shall be made to an exceptional care rate, provided that:

(a) When application is made within thirty days after the recipient is admitted to the contractor's facility, an approved rate shall be effective the date of admission;

(b) When an exceptional care rate is revised due to a significant change, the revised rate will be effective on the date the department receives the updated plan of care and supporting documentation; and

(c) When care services funded by an exceptional care rate are not fully delivered, the exceptional care rate shall be reduced retroactively as of its effective date to the regular facility Medicaid rate and payment at the exceptional care rate shall cease immediately.

(11) Hours of nursing and direct care used to qualify a recipient and to calculate an exceptional rate must be

verified by a home and community services division, aging and adult services, regional community nurse consultant.

(12) The department shall notify the contractor, in writing, of the disposition of its application as soon as possible and in no case longer than thirty days following receipt of a properly completed application and supporting documentation.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-763, filed 5/26/94, effective 6/26/94; 92-16-013 (Order 3424), § 388-96-763, filed 7/23/92, effective 8/23/92. Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-763, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-763, filed 12/21/88. Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-763, filed 10/13/82. Statutory Authority: RCW 74.08.090 and 74.09.120. 78-06-080 (Order 1300), § 388-96-763, filed 6/1/78. Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-763, filed 1/9/78.]

**WAC 388-96-764 Activities assistants.** Costs associated with the employment of activities assistants working under the direction of a qualified activities specialist are allowable in the nursing services cost center subject to any applicable cost center limit contained in this chapter.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-764, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-764, filed 5/30/84.]

**WAC 388-96-765 Ancillary care.** Beginning July 1, 1984, costs of providing ancillary care are allowable, subject to any applicable cost center limit contained in this chapter, provided documentation establishes the costs were incurred for medical care recipients and other sources of payment to which patients may be legally entitled, such as private insurance or Medicare, were first fully utilized.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-765, filed 9/14/93, effective 10/15/93. Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-765, filed 5/30/84.]

**WAC 388-96-766 Notification of rates.** The department will notify each contractor in writing of its prospective reimbursement rate. Unless otherwise specified at the time it is issued, the rate will be effective from the first day of the month in which it is issued until a new rate becomes effective. If a rate is changed as the result of an appeal in accordance with WAC 388-96-904, it will be effective as of the date the rate appealed from became effective.

[Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-766, filed 1/9/78.]

**WAC 388-96-767 Appraisal values.** If a contractor is unwilling or unable to provide and document the lessor's historical cost of leased assets, the department shall arrange for an appraisal of such assets to be conducted by the state of Washington department of general administration. If such an appraisal is conducted, it shall be the basis for all property and return on investment reimbursement, except that: If documentation subsequently becomes available to the department establishing the lessor's historical cost is less than the appraisal value, the historical cost shall be the basis for all property and return on investment reimbursement.

[Statutory Authority: RCW 74.46.800. 84-12-039 (Order 2105), § 388-96-767, filed 5/30/84.]



**WAC 388-96-768 Minimum wage.** (1) Effective January 1, 1988, contractors shall adjust and maintain wages for all employees to conform to no less than the minimum hourly wage established by the legislature. This wage is four dollars and seventy-six cents an hour beginning January 1, 1988, and five dollars and fifteen cents an hour beginning January 1, 1989.

(2) Minimum wage requirements set forth in this section shall not apply to an employee who:

(a) The department of labor and industries determines is entitled to payments for temporary and total disability; and

(b) A physician authorizes to return to available work other than the employee's usual work.

(3) The employee shall be paid the minimum wage or more when resuming usual work.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 93-19-074 (Order 3634), § 388-96-768, filed 9/14/93, effective 10/15/93; 90-09-061 (Order 2970), § 388-96-768, filed 4/17/90, effective 5/18/90. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-768, filed 12/23/87.]

**WAC 388-96-769 Adjustments required due to errors or omissions.** (1) Prospective rates are subject to adjustment by the department in accordance with this section and subject to WAC 388-96-122 as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of the effective date of the adjustment, and of any amount due to the department or to the contractor as a result of the rate adjustment. Rates adjusted in accordance with this section will be effective as of the effective date of the original rate whether the adjustment is solely for computing a preliminary or final settlement or for the purpose of modifying past or future rate payments as well.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, amended cost report pages shall be prepared and submitted by the contractor. Amended pages shall be accompanied by the certification required by WAC 388-96-117 and a written justification explaining why the amendment is necessary. Such amendments shall not be accepted unless the amendments meet the requirements of WAC 388-96-122. If changes made by the amendments are determined to be material by the department according to standards established by the department, such amended pages shall be subject to field audit. If a field audit or other information available to the department determines the amendments are incorrect or otherwise unacceptable, any rate adjustment based on the amendment shall be null and void and future rate payment increases, if any, scheduled as a result of such an adjustment shall be cancelled immediately. Payments made based upon the rate adjustment shall be subject to repayment as provided in subsection (3) of this section.

(3) The contractor shall pay an amount owed the department resulting from an error or omission or from an improper adjustment, or commence repayment in accordance with a schedule determined by the department, within sixty days after receipt of notification of the rate adjustment or rate adjustment cancellation, unless the contractor contests the department's determination in accordance with the procedures set forth in WAC 388-96-904. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these

proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

(4) If a cost report amendment is accepted for rate adjustment and was received by the department prior to the end of the period to which the rate is assigned, the department shall make any retroactive payment to which the contractor may be entitled within thirty days after the contractor is notified of the rate adjustment and shall increase future rate payments for the rate period, as appropriate.

(5) If a cost report amendment is received by the department subsequent to the rate period, notification of an adjustment or other disposition shall be made at preliminary or final settlement. Adjustments resulting from amendments received after the rate period shall be for the sole purpose of computing the preliminary or final settlement and no retroactive payment shall be made to the contractor. In accordance with WAC 388-96-229(1), any amount due a contractor as determined at preliminary or final settlement shall be paid within thirty days after the preliminary or final settlement report is submitted to the contractor.

(6) No adjustments for any purpose will be made to a rate more than one hundred twenty days after the final audit narrative and summary for the period the rate was effective is sent to the contractor or more than one hundred twenty days after the preliminary settlement becomes the final settlement. A final settlement within this one hundred twenty-day time limit may be reopened for the limited purpose of making an adjustment to a prospective rate in accordance with this section. However, only the adjustment and related computation will be subject to review if timely contested pursuant to WAC 388-96-901 and 388-96-904. Other actions relating to a settlement reopened shall not be subject to review unless previously contested in a timely manner.

[Statutory Authority: RCW 74.46.800. 86-10-055 (Order 2372), § 388-96-769, filed 5/7/86, effective 7/1/86. Statutory Authority: RCW 74.09.120. 82-11-065 (Order 1808), § 388-96-769, filed 5/14/82; 81-22-081 (Order 1712), § 388-96-769, filed 11/4/81; 78-02-013 (Order 1264), § 388-96-769, filed 1/9/78.]

**WAC 388-96-771 Receivership.** (1) If the nursing home is providing care to recipients of state medical assistance, the receiver shall:

(a) Become the Medicaid contractor for the duration of the receivership period;

(b) Assume all reporting responsibilities for new contractors;

(c) Assume all other responsibilities for new contractors set forth in this chapter; and

(d) Be responsible for the refund of Medicaid rate payments in excess of costs during the period of receivership.

(2) In establishing the prospective rate during receivership the department shall consider:

(a) Compensation, if any, ordered by the court for the receiver. Such compensation may already be available to the receiver through the rate as follows:

(i) The return on investment, or

(ii) The administrator's salary in the case of facilities where the receiver is also the administrator.

If these existing sources of compensation are less than what was ordered by the court, additional costs may be allowed in the rate up to the compensation amount ordered by the court.

(b) Start-up costs and costs of repairs, replacements, and additional staff needed for patient health, security, and welfare. To the extent such costs can be covered through return on investment, no additional monies will be added to the rate;

(c) Any other allowable costs as set forth in this chapter.

(3)(a) Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars.

(b) The department shall recover any emergency or transitional expenditure made by the department on behalf of a nursing home not certified to participate in the Medicaid Title XIX program from revenue generated by the facility which is not obligated to the operation of the facility.

(c) In order to help recover an emergency or transitional expenditure, regardless of whether the facility is certified to participate in the Medicaid Title XIX program or not, the department may:

(i) File an action against the former licensee or owner at the time the expenditure is made to recover such expenditure; or

(ii) File a lien on the facility or on the proceeds of the sale of the facility.

(4) If recommendations on receiver's compensation are solicited from the department by the court, the department shall consider the following:

(a) The range of compensation for nursing home managers;

(b) Experience and training of the receiver;

(c) The size, location, and current condition of the facility;

(d) Any additional factors deemed appropriate by the department.

(5) When the receivership terminates, the department may revise the nursing home's Medicaid reimbursement. The Medicaid reimbursement rate for:

(a) The former owner or licensee shall be what it was before receivership, unless the former owner or licensee requests prospective rate revisions from the department as set forth in this chapter; and

(b) Licensed replacement operators shall be determined consistent with rules governing prospective reimbursement rates for new contractors as set forth in this chapter.

[Statutory Authority: RCW 79.09.120 [74.09.120] and 74.46.800. 90-09-061 (Order 2970), § 388-96-771, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.120. 88-06-085 (Order 2602), § 388-96-771, filed 3/2/88.]

**WAC 388-96-774 Add-ons to the prospective rate—Staffing.** (1) The department shall determine each contractor's reimbursement rates prospectively at least once each calendar year, to be effective July 1st.

(a) The department may grant a rate add-on to a nursing service (NS) or operational (OP) prospective reimbursement rate for:

(i) Variations in the distribution of patient classifications for the total resident population or changes in patient characteristics for the total resident population from:

(A) The Medicaid cost report for the calendar year immediately prior to the first fiscal year of a state biennium; or

(B) Those used to set the rate for a new contractor; or

(ii) Changes in staffing levels at a facility required by the department as evidenced by a written directive from the director of nursing home services, aging and adult services administration.

(b) The department shall not grant and the contractor shall not use rate add-ons for:

(i) Compensation increases for existing, newly hired or promoted staff;

(ii) The use of temporary employment services providing direct patient care;

(iii) Any purpose if the nursing facility has a pending bankruptcy; *unless*, it is under chapter 11 and the nursing facility can provide a written evaluation from the trustee in bankruptcy stating the reorganization will be approved and implemented;

(iv) Correction of survey citations; or

(v) Staffing increases to resolve complaints.

(c) The department shall not grant a rate add-on to a cost center if that cost center is at or above the median cost limit for the facility's peer group reduced or increased under WAC 388-96-719.

(2) Per state fiscal year, the contractor may submit no more than two requests under this section. If a request has been previously submitted and denied because it was not complete, then it will not count as a request for this subsection; *provided*, the resubmitted request is complete and exactly the same as the previous request, e.g., type of request, positions and full-time equivalencies.

(3) Contractors requesting a rate add-on shall submit a written request to the office of rates management, aging and adult services administration, separate from all other requests and inquiries of the department, e.g., WAC 388-96-904 (1) and (5). The written request shall only be submitted after the hire date of the new staff and shall include the following:

(a) A financial analysis showing:

(i) The increased cost; and

(ii) An estimate of the rate increase, computed according to allowable methods, necessary to fund the cost.

(b) A written justification for granting the rate increase;

(c) A certification and supporting documentation showing the changes in staffing have commenced;

(d) Two proofs of hire, e.g., payroll document, W-4, and appointment letter;

(e) A written narrative describing the contractor's efforts to provide alternative solutions prior to submitting a request under this section; and

(f) A written plan specifying:

(i) Additional staff to be added;

(ii) Changes in all patient characteristics requiring the additional staff; and

(iii) The predicted improvements in patient care services that will result.

(4) Contractors receiving rate add-ons per this section shall submit quarterly reports. The quarterly reports shall cover the first day the rate add-on is effective and show how the additional rate funds and hours were utilized. If the contractor does not use the funds for the purpose for which

they were granted, the department shall immediately recoup the misspent or unused funds.

(5) In reviewing a request made under subsection (3) of this section, the department shall consider but is not limited to one or more of the following:

(a) Whether additional staff requested by a contractor is necessary to meet patient care needs;

(b) Comparisons of staffing patterns of nursing facilities from either the latest statewide metropolitan statistical area (MSA) peer group or non-MSA peer group to which the nursing facility belongs and calculated on a per patient day basis. The department shall use the latest MSA and non-MSA designations received from the office of management and budget or the appropriate federal agency;

(c) The physical layout of the facility;

(d) Nursing service planning and management for maximum efficiency;

(e) Historic trends in underspending of a facility's nursing services and operational component rates;

(f) Numbers, positions, and scheduling of existing staff;

(g) Increases in acuity (debility) levels of all residents in the facility;

(h) Survey, complaint resolution reports, and quality assurance data; and

(i) The facility's ability to fund its staffing request through the facility's existing total Medicaid reimbursement rate.

(6) The department may also adjust rates to cover costs associated with placing a nursing home in receivership for costs not covered by the rate of the former contractor, including:

(a) Compensation of the receiver;

(b) Reasonable expenses of receivership and transition of control; and

(c) Costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found.

(7) The department shall not grant a rate add-on effective earlier than sixty days prior to receipt of the initial written request by the office of rates management subject to the requirements of subsection (3) of this section, the department shall grant a rate add-on for an approved request as follows:

(a) If the request is received between the first day and fifteenth day of the month, then the rate will be effective on the first day of that month; or

(b) If the request is received between the sixteenth day and the last day of the month, the rate will be effective on the first day of the following month.

(8) If the initial written request is incomplete, the department will notify the contractor of the documentation and information required. The contractor must submit the requested information within fifteen days from the date the contractor receives the notice to provide the information. If the contractor fails to complete the rate add-on request by providing all the requested documentation and information within the fifteen days from the date of receipt of notification, the department will deny the request for failure to complete.

(9) If, after the denial for failure to complete the request, the contractor submits a written request for the same need, the date of receipt for the purposes of applying subsection (7) will depend upon whether the subsequent

request for the same need is complete, i.e., the department does not have to request additional documentation and information in order to make a determination. If a subsequent request for funding of the same need is:

(a) Complete, then the date of the initial incomplete request may be used when applying subsection (7) of this section; or

(b) Incomplete, then the date of the subsequent request must be used when applying subsection (7) of this section.

(10) The department shall respond, in writing, not later than sixty days after receipt of a complete request.

[Statutory Authority: RCW 74.46.800. 94-12-043 and 94-14-016 (Order 3737 and 3737A), § 388-96-774, filed 5/26/94 and 6/23/94, effective 6/26/94 and 7/24/94; 93-17-033 (Order 3615), § 388-96-774, filed 8/11/93, effective 9/11/93. Statutory Authority: RCW 74.46.800, 74.46.450 and 74.09.120. 93-12-051 (Order 3555), § 388-96-774, filed 5/26/93, effective 6/26/93. Statutory Authority: RCW 74.09.120 and 74.46.800. 90-09-061 (Order 2970), § 388-96-774, filed 4/17/90, effective 5/18/90. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-774, filed 12/21/88. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-774, filed 12/23/87. Statutory Authority: RCW 74.46.800. 87-09-058 (Order 2485), § 388-96-774, filed 4/20/87. Statutory Authority: RCW 74.09.120, 74.46.840 and 74.46.800. 85-17-052 (Order 2270), § 388-96-774, filed 8/19/85.]

**WAC 388-96-776 Add-ons to the prospective rate—  
Capital improvements.**

(1) The department shall grant an add-on to a prospective rate for any capitalized additions or replacements made as a condition for licensure or certification; *provided*, the net rate effect is ten cents per patient day or greater.

(2) The department shall grant an add-on to a prospective rate for capitalized improvements done under RCW 74.46.465; *provided*, the legislature specifically appropriates funds for capital improvements for the biennium in which the request is made and the net rate effect is ten cents per patient day or greater. Physical plant capital improvements include, but are not limited to, capitalized additions, replacements or renovations made as a result of an approved certificate of need or capitalized additions or renovations for the removal of physical plant waivers.

(3) When physical plant improvements made under subsection (1) or (2) are completed in phases, the department shall not grant a rate add-on for any addition, replacement or improvement until each phase is completed and fully utilized for which it was intended. The department shall limit rate add-on to only the actual cost of the depreciable tangible assets meeting the criteria of WAC 388-96-557 and as applicable to that specific completed and fully utilized phase.

(4) When the construction class of any portion of a newly constructed building will improve as the result of any addition, replacement or improvement occurring in a later, but not yet completed and fully utilized phase of the project, the most appropriate construction class, as applicable to that completed and fully utilized phase, will be assigned for purposes of calculating the rate add-on. The department shall not revise the rate add-on retroactively after completion of the portion of the project that provides the improved construction class. Rather, the department shall calculate a new rate add-on when the improved construction class phase is completed and fully utilized and the rate add-on will be effective in accordance with subsection (8) of this section using the date the class was improved.

(5) The department shall not add on construction fees as defined in WAC 388-96-745(6) and other capitalized allowable fees and costs as related to the completion of all phases of the project to the rate until all phases of the entire project are completed and fully utilized for the purpose it was made. At that time, the department shall add on these fees and costs to the rate, effective no earlier than the earliest date a rate add-on was established specifically for any phase of this project. If the fees and costs are incurred in a later phase of the project, the add-on to the rate will be effective on the same date as the rate add-on for the actual cost of the tangible assets for that phase.

(6) The contractor requesting an adjustment under subsection (1) or (2) shall submit a written request to the office of rates management separate from all other requests and inquiries of the department, e.g., WAC 388-96-904 (1) and (5). A complete written request shall include the following:

(a) A copy of documentation (i.e., survey level "A" deficiency) requiring completion of the addition or replacements to maintain licensure or certification for adjustments requested under subsection (1) of this section;

(b) A copy of the new bed license, whether the number of licensed beds increases or decreases, if applicable;

(c) All documentation, e.g., copies of paid invoices showing actual final cost of assets and/or service, e.g., labor purchased as part of the capitalized addition or replacements;

(d) Certification showing the completion date of the capitalized additions or replacements and the date the assets were placed in service per WAC 388-96-559(2);

(e) A properly completed depreciation schedule for the capitalized additions or replacement as provided in this chapter;

(f) A written justification for granting the rate increase; and

(g) For capitalized additions or replacements requiring certificate of need approval, a copy of the approval and description of the project.

(7) The department's criteria used to evaluate the request may include, but is not limited to:

(a) The remaining functional life of the facility and the length of time since the facility's last significant improvement;

(b) The amount and scope of the renovation or remodel to the facility and whether the facility will be better able to serve the needs of its residents;

(c) Whether the improvement improves the quality of living conditions of the residents;

(d) Whether the improvement might eliminate life safety, building code, or construction standard waivers;

(e) Prior survey results; and

(f) A review of the copy of the approval and description of the project.

(8) The department shall not grant a rate add-on effective earlier than sixty days prior to the receipt of the initial written request by the office of rates management and not earlier than the date the physical plant improvements are completed and fully utilized. The department shall grant a rate add-on for an approved request as follows:

(a) If the physical plant improvements are completed and fully utilized during the period from the first day to the

fifteenth day of the month, then the rate will be effective on the first day of that month; or

(b) If the physical plant improvements are completed and fully utilized during the period from the sixteenth day and the last day of the month, the rate will be effective on the first day of the following month.

(9) If the initial written request is incomplete, the department will notify the contractor of the documentation and information required. The contractor shall submit the requested information within fifteen days from the date the contractor receives the notice to provide the information. If the contractor fails to complete the add-on request by providing all the requested documentation and information within the fifteen days from the date of receipt of notification, the department shall deny the request for failure to complete.

(10) If, after the denial for failure to complete, the contractor submits a written request for the same project, the date of receipt for the purpose of applying subsection (8) will depend upon whether the subsequent request for the same project is complete, i.e., the department does not have to request additional documentation and information in order to make a determination. If a subsequent request for funding of the same project is:

(a) Complete, then the date of the first request may be used when applying subsection (8); or

(b) Incomplete, then the date of the subsequent request must be used when applying subsection (8) even though the physical plant improvements may be completed and fully utilized prior to that date.

(11) The department shall respond, in writing, not later than sixty days after receipt of a complete request.

(12) If the contractor does not use the funds for the purpose for which they were granted, the department shall immediately recoup the misspent or unused funds.

(13) When any physical plant improvements made under subsection (1) or (2) results in a change in licensed beds, any rate add-on granted will be subject to the provisions regarding the number of licensed beds, patient days, occupancy, etc., included in this chapter.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-776, filed 5/26/94, effective 6/26/94.]

**WAC 388-96-777 Add-ons to the prospective rate—Initiated by the department.** (1) The department shall initiate all rate add-ons granted under this section. Contractors may not request and be approved a rate add-on under this section.

(2) Rate add-ons the department grants under the authority of this section shall be for costs to implement:

(a) Program changes that the director of nursing home services, aging and adult services administration determines a rate add-on is necessary to accomplish the purpose of the change and announces same in a written directive to the chief of the office of rates management; or

(b) Changes in either the state or federal statutes or regulations or directives that the director of management services, aging and adult services administration determines requires a rate add-on to implement and directs in writing the chief of the office of rates management to implement.

(3) Changes made under this section are subject to review under WAC 388-96-901 and 388-96-904; *provided*, the issue is not whether a rate add-on should have been granted.

(4) If the contractor does not use the funds for the purpose for which they were granted, the department shall immediately recoup the misspent or unused funds.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-777, filed 5/26/94, effective 6/26/94.]

**WAC 388-96-778 Public disclosure of rate-setting methodology.** Without identifying individual nursing homes, the department will make available to the public full information regarding its rate-setting methodology.

[Statutory Authority: RCW 74.09.120. 78-02-013 (Order 1264), § 388-96-778, filed 1/9/78.]

**WAC 388-96-801 Billing period.** A contractor shall bill the department for care provided to medical care recipients from the first through the last day of each calendar month.

[Order 1262, § 388-96-801, filed 12/30/77.]

**WAC 388-96-804 Billing procedures.** (1) A contractor shall bill the department each month by completing and returning the nursing home statement provided by the department. This form shall be completed and filed in accordance with instructions issued by the department.

(2) A contractor shall not bill the department for service provided to a recipient until an award letter relating to the recipient has been received except in accordance with department policies and procedures. At that time it may bill for service provided back through the date the recipient was admitted or became eligible.

(3) Billing shall not cover the day of a recipient's death, discharge or transfer from the nursing home.

[Statutory Authority: RCW 74.09.120. 82-20-024 and 82-20-036 (Orders 1883 and 1883A), § 388-96-804, filed 9/29/82 and 9/30/82; Order 1262, § 388-96-804, filed 12/30/77.]

**WAC 388-96-807 Charges to patients.** (1) The department shall notify a contractor of the amount each medical care recipient is required to pay for care provided under the contract and the effective date of such required contribution. It is the contractor's responsibility to collect that portion of the cost of care from the patient, and to account for any authorized reduction from his or her contribution in accordance with procedures established by the department.

(2) If a contractor receives documentation showing a change in the income or resources of a recipient which means a change in his or her contribution toward the cost of care, the contractor shall report this in writing to the CSO within seventy-two hours. If necessary, the department shall make appropriate corrections in the next nursing home statement, and attach a copy of documentation supporting the change. If a contractor receives increased funds for a recipient, the nursing home shall contact the CSO within seventy-two hours.

(3) The contractor shall accept the reimbursement rate established by the department as full compensation for all services it is obligated to provide under the contract, certification as specified by Title XIX, and licensure under chapter 18.51 RCW. The contractor shall not seek or accept additional compensation from or on behalf of a recipient for any or all such services.

[Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-807, filed 12/21/88. Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-807, filed 9/16/83; 82-21-025 (Order 1892), § 388-96-807, filed 10/13/82; Order 1262, § 388-96-807, filed 12/30/77.]

**WAC 388-96-810 Payment.** (1) The department will reimburse a contractor for service rendered under the nursing home contract and billed for in accordance with WAC 388-96-804.

(2) The amount paid will be computed using the appropriate rate assigned to the contractor.

(3) The special rate assigned to a contractor by the department for the care of an exceptional care recipient will be used in computing the amount paid for care of such recipient.

(4) For each recipient, the department will pay an amount equal to the appropriate rate or rates, multiplied by the number of patient days each rate was in effect, less the amount the recipient is required to pay for his or her care (see WAC 388-96-807).

[Order 1262, § 388-96-810, filed 12/30/77.]

**WAC 388-96-813 Suspension of payment.** (1) Payments to a contractor may be withheld by the department in each of the following circumstances:

(a) A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extensions. Payments will be released as soon as a properly completed report is received.

(b) Auditors or other authorized department personnel in the course of their duties are refused access to a nursing home or are not provided with existing appropriate records. Payments will be released as soon as such access or records are provided.

(c) A refund in connection with a settlement or rate adjustment is not paid by the contractor when due. The amount withheld will be limited to the unpaid amount of the refund.

(d) Payment for the final thirty days of service under a contract will be held pending final settlement when the contract is terminated.

(2) No payment will be withheld until written notification of the suspension is given to the contractor, stating the reason therefor.

[Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-813, filed 9/16/83; Order 1262, § 388-96-813, filed 12/30/77.]

**WAC 388-96-816 Termination of payments.** All payments to a contractor will end no later than sixty days after any of the following occurs:

- (1) A contract expires, is terminated, or is not renewed;
- (2) A facility license is revoked; or
- (3) A facility is decertified as a Title XIX facility.

[Statutory Authority: RCW 74.09.120. 83-19-047 (Order 2025), § 388-96-816, filed 9/16/83; Order 1262, § 388-96-816, filed 12/30/77.]

**WAC 388-96-901 Disputes.** (1) If a reimbursement rate issued to a contractor is believed to be incorrect because it is based on errors or omissions by the contractor or department, the contractor may request an adjustment pursuant to WAC 388-96-769. Pursuant to WAC 388-96-904(1) a contractor may within twenty-eight days request an administrative review after notification of an adjustment or refusal to adjust.

(2) If a contractor wishes to contest the way in which a department rule, contract provision, or policy statement utilized as part of the prospective cost-related reimbursement system's rate calculation methodology was applied to the contractor by the department, e.g., in setting a reimbursement rate or determining a disallowance at audit, it shall first pursue the administrative review process set out in WAC 388-96-904.

(3) Subject to subsection (5) of this section the administrative review and fair hearing process set out in WAC 388-96-904 need not be exhausted if a contractor wishes to challenge the legal validity of a statute, rule, contract provision or policy statement.

(4) The department's administrative review and fair hearing process, set out in WAC 388-96-904 and in RCW 74.46.780, shall not be used to challenge the adequacy of prospective or settlement reimbursement rates or rate components, whether preliminary or final, either individually or collectively, or to challenge audit actions or adjustments, under the federal Boren amendment payment standard found at 42 USC 1396a(a)(13)(A) and contained in federal regulation. Further, the administrative review and fair hearing process shall not be used to challenge the department's procedural compliance with this standard. Only in courts of proper jurisdiction shall contractors challenge the department's substantive and/or procedural compliance with the Boren amendment standard.

(5) The prohibition contained in subsection (4) against pursuit of substantive or procedural Boren amendment challenges in the administrative review and fair hearing process shall apply regardless of whether the challenge is brought for the purpose of obtaining an administrative decision or for the purpose of making a record or argument for subsequent judicial review. Further, the process shall not be used to challenge the validity of statutes or regulations, whether for the purpose of obtaining an administrative decision or making a record or argument for subsequent judicial review, based upon alleged substantive or procedural noncompliance with the Boren amendment standard.

[Statutory Authority: RCW 74.46.800 and 74.09.120. 91-12-026 (Order 3185), § 388-96-901, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-901, filed 10/13/82; Order 1262, § 388-96-901, filed 12/30/77.]

**WAC 388-96-902 Recoupment of undisputed overpayments.** The department is authorized to withhold from the nursing home current payment all amounts found by preliminary or final settlement to be overpayments not identified by the nursing home and challenged as overpayments as part of a good-faith administrative or judicial review. Contested amounts retained by the nursing home

pursuant to this section may be subject to recoupment by the department from the nursing home current payment upon completion of judicial and administrative review procedures to the extent the department's position or claims are upheld.

[Statutory Authority: RCW 74.09.120. 82-11-065 (Order 1808), § 388-96-902, filed 5/14/82.]

**WAC 388-96-904 Administrative review—Adjudicative proceeding.** (1) Within twenty-eight days after a contractor is notified of an action or determination it wishes to challenge, the contractor shall request, in writing, the appropriate director or the director's designee review such determination. The contractor shall send the request to the office of rates management, aging and adult services administration. If the contractor uses a facsimile to establish the request for review, the facsimile must conform to subsection (1)(a), (b) and (c) and the original including the requirements of subsection (d) of this section must be received by the office of rates management within seven days after the transmission of the facsimile. The contractor or the licensed administrator of the facility shall:

- (a) Sign the request;
- (b) Identify the challenged determination and the date thereof;
- (c) State as specifically as practicable the issues and regulations involved and the grounds for contending the determination is erroneous; and
- (d) Attach to the request copies of any documentation the contractor intends to rely on to support the contractor's position.

(2) After receiving a timely request meeting the criteria of subsection (1) of this section, the department shall contact the contractor to schedule a conference for the earliest mutually convenient time. If the department and contractor cannot agree to a mutually convenient time, then department shall schedule the conference for no earlier than fourteen days after the contractor was contacted by the department to schedule the conference and no later than ninety days after a properly completed request is received, unless both parties agree, in writing, to a specific later date. The department may conduct the conference by telephone unless either the department or the contractor requests, in writing, the conference be held in person.

(3) The contractor and appropriate representatives of the department shall participate in the conference. In addition, representatives selected by the contractor may participate. The contractor shall bring to the conference and provide to the department fourteen days in advance of the conference:

(a) Any documentation requested by the department which the contractor is required to maintain for audit purposes under WAC 388-96-113; and

(b) Any documentation the contractor intends to rely on to support the contractor's contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, the parties shall schedule a second session of the conference for not later than thirty days after the initial session unless both parties agree, in writing, to a specific later date.

(4) Regardless of whether agreement has been reached at the conference, the director of management services division, aging and adult services or designee shall furnish

the contractor a written decision within sixty days after the conclusion of the last conference held or the receipt of all required documentation on the action or determination challenged by the contractor.

(5) A contractor has the right to an adjudicative proceeding to contest only issues raised in the administrative review conference and addressed in the director's administrative review decision.

(a) A contractor contesting the director's decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding with the office of appeals;

(ii) Sign the application or have the licensed administrator of the facility sign it;

(iii) State as specifically as practicable the issues and law involved;

(iv) State the grounds for contesting the director's decision; and

(v) Attach to the application a copy of the director's decision being contested and copies of any documentation the contractor intends to rely on to support its position.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

(6) Subject to subsection (7) of this section adjudicative proceedings timely requested under subsection (5) of this section shall be dismissed unless within one calendar year after the department receives the application:

(a) All issues have been resolved by a written, signed settlement agreement between the contractor and the department; or

(b) The evidentiary record, including all briefing, has been closed.

(7) If a written settlement agreement resolving all the issues has not been signed by both the contractor and the department and if the evidentiary record, including all briefing, has not been closed upon the expiration of one year after the application was received by the department, the office of administrative hearings shall, within fourteen days after the expiration date:

(a) Issue a written order dismissing the adjudicative proceeding with prejudice to the contractor; or

(b) Issue a written order for a continuance for good cause described in the order for a period not to exceed ninety days.

Good cause as stated in the order must show the hearing was prevented from being held because of circumstances that were beyond the control of the contractor. Upon expiration of any extension period and without either a signed settlement agreement resolving all issues or a closed evidentiary record including all briefing, the office of administrative hearings shall either dismiss with prejudice to the contractor or continue for good cause as provided in this subsection. Orders for dismissal or continuance shall be subject to a petition for review timely filed with the department's office of appeals if desired by either party.

[Statutory Authority: RCW 74.46.800. 94-12-043 (Order 3737), § 388-96-904, filed 5/26/94, effective 6/26/94. Statutory Authority: RCW 74.46.800 and 74.09.120. 91-12-026 (Order 3185), § 388-96-904, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 34.05.220 (1)(a) and

74.09.120. 90-04-071 (Order 3003), § 388-96-904, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.09.180 and 74.46.800. 89-01-095 (Order 2742), § 388-96-904, filed 12/21/88. Statutory Authority: 1987 c 476. 88-01-126 (Order 2573), § 388-96-904, filed 12/23/87. Statutory Authority: RCW 34.04.020. 84-05-040 (Order 2076), § 388-96-904, filed 2/17/84. Statutory Authority: RCW 74.09.120. 82-21-025 (Order 1892), § 388-96-904, filed 10/13/82; Order 1262, § 388-96-904, filed 12/30/77.]

## Chapter 388-97 WAC

### NURSING HOMES

#### WAC

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**KEY:**

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**SUBCHAPTER I  
LICENSE AND OPERATIONS  
DEFINITIONS**

**WAC 388-97-005 Definitions.** (1) "Advanced registered nurse practitioner (ARNP)" means a registered nurse currently licensed in Washington under RCW 18.88.175, as now or hereafter amended.

(2) "ASHRAE" means the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

(3) "Attending physician" means the doctor responsible for a particular person's total medical care.

(4) "Authenticated" means the authorization of a written entry in a record by signature, including the first initial and last name and title, or a unique identifier allowing identification of the responsible person.

(5) "Berm" means a bank of earth piled against a wall.

(6) "Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

(7) "Dementia care" means a therapeutic modality or modalities designed specifically for the care of persons with dementia.

(8) "Department" means the state department of social and health services.

(9) "Dietitian" means a qualified dietitian. A qualified dietitian is one who is registered by the American Dietetic Association or certified by the state of Washington.

(10) "Directly supervising" means the supervising person is on the premises and is quickly and easily available to provide necessary:

- (a) Assessments and other direct care of residents; and  
(b) Oversight of supervised staff.

(11) "Disclosure statement" means a signed statement by a person indicating whether or not the person was found by any court, state licensing board, disciplinary board, or protection proceeding to have neglected, sexually abused, financially exploited, or physically abused any minor or adult person.

(12) "Drug" means a substance:

(a) Recognized as a drug in the official *United States Pharmacopoeia*, *Official Homeopathic Pharmacopoeia of the United States*, *Official National Formulary*, or any supplement to any of them; or

(b) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.



(13) "Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

(14) "Habilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to teach a person previously undeveloped skills.

(15) "Intermediate care facility for the mentally retarded (ICF/MR)" means an institution certified under chapter 42 C.F.R., Part 483, Subpart I.

(16) "Lavatory" means a handwashing sink.

(17) "Licensed practical nurse" means a person licensed under chapter 18.78 RCW;

(18) "NFPA" means National Fire Protection Association, Inc.

(19) "Nursing assistant" means a nursing assistant as defined under RCW 18.88A.020 as now or hereafter amended.

(20) "Nursing facility (NF)" or "Medicaid-certified nursing facility" means a nursing facility as defined in Section 1919(a) of the Federal Social Security Act and regulations promulgated thereunder, as now or hereafter amended.

(21) "Nursing home" means any facility licensed to operate under chapter 18.51 RCW.

(22) "Pharmacist" means a person licensed by the Washington state board of pharmacy under chapter 18.64 RCW.

(23) "Pharmacy" means a place licensed under chapter 18.64 RCW where the practice of pharmacy is conducted.

(24) "Physical restraint" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily, and which restricts freedom of movement or access to the resident's body.

(25) "Physician's assistant (PA)" means a physician's assistant as defined under chapter 18.57A or 18.71A RCW, as now or hereafter amended.

(26) "Registered nurse" means a person licensed under chapter 18.88 RCW, as now or hereafter amended.

(27) "Rehabilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to restore a person to the person's former functional and environmental status, or alternatively, to maintain or maximize remaining function.

(28) "Resident" means a person residing in a nursing home. The term resident excludes outpatients and persons receiving adult day or night care, or respite care.

(29) "Resident care unit" means a functionally separate unit including resident rooms, toilets, bathing facilities, and basic service facilities.

(30) "Respiratory isolation" is a technique or techniques instituted to prevent the transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

(31) "Siphon jet clinic service sink" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inches in diameter.

(32) "Skilled nursing facility (SNF)" or "Medicare-certified skilled nursing facility" means a skilled nursing facility as defined in Section 1819(a) of the Federal Social

Security Act and regulations promulgated thereunder, as now or hereafter amended.

(33) "Social/therapeutic leave" means leave which is for the resident's social, emotional, or psychological well being; it does not include medical leave.

(34) "Staff work station" means a location at which nursing and other staff perform charting and related activities throughout the day.

(35) "Surrogate decision maker" means a resident representative or representatives as outlined in WAC 388-97-055, Resident representative and decision making, and as established by law.

(36) "Toilet room" means a room containing at least one toilet fixture.

(37) "Volunteer" means a person who is a regularly scheduled person not receiving payment for services and having unsupervised access to a nursing home resident.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-005, filed 9/15/94, effective 10/16/94.]

## NURSING HOME LICENSE

**WAC 388-97-010 License—Application.** (1) All applications for nursing home licensure are subject to review under this chapter.

(2) An application for a nursing home license must be submitted at least sixty days prior to the effective date of that license. The license must be renewed annually. The date of renewal is not changed by a change of ownership. License renewals must be submitted at least thirty days prior to the license's expiration date. Nursing home license applications and requests for renewal shall be made on forms designated by the department.

(3) The nursing home license applicant shall be the person or entity responsible for the daily operation of the nursing home. The license applicant or the applicant's authorized representative shall sign the nursing home license application or renewal thereof, and swear to that application before a notary public.

(4) The department shall not commence review of an incomplete license application.

(5) The department shall deny a nursing home applicant a license if the applicant fails to:

(a) Provide any authorization, documentation, or information the department requires in order to verify information contained in the application; or

(b) Verify additional information the department deems relevant to the application.

(6) When the department determines that additional information is needed to process the application, the applicant shall respond to the department's request for information in a timely fashion.

(7) The nursing home license application shall include, but not be limited to the following information:

(a) The name and address of the applicant and any partner, officer, director, managerial employee, or owner of five percent or more of the applicant;

(b) The name of the persons under whose management or supervision the home will be operated;

(c) The specific location and the mailing address of the facility for which a license is sought;

(d) The number of persons for which nursing home care is to be provided;

(e) The name and address of all nursing homes that the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated with in the past ten years; and

(f) Such other information as the department may reasonably require for proper administration of these standards.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-010, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-015 License—Qualification.** (1) The department shall consider separately and jointly as applicants each person and entity named in an application for a nursing home license. If the department finds any person or entity unqualified, the department shall deny the license.

(2) In making a determination whether to grant a nursing home license, the department shall review:

(a) The information contained in the application; and

(b) Other documents the department deems relevant, including survey and complaint investigation findings in each facility the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated with during the past ten years.

(3) The applicant and the facility for which the license is sought shall comply with all requirements established by chapters 18.51 and 74.42 RCW and rules adopted thereunder. The department may deny a license for noncompliance with any such requirements.

(4) The department may deny a license if the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has a history of significant noncompliance with federal or state regulations in providing nursing home care. In determining whether there is a history of significant noncompliance with federal or state regulations, the department at a minimum may consider:

(a) Whether the violation resulted in a significant harm or a serious and immediate threat to the health, safety, or welfare of any resident;

(b) Whether the applicant promptly investigated the circumstances surrounding any violation and took steps to correct and prevent a recurrence of a violation;

(c) The history of surveys and complaint investigation findings and any resulting enforcement actions;

(d) Repeated failure to comply with regulations;

(e) Inability to attain compliance with cited deficiencies within a reasonable period of time; and

(f) The number of violations relative to the number of facilities the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated with in the past ten years.

(5) The department may deny a license if an applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has:

(a) A poor credit history;

(b) Engaged in the illegal use of drugs or the excessive use of alcohol;

(c) Unlawfully operated without a license; or

(d) Had revoked or suspended a license to operate a hospital or facility for the care of children, or adults who are developmentally disabled, aged, ill, or infirm.

(6) The department may deny, suspend, revoke, or refuse to renew a license if the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has:

(a) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(b) Permitted, aided, or abetted the commission of any illegal act on the nursing home premises;

(c) Failed to meet financial obligations as the obligations fall due in the normal course of business;

(d) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to own or operate a nursing home, and who, the department determines, is not sufficiently rehabilitated to warrant public trust; or

(e) Misappropriated property of residents.

(7) The department shall deny, suspend, revoke, or refuse to renew a license if the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been:

(a) Convicted of a crime against a person as defined under RCW 43.43.830;

(b) Convicted of a crime related to financial exploitation as defined under RCW 43.43.830;

(c) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or a person with a developmental disability or to have abused or financially exploited any vulnerable adult;

(e) Found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-015, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-020 Nursing home fees.** (1) The nursing home license fee is one hundred twenty-seven dollars per bed per year. The fee shall be nonrefundable.

(2)(a) The licensee shall submit the annual license fee to the department at the time of renewal.

(b) A change of nursing home ownership does not change the date of license renewal and fee payment.

(c) For the initial licensure of a new nursing home, the license applicant shall submit the annual license fee with the license application.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-020, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-025 License capacity.** (1) A nursing home shall not be licensed for a capacity that exceeds the number of beds:

(a) Permitted under these regulations;

(b) Permitted under chapter 70.38 RCW and regulations thereunder;

(c) Permitted under applicable local zoning, building or other such regulations; or

(d) Actually available for resident use, except when the space is used for a temporary change, e.g., remodeling.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-025, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-030 Change of ownership.** (1) A change of ownership occurs when there is a substitution of the individual operator or operating entity ultimately responsible for the daily operational decisions of the nursing home; or a substitution of control of such operating entity.

(a) Events which constitute a change of ownership include but are not limited to the following:

(i) The form of legal organization of the operator is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Ownership of the nursing home business enterprise is transferred by the operator to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the facility is also transferred;

(iii) If the operator is a partnership, any event occurs which dissolves the partnership;

(iv) If the operator is a corporation, and corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation;

(v) If the operator is a corporation and, whether by a single transaction or multiple transactions within any continuous twenty-four-month period, fifty percent or more of the stock is transferred to one or more:

(A) New or former stockholders; or

(B) Present stockholders each having held less than five percent of the stock before the initial transaction; or

(vi) Any other event or combination of events which results in a substitution or substitution of control of the individual operator or the operating entity.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the operator to manage the nursing home enterprise as the operator's agent, i.e., subject to the operator's general approval of daily operating and management decisions; or

(ii) The real property or personal property assets of the nursing home change ownership or are leased, or a lease of the real property or personal property assets is terminated, without a substitution of individual operator or operating entity and without a substitution of control of the operating entity.

(2) When a change of ownership is contemplated, the current operator shall notify the department and all residents at least sixty days prior to the proposed date of transfer. The notice shall be in writing and shall contain the following information:

(a) Name of the present operator and prospective operator;

(b) Name and address of the nursing home being transferred; and

(c) Date of proposed transfer.

(3) The operation or ownership of a nursing home shall not be transferred until the new operator has been issued a license to operate the nursing home. The new operator shall comply with license application requirements.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-030, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-035 Change in administrator or director of nursing services.** The nursing home shall notify the department and each resident of a change in the nursing home's administrator or director of nursing services at the time any such change occurs.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-035, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-040 Name of nursing home.** The nursing home licensee shall notify the department in writing of any change in the name of the licensee at the time the change occurs.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-040, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-045 License relinquishment upon closure.** (1) A nursing home licensee shall relinquish its license when the nursing home ceases to do business.

(2) If a nursing home licensee fails to voluntarily relinquish its license when it ceases to do business, the department may revoke the license.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-045, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-050 License denial, modification, nonrenewal, revocation.** (1) The department may deny, suspend, modify, refuse to renew, or revoke a nursing home license as governed by chapter 18.51 RCW, RCW 43.20A.205, chapter 388-98 WAC, and this chapter.

(2) A license applicant or licensee contesting a department license decision shall file a written application for an adjudicative proceeding within twenty days of receipt of the decision.

(3) Adjudicative proceedings shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 18.51.065, 43.20A.205, this chapter, WAC 388-98-750, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision of this chapter shall govern.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-050, filed 9/15/94, effective 10/16/94.]

## RESIDENT RIGHTS

WAC sections 388-97-055, 388-97-060, and 388-97-065 implement the federal Patient Self-Determination Act and clarify requirements under chapter 11.94 RCW, Power of attorney; chapter 7.70 RCW, Actions for injuries resulting from health care; and chapter 70.122 RCW, Natural Death Act; chapter 11.88 RCW, Guardianship-appointment, qualification, removal of guardians and limited guardians; chapter 11.92 RCW, Guardianship-powers and duties of guardian or limited guardian.

**WAC 388-97-055 Resident representative and decision making.** (1) At the time of admission, or not later than the completion of the initial comprehensive resident assessment, the nursing home shall determine:

(a) Whether the resident has appointed another person to make health care, financial, or other decisions for the resident;

(b) Whether the resident has created any advance directive or other legal documents that will establish a surrogate decision maker in the future; and

(c) If a resident is not making the resident's own decisions, who has the authority for surrogate decision making, and the scope of the surrogate decision maker's authority.

(2) In fulfilling its duty to determine who, if anyone, is authorized to make decisions for the resident, the nursing home shall:

(a) Seek copies of the legal documents that establish the surrogate decision maker's authority to act; and

(b) Document in the resident's clinical record:

(i) The name, address, and telephone number of the person who has legal authority for substitute decision making;

(ii) The type of decision making authority such person has; and

(iii) Where copies of the legal documents are located at the facility.

(3) In this chapter, the term "resident" includes the resident's surrogate decision maker in accordance with state law or at the request of the resident.

(a) In the case of a capacitated resident, the surrogate decision maker is the person authorized by the resident to make decisions on the resident's behalf;

(b) In the case of a resident adjudicated by a court of law to be incapacitated, the surrogate decision maker is the court appointed guardian; and

(c) In the case of a resident who has been determined to be incapacitated, but is not adjudicated incapacitated, the surrogate decision maker is established through:

(i) A legal document, such as a durable power of attorney for health care; or

(ii) Authority for substitute decision making granted by state law, including RCW 7.70.065.

(4) Determination of a person's incapacity shall be a legal, not medical decision based on:

(a) Demonstrated inability in decision making over time that creates a significant risk of personal harm;

(b) A court order; or

(c) The criteria contained in a legal document, such as durable power of attorney for health care.

(5) The nursing home shall:

(a) Regularly review any determination of incapacity based on subsections (3)(b) and (c) of this section; and

(b) If an incapacitated resident regains capacity, cease to rely upon the surrogate decision maker to exercise the resident's rights, unless so designated by the resident or by court order.

(6) The nursing home shall promote the resident's right to exercise decision making and self-determination to the fullest extent possible. Therefore, the nursing home shall presume that the resident is the resident's own decision maker unless:

(a) A court has established a guardianship;

(b) The resident has clearly and voluntarily appointed a surrogate decision maker;

(c) A surrogate is established by a legal document; or

(d) A resident has become legally incapacitated.

(7) The nursing home shall honor the exercise of the resident's rights by the surrogate decision maker as long as the surrogate acts in accordance with state and federal law which govern his or her appointment, and with this section.

(8) If a surrogate decision maker exercises a resident's rights, the nursing home shall:

(a) Inform the resident that a surrogate decision maker has been consulted;

(b) Provide the resident with the information and opportunity to participate in all decision making to the maximum extent possible; and

(c) Recognize that involvement of a surrogate decision maker does not lessen the nursing home's duty to:

(i) Protect the resident's rights; and

(ii) Comply with state and federal laws.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-055, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-060 Informed consent.** (1) The nursing home as a health care provider as defined in chapter 7.70 RCW, Actions for injuries resulting from health care, shall follow the informed consent process as required in chapter 7.70 RCW in the development of the resident's comprehensive care plan. Refer to WAC 388-97-090, Comprehensive care planning.

(2) The nursing home shall follow this informed consent process with:

(a) The resident to the maximum extent possible;

(b) Any other person the resident has directed be consulted; and

(c) The surrogate decision maker when the resident is determined to be incapacitated as established through the provision of a legal document such as durable power of attorney for health care, a court proceeding, or as authorized by state law, including RCW 7.70.065.

(3) To ensure informed consent or refusal by a resident regarding care plan options, the nursing home shall:

(a) Provide the informed consent process to the resident in a neutral manner and in a language and manner the resident can understand;

(b) Inform the resident of the right to consent to or refuse care and service options at the time of resident assessment and care plan development (see WAC 388-97-085 and 388-97-090) and as necessary to ensure the resident's wishes are known;

(c) Inform the resident at the time of initial care plan decisions and periodically of the right to change his or her mind about an earlier consent or refusal decision;

(d) Ensure that evidence of informed consent or refusal is consistent with WAC 388-97-085, Resident assessment and WAC 388-97-090, Comprehensive care planning; and

(e) Where appropriate, include evidence of resident's choice not to be informed as required in subsections (1) and (3) of this section.

(4) The nursing home shall take into account that if a resident's rights are being exercised by a surrogate decision maker, the surrogate decision maker shall:

(a) First determine if the resident would consent or refuse the proposed or alternative treatment;

(b) Discuss determination of consent or refusal with the resident whenever possible; and

(c) When a determination of the resident's consent or refusal of treatment cannot be made, make the decision in the best interest of the resident.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-060, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-065 Advance directives.** (1) "Advance directive" as used in this chapter means any document indicating a resident's choice with regard to a specific service, treatment, medication or medical procedure option that may be implemented in the future such as power of attorney, health care directive, limited or restricted treatment order, code/no code order, and anatomical gifts.

(2) The nursing home shall carry out the provisions of this section in accordance with WAC 388-97-055, Resident representative and decision making, and WAC 388-97-060, Informed consent, and with state law.

(3) The nursing home shall:

(a) Document in the clinical record whether or not the resident has an advance directive;

(b) Not require the resident to have any advance directives and not condition the provision of care or otherwise discriminate against a resident on the basis of whether or not the resident has executed an advance directive;

(c) In a language the resident understands, inform the resident in writing and orally at the time of admission, and thereafter as necessary to ensure the resident's right to make informed choices, about:

(i) The right to make health care decisions;

(ii) Nursing home policies and procedures concerning implementation of advance directives, including how the nursing home implements emergency responses; and

(d) Review resident advance directive information:

(i) At the resident's request;

(ii) When the resident's condition warrants review; and

(iii) When there is a significant change in the resident's condition.

(e) If needed, based on the outcome of the review in subsection (3)(d) of this section, update advance directive information.

(4) When the nursing home becomes aware that a resident's health care directive is in conflict with facility practices and policies which are consistent with state and federal law, the nursing home shall:

(a) Inform the resident of the existence of any nursing home practice or policy which would preclude implementing the health care directive;

(b) Provide the resident with written policies and procedures that explain under what circumstances a resident's health care directive will or will not be implemented by the nursing home;

(c) Meet with the resident to discuss the conflict;

(d) Determine, in light of the conflicting practice or policy, whether the resident chooses to remain at the nursing home; and

(e) Develop a plan in accordance with subsection (5) of this section; and

(f) Attach the plan to the resident's directive in the clinical record.

(5) If the resident chooses to remain in the nursing home, develop with the resident a plan in accordance with chapter 70.122 RCW to implement the resident's wishes. The nursing home may need to actively participate in ensuring the execution of the plan, including moving the resident at the time of implementation to a care setting that will implement the resident's wishes.

(6) If, after recognizing the conflict between the resident's wishes and nursing home practice or policy as determined in subsection (4)(b) of this section, the resident chooses to seek other long-term care services, or another physician who will implement the directive, the nursing home shall assist the resident in locating other appropriate services.

(7) If a terminally ill resident, in accordance with state law, wishes to die at home, the nursing home shall:

(a) Use the informed consent process as described in WAC 388-97-120, Informed consent, and explain to the resident the risks associated with discharge; and

(b) Discharge the resident as soon as reasonably possible.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-065, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-070 Resident rights.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.10 will be deemed to meet subsections (2) through (18), except for (3)(c), (4)(g), (10)(a), (14), (15)(b) and (c), and (16)(b), (c), and (d).

(2) THE RESIDENT HAS A RIGHT TO A DIGNIFIED EXISTENCE, SELF-DETERMINATION, AND COMMUNICATION WITH AND ACCESS TO PERSONS AND SERVICES INSIDE AND OUTSIDE THE NURSING HOME. A NURSING HOME SHALL PROMOTE AND PROTECT THE RIGHTS OF EACH RESIDENT, INCLUDING THOSE WITH LIMITED COGNITION OR OTHER BARRIERS THAT LIMIT THE EXERCISE OF RIGHTS.

(3) **EXERCISE OF RIGHTS.**

(A) THE RESIDENT HAS THE RIGHT TO EXERCISE HIS OR HER RIGHTS AS A RESIDENT OF THE NURSING HOME AND AS A CITIZEN OR RESIDENT OF THE UNITED STATES. REFER TO WAC 388-97-055, RESIDENT REPRESENTATIVE AND DECISION MAKING.

(B) THE RESIDENT HAS THE RIGHT TO BE FREE OF INTERFERENCE, COERCION, DISCRIMINATION, AND REPRISAL FROM THE NURSING HOME IN EXERCISING HIS OR HER RIGHTS.

(c) The nursing home shall not require the resident to sign any contract or agreement that purports to waive any right of the resident.

(4) **NOTICE OF RIGHTS AND SERVICES.**

(a) THE NURSING HOME MUST INFORM THE RESIDENT BOTH ORALLY AND IN WRITING IN A LANGUAGE THAT THE RESIDENT UNDERSTANDS OF HIS OR HER RIGHTS AND ALL RULES AND REGULATIONS GOVERNING RESIDENT CONDUCT AND RESPONSIBILITIES DURING THE STAY IN THE NURSING HOME. SUCH NOTIFICATION MUST BE MADE PRIOR TO OR UPON ADMISSION AND DURING THE RESIDENT'S STAY. RECEIPT OF SUCH INFORMATION, AND ANY AMENDMENTS TO IT, MUST BE ACKNOWLEDGED IN WRITING;

(b) THE RESIDENT OR HIS OR HER SURROGATE DECISION MAKER HAS THE RIGHT:

(i) UPON AN ORAL OR WRITTEN REQUEST, TO ACCESS ALL RECORDS PERTAINING TO THE RESIDENT INCLUDING CLINICAL RECORDS WITHIN TWENTY-FOUR HOURS FOR SKILLED NURSING FACILITY AND NURSING FACILITY, AND ACCORDING TO CHAPTER 70.02 RCW, HEALTH CARE INFORMATION ACCESS AND DISCLOSURE, FOR NURSING HOMES; AND

(ii) AFTER RECEIPT OF HIS OR HER RECORDS FOR INSPECTION, TO PURCHASE AT A COST NOT TO EXCEED THE COMMUNITY STANDARD PHOTOCOPIES OF THE RECORDS OR ANY PORTIONS OF THEM UPON REQUEST AND TWO WORKING DAYS ADVANCE NOTICE TO THE NURSING HOME.

(c) THE RESIDENT HAS THE RIGHT TO BE FULLY INFORMED IN LANGUAGE THAT HE OR SHE CAN UNDERSTAND OF HIS OR HER TOTAL HEALTH STATUS, INCLUDING, BUT NOT LIMITED TO, HIS OR HER MEDICAL CONDITION;

(d) THE RESIDENT HAS THE RIGHT TO REFUSE TREATMENT AND TO REFUSE TO PARTICIPATE IN EXPERIMENTAL RESEARCH; AND

(e) THE SKILLED NURSING FACILITY AND NURSING FACILITY SHALL ACCORDING TO 42 C.F.R. § 483.10 (c)(8):

(i) INFORM EACH RESIDENT WHO IS ENTITLED TO MEDICAID BENEFITS, IN WRITING, AT THE TIME OF ADMISSION TO THE NURSING FACILITY OR, WHEN THE RESIDENT BECOMES ELIGIBLE FOR MEDICAID OF:

(A) THE ITEMS AND SERVICES THAT ARE INCLUDED IN NURSING FACILITY SERVICES UNDER THE STATE PLAN AND FOR WHICH THE RESIDENT MAY NOT BE CHARGED;

(B) THOSE OTHER ITEMS AND SERVICES THAT THE FACILITY OFFERS AND FOR WHICH THE RESIDENT MAY BE CHARGED; AND THE AMOUNT OF CHARGES FOR THOSE SERVICES; AND

(ii) INFORM EACH RESIDENT WHEN CHANGES ARE MADE TO THE ITEMS AND SERVICES SPECIFIED IN PARAGRAPHS (e)(i)(A)(B);

(f) THE NURSING HOME SHALL INFORM EACH RESIDENT BEFORE, OR AT THE TIME OF ADMISSION, AND PERIODICALLY DURING THE RESIDENT'S STAY, OF SERVICES AVAILABLE IN THE FACILITY AND OF CHARGES FOR THOSE SERVICES, INCLUDING ANY CHARGES FOR SERVICES NOT COVERED UNDER MEDICARE OR BY THE FACILITY'S PER DIEM RATE.

(g) Fee disclosure-deposits.

(i) Prior to admission, a nursing home that requires payment of an admission fee, deposit, or a minimum stay fee, by or on behalf of a person seeking admission to the facility, shall provide the resident:

(A) Full disclosure in writing of the nursing home's schedule of charges for items and services provided by the facility;

(B) The amount of any admission fees, deposits, or minimum stay fees; and

(C) Full disclosure in writing prior to admission of what portion of the deposits, admissions fees, or minimum stay fee will be refunded to the resident if the resident leaves the facility.

(ii) If a resident, during the first thirty days of residence, dies or is hospitalized and does not return to the facility, the nursing home shall refund any deposit already paid less the facility's per diem rate for the days the resident actually resided or reserved a bed in the facility, notwithstanding any minimum stay policy;

(iii) The nursing home shall refund any and all refunds due the resident within thirty days from the resident's date of discharge from the facility; and

(iv) Where the nursing home requires the execution of an admission contract by or on behalf of an individual seeking admission to the facility, the terms of the contract shall be consistent with the requirements of this section.

(h) THE NURSING HOME SHALL FURNISH A WRITTEN DESCRIPTION OF LEGAL RIGHTS WHICH INCLUDES:

(i) A DESCRIPTION OF THE MANNER OF PROTECTING PERSONAL FUNDS, UNDER PARAGRAPH (6) OF THIS SECTION;

(ii) IN THE CASE OF A NURSING FACILITY ONLY, A DESCRIPTION OF THE REQUIREMENTS AND PROCEDURES FOR ESTABLISHING ELIGIBILITY FOR MEDICAID, INCLUDING THE RIGHT TO REQUEST AN ASSESSMENT UNDER SECTION 1924(c) WHICH DETERMINES THE EXTENT OF A COUPLE'S NONEXEMPT RESOURCES AT THE TIME OF INSTITUTIONALIZATION AND ATTRIBUTES TO THE COMMUNITY SPOUSE AN EQUITABLE SHARE OF RESOURCES WHICH CANNOT BE CONSIDERED AVAILABLE FOR PAYMENT TOWARD THE COST OF THE INSTITUTIONALIZED SPOUSE'S MEDICAL CARE IN HIS OR HER PROCESS OF SPENDING DOWN TO MEDICAID ELIGIBILITY LEVELS;

(iii) A POSTING OF NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ALL PERTINENT STATE CLIENT ADVOCACY GROUPS SUCH AS THE STATE SURVEY AND CERTIFICATION AGENCY, THE STATE LICENSURE OFFICE, THE STATE OMBUDSMAN PROGRAM, THE PROTECTION AND ADVOCACY NETWORK, AND THE MEDICAID FRAUD CONTROL UNIT; AND

(iv) A STATEMENT THAT THE RESIDENT MAY FILE A COMPLAINT WITH THE STATE SURVEY AND CERTIFICATION AGENCY CONCERNING RESIDENT ABUSE, NEGLECT, AND MISAPPROPRIATION OF RESIDENT PROPERTY IN THE FACILITY.

(i) THE NURSING HOME MUST INFORM EACH RESIDENT OF THE NAME, SPECIALTY AND WAY OF CONTACTING THE PHYSICIAN RESPONSIBLE FOR HIS OR HER CARE.

(j) THE SKILLED NURSING FACILITY AND NURSING FACILITY MUST PROMINENTLY DISPLAY IN THE FACILITY WRITTEN INFORMATION, AND PROVIDE TO RESIDENTS AND APPLICANTS FOR ADMISSION ORAL AND WRITTEN INFORMATION ABOUT HOW TO APPLY FOR AND USE MEDICARE AND MEDICAID BENEFITS, AND HOW TO RECEIVE REFUNDS FOR PREVIOUS PAYMENTS COVERED BY SUCH BENEFITS.

(5) NOTIFICATION OF CHANGES.

(a) A NURSING HOME MUST IMMEDIATELY INFORM THE RESIDENT; CONSULT WITH THE RESIDENT'S PHYSICIAN; AND IF KNOWN, NOTIFY THE RESIDENT'S SURROGATE DECISION MAKER AND WHEN APPROPRIATE, WITH RESIDENT CONSENT AN INTERESTED FAMILY MEMBER WHEN THERE IS:

(i) AN ACCIDENT INVOLVING THE RESIDENT WHICH RESULTS IN INJURY AND HAS THE POTENTIAL FOR REQUIRING PHYSICIAN INTERVENTION;

(ii) A SIGNIFICANT CHANGE IN THE RESIDENT'S PHYSICAL, MENTAL, OR PSYCHOSOCIAL STATUS (I.E., A DETERIORATION IN HEALTH, MENTAL, OR PSYCHOLOGICAL STATUS IN EITHER LIFE-THREATENING CONDITIONS OR CLINICAL COMPLICATIONS); REFER TO WAC 388-97-055, RESIDENT REPRESENTATIVE AND DECISION MAKING;

(iii) A NEED TO ALTER TREATMENT SIGNIFICANTLY (I.E., A NEED TO DISCONTINUE AN EXISTING FORM OF TREATMENT DUE TO ADVERSE CONSEQUENCES, OR TO COMMENCE A NEW FORM OF TREATMENT); OR

(iv) A DECISION TO TRANSFER OR DISCHARGE THE RESIDENT FROM THE FACILITY.

(b) THE NURSING HOME MUST ALSO PROMPTLY NOTIFY THE RESIDENT AND, IF KNOWN, THE RESIDENT'S SURROGATE DECISION MAKER AND WHEN APPROPRIATE, WITH THE RESIDENT'S CONSENT INTERESTED FAMILY MEMBER WHEN THERE IS:

(i) A CHANGE IN ROOM OR ROOMMATE ASSIGNMENT; OR

(ii) A CHANGE IN RESIDENT RIGHTS UNDER FEDERAL OR STATE LAW OR REGULATIONS AS SPECIFIED IN PARAGRAPH (4)(A) OF THIS SECTION.

(c) THE NURSING HOME MUST RECORD AND PERIODICALLY UPDATE THE ADDRESS AND PHONE NUMBER OF THE RESIDENT'S LEGAL SURROGATE DECISION MAKER AND INTERESTED FAMILY MEMBER.

(6) PROTECTION OF RESIDENT FUNDS.

(a) THE RESIDENT HAS THE RIGHT TO MANAGE HIS OR HER FINANCIAL AFFAIRS AND THE NURSING HOME MAY NOT REQUIRE RESIDENTS TO DEPOSIT THEIR PERSONAL FUNDS WITH THE FACILITY.

(b) MANAGEMENT OF PERSONAL FUNDS. UPON WRITTEN AUTHORIZATION OF A RESIDENT, THE NURSING HOME MUST HOLD, SAFEGUARD, MANAGE AND ACCOUNT FOR THE PERSONAL FUNDS OF THE RESIDENT DEPOSITED WITH THE FACILITY.

(c) ACCOUNTING AND RECORDS. THE NURSING HOME MUST ESTABLISH AND MAINTAIN A SYSTEM THAT ASSURES A

FULL AND COMPLETE AND SEPARATE ACCOUNTING, ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, OF EACH RESIDENT'S PERSONAL FUNDS ENTRUSTED TO THE FACILITY ON THE RESIDENT'S BEHALF.

(i) THE SYSTEM MUST PRECLUDE ANY COMMINGLING OF RESIDENT FUNDS WITH FACILITY FUNDS OR WITH THE FUNDS OF ANY PERSON OTHER THAN ANOTHER RESIDENT.

(ii) THE INDIVIDUAL FINANCIAL RECORD MUST BE AVAILABLE THROUGH QUARTERLY STATEMENTS ON REQUEST TO THE RESIDENT OR HIS OR HER LEGAL REPRESENTATIVE.

(d) NOTICE OF CERTAIN BALANCES. THE SKILLED NURSING FACILITY AND NURSING FACILITY MUST NOTIFY EACH RESIDENT THAT RECEIVES MEDICAID BENEFITS:

(i) WHEN THE AMOUNT IN THE RESIDENT'S ACCOUNT REACHES TWO HUNDRED DOLLARS LESS THAN THE SSI RESOURCE LIMIT FOR ONE PERSON; AND

(ii) THAT IF THE AMOUNT IN THE ACCOUNT, IN ADDITION TO THE VALUE OF THE RESIDENT'S OTHER NONEXEMPT RESOURCES, REACHES THE SSI RESOURCE LIMIT FOR ONE PERSON, THE RESIDENT MAY LOSE ELIGIBILITY FOR MEDICAID OR SSI.

(e) CONVEYANCE UPON DEATH. UPON THE DEATH OF A RESIDENT WITH A PERSONAL FUND DEPOSITED WITH THE NURSING HOME, THE FACILITY MUST CONVEY WITHIN THIRTY DAYS THE RESIDENT'S FUNDS, AND A FINAL ACCOUNTING OF THOSE FUNDS, TO THE INDIVIDUAL OR JURISDICTION ADMINISTERING THE RESIDENT'S ESTATE.

(f) ASSURANCE OF FINANCIAL SECURITY. THE SKILLED NURSING FACILITY AND NURSING FACILITY MUST PURCHASE A SURETY BOND, OR OTHERWISE PROVIDE ASSURANCE, TO ASSURE SECURITY OF PERSONAL FUNDS OF RESIDENTS DEPOSITED WITH THE FACILITY.

(g) LIMITATION ON CHARGES TO PERSONAL FUNDS. THE SKILLED NURSING FACILITY AND NURSING FACILITY MAY NOT IMPOSE A CHARGE AGAINST THE PERSONAL FUNDS OF A RESIDENT FOR ANY ITEM OR SERVICE FOR WHICH PAYMENT IS MADE UNDER MEDICAID OR MEDICARE AS DESCRIBED IN 42 C.F.R. §483.10 (c)(8).

(h) THE SKILLED NURSING FACILITY AND NURSING FACILITY SHALL:

(i) NOT CHARGE A RESIDENT (OR THE RESIDENT'S REPRESENTATIVE) FOR ANY ITEM OR SERVICE NOT REQUESTED BY THE RESIDENT.

(ii) NOT REQUIRE A RESIDENT (OR THE RESIDENT'S REPRESENTATIVE) TO REQUEST ANY ITEM OR SERVICE AS A CONDITION OF ADMISSION OR CONTINUED STAY; AND

(iii) INFORM THE RESIDENT (OR THE RESIDENT'S REPRESENTATIVE) REQUESTING AN ITEM OR SERVICES FOR WHICH A CHARGE WILL BE MADE THAT THERE WILL BE A CHARGE FOR THE ITEM OR SERVICE AND WHAT THE CHARGE WILL BE.

(7) **FREE CHOICE.** THE RESIDENT HAS THE RIGHT TO:

(a) CHOOSE A PERSONAL ATTENDING PHYSICIAN;

(b) BE FULLY INFORMED IN ADVANCE ABOUT CARE AND TREATMENT AND OF ANY CHANGES IN THAT CARE OR TREATMENT THAT MAY AFFECT THE RESIDENT'S WELL-BEING; AND

(c) UNLESS ADJUDGED INCOMPETENT OR OTHERWISE FOUND TO BE INCAPACITATED UNDER THE LAWS OF THE STATE, PARTICIPATE IN PLANNING CARE AND TREATMENT OR CHANGES IN CARE AND TREATMENT.

(8) **PRIVACY AND CONFIDENTIALITY.** THE RESIDENT HAS THE RIGHT TO PERSONAL PRIVACY AND CONFIDENTIALITY OF HIS OR HER PERSONAL AND CLINICAL RECORDS.

(a) PERSONAL PRIVACY INCLUDES ACCOMMODATIONS, MEDICAL TREATMENT, WRITTEN AND TELEPHONE COMMUNICATIONS, PERSONAL CARE, VISITS, AND MEETINGS OF FAMILY AND RESIDENT GROUPS, BUT THIS DOES NOT REQUIRE THE NURSING HOME TO PROVIDE A PRIVATE ROOM FOR EACH RESIDENT.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (7)(c) OF THIS SECTION, THE RESIDENT MAY APPROVE OR REFUSE THE RELEASE OF PERSONAL AND CLINICAL RECORDS TO ANY INDIVIDUAL OUTSIDE THE NURSING HOME;

(c) THE RESIDENT'S RIGHT TO REFUSE RELEASE OF PERSONAL AND CLINICAL RECORDS DOES NOT APPLY WHEN:

(i) THE RESIDENT IS TRANSFERRED TO ANOTHER HEALTH CARE INSTITUTION; OR

(ii) RECORD RELEASE IS REQUIRED BY LAW.

(9) **GRIEVANCES.** A RESIDENT HAS THE RIGHT TO:

(a) VOICE GRIEVANCES WITHOUT DISCRIMINATION OR REPRISAL. SUCH GRIEVANCES INCLUDE THOSE WITH RESPECT TO TREATMENT WHICH HAS BEEN FURNISHED AS WELL AS THAT WHICH HAS NOT BEEN FURNISHED; AND

(b) PROMPT EFFORTS BY THE NURSING HOME TO RESOLVE GRIEVANCES THE RESIDENT MAY HAVE, INCLUDING THOSE WITH RESPECT TO THE BEHAVIOR OF OTHER RESIDENTS.

(10) **EXAMINATION OF SURVEY RESULTS.** A resident has the right to:

(a) Examine the results of the most recent survey or complaint investigation of the nursing home conducted by federal and state surveyors or inspectors and plans of correction in effect with respect to the facility. The nursing home shall:

(i) Publicly post a copy of the most recent survey and complaint investigation until the violation is corrected to the satisfaction of the department up to a maximum of one hundred twenty days;

(ii) Make a copy of the survey results available for examination in a place readily accessible to residents;

(iii) Post a notice that the results of the survey or investigation are available and the location of the surveys when not posted; and

(iv) Post surveys and notices in a place or places in plain view of the residents in the nursing home, persons visiting those residents, and persons who inquire about placement in the facility; and

(b) RECEIVE INFORMATION FROM AGENCIES ACTING AS CLIENT ADVOCATES, AND BE AFFORDED THE OPPORTUNITY TO CONTACT THESE AGENCIES.

(11) **WORK.** THE RESIDENT HAS THE RIGHT TO:

(a) REFUSE TO PERFORM SERVICES FOR THE NURSING HOME;

(b) PERFORM SERVICES FOR THE NURSING HOME, IF HE OR SHE CHOOSES, WHEN:

(i) THE FACILITY HAS DOCUMENTED THE NEED OR DESIRE FOR WORK IN THE PLAN OF CARE;

(ii) THE PLAN SPECIFIES THE NATURE OF THE SERVICES PERFORMED AND WHETHER THE SERVICES ARE VOLUNTARY OR PAID;

(iii) COMPENSATION FOR PAID SERVICES IS AT OR ABOVE PREVAILING RATES; AND

(iv) THE RESIDENT AGREES TO THE WORK ARRANGEMENT DESCRIBED IN THE PLAN OF CARE.

(12) **MAIL.** THE RESIDENT HAS THE RIGHT TO PRIVACY IN WRITTEN COMMUNICATIONS, INCLUDING THE RIGHT TO:

(a) SEND AND PROMPTLY RECEIVE MAIL THAT IS UNOPENED; AND

(b) HAVE ACCESS TO STATIONERY, POSTAGE AND WRITING IMPLEMENTS AT THE RESIDENT'S OWN EXPENSE.

(13) **ACCESS AND VISITATION RIGHTS.**

(a) THE RESIDENT HAS THE RIGHT AND THE NURSING HOME MUST PROVIDE IMMEDIATE ACCESS TO ANY RESIDENT BY THE FOLLOWING:

(i) ANY REPRESENTATIVE OF THE SECRETARY;

(ii) ANY REPRESENTATIVE OF THE STATE;

(iii) THE RESIDENT'S INDIVIDUAL PHYSICIAN;

(iv) ANY REPRESENTATIVE OF THE STATE LONG TERM CARE OMBUDSMAN (ESTABLISHED UNDER SECTION 307(A)(12) OF THE OLDER AMERICAN'S ACT OF 1965);

(v) THE AGENCY RESPONSIBLE FOR THE PROTECTION AND ADVOCACY SYSTEM FOR DEVELOPMENTALLY DISABLED INDIVIDUALS (ESTABLISHED UNDER PART C OF THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT);

(vi) THE AGENCY RESPONSIBLE FOR THE PROTECTION AND ADVOCACY SYSTEM FOR MENTALLY ILL INDIVIDUALS (ESTABLISHED UNDER THE PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT);

(vii) SUBJECT TO THE RESIDENT'S RIGHT TO DENY OR WITHDRAW CONSENT AT ANY TIME, IMMEDIATE FAMILY OR OTHER RELATIVES OF THE RESIDENT; AND

(viii) SUBJECT TO REASONABLE RESTRICTIONS AND THE RESIDENT'S RIGHT TO DENY OR WITHDRAW CONSENT AT ANY TIME, OTHERS WHO ARE VISITING WITH THE CONSENT OF THE RESIDENT.

(b) THE NURSING HOME MUST PROVIDE REASONABLE ACCESS TO ANY RESIDENT BY ANY ENTITY OR INDIVIDUAL THAT PROVIDES HEALTH, SOCIAL, LEGAL, OR OTHER SERVICES TO THE RESIDENT, SUBJECT TO THE RESIDENT'S RIGHT TO DENY OR WITHDRAW CONSENT AT ANY TIME.

(c) THE NURSING HOME MUST ALLOW REPRESENTATIVES OF THE STATE OMBUDSMAN, DESCRIBED IN PARAGRAPH (13) (A)(IV) OF THIS SECTION, TO EXAMINE A RESIDENT'S CLINICAL RECORDS WITH THE PERMISSION OF THE RESIDENT OR THE RESIDENT'S SURROGATE DECISION MAKER, AND CONSISTENT WITH STATE LAW.

(14) **TELEPHONE.** The resident has the right to have twenty-four hour access to a telephone which:

(a) Provides auditory privacy; and

(b) Is accessible to a person with a disability and accommodates a person with sensory impairment.

(15) **PERSONAL PROPERTY.**

(a) THE RESIDENT HAS THE RIGHT TO RETAIN AND USE PERSONAL POSSESSIONS, INCLUDING SOME FURNISHINGS, AND APPROPRIATE CLOTHING, AS SPACE PERMITS, UNLESS TO DO SO WOULD INFRINGE UPON THE RIGHTS OR HEALTH AND SAFETY OF OTHER RESIDENTS.

(b) The nursing home shall allow the resident to provide his or her own bed and other furniture, if desired and space permits, unless to do so would infringe on the rights or health and safety of other residents.

(c) No nursing home shall require residents to sign waivers of potential liability for losses of personal property.

(d) The nursing home shall have a system in place to safeguard personal property within the nursing home.

(16) **ROOMMATES/ROOMS.**

(a) A RESIDENT SHALL HAVE THE RIGHT TO SHARE A ROOM WITH HIS OR HER SPOUSE WHEN MARRIED RESIDENTS LIVE IN THE SAME FACILITY AND BOTH SPOUSES CONSENT TO THE ARRANGEMENT; AND

(b) A resident shall have the right to receive three days notice of change in room or roommate except where the move is at the resident's request, a longer or shorter notice is required to protect the health or safety of the person or other resident, or an admission is necessary.

(c) The nursing home shall make reasonable efforts to accommodate residents wanting to share the same room;

(17) **SELF-ADMINISTRATION OF DRUGS.** AN INDIVIDUAL RESIDENT MAY SELF-ADMINISTER DRUGS IF THE INTERDISCIPLINARY TEAM HAS DETERMINED THAT THIS PRACTICE IS SAFE.

(18) **REFUSAL OF CERTAIN TRANSFERS.**

(a) AN INDIVIDUAL RESIDENT HAS THE RIGHT TO REFUSE A TRANSFER TO ANOTHER ROOM WITHIN THE INSTITUTION, IF THE PURPOSE OF THE TRANSFER IS TO RELOCATE:

(i) A RESIDENT OF A SNF FROM THE DISTINCT PART OF THE INSTITUTION THAT IS A SNF TO A PART OF THE INSTITUTION THAT IS NOT A SNF, OR

(ii) A RESIDENT OF A NF FROM THE DISTINCT PART OF THE INSTITUTION THAT IS A NF TO A DISTINCT PART OF THE INSTITUTION THAT IS A SNF.

(b) A RESIDENT'S EXERCISE OF THE RIGHT TO REFUSE TRANSFER UNDER PARAGRAPH (18)(a) OF THIS SECTION DOES NOT AFFECT THE INDIVIDUAL'S ELIGIBILITY OR ENTITLEMENT TO MEDICARE OR MEDICAID BENEFITS.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-070, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-075 Nursing home practices—Resident restraint and prevention of abuse.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.13 will be deemed to meet subsections (2)(a) and (7) through (12) of this section.

(2) The resident has the right to be free from any physical or chemical restraints imposed for purposes of:

(a) DISCIPLINE OR CONVENIENCE, AND NOT REQUIRED TO TREAT THE RESIDENT'S MEDICAL SYMPTOMS; OR

(b) Preventing or limiting independent mobility or activity, except that a restraint may be used in a bona fide emergency situation when necessary to prevent a person from inflicting injury upon self or others. The nursing home shall obtain within seventy-two hours a physician's order for proper treatment resolving the emergency situation and eliminating the cause for the restraint. Intermediate care facilities for the mentally retarded (ICF/MR) are not required to obtain a physician's order for emergency restraints.

(3) The nursing home shall have written policies and procedures in place governing:

(a) Use of chemical and physical restraints;

(b) The personnel authorized to administer restraints in an emergency; and

(c) Monitoring and controlling the use of restraints.

(4) In certain situations, physical restraints may be necessary for persons with acute or chronic physical impairments. In these situations, the nursing home shall ensure the use of physical restraints is related to a specific need or problem identified in the comprehensive care plan.

(5) In any situation where chemical or physical restraint is used for a resident, the nursing home shall ensure:

(a) The informed consent process is followed as described under WAC 388-97-060; and

(b) The resident's care plan provides approaches to diminish or eliminate the use of the restraint, where possible.

(6) The nursing home shall ensure that any resident physically restricted is released:

(a) At intervals not to exceed two hours; and

(b) For periods long enough to provide for ambulation, exercise, elimination, food and fluid intake, and socialization as independently as possible.

(7) THE RESIDENT HAS THE RIGHT TO BE FREE FROM VERBAL, SEXUAL, PHYSICAL AND MENTAL ABUSE, CORPORAL PUNISHMENT; AND INVOLUNTARY SECLUSION.

(8) THE NURSING HOME SHALL DEVELOP AND IMPLEMENT WRITTEN POLICIES AND PROCEDURES THAT PROHIBIT MISTREATMENT, NEGLIGENCE AND ABUSE OF RESIDENTS AND MISAPPROPRIATION OF RESIDENT PROPERTY.

(9) THE NURSING HOME SHALL:

(a) NOT USE VERBAL, MENTAL, SEXUAL, OR PHYSICAL ABUSE, CORPORAL PUNISHMENT OR INVOLUNTARY SECLUSION;

(b) NOT EMPLOY PERSONS WHO HAVE BEEN:

(i) FOUND GUILTY OF ABUSING, NEGLECTING OR MISTREATING RESIDENTS; BY A COURT OF LAW; OR

(ii) HAVE HAD A FINDING ENTERED INTO THE STATE NURSE AIDE REGISTRY CONCERNING ABUSE, NEGLIGENCE, MISTREATMENT OF RESIDENTS, AND MISAPPROPRIATION OF THEIR PROPERTY; AND

(c) REPORT ANY KNOWLEDGE IT HAS OF ACTIONS BY A COURT OF LAW AGAINST AN EMPLOYEE, WHICH WOULD INDICATE UNFITNESS FOR SERVICES AS A NURSE AIDE OR OTHER FACILITY STAFF TO THE STATE NURSE AID REGISTRY OR LICENSING AUTHORITIES.

(10) THE NURSING HOME SHALL ENSURE THAT ALL ALLEGED VIOLATIONS INVOLVING MISTREATMENT, NEGLIGENCE OR ABUSE INCLUDING INJURIES OF UNKNOWN SOURCE, AND MISAPPROPRIATION OF RESIDENT PROPERTY ARE REPORTED



IMMEDIATELY TO THE ADMINISTRATOR OF THE FACILITY AND TO OTHER OFFICIALS IN ACCORDANCE WITH STATE LAW THROUGH ESTABLISHED PROCEDURES (INCLUDING TO THE STATE SURVEY AND CERTIFICATION AGENCY).

(11) THE NURSING HOME SHALL:

(a) HAVE EVIDENCE THAT ALL ALLEGED VIOLATIONS ARE THOROUGHLY INVESTIGATED, AND

(b) PREVENT FURTHER POTENTIAL ABUSE WHILE THE INVESTIGATION IS IN PROGRESS.

(12) THE RESULTS OF ALL INVESTIGATIONS SHALL BE REPORTED TO THE ADMINISTRATOR OR HIS DESIGNATED REPRESENTATIVE AND TO OTHER OFFICIALS IN ACCORDANCE WITH STATE LAW (INCLUDING TO THE STATE SURVEY AND CERTIFICATION AGENCY) WITHIN FIVE WORKING DAYS OF THE INCIDENT, AND IF THE ALLEGED VIOLATION IS VERIFIED APPROPRIATE CORRECTIVE ACTION MUST BE TAKEN.

(13) Nothing in this section precludes intermediate care facilities for the mentally retarded from using involuntary seclusion in accordance with the requirements of 42 C.F.R., Part 483, Subpart I.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-075, filed 9/15/94, effective 10/16/94.]

### QUALITY OF LIFE

**WAC 388-97-080 Quality of life.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.15 will be deemed to meet subsections (2) through (10), except (7)(b), (9)(b) and (c) and (10).

THE NURSING HOME SHALL CARE FOR ITS RESIDENTS IN A MANNER AND IN AN ENVIRONMENT THAT PROMOTES MAINTENANCE OR ENHANCEMENT OF EACH RESIDENT'S QUALITY OF LIFE.

(2) **DIGNITY.**

(a) THE NURSING HOME SHALL PROMOTE CARE FOR RESIDENTS IN A MANNER AND IN AN ENVIRONMENT THAT MAINTAINS OR ENHANCES EACH RESIDENT'S DIGNITY AND RESPECT IN FULL RECOGNITION OF HIS OR HER INDIVIDUALITY; AND

(b) THE NURSING HOME SHALL PROVIDE TREATMENT AND CARE OF EACH RESIDENT'S PERSONAL CARE NEEDS IN A PRIVATE AREA FREE FROM EXPOSURE TO PERSONS NOT INVOLVED IN PROVIDING THE CARE.

(3) **SELF-DETERMINATION AND PARTICIPATION.**

THE RESIDENT HAS THE RIGHT TO:

(a) CHOOSE ACTIVITIES, SCHEDULES, AND HEALTH CARE CONSISTENT WITH HIS OR HER INTERESTS, ASSESSMENTS, AND PLANS OF CARE;

(b) INTERACT WITH MEMBERS OF THE COMMUNITY BOTH INSIDE AND OUTSIDE THE NURSING HOME; AND

(c) MAKE CHOICES ABOUT ASPECTS OF HIS OR HER LIFE IN THE FACILITY THAT ARE SIGNIFICANT TO THE RESIDENT.

(4) **PARTICIPATION IN RESIDENT AND FAMILY GROUPS.**

(a) A RESIDENT HAS THE RIGHT TO ORGANIZE AND PARTICIPATE IN RESIDENT GROUPS IN THE NURSING HOME;

(b) A RESIDENT'S FAMILY HAS THE RIGHT TO MEET IN THE NURSING HOME WITH THE FAMILIES OF OTHER RESIDENTS IN THE FACILITY;

(c) THE NURSING HOME SHALL PROVIDE A RESIDENT OR FAMILY GROUP, IF ONE EXISTS, WITH PRIVATE SPACE;

(d) STAFF OR VISITORS MAY ATTEND MEETINGS AT THE GROUP'S INVITATION;

(e) THE NURSING HOME SHALL PROVIDE A DESIGNATED STAFF PERSON RESPONSIBLE FOR PROVIDING ASSISTANCE AND RESPONDING TO WRITTEN REQUESTS THAT RESULT FROM GROUP MEETINGS; AND

(f) WHEN A RESIDENT OR FAMILY GROUP EXISTS, THE NURSING HOME SHALL LISTEN TO THE VIEWS AND ACT UPON THE GRIEVANCES AND RECOMMENDATIONS OF RESIDENTS AND FAMILIES CONCERNING PROPOSED POLICY AND OPERATIONAL

DECISIONS AFFECTING RESIDENT CARE AND LIFE IN THE NURSING HOME.

(5) **PARTICIPATION IN OTHER ACTIVITIES.**

A RESIDENT HAS THE RIGHT TO PARTICIPATE IN SOCIAL, RELIGIOUS, AND COMMUNITY ACTIVITIES THAT DO NOT INTERFERE WITH THE RIGHTS OF OTHER RESIDENTS IN THE NURSING HOME.

(6) **ACCOMMODATION OF NEEDS.** A RESIDENT HAS THE RIGHT TO RESIDE AND RECEIVE SERVICES IN THE NURSING HOME WITH REASONABLE ACCOMMODATION OF INDIVIDUAL NEEDS AND PREFERENCES, EXCEPT WHEN THE HEALTH OR SAFETY OF THE INDIVIDUAL OR OTHER RESIDENTS WOULD BE ENDANGERED;

(7) **ACTIVITIES.**

THE NURSING HOME SHALL:

(a) PROVIDE FOR AN ONGOING PROGRAM OF ACTIVITIES DESIGNED TO MEET, IN ACCORDANCE WITH THE COMPREHENSIVE ASSESSMENT, THE INTERESTS AND THE PHYSICAL, MENTAL, AND PSYCHOSOCIAL WELL-BEING OF EACH RESIDENT;

(b) Provide activities meaningful to the residents seven days a week at various times throughout the day and evening based on individual resident's need and preference;

(c) THE ACTIVITIES PROGRAM MUST BE DIRECTED BY A QUALIFIED PROFESSIONAL WHO:

(i) IS A QUALIFIED THERAPEUTIC RECREATION SPECIALIST OR AN ACTIVITIES PROFESSIONAL WHO:

(A) IS LICENSED OR REGISTERED, IF APPLICABLE, BY WASHINGTON STATE; AND

(B) IS ELIGIBLE FOR CERTIFICATION AS A THERAPEUTIC RECREATION SPECIALIST OR AS AN ACTIVITIES PROFESSIONAL BY A RECOGNIZED ACCREDITING BODY ON OR AFTER OCTOBER 1, 1990; OR

(ii) HAS TWO YEARS OF EXPERIENCE IN A SOCIAL OR RECREATIONAL PROGRAM WITHIN THE LAST FIVE YEARS, ONE OF WHICH WAS FULL-TIME IN A PATIENT ACTIVITIES PROGRAM IN A HEALTH CARE SETTING; OR

(iii) HAS COMPLETED A TRAINING COURSE APPROVED BY THE STATE.

(8) **SOCIAL SERVICES.**

(a) THE NURSING HOME SHALL PROVIDE MEDICALLY-RELATED SOCIAL SERVICES TO ATTAIN OR MAINTAIN THE HIGHEST PRACTICABLE PHYSICAL, MENTAL, AND PSYCHOSOCIAL WELL-BEING OF EACH RESIDENT.

(b) A NURSING HOME WITH MORE THAN ONE HUNDRED TWENTY BEDS SHALL EMPLOY A QUALIFIED SOCIAL WORKER ON A FULL-TIME BASIS.

(c) A QUALIFIED SOCIAL WORKER IS AN INDIVIDUAL WITH:

(i) A BACHELOR'S DEGREE IN SOCIAL WORK OR A BACHELOR'S DEGREE IN A HUMAN SERVICES FIELD INCLUDING BUT NOT LIMITED TO SOCIOLOGY, SPECIAL EDUCATION, REHABILITATION COUNSELING, AND PSYCHOLOGY; AND

(ii) ONE YEAR OF SUPERVISED SOCIAL WORK EXPERIENCE IN A HEALTH CARE SETTING WORKING DIRECTLY WITH INDIVIDUALS.

(9) **ENVIRONMENT.** The nursing home shall:

(a) PROVIDE A SAFE, CLEAN, COMFORTABLE, AND HOME-LIKE ENVIRONMENT, ALLOWING THE RESIDENT TO USE HIS OR HER PERSONAL BELONGINGS TO THE EXTENT POSSIBLE;

(b) Provide housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior; and

(c) Maintain comfortable sound levels, to include:

(i) Minimizing the use of the public address system to ensure each use is in the best interest of the residents; and

(ii) Taking reasonable precautions with noisy services so as not to disturb residents, particularly during their sleeping time.

(10) **PETS.**

(a) Each resident shall have a reasonable opportunity to have regular contact with animals.

(b) The nursing home shall consider the recommendations of nursing home residents, resident councils, and staff, and shall:

(i) Determine the method or methods of providing residents access to animals;

(ii) Determine the type and number of animals available in the facility. Such animals may include those customarily considered domestic pets. Wild or exotic animals prohibited as pets under state law are not allowed;

(iii) Ensure the rights, preferences, and medical needs of an individual resident is not compromised by the presence of an animal; and

(iv) Ensure any animal visiting or living on the premises has a suitable temperament, is healthy, and otherwise poses no significant health or safety risks to residents, staff, or visitors.

(c) Animals living on the nursing home premises shall:

(i) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state; and

(ii) Be veterinarian certified to be free of diseases transmittable to humans.

(d) Pets shall be restricted from areas where food is prepared, treatments are being performed, or when residents object to the presence of pets.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-080, filed 9/15/94, effective 10/16/94.]

#### ASSESSMENT AND PLANS OF CARE

**WAC 388-97-085 Resident assessment.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.20 will be deemed to meet this section.

(2) THE NURSING HOME SHALL PROVIDE RESIDENT CARE BASED ON A SYSTEMATIC, COMPREHENSIVE, INTERDISCIPLINARY ASSESSMENT, AND CARE PLANNING PROCESS IN WHICH THE RESIDENT ACTIVELY PARTICIPATES.

(3) THE NURSING HOME SHALL:

(a) CONDUCT INITIALLY AND PERIODICALLY A COMPREHENSIVE, ACCURATE, STANDARDIZED, REPRODUCIBLE ASSESSMENT OF EACH RESIDENT'S FUNCTIONAL CAPACITY.

(b) AT THE TIME EACH RESIDENT IS ADMITTED, HAVE PHYSICIAN ORDERS FOR THE RESIDENT'S IMMEDIATE CARE; AND

(c) ENSURE THAT THE COMPREHENSIVE ASSESSMENT OF A RESIDENT'S NEEDS DESCRIBES THE RESIDENT'S CAPABILITY TO PERFORM DAILY LIFE FUNCTIONS AND SIGNIFICANT IMPAIRMENTS IN FUNCTIONAL CAPACITY.

(4) THE COMPREHENSIVE ASSESSMENT SHALL INCLUDE AT LEAST THE FOLLOWING INFORMATION:

(a) MEDICALLY DEFINED CONDITIONS AND PRIOR MEDICAL HISTORY;

(b) MEDICAL STATUS MEASUREMENT;

(c) PHYSICAL AND MENTAL FUNCTIONAL STATUS;

(d) SENSORY AND PHYSICAL IMPAIRMENTS;

(e) NUTRITIONAL STATUS AND REQUIREMENTS;

(f) SPECIAL TREATMENTS OR PROCEDURES;

(g) MENTAL AND PSYCHOSOCIAL STATUS;

(h) DISCHARGE POTENTIAL;

(i) DENTAL CONDITION;

(j) ACTIVITIES POTENTIAL;

(k) REHABILITATION POTENTIAL;

(l) COGNITIVE STATUS; AND

(m) DRUG THERAPY.

(5) THE NURSING HOME SHALL CONDUCT COMPREHENSIVE ASSESSMENTS:

(a) NO LATER THAN FOURTEEN DAYS AFTER THE DATE OF ADMISSION;

(b) PROMPTLY AFTER A SIGNIFICANT CHANGE IN THE RESIDENT'S PHYSICAL OR MENTAL CONDITION; AND

(c) IN NO CASE LESS OFTEN THAN ONCE EVERY TWELVE MONTHS.

(6) THE NURSING HOME SHALL ENSURE:

(a) EACH RESIDENT IS EXAMINED NO LESS THAN ONCE EVERY THREE MONTHS, AND AS APPROPRIATE, THE RESIDENT'S ASSESSMENT IS REVISED TO ASSURE THE CONTINUED ACCURACY OF THE ASSESSMENT; AND

(b) THE RESULTS OF THE ASSESSMENT ARE USED TO DEVELOP, REVIEW AND REVISE THE RESIDENT'S COMPREHENSIVE PLAN OF CARE UNDER WAC 388-97-150, COMPREHENSIVE CARE PLANNING.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-085, filed 9/15/94, effective 10/16/94.]

#### WAC 388-97-090 Comprehensive care planning.

(1) Medicaid-certified nursing facilities in compliance with federal regulations at 42 C.F.R. §483.20 will be deemed to meet subsections (2) and (3) of this section.

(2) THE NURSING HOME SHALL DEVELOP A COMPREHENSIVE CARE PLAN FOR EACH RESIDENT THAT INCLUDES MEASURABLE OBJECTIVES AND TIMETABLES TO MEET A RESIDENT'S MEDICAL, NURSING AND MENTAL AND PSYCHOSOCIAL NEEDS THAT ARE IDENTIFIED IN THE COMPREHENSIVE ASSESSMENT.

(3) THE COMPREHENSIVE CARE PLAN SHALL:

(a) DESCRIBE THE SERVICES THAT ARE TO BE FURNISHED TO ATTAIN OR MAINTAIN THE RESIDENT'S HIGHEST PRACTICABLE PHYSICAL, MENTAL, AND PSYCHOSOCIAL WELL-BEING AS REQUIRED UNDER WAC 388-97-110, QUALITY OF CARE;

(b) DESCRIBE ANY SERVICES THAT WOULD OTHERWISE BE REQUIRED, BUT ARE NOT PROVIDED DUE TO THE RESIDENT'S EXERCISE OF RIGHTS, INCLUDING THE RIGHT TO REFUSE TREATMENT (REFER TO WAC 388-97-070, RESIDENT RIGHTS, AND WAC 388-97-060, INFORMED CONSENT);

(c) BE DEVELOPED WITHIN SEVEN DAYS AFTER COMPLETION OF THE COMPREHENSIVE ASSESSMENT;

(d) BE PREPARED BY AN INTERDISCIPLINARY TEAM THAT INCLUDES THE ATTENDING PHYSICIAN, A REGISTERED NURSE WITH RESPONSIBILITY FOR THE RESIDENT, AND OTHER APPROPRIATE STAFF IN DISCIPLINES AS DETERMINED BY THE RESIDENT'S NEEDS; AND

(e) INCLUDE THE PARTICIPATION OF THE RESIDENT, THE RESIDENT'S FAMILY OR THE RESIDENT'S LEGAL REPRESENTATIVE.

(4) The nursing home shall:

(a) Follow the informed consent process with the resident as specified in WAC 388-97-060, Informed consent, regarding the interdisciplinary team's care plan recommendations;

(b) Respect the resident's right to decide care plan goals and treatment choices, including acceptance or refusal of care plan recommendations;

(c) Include in the interdisciplinary care planning process:

(i) Staff members requested by the resident; and

(ii) Direct care staff who work most closely with the resident;

(d) Respect the resident's wishes regarding which persons, if any, the resident wants to take part in resident care planning functions;

(e) Provide reasonable advance notice to and reasonably accommodate the resident, the resident's surrogate decision maker, family members or other persons the resident wishes

to have attend, when scheduling care planning meeting time; and

(f) Where for practical reasons any persons significant to the care planning process are unable to attend care planning meetings, provide a method for such persons to give timely input and recommendations.

(5) The nursing home shall ensure that resident care plans include:

(a) Designation of persons responsible for carrying out the program; and

(b) Review of the comprehensive care plan at least quarterly by qualified staff.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-090, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-095 Dementia care unit.** (1) The nursing home with a dementia care unit shall ensure that the unit provides residents with an optimal environment to attain or maintain the highest practicable physical, mental, and psychosocial well-being. Therefore, the nursing home shall:

(a) Follow the process of informed consent/refusal before resident admission to or discharge from the unit;

(b) Base the determination of resident's admission to or transfer from the unit on the comprehensive assessment and care plan;

(c) Provide notification of additional charges, if any, for services and items in the unit; and

(d) Train unit staff in the special needs and care approaches applicable to residents with dementia. Such training shall be consistent with requirements under WAC 388-97-170 (2)(b).

(2) In the case of a person admitted directly to the special care unit from outside the nursing home, the nursing home may complete comprehensive assessment after the person's admission to the unit, provided that the facility must comply with required time frames for completion of resident assessment under WAC 388-97-085, and where applicable, completion of the resident assessment instrument as described under WAC 388-97-275.

(3) In addition to the requirements in this section, the nursing home shall ensure that dementia care units comply with requirements in WAC 388-97-350(1) for existing facilities and 388-97-460(1) for new construction.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-095, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-100 Discharge planning.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.20(e) will be deemed to meet subsection (8) of this section.

(2) A resident shall have the right to attain or maintain the highest practicable physical, mental, and psychosocial well-being, and to reside in the most independent setting. Therefore, the nursing home shall:

(a) Utilize a formal resident discharge planning system with identical policies and practices for all residents regardless of source of payment;

(b) Inform the resident or resident's representative in writing of the nursing home's discharge planning system when the resident is admitted or as soon as practical after the resident's admission, including:

(i) Specific resources available to assist the resident in locating a lesser care setting;

(ii) The name of the nursing home's discharge coordinator;

(iii) In the case of a Medicaid-certified nursing facility, the address and telephone number for the local aging and adult home and community services office; and

(iv) In the case of a resident identified through PASARR as having a developmental disability, the address and telephone number for the division of developmental disabilities.

(3) The nursing home shall prepare a detailed, written transfer or discharge plan for each resident determined to have potential for transfer or discharge within the next three months. The nursing home shall:

(a) Develop and implement the plan with the active participation of the resident and, where appropriate, the resident's surrogate decision maker or representative;

(b) In the case of a Medicaid resident, coordinate the plan with aging and adult home and community services staff;

(c) In the case of a resident identified through PASARR as having a developmental disability, coordinate the plan with the division of developmental disabilities;

(d) Ensure the plan is an integral part of the resident's comprehensive plan of care and, as such, includes measurable objectives and timetables for completion;

(e) Incorporate in the plan relevant factors to include, but not be limited to:

(i) The resident's preferences;

(ii) Support system;

(iii) Assessments and plan of care; and

(iv) Availability of appropriate resources to match the resident's preferences and needs.

(f) Identify in the plan specific options for more independent placement; and

(g) Provide in the plan for the resident's continuity of care and mitigation of potential transfer trauma, including, but not limited to, pretransfer visit to the new location whenever possible.

(4) For a resident whose transfer or discharge is not anticipated in the next three months, the nursing home shall:

(a) Document the specific reasons transfer or discharge is not anticipated in that timeframe;

(b) Review the resident's potential for transfer or discharge at the time of the quarterly comprehensive care plan review. If the reasons documented under subsection (4)(a) of this section are unchanged, no additional documentation of reasons is necessary at the time of care plan review.

(5) The nursing home shall initiate discharge planning on residents described in subsection (4) of this section:

(a) At the request of the resident or the resident's representative; and

(b) When the resident's situation or status indicates transfer or discharge potential within the next three months.

(6) Each resident shall have the right to request transfer or discharge and to choose a new location. If the resident chooses to leave, the nursing home shall assist with and coordinate the resident's transfer or discharge. The resident, resident's representative, or nursing facility may request assistance from aging and adult home and community services or, where applicable, the division of developmental

disabilities in the transfer or discharge planning and implementation process.

(7) The nursing home shall coordinate all resident transfers and discharges with the parties involved.

(8) WHEN A NURSING HOME ANTICIPATES DISCHARGE, A RESIDENT MUST HAVE A DISCHARGE SUMMARY THAT INCLUDES:

(a) A RECAPITULATION OF THE RESIDENT'S STAY;

(b) A FINAL SUMMARY OF THE RESIDENT'S STATUS TO INCLUDE ITEMS IN WAC 388-97-085(2), RESIDENT ASSESSMENT, AT THE TIME OF DISCHARGE THAT IS AVAILABLE FOR RELEASE TO AUTHORIZED PERSONS AND AGENCIES, WITH THE CONSENT OF THE RESIDENT OR LEGAL REPRESENTATIVE; AND

(c) A POST-DISCHARGE PLAN OF CARE THAT IS DEVELOPED WITH THE PARTICIPATION OF THE RESIDENT AND HIS OR HER FAMILY, WHICH WILL ASSIST THE RESIDENT TO ADJUST TO HIS OR HER NEW LIVING ENVIRONMENT.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-100, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-105 Relocation due to decertification, license revocation closure, evacuation.** (1) When the department or the federal Health Care Financing Administration terminates or does not renew a nursing home's Medicaid certification, or the department revokes or suspends the nursing home's license or orders emergency closure of a nursing home, the department shall:

(a) Notify residents and, when appropriate, resident representatives of the action; and

(b) Assist with residents' relocation and specify the location of possible alternative locations.

(2) When a resident's relocation occurs due to a nursing home's voluntary closure, or voluntary termination of its Medicaid contract:

(a) The nursing home shall:

(i) Send written notification, sixty days before closure or contract termination, to the appropriate nursing home services district manager and to all residents; and

(ii) Provide appropriate discharge planning and coordination for all residents.

(b) The department may provide a resident assistance with relocation.

(3) The nursing home shall immediately report to the department's aging and adult services administration:

(a) Any event, actual or potential, requiring the evacuation of all or part of the nursing home's residents to another address; and

(b) Circumstances which threaten the nursing home's ability to ensure continuation of services to residents.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-105, filed 9/15/94, effective 10/16/94.]

## QUALITY OF CARE

**WAC 388-97-110 Quality of care.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.25 will be deemed to meet subsections (2) through (4) of this section, except for (4)(m) and (4)(n).

(2) EACH RESIDENT SHALL RECEIVE AND THE NURSING HOME SHALL PROVIDE THE NECESSARY CARE AND SERVICES TO ATTAIN OR MAINTAIN THE HIGHEST PRACTICABLE PHYSICAL, MENTAL AND PSYCHOSOCIAL WELL-BEING, SELF-CARE

AND INDEPENDENCE IN ACCORDANCE WITH COMPREHENSIVE ASSESSMENT AND PLAN OF CARE.

(3) BASED ON THE COMPREHENSIVE ASSESSMENT OF A RESIDENT, THE NURSING HOME SHALL ENSURE THAT:

(a) A RESIDENT'S ABILITIES IN ACTIVITIES OF DAILY LIVING DO NOT DIMINISH UNLESS CIRCUMSTANCES OF THE RESIDENT'S CLINICAL CONDITION DEMONSTRATE THAT DIMINUTION WAS UNAVOIDABLE. THIS INCLUDES THE RESIDENT'S ABILITY TO:

(i) BATHE, DRESS, AND GROOM;

(ii) TRANSFER AND AMBULATE;

(iii) TOILET;

(iv) EAT; AND

(v) USE SPEECH, LANGUAGE, OR OTHER FUNCTIONAL COMMUNICATION SYSTEMS.

(vi) A RESIDENT WHO IS UNABLE TO CARRY OUT ACTIVITIES OF DAILY LIVING RECEIVES THE NECESSARY SERVICES TO MAINTAIN GOOD NUTRITION, GROOMING, AND PERSONAL AND ORAL HYGIENE.

(b) A RESIDENT IS GIVEN THE APPROPRIATE TREATMENT AND SERVICES TO MAINTAIN OR IMPROVE THE RESIDENT'S ABILITIES SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION; AND

(c) A RESIDENT WHO IS UNABLE TO CARRY OUT ACTIVITIES OF DAILY LIVING RECEIVES THE NECESSARY SERVICES TO MAINTAIN GOOD NUTRITION, GROOMING, AND PERSONAL AND ORAL HYGIENE.

(4) THE NURSING HOME SHALL ENSURE APPROPRIATE CARE AND SERVICES ARE PROVIDED TO THE RESIDENT IN THE FOLLOWING AREAS, AS APPLICABLE IN ACCORDANCE WITH THE RESIDENT'S INDIVIDUALIZED ASSESSMENTS AND CARE PLAN:

(a) VISION AND HEARING;

(b) SKIN;

(c) CONTINENCE;

(d) RANGE OF MOTION;

(e) MENTAL AND PSYCHOSOCIAL FUNCTIONING AND ADJUSTMENT;

(f) NASOGASTRIC TUBES;

(h) ACCIDENT PREVENTION;

(i) NUTRITION;

(j) HYDRATION;

(k) SPECIAL NEEDS, INCLUDING:

(i) INJECTIONS;

(ii) PARENTERAL AND ENTERAL FLUIDS;

(iii) COLOSTOMY, URETEROSTOMY, OR ILEOSTOMY CARE;

(iv) TRACHEOSTOMY CARE;

(v) TRACHEAL SUCTION;

(vi) RESPIRATORY CARE;

(vii) FOOT CARE; AND

(viii) PROSTHESES.

(l) MEDICATIONS, INCLUDING FREEDOM FROM:

(i) UNNECESSARY DRUGS;

(ii) NURSING HOME ERROR RATE OF FIVE PERCENT OR GREATER; AND

(iii) SIGNIFICANT MEDICATION ERRORS.

(m) Self-administration of medication; and

(n) Independent living skills.

(5) The nursing home shall ensure each resident is monitored for desired responses and undesirable side effects of prescribed drugs.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-110, filed 9/15/94, effective 10/16/94.]

## NURSING SERVICES

**WAC 388-97-115 Nursing services.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.30 will be deemed to meet subsections (2) and (3) of this section.

(2) THE NURSING HOME SHALL ENSURE A SUFFICIENT NUMBER OF QUALIFIED NURSING PERSONNEL ARE AVAILABLE ON A TWENTY-FOUR HOUR BASIS SEVEN DAYS PER WEEK TO PROVIDE NURSING AND RELATED SERVICES TO ATTAIN OR

MAINTAIN THE HIGHEST PRACTICABLE PHYSICAL, MENTAL AND PSYCHOSOCIAL WELL-BEING OF EACH RESIDENT AS DETERMINED BY RESIDENT ASSESSMENTS AND INDIVIDUAL PLANS OF CARE.

(3) THE NURSING HOME SHALL:

(a) DESIGNATE A REGISTERED NURSE OR LICENSED PRACTICAL NURSE TO SERVE AS CHARGE NURSE ACCOUNTABLE FOR NURSING SERVICES ON EACH TOUR OF DUTY; AND

(b) HAVE A FULL TIME DIRECTOR OF NURSING SERVICE WHO SHALL BE A REGISTERED NURSE.

(4) The nursing home shall have:

(a) A registered nurse on duty directly supervising resident care a minimum of sixteen hours per day, seven days per week; and

(b) A registered nurse or licensed practical nurse on duty directly supervising resident care the remaining eight hours per day, seven days per week.

(c) In intermediate care facilities for the mentally retarded (ICF/MR), there shall be at least one registered nurse or licensed practical nurse on duty eight hours per day, and additional licensed staff on any shifts if indicated. Subsections (3)(a) and (4)(a) and (b) of this section do not apply to intermediate care facilities for the mentally retarded.

(5) The nursing home shall ensure that staff respond to each resident's requests for assistance in a manner which promptly meets the quality of life and quality of care needs of all the residents.

(6) The director of nursing services shall be responsible for:

(a) Coordinating the plan of care for each resident;

(b) Ensuring registered nurses comply with chapter 18.88 RCW, and licensed practical nurses comply with chapter 18.78 RCW; and

(c) Ensuring nursing care is based on the nursing process in accordance with nationally recognized and accepted standards of professional nursing practice.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-115, filed 9/15/94, effective 10/16/94.]

## DIETARY SERVICES

**WAC 388-97-120 Dietary services.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.35 will be deemed to meet subsections (2), (3), (8), (9), (10), (12)(a) and (13) of this section.

(2) THE NURSING HOME SHALL PROVIDE EACH RESIDENT WITH A NOURISHING, PALATABLE, WELL-BALANCED DIET THAT MEETS THE DAILY NUTRITIONAL AND SPECIAL DIETARY NEEDS OF EACH RESIDENT. THE FOOD SHALL BE SERVED IN SUCH A MANNER TO BE ATTRACTIVE AND AT TEMPERATURES SAFE AND ACCEPTABLE TO THE RESIDENT.

(3) THE NURSING HOME SHALL PROVIDE A MINIMUM OF THREE MEALS IN EACH TWENTY-FOUR HOUR PERIOD, AT REGULAR TIMES COMPARABLE TO NORMAL MEAL TIMES IN THE COMMUNITY.

(4) The nursing home shall make available to residents on a daily basis fresh fruits and vegetables in season.

(5) The nursing home shall make reasonable efforts to:

(a) Accommodate individual mealtime preferences and portion sizes, as well as preferences for between meal and evening snacks when not medically contraindicated;

(b) Offer breakfast served later or an alternative to the regular breakfast for late risers; and

(c) Provide food consistent with the cultural and religious needs of the residents.

(6) The nursing home shall obtain input from residents and/or resident councils in meal planning, scheduling, and the menu selection process.

(7) The nursing home shall:

(a) Encourage residents to continue eating independently;

(b) Provide effective adaptive utensils as needed to promote independence;

(c) Allow sufficient time for eating in a relaxed manner;

(d) Provide individualized assistance as needed; and

(e) Provide table service, in a dining area/room, located outside of the resident's room, to all residents capable of eating at a table.

(8) THE NURSING HOME SHALL HAVE SUFFICIENT SUPPORT PERSONNEL COMPETENT TO CARRY OUT THE FUNCTIONS OF DIETARY SERVICE.

(9) THE FACILITY SHALL EMPLOY A REGISTERED AND CERTIFIED OR LICENSED DIETITIAN EITHER FULL-TIME, PART-TIME OR ON A CONSULTANT BASIS.

(10) IF A QUALIFIED DIETITIAN IS NOT EMPLOYED FULL-TIME, THE FACILITY SHALL EMPLOY A FOOD SERVICE MANAGER TO SERVE AS THE DIRECTOR OF FOOD SERVICE.

(11) The food service manager means a person who:

(a) Has completed a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association/Dietary Manager Association; or

(b) Has completed a state-approved training program providing ninety or more hours of classroom instruction in food service supervision, and has experience in a health care institution; and

(c) Receives regularly scheduled consultation from a qualified dietitian. Consultation services include:

(i) Nutrition assessment;

(ii) Liaison with medical and nursing staff and administrator;

(iii) Inservice training;

(iv) Guidance to the director of food service and food service staff; and

(v) Approval of regular and therapeutic menus.

(12) THE DIETITIAN SHALL:

(a) APPROVE MENUS WHICH MEET THE DIETARY ALLOWANCES OF THE FOOD AND NUTRITION BOARD OF THE NATIONAL RESEARCH COUNCIL, NATIONAL ACADEMY OF SCIENCES; AND

(b) Prepare dated menus for general and modified diets at least three weeks in advance; and

(c) Retain dated menus, dated records of foods received, a record of the number of meals served, and standardized recipes for at least three months for department review as necessary.

(13) WHEN A RESIDENT REFUSES FOOD SERVED, THE FACILITY SHALL OFFER A SUBSTITUTE OF A SIMILAR NUTRITIVE VALUE.

(14) The nursing home shall:

(a) Ensure menus are followed;

(b) Post the current dated general menu, including substitutions, in the food service area and in a place accessible and conspicuous to residents and visitors; and

(c) Note any variations, to the regular menu on the menu.

(15) The nursing home shall:

(a) Ensure residents' diets are provided as prescribed by the physician. Diet modifications for texture only may be

used as an interim measure when ordered by a registered nurse; and

(b) Provide supplementary fluids and nourishments in accordance with the resident's individual needs as determined by the assessment process.

(16) The nursing home shall review a resident's modified diet to ensure the food form and texture are consistent with the resident's current needs and functional level:

- (a) At the request of the resident;
- (b) When the resident's condition warrants; and
- (c) At the time of the care plan review.

(17) The nursing home shall ensure:

(a) A resident's tube feedings are of uniform consistency and quality; and

(b) Tube feedings are prepared, stored, distributed, and served in such a manner so as to maintain uniformity and to prevent contamination.

(18) The nursing home shall ensure food service is in compliance with chapter 246-215 WAC, rules and regulations of the state board of health governing food services sanitation.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-120, filed 9/15/94, effective 10/16/94.]

### PHYSICIAN SERVICES

**WAC 388-97-125 Physician services.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.40 will be deemed to meet subsections (2) through (9) of this section.

(2) EXCEPT AS SPECIFIED IN RCW 74.42.200, A PHYSICIAN SHALL PERSONALLY APPROVE IN WRITING A RECOMMENDATION THAT A PERSON BE ADMITTED TO A NURSING HOME.

(3) THE NURSING HOME SHALL ENSURE THAT:

(a) EXCEPT AS SPECIFIED IN RCW 74.42.200, THE MEDICAL CARE OF EACH RESIDENT IS SUPERVISED BY A PHYSICIAN; AND

(b) ANOTHER PHYSICIAN SUPERVISES THE MEDICAL CARE OF RESIDENTS WHEN THEIR ATTENDING PHYSICIAN IS UNAVAILABLE.

(4) THE NURSING HOME SHALL PROVIDE, OR ARRANGE FOR THE PROVISION, OF PHYSICIAN SERVICES TWENTY-FOUR HOURS PER DAY, IN CASE OF EMERGENCY.

(5) THE PHYSICIAN SHALL:

(a) REVIEW THE RESIDENT'S TOTAL PROGRAM OF CARE, INCLUDING MEDICATIONS AND TREATMENTS, AT EACH FEDERALLY REQUIRED VISIT;

(b) WRITE, SIGN AND DATE PROGRESS NOTES AT EACH VISIT; AND

(c) SIGN AND DATE ALL ORDERS.

(6) EXCEPT AS SPECIFIED IN SUBSECTIONS (7) AND (8) OF THIS SECTION, A PHYSICIAN MAY DELEGATE TASKS TO A PHYSICIAN'S ASSISTANT OR ADVANCED REGISTERED NURSE PRACTITIONER WHO IS:

(a) LICENSED BY THE STATE;

(b) ACTING WITHIN THE SCOPE OF PRACTICE AS DEFINED BY STATE LAW; AND

(c) UNDER THE SUPERVISION OF THE PHYSICIAN.

(7) THE PHYSICIAN MAY NOT DELEGATE A TASK WHEN THE DELEGATION IS PROHIBITED UNDER STATE LAW OR BY THE FACILITY'S OWN POLICIES.

(8) IN THE MEDICARE-CERTIFIED PORTION OF THE FACILITY, THE PHYSICIAN MAY:

(a) ALTERNATE FEDERALLY REQUIRED PHYSICIAN VISITS BETWEEN PERSONAL VISITS BY:

(i) THE PHYSICIAN; AND

(ii) AN ADVANCED REGISTERED NURSE PRACTITIONER OR PHYSICIAN'S ASSISTANT; AND

(b) NOT DELEGATE RESPONSIBILITY FOR THE INITIAL REQUIRED PHYSICIAN VISIT.

(9) IN MEDICAID-CERTIFIED NURSING FACILITIES THE PHYSICIAN MAY DELEGATE ANY FEDERALLY REQUIRED PHYSICIAN TASK, INCLUDING TASKS WHICH THE REGULATIONS SPECIFY MUST BE PERFORMED PERSONALLY BY THE PHYSICIAN, TO A PHYSICIAN'S ASSISTANT OR ADVANCED REGISTERED NURSE PRACTITIONER WHO IS NOT AN EMPLOYEE OF THE FACILITY BUT WHO IS WORKING IN COLLABORATION WITH A PHYSICIAN.

(10) The attending physician, or the physician-designated advanced registered nurse practitioner or physician's assistant shall:

(a) Participate in the interdisciplinary care planning process as described in WAC 388-97-090;

(b) Provide to the resident, or where applicable the resident's surrogate decision maker, information so the resident can make an informed consent to or refusal of care (see WAC 388-97-060, Informed consent); and

(c) Order resident self-medication when appropriate.

(11) The nursing home shall have the following medical information before or at the time of the resident's admission:

(a) A summary or summaries of the resident's current health status, including history and physical findings reflecting review of systems;

(b) Orders, as necessary for medications, treatments, diagnostic studies, specialized rehabilitative services, diet, and any restrictions related to physical mobility; and

(c) Plans for continuing care and discharge.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-125, filed 9/15/94, effective 10/16/94.]

### SPECIALIZED HABILITATIVE AND REHABILITATIVE SERVICES

**WAC 388-97-130 Specialized habilitative and rehabilitative services.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.45 will be deemed to meet subsection (2) of this section.

(2) IF SPECIALIZED HABILITATIVE AND REHABILITATIVE SERVICES SUCH AS, BUT NOT LIMITED TO, PHYSICAL THERAPY, SPEECH-LANGUAGE PATHOLOGY, OCCUPATIONAL THERAPY, AND HEALTH REHABILITATIVE SERVICES FOR MENTAL ILLNESS AND MENTAL RETARDATION, ARE REQUIRED IN THE RESIDENT'S COMPREHENSIVE PLAN OF CARE, THE FACILITY SHALL:

(a) PROVIDE THE REQUIRED SERVICES; OR

(b) OBTAIN THE REQUIRED SERVICES FROM AN OUTSIDE PROVIDER OF SPECIALIZED REHABILITATIVE SERVICES.

(3) As determined by the resident's individualized comprehensive care plan, qualified therapists, as defined in WAC 388-96-010, shall provide specialized habilitative or rehabilitative services under the written order of the physician. At the qualified therapist's discretion, certain services may be delegated to and provided by support personnel under appropriate supervision.

(4) The nursing home may provide specialized rehabilitative and habilitative services to outpatients on the facility premises.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-130, filed 9/15/94, effective 10/16/94.]

## PHARMACY SERVICES

**WAC 388-97-135 Pharmacy services.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.60 will be deemed to meet subsections (2) and (3) of this section.

(2) THE NURSING HOME SHALL:

(a) OBTAIN ROUTINE AND EMERGENCY DRUGS AND BIOLOGICALS FOR ITS RESIDENTS UNDER AN AGREEMENT WITH A LICENSED PHARMACY;

(b) ENSURE THAT PHARMACEUTICAL SERVICES:

(i) MEET THE NEEDS OF EACH RESIDENT;

(ii) ESTABLISH AND MONITOR SYSTEMS FOR THE ACCURATE ACQUIRING, RECEIVING, DISPENSING, AND ADMINISTERING OF ALL DRUGS AND BIOLOGICALS; AND

(c) EMPLOY OR OBTAIN THE SERVICES OF A LICENSED PHARMACIST WHO SHALL:

(i) PROVIDE CONSULTATION ON ALL ASPECTS OF THE PROVISION OF PHARMACY SERVICES IN THE NURSING HOME;

(ii) DETERMINE THAT NURSING HOME DRUG RECORDS ARE IN ORDER;

(iii) PERFORM REGULAR REVIEWS AT LEAST ONCE EACH MONTH OF EACH RESIDENT'S DRUG THERAPY; AND

(iv) DOCUMENT AND REPORT DRUG IRREGULARITIES TO THE ATTENDING PHYSICIAN AND THE DIRECTOR OF NURSING.

(3) DRUGS AND BIOLOGICALS USED IN THE NURSING HOME SHALL BE LABELED AND STORED IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL LAWS.

(4) The nursing home shall provide pharmaceutical services that:

(a) Meet recognized and accepted standards of pharmacy practice; and

(b) Comply with chapter 246-865 WAC, Pharmaceutical services-extended care facility, except nursing home staff administering drugs to residents may document administration at the time of pouring the drug or immediately after administration.

(5) The nursing home shall ensure:

(a) Education and training for nursing home staff by the licensed pharmacist on drug-related subjects including, but not limited to:

(i) Recognized and accepted standards of pharmacy practice and applicable pharmacy laws and rules;

(ii) Appropriate monitoring of residents by staff to determine desired effect and undesirable side effects of drug regimens; and (iii) Use of psychotropic drugs.

(b) Pharmacist monthly drug review reports are acted on in a timely and effective manner;

(c) Accurate detection, documentation, reporting and resolution of drug errors and adverse drug reactions;

(d) Only persons authorized by state law to do so shall receive drug orders and administer drugs;

(6) The resident shall have the choice of pharmacies when purchasing prescription and nonprescription drugs as long as the

following conditions are met to ensure the resident is protected from medication errors:

(a) The medications are delivered in a unit of use compatible with the established system of the facility for dispensing drugs; and

(b) The medications are delivered in a timely manner to prevent interruption of dose schedule.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-135, filed 9/15/94, effective 10/16/94.]

## INFECTION CONTROL

**WAC 388-97-140 Infection control.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.65 will be deemed to meet the requirements of subsections (2), (3), and (4).

(2) THE NURSING HOME SHALL:

(a) ESTABLISH AND MAINTAIN AN EFFECTIVE INFECTION CONTROL PROGRAM DESIGNED TO PROVIDE A SAFE, SANITARY, AND COMFORTABLE ENVIRONMENT AND TO HELP PREVENT THE DEVELOPMENT AND TRANSMISSION OF DISEASE AND INFECTION;

(b) PROHIBIT ANY EMPLOYEE WITH A COMMUNICABLE DISEASE OR INFECTED SKIN LESION FROM DIRECT CONTACT WITH RESIDENTS OR THEIR FOOD, IF DIRECT CONTACT COULD TRANSMIT THE DISEASE; AND

(c) REQUIRE STAFF TO WASH THEIR HANDS AFTER EACH DIRECT RESIDENT CONTACT FOR WHICH HANDWASHING IS INDICATED BY ACCEPTED PROFESSIONAL PRACTICE.

(3) UNDER THE INFECTION CONTROL PROGRAM, THE NURSING HOME SHALL:

(a) INVESTIGATE, CONTROL AND PREVENT INFECTIONS IN THE FACILITY;

(b) DECIDE WHAT PROCEDURES SHOULD BE APPLIED IN INDIVIDUAL CIRCUMSTANCES; AND

(c) MAINTAIN A RECORD OF INCIDENCE OF INFECTION AND CORRECTIVE ACTION TAKEN.

(4) NURSING HOME PERSONNEL MUST HANDLE, STORE, PROCESS, AND TRANSPORT LINENS SO AS TO PREVENT THE SPREAD OF INFECTION.

(5) The nursing home shall report any case or suspected case of a reportable disease to the appropriate department of health officer.

(6) The nursing home shall develop and implement effective methods for the safe storage, transport and disposal of garbage, refuse and infectious waste, consistent with all applicable local, state, and federal requirements for such disposal.

(7) The nursing home shall provide areas, equipment, and supplies to implement an effective infection control program. The nursing home shall ensure:

(a) Ready availability of hand cleaning supplies and appropriate drying equipment or material at each sink;

(b) Safe use of disposable and single service supplies and equipment;

(c) Effective procedures for cleaning, disinfecting or sterilizing according to equipment use;

(d) Chemicals and equipment used for cleaning, disinfecting, and sterilizing, including chemicals used to launder personal clothing, are used in accordance with manufacturer's directions and recommendations; and

(e) Safe and effective procedures for disinfecting:

(i) All bathing and therapy tubs between each resident use; and

(ii) Swimming pools, spas and hot tubs.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-140, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-145 Early identification of persons with active tuberculosis.** The nursing home shall take steps to identify in a timely manner and follow-up residents and personnel who have active tuberculosis.

(1) The nursing home shall administer and interpret initial and follow-up tuberculin skin tests by the Mantoux method according to guidelines from the Centers on Disease Control. The nursing home shall ensure:

(a) Skin test results are recorded in millimeters of induration; and

(b) A reaction of ten millimeters or more induration is read as a positive reaction. The exception to this ruling is that a reaction of five millimeters or more induration is read as a positive reaction for:

(i) Immunosuppressed persons; that is, persons with acquired immune deficiency syndrome (AIDS) or persons on high doses or immunosuppressive drugs;

(ii) Persons with recent contact with suspected or confirmed tuberculosis cases; and

(iii) Persons with abnormal chest radiographs consistent with tuberculosis.

(2) RESIDENTS. The nursing home shall:

(a) Conduct resident tuberculin skin tests within three days of admission. No skin testing is necessary on admission when there is documentation of:

(i) A positive reaction, as defined in subsection (1) of this section, to a previous Mantoux skin test;

(ii) Adequate therapy for active disease; or

(iii) Adequate preventive therapy.

(b) In the case of a resident thirty-five years of age or older with a negative reaction to the tuberculin skin test, conduct a second skin test within one to three weeks after the first test, unless there is documentation of a skin test within the preceding six months;

(c) Ensure that staff evaluate each resident who has a positive reaction to the tuberculin skin test for signs and symptoms of tuberculosis (productive cough, coughing up blood, weight loss, loss of appetite, lethargy/weakness, night sweats, or fever);

(d) Ensure that a resident who shows positive symptoms of tuberculosis has a chest radiograph within five days of detection of the symptoms; and

(e) Retain in the resident's clinical record:

(i) Tuberculin skin test results, or waiver from skin testing as described in subsection (6) of this section; and

(ii) Other relevant findings.

(3) A resident who is admitted or re-admitted from a continuous stay in a hospital or other nursing home and who has evidence of tuberculosis skin testing shall be exempt from re-testing on re-admission.

(4) PERSONNEL. The nursing home shall:

(a) Conduct personnel tuberculin skin tests within three days of employment. No skin testing is necessary upon employment when there is documentation of:

(i) A positive reaction, as defined in subsection (1) of this section, to a previous Mantoux skin test;

(ii) Adequate therapy for active disease; or

(iii) Adequate preventive therapy.

(b) In the case of personnel thirty-five years of age or older with a negative reaction to the tuberculin skin test, conduct a second test within one to three weeks after the first test, unless there is documentation of a skin test in the preceding six months;

(c) Ensure that personnel with a positive reaction after either test have a chest radiograph within five days;

(d) Ensure re-testing of personnel with negative reactions are conducted annually to identify a person whose tuberculin skin tests converts to positive;

(e) Retain in the employee's record for the duration of employment:

(i) Tuberculin skin test results, or waiver from skin testing as described in subsection (6) of this section; and

(ii) Other relevant findings.

(f) Provide the employee a copy of the records referred to in subsection (4)(e) of this section.

(5) The local health department may require additional tuberculin testing of residents or personnel as necessary for contact investigation.

(6) WAIVERS. A resident or an employee may request a waiver from the required tuberculin skin tests. The department of health will decide whether the waiver shall be granted and will notify the requesting person. Requests for waivers shall:

(a) Be directed to the tuberculosis control program, department of health; and

(b) Include supporting medical data, or other compelling reasons for the request.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-145, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-150 Surveillance and management of tuberculosis.** (1) The nursing home shall:

(a) Ensure compliance with nationally recognized tuberculosis standards, and applicable state law; and

(b) Evaluate any resident or employee with symptoms suggestive of tuberculosis regardless of whether tuberculin skin test results are positive or negative.

(2) In the case where tuberculosis is suspected or diagnosed, the nursing home shall:

(a) Notify the local public health officer so that appropriate contact investigation can be performed;

(b) Institute appropriate measures for control of the transmission of droplet nuclei; and

(c) Apply appropriate work restrictions where personnel are, or may be, infectious and pose a risk to residents and other personnel.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-150, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-155 Care of residents with active tuberculosis.** (1) Where the nursing home accepts the care of a resident with suspected or confirmed tuberculosis, the nursing home shall:

(a) Coordinate the resident's admission, nursing home care, discharge planning, and discharge with the local health officer or officer designee; and

(b) Provide necessary education about tuberculosis for staff, visitors, and residents.

(2) For a resident who requires respiratory isolation for tuberculosis, the nursing home shall:

(a) Provide a private or semiprivate isolation room:

(i) In accordance with WAC 388-97-330(2), Resident rooms;

(ii) In which room air is maintained under negative pressure; and appropriately exhausted, either directly to the outside away from intake vents or through properly designed, installed, and maintained high efficiency particulate air (HEPA) filters;

(b) Provide supplemental environment approaches, such as ultraviolet lights, where deemed to be necessary;



(c) Provide appropriate protective equipment for staff and visitors; and

(d) Have measures in place for the decontamination of equipment and other items used by the resident.

(3) When a semiprivate isolation room is utilized, the nursing home shall ensure that only residents requiring respiratory isolation for confirmed or suspected tuberculosis are placed together.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-155, filed 9/15/94, effective 10/16/94.]

### ADMINISTRATION

**WAC 388-97-160 General administration.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75 will be deemed to meet subsections (2) through (6) of this section.

(2) THE NURSING HOME SHALL BE ADMINISTERED IN A MANNER THAT ENABLES IT TO USE ITS RESOURCES EFFECTIVELY AND EFFICIENTLY TO ATTAIN OR MAINTAIN THE HIGHEST PRACTICABLE PHYSICAL, MENTAL, AND PSYCHOSOCIAL WELL BEING OF EACH RESIDENT.

(3) THE NURSING HOME MUST:

(a) BE LICENSED UNDER CHAPTER 18.51 RCW;

(b) OPERATE AND PROVIDE SERVICES IN COMPLIANCE WITH:

(i) ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, AND CODES;

(ii) ACCEPTED PROFESSIONAL STANDARDS AND PRINCIPLES THAT APPLY TO PROFESSIONALS PROVIDING SERVICES IN NURSING HOMES; AND

(c) HAVE A GOVERNING BODY OR DESIGNATED PERSONS FUNCTIONING AS A GOVERNING BODY, THAT IS LEGALLY RESPONSIBLE FOR ESTABLISHING AND IMPLEMENTING POLICIES REGARDING THE MANAGEMENT AND OPERATION OF THE NURSING HOME.

(4) THE GOVERNING BODY OF THE NURSING HOME SHALL APPOINT THE ADMINISTRATOR WHO IS:

(a) LICENSED BY THE STATE; AND

(b) RESPONSIBLE FOR MANAGEMENT OF THE FACILITY.

(5) THE NURSING HOME SHALL EMPLOY ON A FULL TIME, PART TIME OR CONSULTANT BASIS THOSE PROFESSIONALS NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS CHAPTER.

(6) IF THE NURSING HOME DOES NOT EMPLOY A QUALIFIED PROFESSIONAL PERSON TO FURNISH A SPECIFIC SERVICE TO BE PROVIDED BY THE NURSING HOME, THE NURSING HOME SHALL:

(a) HAVE THAT SERVICE FURNISHED TO RESIDENTS BY A PERSON OR AGENCY OUTSIDE THE NURSING HOME UNDER A WRITTEN ARRANGEMENT OR AGREEMENT; AND

(b) ENSURE THE ARRANGEMENT OR AGREEMENT REFERRED TO IN SUBSECTION (6)(a) OF THIS SECTION SPECIFIES IN WRITING THAT THE NURSING HOME ASSUMES RESPONSIBILITY FOR:

(i) OBTAINING SERVICES THAT MEET PROFESSIONAL STANDARDS AND PRINCIPLES THAT APPLY TO PROFESSIONALS PROVIDING SERVICES IN NURSING HOMES; AND

(ii) THE TIMELINESS OF SERVICES.

(7) The nursing home administrator shall comply with all requirements of chapter 18.52 RCW and all regulations promulgated thereunder.

(8) The nursing home shall report to the local law enforcement agency any person threatening bodily harm or causing a disturbance of such magnitude as to threaten any person's welfare and safety.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-160, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-165 Staff and equipment.** (1) The nursing home shall ensure:

(a) Sufficient numbers of appropriately qualified and trained staff are available to provide necessary care and services safely under routine conditions, as well as fire, emergency, and disaster situations;

(b) Adequate equipment, supplies and space are available to carry out all functions and responsibilities of the nursing home;

and

(c) All staff, including management, provide care and services consistent with:

(i) Empowering each resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being, self-care and independence;

(ii) Respecting resident rights; and

(iii) Enhancing each resident's quality of life.

(2) The nursing home shall ensure that any employee giving direct resident care:

(a) Has successfully completed or is a student in a DSHS-approved nursing assistant training program; and

(b) Meets other requirements applicable to persons performing nursing related duties in a nursing home, including those which apply to minors.

(3) The nursing home shall ensure:

(a) Students in an DSHS-approved nursing assistant training program:

(i) Complete training and competency evaluation within four months of beginning work as a nursing assistant;

(ii) Complete at least sixteen hours of training in communication and interpersonal skills, infection control, safety/emergency procedures including the Heimlich maneuver, promoting residents' independence, and respecting residents' rights before any direct contact with a resident; and

(iii) Wear name tags which clearly identify student or trainee status at all times in all interactions with residents and visitors in all nursing homes, including the nursing homes in which the student completes clinical training requirements and in which the student is employed;

(b) Residents and visitors have sufficient information to distinguish between the varying qualifications of nursing assistants; and

(c) Each employee hired as a nursing assistant applies for registration with the department of health within three days of employment in accordance with chapter 18.88A RCW.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-165, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-170 Staff development.** (1) The nursing home shall have a staff development program that is under the direction of a designated registered nurse or licensed practical nurse.

(2) The nursing home shall:

(a) Ensure each employee receives initial orientation to the facility and its policies and is initially assigned only to duties for which the employee has demonstrated competence;

(b) Ensure all employees receive appropriate inservice education to maintain a level of knowledge appropriate to, and demonstrated competence in, the performance of

ongoing job duties consistent with the principle of assisting the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being. To this end, the nursing home shall:

(i) Assess the specific training needs of each employee and address those needs; and

(ii) Determine the special needs of the nursing home's resident population which may require training emphasis.

(c) Comply with other applicable training requirements, such as, but not limited to, the bloodborne pathogen standard.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-170, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-175 Medical director.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(i) will be deemed to meet this section.

(2) EXCEPT FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED (ICF/MR), THE NURSING HOME SHALL DESIGNATE A PHYSICIAN TO SERVE AS MEDICAL DIRECTOR.

(3) THE MEDICAL DIRECTOR IS RESPONSIBLE FOR:

(a) IMPLEMENTATION OF RESIDENT CARE POLICIES; AND

(b) THE COORDINATION OF MEDICAL CARE IN THE FACILITY.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-175, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-180 Clinical records.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(l) will be deemed to meet subsection (2) of this section.

(2) THE NURSING HOME SHALL:

(a) MAINTAIN CLINICAL RECORDS ON EACH RESIDENT IN ACCORDANCE WITH ACCEPTED PROFESSIONAL STANDARDS AND PRACTICES THAT ARE:

(i) COMPLETE;

(ii) ACCURATELY DOCUMENTED;

(iii) READILY ACCESSIBLE; AND

(iv) SYSTEMATICALLY ORGANIZED.

(b) SAFEGUARD CLINICAL RECORD INFORMATION AGAINST ALTERATION, LOSS, DESTRUCTION, AND UNAUTHORIZED USE; AND

(c) KEEP CONFIDENTIAL ALL INFORMATION CONTAINED IN THE RESIDENT'S RECORDS, REGARDLESS OF THE FORM OR STORAGE METHOD OF THE RECORDS, EXCEPT WHEN RELEASE IS REQUIRED BY:

(i) TRANSFER TO ANOTHER HEALTH CARE INSTITUTION;

(ii) LAW;

(iii) THIRD PARTY PAYMENT CONTRACT; OR

(iv) THE RESIDENT.

(3) The nursing home shall ensure the clinical record of each resident includes at least the following:

(a) Resident identification and sociological data, including the name and address of the person or persons the resident designates as significant;

(b) Medical information required under WAC 388-97-125, Physician services,

(c) Physician's orders;

(d) Assessments;

(e) Plans of care;

(f) Services provided;

(g) In the case of the Medicaid-certified nursing facility, records related to preadmission screening and annual resident review;

(h) Progress notes;

(i) Medications administered;

(j) Consents, authorizations, releases;

(k) Allergic responses;

(l) Laboratory, X-ray, and other findings; and

(m) Other records as appropriate.

(4) The nursing home shall:

(a) Designate a person responsible for the record system who:

(i) Has appropriate training and experience in clinical record management; or

(ii) Receives consultation from a qualified clinical record practitioner, such as an registered record administrator or accredited record technician.

(b) Make all records available to authorized representatives of the department for review and duplication as necessary; and

(c) Maintain the following:

(i) A master resident index having a reference for each resident including the health record number, if applicable; full name; date of birth; admission dates; and discharge dates; and

(ii) A chronological census register, including all admissions, discharge, deaths and transfers, and noting the receiving facility. The nursing home shall ensure the register includes discharges for social leave and transfers to other treatment facilities in excess of twenty-four hours.

(5) The nursing home shall ensure the clinical record of each resident:

(a) Is documented and authenticated accurately, promptly and legibly by persons giving the order, making the observation, performing the examination, assessment, treatment or providing the care and services, and:

(i) Documents from other health care facilities that are clearly identified as being authenticated at that facility shall be considered authenticated at the receiving facility; and

(ii) The original or a durable, legible, direct copy of each document shall be accepted.

(b) Contains appropriate information for a deceased resident including:

(i) The time and date of death;

(ii) Apparent cause of death;

(iii) Notification of the physician and appropriate resident representative; and

(iv) The disposition of the body and personal effects.

(6) In cases where the nursing home maintains records by computer rather than hard copy, the nursing home shall:

(a) Have in place safeguards to prevent unauthorized access; and

(b) Provide for reconstruction of information.

(7) The nursing home shall:

(a) Retain health records for the time period required in RCW 18.51.300;

(b) In the event of a change of ownership, provide for the orderly transfer of health records to the new licensee; and

(c) In the event a nursing home ceases operation, make arrangements prior to cessation, as approved by the department, for preservation of the health records.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-180, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-185 Disaster and emergency preparedness.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(m) will be deemed to meet subsection (2) of this section.

(2) THE NURSING HOME SHALL TRAIN ALL EMPLOYEES IN EMERGENCY PROCEDURES WHEN THEY BEGIN TO WORK IN THE NURSING HOME, PERIODICALLY REVIEW EMERGENCY PROCEDURES WITH EXISTING STAFF, AND CARRY OUT UNANNOUNCED STAFF DRILLS USING THOSE PROCEDURES.

(3) The nursing home shall have detailed written plans and procedures to meet potential emergencies and disasters. At a minimum the nursing home shall ensure these plans provide for:

- (a) Fire;
- (b) Severe weather;
- (c) Loss of power;
- (d) Earthquake;
- (e) Explosion;
- (f) Missing resident;
- (g) Loss of water;
- (h) Bomb threats; and
- (i) Armed persons.

(4) The nursing home shall ensure emergency plans:

(a) Are developed and maintained with the assistance of qualified fire, safety, and other appropriate experts as necessary;

(b) Are reviewed annually; and

(c) Include evacuation routes prominently posted on each unit.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-185, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-190 Quality assessment and assurance.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(o) will be deemed to meet subsection (2) of this section.

(2) THE NURSING HOME SHALL MAINTAIN A PROCESS FOR QUALITY ASSESSMENT AND ASSURANCE. THE DEPARTMENT MAY NOT REQUIRE DISCLOSURE OF THE RECORDS OF THE QUALITY ASSESSMENT AND ASSURANCE COMMITTEE EXCEPT IN SO FAR AS SUCH DISCLOSURE IS RELATED TO ENSURING COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

(3) The nursing home shall ensure the nursing home's quality assessment and assurance process:

(a) Seeks out and incorporates input from the resident and family councils, if any, or individual residents and support groups; and

(b) Reviews expressed concerns and grievances.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-190, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-195 Policies and procedures.** (1) The nursing home shall develop and implement written policies and procedures in accordance with RCW 74.42.430, and other state and federal laws applicable to resident rights and nursing home operations.

(2) The nursing home shall ensure the written policies and procedures referred to in subsection (1) of this section:

(a) Promote and protect each resident's:

- (i) Rights, including health care decision making;
- (ii) Personal interests; and
- (iii) Financial and property interests.

(b) Are made available to staff, residents, members of residents' families, the public, and representatives of the department;

(c) In the case of policies and procedures related to health care decision making and resident representation, are provided to the resident in accordance with federal requirements, where applicable; and

(d) Are current, and continued without interruption in the event of staff changes.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-195, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-200 Criminal history disclosure and background inquiries.** (1) Except as provided in this section, a nursing home shall not employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents if the person:

(a) Discloses or the background inquiry discloses that the person was:

(i) Convicted of a crime against persons as defined under RCW 43.43.830;

(ii) Convicted of crimes relating to financial exploitation as defined under RCW 43.43.830; or

(iii) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(b) The person discloses or the appropriate licensing agency determines that the person:

(i) Was subject to an order of protection under chapter 74.34 RCW for abuse or financial exploitation of a vulnerable adult;

(ii) Was found in a final decision issued by a disciplinary board to have;

(iii) Sexually or physically abused or exploited any minor or developmentally disabled person;

(iv) Abused or financially exploited any vulnerable adult; or

(v) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor.

(2) A nursing home may choose to employ a person with a conviction of a crime against persons only if the conviction is one of the five crimes listed below and the required number of years has passed:

(a) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(d) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment; or

(e) Forgery, or the same offense as forgery may hereafter be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

(3) A nursing home may conditionally employ a person pending a background inquiry provided the nursing home requests the inquiry within seventy-two hours of the conditional employment.

(4) A nursing home licensed under chapter 18.51 RCW shall make a background inquiry request to one of the following:

(a) The Washington state patrol;

(b) The department;

(c) The most recent employer licensed under chapter 18.51 RCW, provided termination of that employment was within twelve months of the current employment application and provided the inquiry was completed by the department or completed by the Washington state patrol within the two years before the current date of application; or

(d) A nurse pool agency licensed under chapter 18.52C RCW, or hereafter renamed, provided the background inquiry was completed by the Washington state patrol within two years before the current date of employment in the nursing home.

(5) Before a nursing home employs, directly or by contract, or accepts any person as a volunteer or student, a nursing home shall:

(a) Inform the person the Washington state patrol shall complete a background inquiry; or

(b) Inform the person that the person may make a request for a copy of a completed background inquiry as provided for under subsection (4) of this section; and

(c) Require the person to sign a disclosure statement;

(d) Require the person to sign a statement authorizing the nursing home, the department, and the Washington state patrol to make a background inquiry request; and

(e) Verbally inform the person of the background inquiry results within seventy-two hours of receipt.

(6) Nursing homes:

(a) Shall require all current direct or contract employees, volunteers, and students to sign disclosure statements;

(b) Shall request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student on or after July 23, 1989;

(c) May request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student before July 23, 1989; and

(d) Shall notify appropriate licensing or certification agency of any person resigning or terminated as a result of having a conviction record.

(7) The nursing home shall establish procedures ensuring:

(a) All disclosure statements and background inquiry responses and all copies are maintained in a confidential and secure manner;

(b) Disclosure statements and background inquiry responses are used for employment purposes only;

(c) Disclosure statements and background inquiry responses are not disclosed to any person except:

(i) The person about whom the nursing home made the disclosure or background inquiry;

(ii) Authorized state and federal employees;

(iii) The Washington state patrol auditor; and

(iv) Potential employers licensed under chapter 18.51 RCW

who are making a request as provided for under subsection (4) of this section.

(d) A record of findings shall be retained by the facility for twelve months beyond the date of employment termination.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-200, filed 9/15/94, effective 10/16/94.]

## MISCELLANEOUS SERVICES

**WAC 388-97-205 Laundry services.** (1) The nursing home shall ensure sufficient washing and drying facilities to meet the residents' care and comfort needs without delay. To that end the nursing home shall:

(a) Launder facility linens on the premises; or

(b) Contract with a laundry capable of meeting quality standards, infection control, and turn-around time requirements; and

(c) Make provision for laundering of residents' personal clothing.

(2) The nursing home shall ensure the temperature and time of the hot water cycle to disinfect nursing home linen is:

(a) One hundred sixty degrees Fahrenheit during a five minute minimum wash cycle or one hundred forty degrees Fahrenheit during a fifteen minute minimum wash cycle; or

(b) Equivalent disinfection method which conforms to generally accepted standards of infection control for health care facility linen.

(3) For residents' personal clothing, the nursing home shall:

(a) Have a system in place to ensure that personal clothing is not damaged or lost during handling and laundering; and

(b) May use chemical disinfection in lieu of the hot water disinfection.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-205, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-210 Respite services.** (1) "Respite services" means relief care for families or other caregivers of persons with disabilities.

(2) Respite services shall:

(a) Provide temporary care and supervision in substitution for the caregiver;

(b) Be for short-term stays up to a maximum of thirty-one days; and

(c) Not be used to hold a resident waiting regular admission to the nursing home.

(3) The nursing home providing respite services shall develop and implement policies and procedures consistent with this section.

(4) In providing respite services, the nursing home shall:

(a) Have appropriate and adequate staff, space, and equipment to meet the person's needs without jeopardy to the care of regular residents;

(b) Ensure respite residents have assessments performed, where needed, by qualified staff to meet the resident's needs;

(c) Before or at the time of admission of a person for respite services, obtain sufficient information to meet the person's anticipated needs. At a minimum, such information includes:

(i) Name, address, and telephone number of the person's physician and alternate physician, if any;

(ii) Medical and social history, mental and physical assessment data; and

(iii) Physician's orders for diet, medication and routine care consistent with the person's status on admission.

(d) With the participation of the respite resident and, where appropriate, the person's representative, develop a plan of care to maintain or improve the respite resident's health and functional status during the respite stay;

(e) Provide for the respite resident to:

(i) Bring medications from home in accordance with nursing home policy; and

(ii) Self-medicate where determined safe.

(f) Promptly report injury, illness, or other adverse change in the respite resident's health condition to the attending physician;

(g) Where assessment of the respite resident reveals symptoms of tuberculosis, follow tuberculosis testing requirements under WAC 388-97-145, Early identification of persons with active tuberculosis; and

(h) At the request of the respite resident, or where appropriate, the person's representative, make provision for securing the respite resident's cash and other valuables brought to the nursing home during the respite stay.

(5) A nursing home may use a respite care assessment and service plan performed by a case manager designated by an area agency on aging under contract with the department to obtain the medical and social history information required by this subsection.

(6) Records.

(a) In lieu of opening a new record, the nursing home may reopen a respite resident's health record with each period of a respite resident's care up to one year from the previous respite stay, provided the nursing home reviews and updates the recorded information with each new period of care; and

(b) Medicaid-certified nursing facilities shall complete the state-specified resident assessment instrument for any person whose respite stay exceeds fourteen days.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-210, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-215 Adult day or night care.** (1) "Adult day or night care" means temporary care not to exceed sixteen continuous hours per day. Such care may be on a regular or intermittent basis.

(2) The nursing home providing adult day or night care shall develop and implement policies and procedures consistent with this section.

(3) In providing adult day or night care, the nursing home shall:

(a) Have appropriate and adequate staff, space, and equipment to provide care without jeopardy to the care of regular residents;

(b) Ensure assessments are performed, where needed, by qualified staff;

(c) Before or at the time services are started, obtain sufficient information to meet anticipated needs. Such information shall include:

(i) Name, address, and telephone number of the person's physician and alternate physician, if any;

(ii) Medical and social history, mental and physical assessment data; and

(iii) Physician's orders for dietary, medication, and routine care consistent with current status.

(d) Provide for the person to:

(i) Bring medications from home in accordance with nursing home policy; and

(ii) Self-medicate where determined safe.

(e) With the participation of the adult day or night care person and, where appropriate, the person's representative, develop a plan of care to maintain or improve the health and functional status during the period of care;

(f) Promptly report injury, illness, or other adverse change in health condition to the physician;

(g) Where assessment reveals symptoms of tuberculosis, follow tuberculosis testing requirements under WAC 388-97-145, Early identification of persons with active tuberculosis; and

(h) At the request of the person or, where appropriate, the person's representative, make provision for securing the cash and other valuables brought to the nursing home during day or night care.

(4) Records. In lieu of opening a new record, the nursing home may reopen an adult day or night care person's health records with each period of adult day or night care up to one year from the previous day or night care stay, provided the nursing home reviews and updates the recorded information with each new period of care.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-215, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-220 Dialysis services.** (1) "Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial, semipermeable membrane.

(2) "Dialysis helper" means a person who has:

(a) Completed an inservice class approved by the kidney center; and

(b) Been hired by the resident to provide to the resident care related only to dialysis treatment.

(3) "Kidney center" means those facilities as defined and certified by the federal government to provide end stage renal disease (ESRD) services and which provide services specified in WAC 246-520-020.

(4) Dialysis for acute renal failure shall not be administered in a nursing home.

(5) A nursing home may only administer maintenance dialysis in the nursing home after the:

(a) Analysis of other options and elimination of these options based on the resident's best interest; and

(b) Decision is made jointly by a team of persons representing the kidney center, the resident, the resident's nephrologist, and the nursing home.

(6) The nursing home shall ensure:

(a) A current written agreement is in effect with each kidney center responsible for the management and care of each patient undergoing dialysis in the nursing home; and

(b) Such agreement delineates the functions, responsibilities, and services of both the kidney center and the nursing home.

(6) The nursing home shall ensure appropriate care, treatment, and services to each resident receiving dialysis in the nursing home.

(7) The kidney center shall assist the nursing home in ensuring appropriate care, treatment, and services related to dialysis in the nursing home. Responsibilities of the kidney center shall include, but not be limited to:

(a) Provision of clinical and chemical laboratory services;

(b) Services of a qualified dietitian;

(c) Social services;

(d) Preventative maintenance and emergency servicing of dialysis and water purification equipment;

(e) Certification and continuing education of dialysis helpers and periodic review and updating of dialysis helpers' competencies;

(f) An in-hospital dialysis program for the care and treatment of a dialysis resident with a complication or acute condition necessitating hospital care;

(g) A continuing in-service education program for nursing home staff working with a dialysis resident;

(h) A program for periodic, on-site review of the nursing home's dialysis rooms;

(i) Selection, procurement, and installation of dialysis equipment;

(j) Selection and procurement of dialysis supplies;

(k) Proper storage of dialysis supplies; and

(l) Specification, procurement, and installation of the purification process for treatment of water used as a diluent in the dialyzing fluid.

(8) Only a registered nurse from the kidney center or a dialysis helper may administer dialysis in the nursing home.

(a) A dialysis helper may be a registered nurse;

(b) When a dialysis helper is not a registered nurse, the nursing home shall have a registered nurse who has completed an in-service class approved by the kidney center, on the premises during dialysis.

(9) A physician, designated or approved by the kidney center, shall be on call at all times dialysis is being administered in the nursing home.

(10) The resident's attending physician and the kidney center shall provide, or direct and supervise, the continuing medical management and surveillance of the care of each dialysis resident in a nursing home.

(11) The nursing home shall:

(a) Ensure the kidney center develops a dialysis treatment plan; and

(b) Incorporate this treatment plan into the resident's comprehensive plan of care and include specific medical orders for medications, treatment, and diet.

(12) The dialysis room in the nursing home shall be in compliance with standards established under 42 C.F.R. §405.2140, for ESRD facilities. This includes:

(a) Storage space available for equipment and supplies;

(b) A telephone at the bedside of each dialysis resident; and

(c) A mechanical means of summoning additional staff to the dialysis area in the event of a dialysis emergency.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-220, filed 9/15/94, effective 10/16/94.]

## MEDICAID-CERTIFIED NURSING FACILITIES

**WAC 388-97-225 Nursing facility care.** A nursing facility shall provide items, care, and services in accordance with this chapter and with federal regulations under 42 C.F.R. §483.1 through 483.206, as now or hereafter amended, and other applicable federal requirements.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-225, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-230 Discrimination prohibited.** (1) Medicaid-certified nursing facilities in compliance with federal requirements under 42 C.F.R. §483.12 (c) and (d), will be deemed to meet subsections (2) and (3) of this section.

(2) A NURSING FACILITY SHALL ESTABLISH AND MAINTAIN IDENTICAL POLICIES AND PRACTICES REGARDING TRANSFER, DISCHARGE, AND THE PROVISION OF SERVICES UNDER THE STATE PLAN FOR ALL PERSONS REGARDLESS OF SOURCE OF PAYMENT.

(3) A NURSING FACILITY MUST NOT REQUIRE:

(a) RESIDENTS OR POTENTIAL RESIDENTS TO WAIVE THEIR RIGHTS TO MEDICARE OR MEDICAID;

(b) ORAL OR WRITTEN ASSURANCE THAT RESIDENTS OR POTENTIAL RESIDENTS ARE NOT ELIGIBLE FOR, OR WILL NOT APPLY FOR MEDICARE OR MEDICAID BENEFITS; AND

(c) A THIRD PARTY GUARANTEE OF PAYMENT TO THE FACILITY AS A CONDITION OF ADMISSION OR EXPEDITED ADMISSION, OR CONTINUED STAY IN THE FACILITY. HOWEVER, THE FACILITY MAY REQUIRE A PERSON WHO HAS LEGAL ACCESS TO A RESIDENT'S INCOME OR RESOURCES AVAILABLE TO PAY FOR FACILITY CARE TO SIGN A CONTRACT, WITHOUT INCURRING PERSONAL FINANCIAL LIABILITY, TO PROVIDE FACILITY PAYMENT FROM THE RESIDENT'S INCOME OR RESOURCES.

(4) A nursing facility shall inform, in writing, a prospective resident, and where applicable, the resident's representative, before or at the time of admission, that a third party may not be required to personally guarantee payment to the nursing home, as specified in subsection (3)(c) of this section.

(5) A nursing facility shall not:

(a) Deny or delay admission or readmission of a person to the facility because of the person's status as a Medicaid recipient;

(b) Transfer a resident, except from a private room to another room within the facility, because of the resident's status as a Medicaid recipient;

(c) Discharge a resident from a facility because of the resident's status as a Medicaid recipient; or

(d) Charge any amounts in excess of the Medicaid rate from the date of eligibility, except for any supplementation permitted by the department pursuant to RCW 18.51.070.

(6) A nursing facility shall maintain one list of names of persons seeking admission to the facility, which is ordered by the date of request for admission. The facility shall retain the list of persons seeking admission for one year from the month admission was requested.

(7) A nursing facility shall develop and implement written policies and procedures to ensure nondiscrimination in accordance with this section and RCW 74.42.055.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-230, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-235 Medical eligibility for nursing facility care.** A person medically eligible for nursing facility care is one whose functional level requires services that must be provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis. Nursing facility care includes therapeutic services directed toward rehabilitation/discharge or toward maintaining the resident's highest practicable level of independence. These services involve more than just supervision, protection, and assistance with personal care.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-235, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-240 Nursing facility placement.** (1) A nursing facility shall not admit any person unless an identification screen is completed as required under WAC 388-97-245, Preadmission screening.

(2) A person identified as having a serious mental illness or a developmental disability, as defined under 42 C.F.R. §483.102, as now or hereafter amended, shall be assessed under WAC 388-97-245, Preadmission screening, before the person's admission to a nursing facility.

(3) A Medicaid applicant or recipient shall not be admitted to a nursing facility unless the department has assessed and determined the person is medically eligible for nursing facility care as defined under WAC 388-97-235, Medical eligibility for nursing facility care.

(4) The department shall not:

(a) Pay for nursing facility services for a Medicaid applicant or recipient until the department has authorized such services; and

(b) Authorize retroactive payment for any Medicaid applicant or recipient admitted to a nursing facility in violation of this section.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-240, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-245 Pre-admission screening.** (1) The referring hospital, physician, or other referral source or the nursing facility shall:

(a) Screen a person requesting admission to a nursing facility before admission to identify whether the person may have a serious mental illness or a developmental disability as defined under 42 C.F.R. §483.102, as now or hereafter amended; and

(b) Perform the identification screen using a standardized department-specified form.

(2) A nursing facility shall ensure that a person identified through the identification screen as likely to have a serious mental illness or a developmental disability is not admitted to a Medicaid-certified nursing facility unless the person has been:

(a) Assessed under the preadmission screening and annual resident review (PASARR) as described under WAC 388-97-255;

(b) Transferred from one nursing facility to another nursing facility; or

(c) Exempted by the department from PASARR because the person:

(i) Has been admitted to the nursing facility for respite care under WAC 388-97-210, Respite services;

(ii) Cannot accurately be diagnosed because of delirium; or

(iii) Has been readmitted to a nursing facility from an acute care hospital.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-245, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-250 Identification screening for current residents.** (1) A nursing facility shall have a completed identification screen for each resident, to identify a resident's likelihood of having a serious mental illness or a developmental disability as defined under 42 C.F.R. §483.102, as now or hereafter amended. The nursing facility shall record this identification screening information on a department-designated form.

(2) The nursing facility shall:

(a) Record the identification screen information or subsequent changes on the resident assessment instrument according to the schedule required under 42 C.F.R. §483.20;

(b) Maintain the identification screen form and applicable PASARR assessment information in the resident's clinical record; and

(c) Refer each resident to the department or department's designee when the resident requires a PASARR assessment under WAC 388-97-255, Preadmission screening and annual resident review (PASARR).

(3) The department shall deny payment to a nursing facility for any resident for whom an identification screen has not been completed as required under this section.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-250, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-255 Pre-admission screening and annual resident review (PASARR).** (1) "Specialized services" for a person with mental retardation or related conditions is defined under 42 C.F.R. §483.120 (a)(2), §483.120(2), and §483.440 (a)(1). These specialized services do not include services to maintain a generally independent person able to function with little supervision or in the absence of a treatment program.

(2) "Specialized services" for a person with a serious mental illness is defined under 42 C.F.R. §483.120 (a)(1). These services are generally considered acute psychiatric inpatient care, emergency respite care, or stabilization and crisis services.

(3) The department shall assess a nursing facility applicant or resident having a serious mental illness or developmental disability according to the PASARR requirements under 42 C.F.R. §431 and §483;

(4) Under PASARR, through a designee, the department shall determine whether a nursing facility applicant or resident having a serious mental illness or developmental disability needs:

(a) Specialized services under 42 C.F.R. §483.106; and

(b) Nursing facility care using the definition under WAC 388-97-235, Medical eligibility for nursing facility care.

(5) Need for specialized services shall be determined as follows:

(a) For a nursing facility applicant or resident likely to have a serious mental illness, a qualified mental health professional, under chapter 275-56 WAC, shall verify whether the person has a serious mental illness and, if so, shall recommend whether the applicant needs specialized services;

(b) For a nursing facility applicant or resident likely to have a developmental disability, a licensed psychologist shall verify whether the person has a developmental disability. For a nursing facility applicant or resident verified by a psychologist as having a developmental disability, staff of the division of developmental disabilities shall assess and make a final determination as to whether the person requires specialized services.

(6) The department's designee may exempt a nursing facility applicant or resident from PASARR if the person:

(a) Is admitted directly from an acute care hospital after receiving acute inpatient care, and certified by a physician as likely to require less than thirty days care in a nursing facility;

(b) Is certified by a physician to be terminally ill as defined under section 1861 (dd)(3)(A) of the Social Security Act;

(c) Has a severe physical illness such as coma, ventilator dependence, functioning at a brain stem level, or diagnoses which result in level of impairment so severe that the person could not be expected to benefit from specialized services. These diagnoses may include:

(i) Chronic obstructive pulmonary disease;

(ii) Parkinson's disease;

(iii) Huntington's disease;

(iv) Amyotrophic lateral sclerosis; or

(v) Congestive heart failure.

(d) Has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder.

(7) If a resident has continuously resided in a nursing facility for at least thirty months, and is determined by the department not to require nursing facility services, but to require specialized services for a serious mental illness or developmental disability, the department shall:

(a) Offer the resident the choice of remaining in the facility or of receiving services in an alternative appropriate setting;

(b) Inform the resident of the institutional and noninstitutional alternatives covered under the state Medicaid plan for the resident;

(c) Clarify the effect on eligibility for Medicaid services under the state plan if the resident chooses to leave the facility, including its effect on readmission to the facility.

(8) The department or department designee shall conduct an annual resident review for all residents identified as having a serious mental illness or a developmental disability.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-255, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-260 PASARR determination and appeal rights.** (1) A nursing facility applicant or resident who has been adversely impacted by a PASARR determination may appeal the department's determination of:

(a) Not in need of nursing facility care as defined under WAC 388-97-235, Medical eligibility for nursing facility care, and 42 C.F.R. §483.130 (m)(2), (5), or (6);

(b) Not in need of specialized services as defined under WAC 388-97-255, Preadmission screening and annual resident review (PASARR), and 42 C.F.R. §483.130 (m)(1), (2), (3), or (6); or

(c) Need for specialized services as defined under WAC 388-97-255, Preadmission screening and annual resident review (PASARR), 42 C.F.R. §483.130 (4) and (5), and 42 C.F.R. §483.132 (a)(4).

(2) The nursing facility shall assist the nursing facility applicant or resident, as needed, in requesting a hearing to appeal the department's PASARR determination.

(3) If the department's PASARR determination requires that a resident be transferred or discharged, the department shall:

(a) Provide the required notice of transfer or discharge to the resident, the resident's surrogate decision maker, and if appropriate, a family member or the resident's representative thirty days or more before the date of transfer or discharge;

(b) Attach a hearing request form to the transfer or discharge notice;

(c) Inform the resident, in writing in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge;

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of appeals on or before the date of transfer or discharge set forth in the written transfer or discharge notice; and

(iii) The resident shall be ineligible for Medicaid nursing facility payment:

(A) Thirty days after the receipt of written notice of transfer or discharge; or

(B) If the resident appeals under subsection (1)(a) of this section, thirty days after the final order is entered upholding the department's decision to transfer or discharge a resident.

(4) Aging and adult home and community services may grant extension of a resident's Medicaid nursing facility payment after the time specified in subsection (3)(c)(iii) of this section, when the department determines a location appropriate to the resident's medical and other needs is not available.

(5) The department shall:

(a) Send a copy of the transfer/discharge notice to the resident's attending physician, the nursing facility and, where appropriate, a family member or the resident's representative;

(b) Suspend transfer or discharge pending the outcome of the appeal when the resident's appeal request is received by the office of appeals on or before the date of transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged; and



(c) Provide assistance to the resident for relocation necessitated by the department's PASARR determination.

(6) Resident appeals of PASARR determinations shall be in accordance with 42 C.F.R. §431 Subpart E, chapter 388-08 WAC, and the procedures defined in this section. In the event of a conflict between a provision in this chapter and a provision in chapter 388-08 WAC, the provision in this chapter shall prevail.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-260, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-265 Utilization review.** (1) To assure appropriate use of Medicaid services, the nursing facility shall determine whether each resident's health has improved sufficiently so the resident no longer needs nursing facility care.

(a) The nursing facility shall base its determination on:

- (i) An accurate, comprehensive assessment process; and
- (ii) Documentation by the resident's physician.

(b) The nursing facility shall not make this determination for residents the department is responsible to assess under WAC 388-97-255, Preadmission screening and annual resident review (PASARR).

(2) When the nursing facility determines a resident no longer needs nursing facility care under subsection (1) of this section, the nursing facility shall initiate transfer or discharge in accordance with WAC 388-97-270, Individual transfer and discharge rights, procedures, appeals, and 42 C.F.R. §483.12, as now or hereafter amended, unless the resident voluntarily chooses to transfer or discharge.

(3) When a nursing facility initiates a transfer or discharge of a Medicaid recipient under subsection (2) of this section:

(a) The resident shall be ineligible for Medicaid nursing facility payment:

(i) Thirty days after the receipt of written notice of transfer or discharge; or

(ii) If the resident appeals the facility determination, thirty days after the final order is entered upholding the nursing home's decision to transfer or discharge a resident.

(b) Aging and adult home and community services may grant extension of a resident's Medicaid nursing facility payment after the time specified in subsection (3)(a) of this section, when aging and adult home and community services staff determine:

(i) The nursing facility is making a good faith effort to relocate the resident; and

(ii) A location appropriate to the resident's medical and other needs is not available.

(4) Department designees may review any assessment or determination made by a nursing facility of a resident's need for nursing facility care.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-265, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-270 Individual transfer and discharge rights, procedures, appeals.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.12 (a)(7) and (b) will be deemed to meet subsections (5) through (8) of this section.

(2) The Medicare-certified skilled nursing facility and the Medicaid-certified nursing facility shall comply with all applicable federal requirements under 42 C.F.R. §483.10 and §483.12, as now or hereafter amended, regarding resident transfer and discharge rights.

(3) A skilled nursing facility and a nursing facility that initiates transfer or discharge shall:

(a) Provide the required notice of transfer or discharge to the resident, the resident's surrogate decision maker and, if appropriate, a family member or the resident's representative;

(b) Attach a department-designated hearing request form to the transfer or discharge notice;

(c) Inform the resident in writing, in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge; and

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of appeals on or before the date of the transfer or discharge set forth in the written transfer or discharge notice; and

(d) Assist the resident, as needed, in requesting a hearing to appeal the transfer or discharge decision.

(4) A skilled nursing facility or a nursing facility shall suspend transfer or discharge pending the outcome of the appeal when the resident's appeal is received by the office of appeals on or before the date of the transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged.

(5) A NURSING FACILITY SHALL PROVIDE SUFFICIENT PREPARATION AND ORIENTATION TO THE RESIDENT TO ENSURE SAFE AND ORDERLY TRANSFER OR DISCHARGE FROM THE FACILITY.

(6) BEFORE A NURSING FACILITY TRANSFERS A RESIDENT TO A HOSPITAL OR ALLOWS A RESIDENT TO GO ON THERAPEUTIC LEAVE, THE NURSING FACILITY SHALL PROVIDE WRITTEN INFORMATION TO THE RESIDENT, AND A FAMILY MEMBER OR LEGAL REPRESENTATION THAT SPECIFIES:

(a) THE DURATION OF THE BED HOLD POLICY UNDER THE STATE PLAN, IF ANY, DURING WHICH THE RESIDENT IS PERMITTED TO RETURN AND RESUME RESIDENCE IN THE NURSING FACILITY; AND

(b) THE NURSING FACILITY'S POLICIES REGARDING BED-HOLD PERIODS, WHICH MUST BE CONSISTENT WITH SECTION (7) OF THIS SECTION, PERMITTING THE RESIDENT TO RETURN.

(7) AT THE TIME OF TRANSFER OF A RESIDENT FOR HOSPITALIZATION OR THERAPEUTIC LEAVE, A NURSING FACILITY SHALL PROVIDE TO THE RESIDENT AND A FAMILY MEMBER OR LEGAL REPRESENTATIVE, WRITTEN NOTICE WHICH SPECIFIES THE DURATION OF THE BED-HOLD POLICY DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION.

(8) A NURSING FACILITY SHALL ESTABLISH AND FOLLOW A WRITTEN POLICY UNDER WHICH A RESIDENT WHOSE HOSPITALIZATION OR THERAPEUTIC LEAVE EXCEEDS THE BED-HOLD PERIOD UNDER THE STATE PLAN, IS READMITTED TO THE FACILITY IMMEDIATELY UPON THE FIRST AVAILABILITY OF A BED IN A SEMI-PRIVATE ROOM IF THE RESIDENT:

(a) REQUIRES THE SERVICES PROVIDED BY THE FACILITY; AND

(b) IS ELIGIBLE FOR MEDICAID NURSING FACILITY SERVICES.

(9) The nursing facility shall send a copy of the federally required transfer or discharge notice to:

(a) Aging and adult home and community services when the nursing facility has determined under WAC 388-97-265(1), that the resident's health has improved sufficiently

so that the resident no longer needs the services provided by the facility; and

(b) The appropriate nursing home services district manager when the transfer or discharge is for any of the following reasons:

- (i) The resident's needs cannot be met in the facility;
- (ii) The health or safety of individuals in the facility is endangered; or
- (iii) The resident has failed to pay for, or to have paid under Medicare or Medicaid, a stay at the facility.

(10) The state appeals process for facility transfers and discharges mandated by sections 1819 (e)(3) and 1919 (e)(3) of the federal Social Security Act and federal regulations promulgated thereunder, is set forth in chapter 388-08 WAC and in this chapter. In such appeals, the following shall apply:

(a) In the event of a conflict between a provision in this chapter and a provision in chapter 388-08 WAC, the provision in this chapter shall prevail;

(b) The resident shall be the appellant and the skilled nursing facility or the nursing facility shall be the respondent;

(c) The department shall be notified of the appeal and may choose whether to participate in the proceedings. The role of the department is to represent the state's interest in assuring that skilled nursing facility and nursing facility transfer and discharge actions comply substantively and procedurally with the law and with federal requirements necessary for federal funds;

(d) When a Medicaid-certified nursing facility's and Medicare-certified skilled nursing facility's decision to transfer or discharge a resident is not upheld, and the resident has been relocated, the resident has the right to readmission immediately upon the first available bed in a semi-private room if the resident requires and is eligible for the services provided by the nursing facility or skilled nursing facility.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-270, filed 9/15/94, effective 10/16/94.]

#### **WAC 388-97-275 Resident assessment instrument.**

(1) Medicaid-certified nursing facilities and Medicare-certified skilled nursing facilities shall:

(a) Complete the state-approved resident assessment instrument for each resident in accordance with federal requirements under 42 C.F.R. §483.20 (b)(4);

(b) Place copies of the completed state-approved resident assessment instrument in each resident's clinical record; and

(c) Review each resident not less than every three months, using a state-specified assessment instrument.

(2) Nursing facilities shall transmit all state-required resident assessment information for each resident to the department:

(a) In a manner approved by the department;

(b) Within ten days of completion of any assessment instrument required under this subsection; and

(c) Within ten days of discharging a resident.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-275, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-280 Discharge or leave of a nursing facility resident.** (1) A nursing facility or hospital shall send immediate written notification of the date of discharge or death of a Medicaid resident to the economic and medical field services community service office (CSO).

(2) The nursing facility shall:

(a) Ensure that the department is notified of nursing facility discharge and readmission for all Medicaid recipients admitted as hospital inpatients.

(b) Document in the resident's clinical record all social/therapeutic leave exceeding twenty-four hours.

(3) The department will reimburse a nursing facility for a Medicaid resident's social/therapeutic leave not to exceed a total of eighteen days per calendar year per resident.

(4) Aging and adult home and community services may authorize social/therapeutic leave exceeding eighteen days per calendar year per resident when requested by the nursing facility or by the resident. In the absence of prior authorization from aging and adult home and community services, the department shall not reimburse a nursing facility for leave days exceeding eighteen per calendar year per resident.

(5) Staff from the division of developmental disabilities will approve social leave for persons who reside in intermediate care facilities for the mentally retarded (ICF/MR) and state institutions certified as nursing facilities.

(6) A person who is on social/therapeutic leave retains the status of a nursing facility resident.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-280, filed 9/15/94, effective 10/16/94.]

## **SUBCHAPTER II PHYSICAL ENVIRONMENT ALL FACILITIES**

**WAC 388-97-295 General.** The nursing home shall be designed, equipped, and maintained to:

(1) Protect the health and safety of residents, personnel, and the public; and

(2) Provide a safe, clean, comfortable and homelike environment allowing the resident to use his or her personal belongings to the extent possible.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-295, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-300 Fire standards and approval.** All nursing homes shall conform to minimum standards for the prevention of fire, and for the protection of life and property against fire, as set forth in chapter 212-12 WAC.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-300, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-305 Other standards.** The nursing home shall comply with all other applicable requirements of state and federal law.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-305, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-310 IMR exceptions to physical plant requirements.** The following regulations do not apply to nursing homes certified exclusively under 42 C.F.R. §483,

Subpart I, Conditions of participation for intermediate care facilities for the mentally retarded as now or hereafter amended.

(1) WAC 388-97-330 (1)(d), Resident rooms. Number of square feet per bed.

(2) WAC 388-97-335(9), Resident room equipment. Cubicle curtains.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-310, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-315 Emergency power.** (1) The nursing home shall have an alternate source of power and automatic transfer equipment to connect the alternate source within ten seconds of the failure of the normal source.

(a) The nursing home shall ensure the alternate source is a generator driven by a prime mover with on-site fuel supply, unit equipment permanently fixed in place, and approved for emergency service.

(b) When life support systems are used, the nursing home shall provide emergency electrical power with an emergency generator, as defined in NFPA 99, Health care facilities, that is located on the premises.

(2) The nursing home shall ensure the emergency power supply provides a minimum of four hours of effective power for lighting for night lights, exit signs, exit corridors, stairways, dining and recreation areas, work stations, medication preparation areas, boiler rooms, electrical service room and emergency generator locations.

(3) A nursing home first licensed on or after October 1, 1981, shall have:

(a) Uninterrupted function of communication systems, all alarm systems, an elevator that reaches every resident floor including the ground floor, equipment to provide heating for resident rooms or a room to which all residents can be moved when the outside design temperature is plus twenty degrees Fahrenheit or lower based on the median extremes as shown in the ASHRAE HANDBOOK OF FUNDAMENTALS; and

(b) Uninterrupted function of selected specially marked receptacles in medication preparation areas, pharmacy dispensing areas, staff work stations, and resident corridors.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-315, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-320 Space and equipment.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.70(c) will be deemed to meet this section.

(2) THE NURSING HOME SHALL:

(a) PROVIDE SUFFICIENT SPACE AND EQUIPMENT IN DINING, HEALTH SERVICES, RECREATION AND PROGRAM AREAS TO ENABLE STAFF TO PROVIDE RESIDENTS WITH NEEDED SERVICES AS IDENTIFIED IN EACH RESIDENT'S CARE PLAN; AND

(b) MAINTAIN ALL ESSENTIAL MECHANICAL, ELECTRICAL AND PATIENT CARE EQUIPMENT IN SAFE AND OPERATING CONDITION.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-320, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-325 Resident care unit.** (1) **LOCATION.** The nursing home shall locate:

(a) Each resident care unit to minimize through traffic to any general service, diagnostic, treatment, or administrative area; and

(b) All rooms or areas within the unit on the same floor level.

(2) **REQUIRED SERVICES.**

(a) The nursing home shall ensure each resident care unit has at least the following basic services:

(i) A staff work station;

(ii) A medicine storage and preparation area;

(iii) Utility rooms which maintain separated clean and soiled functions;

(iv) Storage space for linen, other supplies, and equipment;

(v) Housekeeping services; and

(vi) Janitor's closet.

(b) Resident care units may share basic services if the units are in close proximity to each other and the combined units serve a total of not more than sixty residents; except the nursing home shall have a separate staff work station on a secured dementia care unit.

(3) **STAFF WORK STATION.** On each unit, the nursing home shall have a staff work station appropriate to the needs of staff using the space. At a minimum, the nursing home shall equip the area with:

(a) A charting surface;

(b) A rack or other storage for current health records;

(c) Storage for record and clerical supplies;

(d) A telephone;

(e) A resident call system; and

(f) A clock.

(4) **CALL SYSTEMS.** The nursing home shall provide the following or an equivalent system which meets these standards:

(a) An electrical communication system which registers a call by distinctive light at the room door and by distinctive light and audible tone at the staff work station. The system shall be equipped to receive resident calls from:

(i) The bedside of each resident;

(ii) Each day room or other area used by residents;

(iii) Resident toilet, bath and shower rooms.

(b) An emergency signal device activated by a nonconductive pull cord, or adapted to meet the needs of the resident. The nursing home shall locate the signal device for easy reach by the resident.

(5) **TELEPHONES.** A nursing home resident shall have twenty-four hour access to a telephone which:

(a) Provides auditory privacy; and

(b) Is accessible to a person with a disability and accommodates a person with sensory impairment.

(6) **UTILITY SERVICE ROOMS.** The nursing home shall provide a utility room designed, equipped, and maintained to ensure separation of clean and sterile supplies and equipment from those which are contaminated. The nursing home shall ensure:

(a) Each clean utility area has a work counter, a sink, and closed storage units for supplies and small equipment.

(b) Each soiled utility area has:

(i) A work counter and a sink large enough to totally submerge the items being cleaned and disinfected;

(ii) Storage for cleaning supplies and other items;

(iii) Locked storage for cleaning agents, disinfectants and other caustic or toxic agents;

(iv) Adequate space for waste containers, linen hampers, and other large equipment; and

(v) Adequate ventilation to remove odors and moisture.

(7) **DRUG FACILITIES.** The nursing home shall ensure an area is designed and equipped for drug preparation and locked storage near each work station. The nursing home shall ensure:

(a) The drug facilities are well illuminated, ventilated, and equipped with a work counter, sink with hot and cold running water, and drug storage units.

(b) The drug storage units provide:

(i) Locked storage for all drugs;

(ii) Separately keyed storage for Schedule II and III controlled substances; and

(iii) Segregated storage of different resident's drugs.

(c) There is a refrigerator for storage of thermolabile drugs in the drug facility; and

(d) Locks and keys for drug facilities are different from other locks and keys within the nursing home.

(8) **LINEN STORAGE.** The nursing home shall provide:

(a) A clean area for storage of clean linen and other bedding. This may be an area within the clean utility room.

(b) A soiled linen space for collection and temporary storage of soiled linen. This may be in an area of the soiled utility room.

(9) **EQUIPMENT STORAGE.** The nursing home shall provide adequate storage space for wheelchairs and other ambulation equipment. The nursing home shall ensure equipment does not impinge upon the required corridor space.

(10) **JANITORS' CLOSET.** The nursing home shall have a janitors' closet with a service sink and adequate storage space for housekeeping equipment and supplies near each resident care unit.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-325, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-330 Resident rooms.** (1) Medicaid-certified nursing facilities in compliance with federal requirements of C.F.R. §483.70(d) will be deemed to meet subsections (2)(a), (b), (d), (e), and (4), except (2)(c) and (3).

(2) EACH RESIDENT ROOM SHALL MEET THE FOLLOWING REQUIREMENTS:

(a) EACH RESIDENT ROOM SHALL HAVE DIRECT ACCESS TO AN EXIT CORRIDOR AND SHALL BE LOCATED TO PREVENT THROUGH TRAFFIC;

(b) THE MAXIMUM CAPACITY OF ANY RESIDENT BEDROOM SHALL BE FOUR BEDS;

(c) There shall be no more than two beds between any resident bed and exterior window wall;

(d) MINIMUM ROOM AREAS FOR EXISTING FACILITIES EXCLUSIVE OF TOILET ROOMS, CLOSETS, LOCKERS OR WARDROBES SHALL BE AT LEAST EIGHTY SQUARE FEET PER BED IN EACH MULTI-BED ROOM AND AT LEAST ONE HUNDRED SQUARE FEET FOR EACH SINGLE BED ROOM;

(e) EACH RESIDENT ROOM SHALL BE DESIGNED OR EQUIPPED TO ENSURE FULL VISUAL PRIVACY FOR EACH RESIDENT.

(3) If a nursing home provides an isolation room, the nursing home shall ensure the room is uncarpeted and contains:

(a) A lavatory with water supplied through a mixing valve; and

(b) It's own adjoining toilet room containing a bathing facility.

(4) EXCEPTIONS. THE DIRECTOR OF NURSING HOME SERVICES, AGING AND ADULT SERVICES ADMINISTRATION, MAY PERMIT EXCEPTIONS TO (2)(c) AND (d) FOR NURSING HOMES WHEN THE NURSING HOME DEMONSTRATES IN WRITING THAT THE EXCEPTION:

(a) IS IN ACCORDANCE WITH THE SPECIAL NEEDS OF THE RESIDENT; AND

(b) WILL NOT ADVERSELY AFFECT ANY RESIDENTS' HEALTH OR SAFETY.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-330, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-335 Resident room equipment.** The nursing home shall determine a resident's furniture and equipment needs at the time of admission and routinely thereafter to ensure resident comfort. The nursing home shall provide each resident with the following, except as specified in WAC 388-97-070(15), Personal property:

(1) A comfortable bed of size and height to maximize a resident's independent functioning. Beds may be arranged to satisfy the needs and desires of the individual resident provided the arrangement does not negatively impact the health or safety of other residents;

(2) Appropriate bedding;

(3) A bedside cabinet that allows for storage of small personal articles and a separate drawer or enclosed compartment for storage of resident care utensils/equipment;

(4) A lockable storage space accessible to each resident for storage of small personal items, upon request;

(5) A separated, enclosed wardrobe or closet for resident's clothing and belongings accessible to the resident;

(6) Comfortable seating to provide for proper body alignment and support;

(7) A wall-mounted or equivalent reading light, to accommodate the needs of the resident;

(8) A resident call signal device for each bed adapted to accommodate the needs of the resident, except as required in the dementia care unit; and

(9) Flame-retardant cubicle curtains in multi-bed rooms which provide full visual privacy for each resident.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-335, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-340 Resident toilet and bathing facilities.** (1) Each resident room shall be equipped with or located near toilet and bathing facilities.

(2) The nursing home shall ensure:

(a) A toilet room is directly accessible from each resident room and from each bathing facility without going through a general corridor;

(b) One toilet room serves two bedrooms or less.

(3) The nursing home shall ensure:

(a) All lockable toilets and bathrooms have readily available a means of unlocking from the outside; and

(b) Locks are operable from the inside with a single effort.

(4) The nursing home shall ensure there is at least one bathing unit for every twenty residents or fraction thereof which is not in a room served by an adjoining bathroom.

(5) The nursing home shall ensure for each resident care unit there is at least one bathing device designed for bathing by immersion.

(6) The nursing home shall ensure there is at least one roll-in shower or equivalent on each resident care unit:

(a) Designed and equipped for unobstructed ease of shower chair entry and use; and

(b) With a spray attachment equipped with a backflow prevention device.

(7) The nursing home shall ensure resident bathing equipment is smooth, cleanable, and able to be disinfected after each use.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-340, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-345 Dining and resident activities.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.70(g) will be deemed to meet this section.

(2) THE NURSING HOME SHALL PROVIDE ONE OR MORE ROOMS DESIGNATED FOR RESIDENT DINING AND ACTIVITIES. THESE ROOMS SHALL:

(a) BE WELL LIGHTED;

(b) BE WELL VENTILATED;

(c) BE ADEQUATELY FURNISHED; AND

(d) HAVE SUFFICIENT SPACE TO ACCOMMODATE ALL ACTIVITIES.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-345, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-350 Optional rooms and areas.** (1) **DEMENTIA CARE UNIT.** A nursing home that began operating a dementia care unit at any time after November 13, 1989, must meet all requirements of this section. A new building or addition to an existing nursing home shall also meet the requirements of WAC 388-97-460(1). Refer to WAC 388-97-095 for program requirements. The dementia care unit shall:

(a) Provide dining areas which may also serve as day areas for the unit;

(b) Provide secured outdoor space and walkways including:

(i) Ambulation area. Walking surfaces shall be firm, stable, and free from abrupt changes. Walking surfaces subject to wet conditions shall have slip-resistant surfaces;

(ii) Outdoor furniture; and

(iii) Nontoxic plants.

(c) Staff toilet room with lavatory;

(d) Provide indoor ambulation areas meeting the needs of the residents, and maintained free of equipment;

(e) Ensure floors, walls, and ceiling surfaces display contrasting color for identification. Surfaces may have a disguise design to obscure or conceal areas that residents should not enter. Exterior exit doors shall be marked so that they are readily distinguishable from adjacent construction and the way of exit travel is obvious and direct;

(f) Ensure door thresholds are one-half inch high or less;

(g) Provide an electrical signaling system at each bedside, designed primarily for staff and visitor use in

emergent situations, which registers by a distinctive light at the resident room door and light and tone at the staff work station. The facility shall accommodate the needs of residents able to utilize a call system;

(h) Not use a public address system except for emergencies;

(i) Ensure required approvals are obtained from the state fire marshal, department of social and health services and the local official enforcing the uniform building code and uniform fire code when automatic door locks are used.

(j) Always have staff present in the unit to protect all residents in the event of fire and for residents' evacuation to areas of refuge and from the building when necessary.

(2) **SPECIALIZED REHABILITATION.** Nursing homes initially licensed after October 1, 1981, shall ensure inpatient services:

(a) Are located for easy access in general service areas;

(b) Include exercise, treatment, and supportive equipment as required by the narrative program in the construction documents;

(c) Have adequate space for exercise equipment and treatment tables with sufficient work space on each side;

(d) Provide privacy cubicle curtains on tracks or the equivalent around treatment areas;

(e) Provide a lavatory in the treatment area and a toilet nearby;

(f) Provide space and a desk or equivalent for administrative, clerical, interviewing, and consultive functions;

(g) Provide adequate enclosed storage cabinets for clean linen and supplies and locked storage for cleaning chemicals in the rehabilitation room or nearby janitor's closet;

(h) Provide adequate storage space for large equipment;

(i) Provide a janitor's closet close to the area;

(j) Provide for soiled linen storage; and

(k) Provide a separate room or area for hydrotherapy tanks, or the equivalent, if tanks are used.

(3) **OUTPATIENT REHABILITATION.** The nursing home shall ensure facilities with outpatient programs provide:

(a) A designated reception and waiting room or area and space for interviewing or counseling individual outpatients and their families;

(b) Adequate space for the program to minimize disruption to designated resident care units;

(c) Accessible toilet and shower facilities nearby;

(d) Lockers or a safe place to store outpatient personal belongings; and

(e) A separate room or area for hydrotherapy tanks, or the equivalent.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-350, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-355 Food service areas.** The nursing home shall ensure food service areas are in compliance with chapter 246-215 WAC, state board of health rules governing food service sanitation. The nursing home shall:

(1) Ensure food service areas are provided for the purpose of preparing, serving, and storing food and drink unless food service is provided from another licensed food service facility;

(2) Ensure food service areas are located to facilitate receiving of food stores, disposal of kitchen waste, and transportation of food to dining and resident care areas;

(3) Locate and arrange the kitchen to avoid contamination of food, to prevent heat and noise entering resident care areas, and to prevent through traffic;

(4) Locate the receiving area for ready access to storage and refrigeration areas;

(5) Conveniently locate handwashing facilities to the food preparation and dishwashing area, and include a lavatory, a waste receptacle, and dispensers stocked with soap and paper towels;

(6) Adequately ventilate, light, and equip the dishwashing room or area for sanitary processing of dishes;

(7) Locate the garbage storage area in a well-ventilated room or an outside area;

(8) When a can-wash area is provided, have hot and cold water and a floor drain connected to the sanitary sewage system;

(9) Provide space for an office or a desk and files for food service management located central to deliveries and kitchen operations; and

(10) Include housekeeping facilities or a janitor's closet for the exclusive use of food service with a service sink and storage of housekeeping equipment and supplies.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-355, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-360 Lighting.** The nursing home shall ensure:

(1) Lighting is adequate and comfortable for the functions being conducted in each area of the nursing home;

(2) Lighting levels are appropriate to the task, support the independent functioning of the resident, provide a homelike environment, and minimize glare;

(3) Adequate natural or artificial light for inside illumination is provided in every useable room area, including storerooms, attic and basement rooms, hallways, stairways, inclines, and ramps;

(4) Lighting levels in parking lots and approaches to buildings are appropriate for resident and visitor convenience and safety;

(5) All outside areas where nursing home equipment and machinery are stored have proper lighting; and

(6) Light shields are provided in kitchens and related food serving areas, utility rooms, medication rooms, exam rooms, pool enclosures, and resident rooms when ceiling-mounted florescent lights are used.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-360, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-365 Safety.** The nursing home shall provide the following:

(1) A safe, functional, sanitary, and comfortable environment for the residents, staff, and the public;

(2) Signs to designate areas of hazard;

(3) Reference material regarding medication administration, adverse reactions, toxicology, and poison control center information readily available to nursing home staff at all times;

(4) Poisons and other nonmedicinal chemical agents in containers identified with a warning label stored:

(a) In a separate locked storage when not in use by staff; and

(b) Separate from drugs used for medicinal purposes.

(5) Equipment and supplies stored in a manner to not jeopardize the safety of residents, staff, or the public;

(6) Handrails on each side of all corridors and stairwells accessible to residents;

(7) Electrical outlets available for the number of electrical appliances in use.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-365, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-370 Water supply.** (1) The nursing home shall comply with the requirements of the Public Water Supply, chapter 246-290 WAC.

(2) The nursing home shall establish procedures to ensure that water is available to essential areas when there is a loss in normal water supply.

(3) The nursing home shall ensure the hot water system maintains water temperatures at one hundred ten degrees Fahrenheit, plus or minus ten degrees Fahrenheit, at fixtures used by residents and staff.

(4) The nursing home shall prohibit all cross connections between potable and nonpotable water.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-370, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-375 Pest control.** (1) Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.70 (h)(4) will be deemed to meet this section.

(2) THE NURSING HOME SHALL MAINTAIN AN EFFECTIVE PEST CONTROL PROGRAM SO THAT THE FACILITY IS FREE OF PESTS SUCH AS RODENTS AND INSECTS.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-375, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-380 Maintenance and repair.** (1) The nursing home shall maintain electrical, mechanical, and patient care equipment in safe operating condition.

(2) The nursing home shall ensure floors, walls, ceilings, and equipment surfaces are maintained in clean condition and in good repair.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-380, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-385 Sewage and liquid waste disposal.** The nursing home shall ensure:

(1) All sewage and liquid wastes are discharged into an approved public sewage system where such system is available; or

(2) Sewage and liquid wastes are collected, treated, and disposed of in an on-site sewage system in accordance with chapter 246-272 WAC and meets with the approval of the local health department and/or the state department of health.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-385, filed 9/15/94, effective 10/16/94.]

## NEW CONSTRUCTION

**WAC 388-97-390 General.** The nursing home shall ensure:

(1) New construction complies with the requirements of subchapter II, Physical environment, as well as with all other requirements of this chapter. New construction approved by the department of health before the effective date of the rules of this chapter shall comply with the rules in effect at the time of the plan approval.

(2) New construction includes:

- (a) A new building used as a nursing home;
- (b) An addition to a building used as a nursing home;
- (c) Conversion of another building to a nursing home, or in the use of space within an existing nursing home; and
- (d) Alterations including physical, mechanical, or electrical changes made to an existing nursing home, except for painting and repairs.

(3) The project sponsor shall submit plans for all the foregoing to the department of health and plans must be approved before the work begins. The nursing home may request exemptions for alterations as described in WAC 388-97-405.

(4) If the proposed project is not extensive enough to require professional architectural or engineering services, the project sponsor shall submit a written description to the department of health for a determination of the applicability of WAC 388-97-400 (2)(a), Approval of plans.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-390, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-395 Design requirements.** (1) **HOME-LIKE.** The nursing home shall be designed to provide a safe, clean, comfortable, and homelike environment, that allows the resident to use his or her personal belongings to the greatest extent possible.

(2) **NOISE.** The nursing home shall:

- (a) Be constructed with materials that provide comfortable sound levels in all resident areas; and
- (b) Utilize an alternative to the public address system for nonemergency communication which best serves the residents' needs.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-395, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-400 Approval of plans.** (1) **PRELIMINARY PLANS.**

(a) Narrative program. The sponsor for each construction project shall provide a narrative as part of the preliminary plans to the department of health with a copy to aging and adult services administration which identifies:

- (i) How the design promotes a homelike environment and facilitates resident-centered care and services;
- (ii) Functional space requirements;
- (iii) Staffing patterns;
- (iv) Traffic patterns;
- (v) Each function to be performed;
- (vi) Types of equipment required; and
- (vii) Services which will not be provided directly, but will instead be provided through contract.

(b) The plans and specifications for new construction shall be prepared by or under the direction of a Washington licensed architect or engineer, and be submitted in duplicate to the department of health. The plans shall be reviewed and approved as preliminaries by the department of health in coordination with aging and adult services administration prior to preparation of final plans. Refer to WAC 388-97-390(4), General, if the proposed project is not extensive enough to require professional architectural or engineering services.

(c) Preliminary plans shall be drawn to scale and shall include:

(i) Plot plan showing streets, entrance ways, driveways, parking, design statements for adequate water supply, sewage and disposal systems, space for the storage of recycled materials, and the arrangement of buildings on the site noting handicapped accessible parking and entrances;

(ii) Floor plans showing existing and proposed arrangements within the building, including the fixed and major movable equipment; and

(iii) Each room, space, and corridor identified by function and number.

(d) Preliminary specifications shall include a general description of construction and materials, including interior finishes.

(2) **FINAL CONSTRUCTION DOCUMENTS.**

(a) Construction shall not commence until three sets of final plans drawn to scale with complete specifications have been submitted to and approved by the department of health in coordination with aging and adult services administration.

(b) Final construction documents shall be prepared, stamped, signed and dated by a licensed architect or engineer.

(c) These plans and specifications shall show complete details to be furnished to contractors for construction of the buildings, including:

- (i) Plot plan;
- (ii) Plans of each floor of the building, including fixed equipment;
- (iii) Elevations, sections, and construction details;
- (iv) Schedule of floor, wall, and ceiling finishes, door and window sizes and types;
- (v) Mechanical and electrical systems; and
- (vi) Provision for noise, dust and draft control, fire protection, safety and comfort of the residents if construction work takes place in or near occupied areas.

(d) For buildings over four thousand square feet, a copy of the lead agency declaration of nonsignificance of environmental impact shall be submitted to the department of health as specified in chapter 248-06 WAC.

(3) **PREINSTALLATION SUBMISSIONS** shall be submitted to the department of health and approved prior to installation. Submissions shall include:

- (a) Stamped shop drawings for fire sprinkler system;
- (b) Shop drawings for fire detection and alarm systems; and
- (c) If carpets are to be installed:
  - (i) A floor plan or finish schedule denoting areas to be carpeted;
  - (ii) Function of areas to be carpeted;
  - (iii) Coding with a key for carpet types;

(iv) A copy of a testing laboratory report of the floor radiant panel and smoke density tests; and

(v) A copy of the manufacturer's carpet specifications.

(4) **CONSTRUCTION TIMELINES.** All construction shall take place in accordance with the approved final plans and specifications. Changes to plans must be reviewed and approved by the department of health in coordination with aging and adult services administration prior to incorporation into the construction project.

(a) If construction has not begun within one year from the date of approval, the plans must be resubmitted for review in accordance with current requirements.

(b) If construction is not completed within two years from the date of approval, the plans shall be resubmitted for approval of the remaining construction consistent with current requirements.

(c) To obtain an extension beyond two years, a written request shall be submitted and approved thirty days prior to the end of the two-year period.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-400, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-405 Exemptions.** (1) The director of nursing home services, aging and adult services administration, may grant exemptions to new construction requirements:

(a) For alterations when the applicant demonstrates the proposed alterations will serve to correct deficiencies or will upgrade the nursing home in order to better serve residents; and

(b) For substitution of procedures, materials, or equipment for requirements specified in this chapter when such procedures, materials, or equipment have been demonstrated to the director's satisfaction to better serve residents.

(2) The nursing home shall ensure requests for exemptions are in writing and include any necessary approvals from the local code enforcement authority and the state fire marshal.

(3) The nursing home shall ensure all exemptions granted under the foregoing provisions are kept on file at the nursing home.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-405, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-410 State building code.** The nursing home shall through its design, construction and necessary permits demonstrate compliance with the following codes:

(1) The Uniform Building Code, and Uniform Building Code Standards, as published by the International Conference of Building Officials as amended and adopted by the Washington state building code council and published as chapters 51-20 and 51-21 WAC, or as hereafter amended;

(2) The Uniform Mechanical Code, including chapter 22, Fuel Gas Piping, Appendix B, as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials as amended and adopted by the Washington state building code council and published as chapter 51-22 WAC, or as hereafter amended;

(3) The Uniform Fire Code, and Uniform Fire Code Standards, as published by the International Conference of

Building Officials and the Western Fire Chiefs Association as amended and adopted by the Washington state building code council and published as chapters 51-24 and 51-25 WAC, or as hereafter amended;

(4) The Uniform Plumbing Code, and Uniform Plumbing Code Standards, as published by the International Association of Plumbing and Mechanical Officials, as amended and adopted by the Washington state building code council and published as chapters 51-26 and 51-27 WAC, or as hereafter amended;

(5) The Washington state ventilation and indoor air quality code, as adopted by the Washington state building code council and filed as chapter 51-13 WAC, or as hereafter amended; and

(6) The Washington state energy code, as amended and adopted by the Washington state building code council and filed as chapter 51-11 WAC, or as hereafter amended.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-410, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-415 Electrical codes and standards.** The nursing home shall ensure:

All electrical wiring complies with state and local electrical codes including chapter 296-46 WAC, "Rules and regulations for installing electrical wires and equipment and administrative rules," and the National Electric Code of the National Fire Protection Association (NFPA-70) as adopted by the Washington state department of labor and industry.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-415, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-420 Elevator codes.** The nursing home shall ensure elevators are installed in accordance with chapter 296-81 WAC.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-420, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-425 Local codes and ordinances.** The nursing home shall:

(1) Follow all local ordinances relating to zoning, building, and environmental standards; and

(2) Obtain all local permits before construction and keep permits on file at the nursing home.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-425, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-430 Administration and public areas.**

(1) **ENTRANCES AND EXITS.** The nursing home shall have the main entrances and exits sheltered from the weather and accessible in accordance with chapter 51-20 WAC.

(2) **LOBBY.** The nursing home shall have a lobby or area in close proximity to the main entrance which is accessible and which includes:

(a) Waiting space with seating accommodations;

(b) Reception and information area;

(c) Space to accommodate persons in wheelchairs;

(d) Public restroom;

(e) Drinking fountain; and

(f) Public telephone.



(3) **INTERVIEW SPACE.** The nursing home shall have interview spaces for private interviews relating to social service and admission.

(4) **OFFICES.** The nursing home shall provide:

(a) Office space convenient to the work area for the administrator, the director of nursing services, medical records staff, social services staff, activities director, and other personnel as appropriate;

(b) Work space for physicians and outside consultants;

(c) Space for locked storage of health records which provides for fire and water protection; and

(d) Space for the safe storage and handling of financial and business records.

(5) **INSERVICE EDUCATION.** The nursing home shall provide space for employee inservice education that will not infringe upon resident space.

(6) **STAFF.** The nursing home shall ensure a lounge, lockers, and toilets are provided convenient to the work areas for employees and volunteers.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-430, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-435 Resident care unit.** (1) **REQUIRED SERVICES.** In a new building, the nursing home shall provide the array of required services referred to in WAC 388-97-325, Resident care unit, to support resident care and nursing needs and designed to serve a maximum of sixty beds on the same floor.

(2) **UTILITY SERVICE ROOMS.** In a new building, a resident room shall be not more than ninety feet from either a clean utility room or a soiled utility room. Utility rooms shall be designed and equipped to ensure separation of clean and sterile supplies and equipment from contaminated supplies and equipment.

(a) Each clean utility room shall have a work counter, a sink, and closed storage units for the supplies and small equipment.

(b) Each soiled utility room shall have:

(i) A double-compartment sink with the inside dimensions of each compartment deep enough to totally submerge items being cleaned and disinfected;

(ii) A three-foot long work surface adjacent to the sink which may be moveable;

(iii) Drying/draining racks for wet equipment;

(iv) Storage cabinets sufficient to store cleaning supplies and other items;

(v) Locked storage for cleaning agents, disinfectants and other caustic or toxic agents;

(vi) Adequate space for waste containers, linen hampers, and other large equipment;

(vii) Work counters, sinks, and other fixed equipment arranged to prevent intermingling of clean and contaminated items during the cleaning process; and

(viii) A siphon jet type clinic service sink or equivalent.

(3) **DRUG FACILITIES.** The nursing home shall have a room designed and equipped for drug preparation and locked storage near each work station.

(4) **LINEN STORAGE.** The nursing home shall provide:

(a) A clean room for storage of clean linen and other bedding. This may be in an area within the clean utility room;

(b) A soiled linen room for the collection and temporary storage of soiled linen. This may be in an area within the soiled utility room; and

(c) Storage for linen barrels and clean linen carts.

(5) **EQUIPMENT STORAGE.** The nursing home shall have four square feet or more of storage space per bed for wheelchairs and other ambulation equipment which does not impinge upon the required corridor space.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-435, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-440 Resident rooms.** The nursing home shall ensure each resident room meets the following requirements:

(1) Designed to provide a safe, clean, comfortable, and homelike environment, allowing the resident to use his or her belongings to the greatest extent possible;

(2) The floor level is above grade level except for earth berms. "Grade" means the level of ground adjacent to the building floor level measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building;

(3) Each resident room is located to prevent through traffic;

(4) Every resident room has an outside room, and has a clear glass window located on an outside wall and has an area equal to not less than one-tenth of the usable floor space;

(a) Each resident room window is located twenty-four feet or more from another building or the opposite wall of a court or ten feet or more away from a property line, except on street sides. The outside window wall is eight feet or more from an outside public walkway; and

(b) Window sills are three feet or less above the floor.

(5) In a new building or addition, minimum room areas exclusive of toilet rooms, closets, lockers or wardrobes, alcoves, or vestibules are one-hundred and ten square feet per bed in multi-bed rooms, and one-hundred square feet in single bed rooms; and

(6) A new building or addition which submit plans for review after September 1, 1995, shall have a maximum capacity of two beds per resident room.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-440, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-445 Resident room equipment.** In a new building or addition, except for alterations, the nursing home shall ensure the provision of:

(1) Cubicle curtain or screen which provides a minimum of eight feet by eight feet of full visual, and auditory privacy per bed in each multi-bed room. Design for privacy shall not restrict the exit/access of other residents from/to the resident room, window, lavatory, toilet, or closet. "Full visual privacy" in a multi-bed room means curtains which prevent staff, visitors and other residents from seeing a

resident in bed, but which allow staff, visitors, and other residents access to the toilet room, lavatory, and the entrance;

(2) A lavatory in each multi-bed room and a lavatory in each single room which does not have an adjoining toilet room containing a lavatory;

(3) Separate, enclosed wardrobe or closet for each bed in each room accessible to the resident. The inside dimensions are a minimum of twenty-two inches deep by thirty inches wide by sixty inches high. The space includes a rod, at least fifteen inches long, and allows for fifty-four inches of hanging space adjustable to meet the needs of the resident;

(4) Lockable shelf space or drawer for storage of personal belongings for each resident bed in addition to the bedside cabinet;

(5) Separate storage for extra pillows and blankets for each bed. This may be in a location convenient to the resident room or combined with the wardrobe or closet if it does not impinge upon the required space for clothing.

(6) A phone jack for each bed in each room.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-445, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-450 Resident toilet and bathing facilities.** (1) **RESIDENT TOILETS.** The nursing home shall:

(a) Provide a toilet room directly accessible from each resident room and from each bathing facility without going through a general corridor. One toilet room may serve two bedrooms;

(b) Provide at least one lavatory in each toilet room except when it opens into a single-bed room which has a lavatory;

(c) Design each resident toilet room to accommodate a person in a wheelchair; and

(d) Provide a properly located and securely mounted grab bar at each side of a toilet fixture in all toilet rooms and stalls.

(2) **RESIDENT BATHING.** The nursing home shall ensure:

(a) In each bathroom containing more than one bathing facility, each bathtub or shower or equivalent is in a separate room or compartment. The area for each bathtub and shower shall be sufficient to accommodate a shower chair and attendant and provide visual privacy;

(b) Shower and tub bottom surfaces are slip-resistant;

(c) Mobile and attached shower seats are constructed and maintained with a nonporous finish; and

(d) Grab bars are installed in accordance with the Uniform Building Code.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-450, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-455 Required miscellaneous rooms and areas.** (1) **DINING ROOMS, DAYROOMS, ACTIVITY AREAS.** In a new building or addition, the nursing home shall design dining rooms, dayrooms, and activity areas for resident convenience and comfort and provide a homelike environment. The nursing home shall:

(a) Ensure these rooms or areas are exterior rooms with windows;

(b) Provide space for dining, day, and activity areas at a minimum of thirty square feet per bed for the first one hundred beds and twenty-seven square feet per bed in excess of one hundred;

(c) Locate a day room adjacent to each resident care unit;

(d) Provide designated dining and activity spaces separate from each other and designed to prevent program interference with each other;

(e) Provide storage spaces for all activity and recreational equipment and supplies, adjoining or adjacent to the facilities provided; and

(f) Conveniently locate a common use toilet facility with lavatory near each dining, day, and activity room.

(2) **VISITING AND PRIVATE SPACE.** In a new building or addition, the nursing home shall design a separate room or areas for residents to have family and friends visit and for residents to spend time alone. The nursing home shall ensure these areas provide:

(a) Space which facilitates conversation and privacy; and

(b) Access to a common-use toilet facility.

(3) **OUTDOOR RECREATION SPACE AND WALKWAYS.** In a new building or addition, a nursing home shall provide a safe, protected outdoor area for resident use. The nursing home shall ensure the outdoor area has:

(a) Sufficient shaded and sheltered areas to meet the resident's needs;

(b) Accessible walking surfaces which are firm, stable, and free from cracks and abrupt changes;

(c) Sufficient space and outdoor furniture provided with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids; and

(d) Plants.

(4) **LAUNDRY STORAGE.** The nursing home shall ensure:

(a) Soiled linens and soiled clothing are stored and sorted in a separate well-ventilated, lighted enclosed room apart from washing and drying facilities that has self-closing doors. There shall be a handwashing facility and a floor drain in the room; and

(b) Clean linen is stored in a separate well-ventilated enclosed room apart from washing and drying facilities.

(5) **GENERAL STORAGE AREA.** A nursing home shall have general storage space of not less than five square feet per bed in addition to the closets and storage required in WAC 388-97-445, Resident room.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-455, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-460 Optional rooms and areas.** (1) **DEMENTIA CARE UNIT.** See WAC 388-97-350(1) and 388-97-095. In a new building or addition, the nursing home shall ensure a dementia care unit has:

(a) Dining areas which provides a minimum of twenty square feet per resident;

(b) A continuous ambulation route allowing the resident to return to the resident's starting point without reversing direction;

(c) Egress door control devices only when the security locking is approved by the state fire marshal and conform to the following requirements:

(i) A security locking system which meets the fire and life safety requirements of the Uniform Building Code and the state building code such as, but not limited to, an approved automatic fire alarm system and an approved supervised automatic sprinkler system which is electrically interconnected with the fire alarm system;

(ii) Exits from the dementia care unit and building shall release automatically with activation of the building fire alarm system. Exits shall include secured outdoor space and walkways, walls, or fences and/or ambulation areas;

(iii) Keyed locks are prohibited in any egress path;

(iv) Releasing devices of security locking systems shall be labeled with directions at the egress path doors;

(v) An override switch shall be installed at each staff work station or at a constantly attended location within the building to override all other mechanisms and unlock exit doors in the event of an emergency;

(vi) If primary power to the building is lost, all security locking systems shall automatically release;

(vii) A copy of the written approval of the security locking system from the local officials enforcing the Uniform Building Code, Uniform Fire Code, and the state building code shall be on file at the nursing home.

(2) **POOLS.** The nursing home shall ensure swimming pools, spas, and tubs which remain filled between uses meet the requirements in chapter 246-260 WAC.

(3) **PHARMACY.** The nursing home shall ensure an on-site pharmacy meets the requirements of the Washington state board of pharmacy per chapter 246-857 WAC.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-460, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-465 General design requirements. (1) ACCESSIBLE.** The nursing home shall be readily accessible to a person with disability.

(2) **VECTOR CONTROL.** The nursing home shall:

(a) Construct and maintain buildings to prevent the entrance of pests such as rodents and insects; and

(b) Provide mesh screens or equivalent with a minimum mesh of one-sixteenth inch on all windows and other openings which can be left open.

(3) **ELEVATORS.** The nursing home shall:

(a) Ensure all buildings having residential use areas or service areas located on other than the main entrance floor with an elevator.

(b) Locate at least one elevator sized to accommodate a resident bed and attendant for each sixty beds on floors other than the main entrance floor.

(4) **STAIRWAYS, RAMPS, AND CORRIDORS.** The nursing home shall ensure stairways, ramps and corridors conform with the Uniform Building Code.

(5) **HANDRAILS.** The nursing home shall provide handrails along both sides of all resident use corridors. The nursing home shall ensure:

(a) Ends of handrails are returned to the walls;

(b) Handrails are mounted thirty-four to thirty-eight inches above the floor and project not more than three and one-half inches from the wall; and

(c) Handrails terminate not more than six inches from a door.

(6) **DOORS.** The nursing home shall ensure:

(a) Doors to resident rooms provide a minimum of forty-four inches clear width;

(b) Doors to resident bathrooms and toilet rooms are a minimum of thirty-two inches clear width for wheelchair access;

(c) All doors to resident toilet rooms and bathing facilities open outward except if doors open directly into a resident occupied corridor;

(d) Doors to toilet rooms and bathrooms have locks, and a means of unlocking doors from the outside;

(e) Doors to occupied areas not swing into corridors; and

(f) All passage doors are arranged so that doors do not open onto or obstruct other doors.

(7) **FLOOR FINISHES.** The nursing home shall ensure:

(a) Floors at all entrances have slip resistant finishes even when wet;

(b) All uncarpeted floors are smooth, nonabsorbent and easily cleanable;

(c) Coving. The nursing home shall ensure:

(i) Kitchens, restrooms, laundry, utility rooms, and bathing areas have integral coves of continuous commercial grade sheet vinyl, bullnose ceramic tile or sealed bullnose quarry tile at least four inches in height; and

(ii) All other wall junctions have either integral coving or top set base with toe.

(d) Carpets may be used in all areas except: toilet rooms, bathrooms, kitchen, laundry, utility rooms, medication rooms, maintenance, isolation rooms if provided, and areas subject to high moisture or flooding;

(e) Specifications for acceptable carpeting are:

(i) Pile yarn fibers are easily cleanable and meet the standards of NFPA 101, Life Safety Code;

(ii) Pile is looped texture in all resident use areas. Cut pile may be used in nonresident use areas;

(iii) Average pile density of five thousand ounces per cubic yard in resident use areas and four thousand ounces per cubic yard in nonresident areas;

(iv) A maximum pile height of .255 inches in resident use areas and .312 inches in nonresident use areas;

(v) Cemented to the floor; and

(vi) Edges covered and top set base with toe at all wall junctures.

(f) When recarpeting, the safety of residents shall be assured during and after recarpeting installation within room or area. The nursing home shall ensure the room or area is:

(i) Well ventilated;

(ii) Unoccupied; and

(iii) Unavailable for use until room is free of volatile fumes and odors.

(8) **WALLS.** The nursing home shall ensure:

(a) Wall finishes are easily cleanable; and

(b) A water-resistant finish extending above the splash line in all rooms or areas subject to splash or spray, such as,

bathing facilities, toilet rooms, janitors' closets, and can-wash areas.

(9) **ACCESSORIES.** The nursing home shall provide the following accessories with the necessary backing for mounting:

(a) Suitable shelf or equivalent and mirror at each lavatory in toilet rooms, resident rooms and locker rooms;

(b) Towel bars and/or hooks at each lavatory in resident rooms and at each bathing facility. Towel bars shall meet grab bar standards;

(c) A robe hook at each bathing facility, toilet room and in examination room or therapy area;

(d) A securely mounted toilet paper holder properly located within easy reach of the user at each toilet fixture;

(e) Sanitary seat covers, except where toilet seats are open front type;

(f) Dispensers for single use towels mounted to avoid contamination from splash and spray and located within reach of a person in a wheelchair;

(g) Suitable provision for dispensed handwashing soap at each lavatory, sink, and bathing facility;

(h) Sanitary napkin dispensers and disposers in public and employee women's toilet rooms; and

(i) Grab bars easily cleanable and resistant to corrosion.

(10) **MISCELLANEOUS.** The nursing home shall ensure:

(a) Rooms and service areas are identified by visible and tactile signs; and

(b) Equipment and casework is designed, manufactured and installed for ease of proper cleaning and maintenance, and suitable for the functions of each area.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-465, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-470 Heating, ventilation, and air conditioning system.** (1) **HEATING SYSTEM.** The nursing home shall ensure:

(a) The heating system is capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents and seventy degrees Fahrenheit for nonresident areas;

(b) Resident rooms have individual temperature control;

(c) The following is insulated within the building:

(i) Pipes conducting hot water which are exposed to resident contact; and

(ii) Air ducts and casings with outside surface temperatures below ambient dew point.

(d) Insulation on cold surfaces includes an exterior vapor barrier; and

(e) Electric resistant wall heat units are prohibited in new construction.

(2) **COOLING SYSTEM.** The nursing home shall have:

(a) A mechanical cooling system capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents; and

(b) A cooling system that has mechanical refrigeration equipment to provide summer air conditioning to resident areas, food preparation areas, laundry, medication rooms, and therapy areas by either a central system with distribution ducts or piping, or packaged room or zonal air conditioners.

(3) **VENTILATION SYSTEM.** The nursing home shall ensure:

(a) Ventilation of all rooms is designed to prevent objectionable odors, condensation, and direct drafts on the residents.

(b) All inside habitable space is mechanically ventilated including:

(i) All air-supply and air-exhaust systems;

(ii) Installation of air-handling duct systems which meet the requirements of the Uniform Mechanical Code and chapter 51-22 WAC;

(iii) Corridors are not used to supply air to, or exhaust air from, any room except that infiltration air from corridors may be used to ventilate bathrooms, toilet rooms, janitors' closets, and small electrical or telephone closets opening directly on corridors;

(iv) Room supply air inlets, recirculation, and exhaust air outlets are located not less than three inches above the floor. Exhaust outlets shall be near the ceiling; and

(v) Outdoor air intakes are located as far as practical, but a minimum of twenty-five feet, from the exhausts from any ventilating system, combustion equipment, or plumbing vent, or areas which may collect vehicular exhaust and other noxious fumes. The nursing home shall locate the bottom of outdoor air intakes serving central systems as high as practical but a minimum of three feet above grade level or, if installed through the roof, three feet above the roof level.

**TABLE A  
PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS**

AREA DESIGNATION	Pressure Relationship To Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total <sup>1</sup> Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Recirculated Within Area
Activities/Dining	E or P	2	4	Optional	Optional
Bathroom	N	Optional	10	Yes	No
Clean linen storage	P	Optional	2	Optional	Optional
Clean workroom and clean holding	P	2	4	Optional	Optional
Dietary day storage	E or P	Optional	2		
Food prep center	E	2	8(10)	Yes	No
Isolation anteroom	NN	2	10	Yes	No
Isolation resident room	NN	2	2	Yes	No
Janitors' closet	N	Optional	10	Yes	No
Laundry, general	V	2	10	Yes	No
Linen and trash chute room	N	Optional	10	Yes	No
Medicine prep room	P	2	4	Optional	Optional
Occupational therapy	N	2	6	Optional	Optional
Personal care room	N	2	8	Optional	Yes
Physical therapy and hydrotherapy	N	2	6	Optional	Optional
Resident area corridor	P	2	2	Optional	Optional
Resident room	E or N	2	2	Optional	Optional
Soiled linen sorting and storage	N	Optional	10	Yes	No
Soiled workroom and soiled holding	N	2	10	Yes	No
Speech and hearing unit	E or P	2	2	Optional	Optional
Sterilizer equipment room	N	Optional	10	Yes	No
TB isolation resident room	NN	2	12 <sup>2</sup>	Yes	No
TB isolation room anteroom	NN	2	12 <sup>3</sup>	Yes	No
Toilet room and locker rooms	N	Optional	10	Yes	No
Treatment room	E or N	2	6	Optional	Optional
Warewashing room	N	Optional	8(10)	Yes	No

**P=Positive N=Negative E=Equal V=May vary ( )=Recommended NN=Very negative**

<sup>1/</sup> The outdoor air quantities for central systems employing recirculating and serving more than a single area designation may be determined by summing the individual area quantity requirements rather than by providing the maximum listed ratio of outdoor air to total air. Maximum noise level caused by toilet room exhaust fans shall be fifty decibels on the A sound level as per ASHRAE Table 7.

<sup>2/</sup> Temporary imbalance at resident rooms as caused by intermittent toilet room or bathroom exhaust fans is permissible.

<sup>3/</sup> TB isolation room: a minimum of six air changes may be permitted with a properly installed and maintained ultraviolet generator irradiation system. Fixture installation shall conform to the recommendation of the *Illuminating Engineering Society Handbook*, 5th edition, Section 25, "Ultraviolet Energy."

(c) Minimum ventilation requirements. Meet the pressure relationship and ventilation rates shown in Table A as minimum acceptable balanced rates when these areas/rooms are a part of the nursing home. The nursing home shall ensure:

(i) Exhaust hoods in food preparation centers and dishwashing areas have an exhaust rate not less than fifty cubic feet per minute per square feet of face area. "Face area" means the open area from the exposed perimeter of the hood to the average perimeter of the cooking surfaces;

(ii) All hoods over commercial type cooking ranges are equipped with fire extinguishing systems and heat actuated fan controls;

(iii) Cleanout openings are provided every twenty feet in horizontal exhaust duct systems serving hoods;

(iv) Installation of equipment for removal of smoke and grease-laden vapors from cooking equipment comply with the Uniform Mechanical Code and chapter 51-22 WAC;

(v) Kitchen ventilation are adequate to provide comfortable working temperatures;

(vi) Boiler rooms, elevator equipment rooms, laundry rooms, and any other heat-producing spaces are provided with sufficient outdoor air to maintain combustion rates of equipment and to limit temperatures at the ceiling to ninety-seven degrees Fahrenheit; and

(vii) Individual toilet rooms and bathrooms are ventilated either by individual mechanical exhaust systems or by a central mechanical exhaust system.

(d) Individual exhaust systems.

(i) Where individual mechanical exhaust systems are used to exhaust individual toilet rooms or bathrooms, the individual ventilation fans are interconnected with room lighting to ensure a ventilation while room is occupied. The ventilation fan shall be provided with a time delay shutoff to ensure that the exhaust continues for a minimum of five minutes after the light switch is turned off;

(ii) Air discharge openings through roofs or exterior walls are protected against entry of weather elements and foreign objects. Automatic louvers or backdraft dampers are installed; and

(iii) The volume of air removed from the space by exhaust ventilation are replaced directly or indirectly by an equal amount of tempered/conditioned air.

(e) Central exhaust systems. The nursing home shall ensure:

(i) All fans serving central exhaust systems are located to prevent a positive pressure in the duct passing through an occupied area;

(ii) Fire and smoke dampers are located and installed in accordance with the Uniform Building Code chapter 51-20 WAC.

(f) Air filters. All central ventilation or air-conditioning systems are equipped with filters having efficiencies of at least eighty percent if the system supplies air to resident rooms, therapy areas, food preparation areas, or laundry areas. Filter efficiency is warranted by the manufacturer and is based on atmospheric dust spot efficiency per ASHRAE Standard 52-76. The filter bed is located upstream of the air-conditioning equipment, unless a prefilter is employed. In which case, the prefilter is upstream of the equipment and the main filter bed may be located downstream.

(i) Filter frames are durable and provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work are gasketed or sealed.

(ii) All central air systems have a manometer installed across each filter bed with an alarm to signal high pressure differential.

(iii) Humidifiers, if provided, are a steam type.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-470, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-475 Electrical. (1) EMERGENCY POWER.** The nursing home shall ensure emergency power

equipment referred to in WAC 388-97-315, Emergency power, meets earthquake standards.

(2) **LIGHTING.** The nursing homes shall ensure facility lighting provides the best visual acuity possible for residents.

(3) **NATURAL LIGHT.** In new buildings and additions, the nursing home shall utilize:

(a) Windows and skylights to minimize the need for artificial light and to allow a resident to experience the natural daylight cycle; and

(b) The use of windows and skylights near entrances/exits in order to avoid difficulty in adjusting to light levels when entering or leaving the facility.

(4) **ILLUMINATION LEVELS.** The nursing home shall ensure:

(a) Lighting fixtures and circuitry provide at least the illumination levels shown within Table B; and

(b) Design takes into consideration that lighting systems normally decrease in output with age and dirt accumulation. Light fixture locations and switching arrangements shall be appropriate for the needs of the occupants of the spaces and following Illuminating Engineering Society (IES) recommendations for health care facilities.

**TABLE B**

**Average Maintained Footcandles**

Area	Ambient Light <sup>1</sup>	Task Light <sup>2</sup>
Activity	30	50
Adm and lobby, day	30	NA
Adm and lobby, night	20	NA
Barber, beautician	50	NA
Chapel, quiet area	30	NA
Corridors, interior ramps	30	NA
Dining areas	50	NA
Doorways, exterior	20	NA
Exam, treatment table	NA	100
Exam, treatment room	30	50
Exit stairways and landings	30	NA
Food preparation areas	50	75
Janitor's closet	30	NA
Laundry	30	50
Medicine prep area	30	100
Nurses' desk	30	70
Nurses' station, day	30	50
Nurses' station, night	20	50
Physical therapy	30	50
Resident room	30	50
Resident reading light	NA	75
Recreation area	30	50
Toilet, bathing facilities at lavatories, and mirrors	30	50
Toilet and bathing facilities, general	30	NA
Utility room, general	30	
Utility room, work counter	NA	50
Worktable, course work	30	70
Worktable, fine work	50	100

1/ Ambient light measurements are taken two and one-half feet from the floor (plus or minus six inches). Minimum footcandles are based upon average measurement. A minimum of three measurements should be taken, including a measurement at the center of each area, near the outer perimeter, and at a point equidistant from the center and the perimeter measurement.

2/ Task light measurements are taken at the work surface. Minimum footcandles for task light are based upon average measurement. A minimum of three measurements should be taken, including a measurement at the center of each work surface, near the outer perimeter of the work surface, and at a point equidistant from the center and the perimeter measurement.

(5) **RECEPTACLE OUTLETS.** The nursing home shall ensure:

(a) There are a minimum at least four electrical outlets located convenient to each resident's bed and placed at least forty inches above the floor. The nursing home shall ensure a minimum of:

(i) Two additional electrical outlets at separate, convenient locations in each resident room;

(ii) One duplex receptacle outlet located adjacent to each lavatory intended for resident use.

(b) All receptacle outlets located within five feet of a sink, lavatory, toilet, bath, or shower are protected by a ground fault circuit interrupter.

(6) **NIGHT LIGHTS.** The nursing home shall ensure a dim night light to provide pathway lighting is:

(a) Flush mounted on the wall;

(b) Centered about fourteen inches above the floor; and

(c) Controlled by a switch at the entrance door in each resident room or by a master switch.

(7) **SWITCHES.** The nursing home shall install quiet operating switches for general illumination adjacent to doors in all areas and accessible to residents in resident rooms.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-475, filed 9/15/94, effective 10/16/94.]

**WAC 388-97-480 Plumbing, fixtures.** (1) **LAVATORIES.** The nursing home shall provide lavatories in each toilet room except where provided in an adjoining single resident room, dressing room, or locker room.

(2) **DRINKING FOUNTAINS.** Where drinking fountains are installed, the nursing home shall ensure the fountains are of the inclined jet, sanitary type.

(3) **MIXING VALVES.** The nursing home shall provide each fixture, except toilet fixtures and special use fixtures, with hot and cold water through a mixing valve.

(4) **SPOUTS.** The nursing home shall ensure all lavatories and sinks in resident rooms, resident toilet rooms, and utility and medication areas have gooseneck spouts.

(5) **WRIST BLADES.** The nursing home shall provide four inch wrist blade controlled faucets or their equivalent at all sinks and lavatories. The nursing home shall:

(a) Install the wrist blades to provide four inches clear in full open and closed position; and

(b) Color-code and label faucet handles to indicate "hot" and "cold."

(6) **BACKFLOW PREVENTION DEVICES.** The nursing home shall:

(a) Provide backflow prevention devices on the water supply to fixtures or group of fixtures where extension hoses are installed or are anticipated to be installed; and

(b) Prohibit all cross connections.

[Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-480, filed 9/15/94, effective 10/16/94.]

## Chapter 388-98 WAC

### NURSING HOME LICENSURE PROGRAM ADMINISTRATION

#### WAC

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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-98-005	Receivership. [Statutory Authority: Chapter 18.51 RCW, 88-06-086 (Order 2603), § 388-98-005, filed 3/2/88.] Repealed by 90-01-052 (Order 2917), filed 12/15/89, effective 1/15/90. Statutory Authority: 1989 c 372 § 8.
388-98-800	Applicability of civil fines. [Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-800, filed 10/9/87. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-800, filed 6/25/80.] Repealed by 90-01-052 (Order 2917), filed 12/15/89, effective 1/15/90. Statutory Authority: 1989 c 372 § 8.
388-98-850	Imposition and payment of fines. [Statutory Authority: 1987 c 476. 87-21-017 (Order 2546), § 388-98-850, filed 10/9/87. Statutory Authority: RCW 18.51.310. 80-08-027 (Order 1515), § 388-98-850, filed 6/25/80.] Repealed by 90-01-052 (Order 2917), filed 12/15/89, effective 1/15/90. Statutory Authority: 1989 c 372 § 8.

**WAC 388-98-001 Definitions.** (1) For purposes of this section, the following words or phrases shall have the following meanings unless the context clearly indicates otherwise:

(2) "Applicant" means an individual, partnership, corporation, or other legal entity seeking a license to operate a nursing home.

(3) "Deficiency" means a finding by the department of a violation of professional standards of practice, the requirements of chapters 18.51 or 74.42 RCW, or the standards, rules, and regulations established under them or in the case of a Medicaid contractor, violation of Medicaid requirements of Title XIX of the Social Security Act, as amended, and regulations promulgated thereunder.

(4) "Denial of payment" means a department decision not to pay for new Medicaid admissions to a nursing home.

(5) "Department" means the nursing home licensing agency of the state department of social and health services.

(6) "Director" means an individual elected or appointed as director of a corporation.

(7) "Emergency closure" means a department order to immediately close a nursing home.